

## VAWA Application Document Checklist

VAWA applications rely on the “any credible evidence” standard. The USCIS must consider all credible evidence submitted with the petition. If primary evidence is not available, the USCIS can accept secondary evidence, such as declarations or affidavits, to satisfy elements of the claim.

### I. FORMS AND DECLARATION

- Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant
- Form G-28, Notice of Entry of Appearance by the Attorney or BIA-accredited representative
- Detailed cover letter with index of supporting documentation
- Self-petitioner’s detailed declaration or affidavit

### II. THE ABUSER IS (OR WAS) A UNITED STATES CITIZEN OR LAWFUL PERMANENT RESIDENT

#### *US Citizen (USC)*

- Abuser’s birth certificate showing the birth within the US or its possession
- Certification of citizenship
- Birth certificate showing birth abroad to two USC parents or to one USC who meets the residential requirements necessary to convey citizenship upon his or her children
- Abuser’s naturalization certificate

#### *Lawful Permanent Resident (LPR)*

- Abuser’s LPR card

### III. THE SELF-PETITIONER IS (OR WAS) MARRIED TO THE USC OR LPR

- Marriage certificate

#### *Divorce or Death of Abuser*

- Final divorce decree
- Details from the self-petitioner’s own declarations, affidavits and letters from the witness submitted to meet eligibility requirement of VAWA
- Abuser’s Death Certificate

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#### *Intended Spouse*

- Evidence of good faith belief that abuser was free to marry, including a statement in her affidavit that she had no prior knowledge of her spouse's existing marriage and proof that she believed she was legally married to the abuser because a marriage ceremony was performed
- Marriage certificate

#### **IV. THE SELF-PETITIONER SUFFERED BATTERY OF EXTREME CRUELTY**

*The following is a non-exhaustive list of possible evidence of the battery or extreme cruelty that the self-petitioner suffered.*

- Affidavit with detailed descriptions of the abuse
- Copies of temporary and final protective orders from the court
- Shelter records and other evidence that the victim sought shelter or protection
- Counseling records and reports
- Medical records documenting the abuse
- Photographs of a visibly injured self-petitioner or property damage, supported by affidavits
- Evidence of torn clothing, broken furniture, or photographs of injuries
- Affidavits (a notarized statement), declarations (a statement signed under penalty of perjury), or letters from witnesses such as friends, relatives or neighbors which support the client's statements, or from shelter workers, police officers, counselors, therapists, social workers, medical workers, clergy, and experts on domestic violence
- Police reports, police records, criminal court records, complaints
- Letter from clergy to whom the abuse was reported
- School records reflecting the abuse

#### **V. THE MARRIAGE OR INTENDED MARRIAGE WAS IN GOOD FAITH**

- The self-petitioner's own detailed declaration
- Birth certificates of children born of the marriage
- Deeds to property or leases showing both spouses' names
- Bank accounts in both spouses' names or showing one spouse as the beneficiary of the other
- Vehicle registration in both spouses' names
- Wills indicating that the parties are married
- Credit card, utility, and other bills in both spouses' names
- Jointly filed income tax returns
- Insurance policies showing one spouse as the beneficiary of the other
- Evidence of courtship, such as texts, emails, cards, letters and photographs of the couple
- Evidence of the marriage ceremony, such as photographs and invitations
- Declarations from relatives or friends

## **VI. THE SELF-PETITIONER RESIDED WITH THE ABUSER**

*A self-petitioner should submit any available record showing that she resides or resided at the same place as her spouse. The records do not have to show that the residence was in the United States, nor that the residence is current.*

- The self-petitioner's own declaration
- Letters addressed to the abuser and the self-petitioner, together or in separate letters, at the same address
- Bills in both names
- Property deeds, lease agreements or rent receipts
- Insurance policies
- Employment records
- Children's birth certificates
- School or medical records
- Joint checking accounts
- Utility or other bills
- Tax returns

## **VII. THE SELF-PETITIONER HAS GOOD MORAL CHARACTER**

- **Required for self-petitioners 14 years of age and older:** Police clearance letters from jurisdictions (including other countries) where self-petitioner has resided for six months or more during the three year period preceding the filing of the self-petition.
- The self-petitioner's own declaration
- A letter or declaration from friends, clergy, or employers attesting to the self-petitioner's good moral character (useful if there is a problem with good moral character)

## **VIII. EVIDENCE OF THE SELF-PETITIONER'S CURRENT RESIDENCE**

- The self-petitioner's own declaration
- Lease agreements or rental receipts
- Shelter records documenting self-petitioner's presence
- Bills, receipts, medical records, or school records showing the self-petitioner's presence in the US
- Employment records
- Letters or declarations from relatives, friends or neighbors

## **IX. DOCUMENTING ELIGIBILITY FOR A VAWA SELF-PETITION FOR A CHILD OR PARENT**

- Child's birth certificate
- Father's payment of child support

- Statements from the self-petitioner, his or her mother, and other relatives or witness concerning the relationship between the father and child
- Legal adoption papers, if applicable

**OTHER APPLICATIONS FILED CONCURRENTLY WITH I-360 PETITION IF ABUSER IS A U.S. CITIZEN:**

**I-485 Package for Client and any derivative children<sup>1</sup>, including:**

- I-485 Form
- Two passport pictures (4 total if applying for I-765 at the same time)
- \$1070 fee or fee waiver (on I-912 form) for biometrics + application fee
- I-864W form signed
- G325a form
- G-28 for I-485
- I-693 Medical Examination – this is a form you fill out for your client which is completed by a designated civil surgeon, who puts the form in a sealed envelope. We generally do not advise filing this with the initial VAWA self-petition filing as the medical examinations do expire, but, this is something to keep in mind to ensure you have before your adjustment interview.

**I-765 Package for Client and any derivative children, including:**

- I-765 Form
- Two passport pictures (4 total if applying for I-765 at the same time)
- Fee waiver on form I-912
- Two passport photos
- G-28 for I-485

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<sup>1</sup> The children require separate forms to be filled out for each child. Submitting them with the mother’s I-360 and I-485 filing helps to ensure that all of these applications are adjudicated together. I-765 forms should be submitted even for minors who are unable to work because they will then have an identification document issued by U.S. immigration and can obtain social security numbers.