



# National Immigrant Justice Center

## Frequently Asked Questions In Filing a VAWA Case

### FORMS

- **Where can I find the government forms?**
  - [www.uscis.gov](http://www.uscis.gov)
- **What version of the forms should I use?**
  - Please check [www.uscis.gov](http://www.uscis.gov) for the most recent version of the forms. The government updates the forms frequently. Upon updating the forms, USCIS will indicate on the website under the relevant forms section whether or not it will accept former versions of the forms.
- **What forms do I need?**
  - It depends on your client's eligibility.
  - If your client is only eligible for the I-360, Self-Petition for Battered Spouse/Child:
    - Form G-28, Notice of Appearance as Attorney
    - Form I-360, Self-Petition for Battered Spouse/Child
  - If your client is also eligible to file the I-485, application for adjustment of status simultaneously:
    - Form G-28, Notice of Appearance as Attorney (for I-360)
    - I-360, Self-Petition for Battered Spouse/Child
    - Form G-28, Notice of Appearance as Attorney (for I-485)
    - I-485, Application for Adjustment of Status
    - G-325A, Biographic Information
    - I-864W, Waiver of Affidavit of Support
    - I-693, Report of Medical Examination and Vaccination Record
    - Form G-28, Notice of Appearance as Attorney (for I-765)
    - I-765, Application for Employment Authorization
- **Does my client need to sign the forms or is the attorney signature sufficient?**
  - Both the applicant and the person preparing the form (generally the attorney) need to sign the forms

### ELIGIBILITY

- **What applications can my client file? Only the I-360? Or, can she/he also file the I-765 and I-485?**
  - Please consult with NIJC if this is unclear. This information should be in the case

summary as well as in the NIJC case notes. It is important to confirm eligibility for the application before filing.

## **USCIS FEES AND FEE WAIVERS**

- **What are the USCIS fees for the applications?**
  - Please check [www.uscis.gov](http://www.uscis.gov) for the current fees for each application
- **Can we submit a request for a waiver of the fees? If so, how do we submit this request?**
  - VAWA applicants can request a fee waiver for the I-485 and I-765. There is no fee for the I-360 and thus, no need for a fee waiver.
  - A request for a fee waiver should be made on Form I-912. USCIS will exercise its discretion to grant a fee waiver in the case of an applicant who: a) is receiving a means-tested benefit, b) has a household income of 150% or below of the poverty guidelines, or c) can demonstrate financial hardship. An applicant may claim eligibility for a fee waiver on more than one ground. It is recommended that you submit any documentation that would substantiate the fee waiver request such as means-tested benefits statements, taxes, pay stubs, utility bills, rent receipts, medical bills, etc.
  - In addition, we recommend noting in the cover letter that the client is requesting a fee waiver request.

## **ENGLISH TRANSLATION**

- **Does NIJC provide translators for client phone calls and/or interview?**
  - Unfortunately, NIJC does not have the resources to provide translators. We ask that *pro bono* attorneys first attempt to find a translator at their firm. If this is not an option, please check with the client to see if she/he has a translator. The translator cannot be the client's family member. If all fails, please contact NIJC to inquire about volunteer interpreters.
- **Does the translator need to be certified to conduct the translation?**
  - No, but they should be competent in both English and the foreign language
- **Do all documents that contain foreign language require translations?**
  - Yes, except when the entire document is issued in both English and the foreign language. For example, some passports have all information in the foreign language and also English.
- **What if only part of the document is in a foreign language?**
  - You need to submit a translation for foreign language portion of the document.
- **What are the requirements for the translation?**
  - The English translation must have a signed certificate of translator's competence:

## Certificate of Translator's Competence

I, (translator's name), hereby certify that the above is an accurate translation of the original in (foreign language) and that I am competent in both English and (foreign language) to render such a translation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

- **Do translations need to be notarized?**
  - No, but they must be signed by the translator
- **Is there a format for translation of foreign birth certificates and marriage certificates?**
  - Yes, please see the appendix for samples
- **Is a full translation of the entire document required or can you submit a translation of only the relevant portion?**
  - A full translation is generally required. However, USCIS will accept the translation templates for birth and marriage certificates found in the appendix.

### **FILING QUESTIONS**

- **When an immigrant qualifies to file multiple applications simultaneously, including Forms I-360, I-765, and I-485, should these be mailed in the same envelope?**
  - Yes. However, each application (I-360, I-485, and I-765) should be its own packet including a cover letter, the relevant immigration forms, and supporting documents. In addition, it is helpful to place each application packet in its own individual envelope labeled accordingly (e.g., "Patricia Flores I-360"), then place all envelopes together in one large envelope for mailing.
- **If the I-485 and I-765 is filed concurrently with the I-360, should we simply note in the I-485 cover letter that the I-485 is filed concurrently with the I-360, or do we need to enclose evidence of the I-360 petition in the I-485 packet, such as a copy of the Form I-360?**
  - We recommend referencing the concurrent filing in the cover letter. There is no need to include a copy of the I-360 form in the I-485 and I-765 packets.
- **Where should I mail the I-360, I-485, and I-765 packets?**
  - U.S. Citizenship and Immigration Services  
Vermont Service Center  
Attn: VAWA Unit  
75 Lower Welden St.  
St. Albans, VT 05479

- **Should the application and supporting documents be professionally bound?**
  - No. Instead, two-hole punch the entire filing (including the cover letter, applications and documents) and either use a two-hole fastener to bind the filing or a binder clip.
- **Should the supporting documents be tabbed?**
  - Vermont Service Center discourages the use of tabs and has commented that they oftentimes have to remove the tabs in order to fit the filing in their government files. Instead of using tabs, please use page numbers or exhibit stickers that stick directly on the exhibit and do not extend past the edge of the paper.
- **When do I need to send passport photos?**
  - The I-485 and I-765 each require 2 passport photos at the time of filing. Therefore if you are submitting both an I-485 and I-765, you should send 4 passport photos.
- **Should the passport photos be stapled or clipped and to what?**
  - Place them in a small envelope writing the clients name and A number (if the client has one) both on the back of the photo (in pencil) and on the envelope. Staple the envelope to the upper left corner of the relevant application.

## **SUPPORTING DOCUMENTS**

- **Should letters of support from family and friends be notarized?**
  - We recommend notarizing letters, but it is not required as long as the writer has signed the letter himself/herself.

## **PROCESSING TIMES**

- **How long will it take VSC to adjudicate the VAWA self-petition?**
  - Please see the current processing times at [www.uscis.gov](http://www.uscis.gov). Processing times vary per office. Please review the VSC for I-360 processing times.
- **Once the VAWA self-petition is approved, how long will it take for an interview on the application for adjustment of status?**
  - Please see the current processing times at [www.uscis.gov](http://www.uscis.gov). Please review the Chicago District Office for the processing time on the I-485.
- **How long will it take for my client to receive her work permit?**
  - Once your client is eligible to file her application for a work permit, please check the processing times at [www.uscis.gov](http://www.uscis.gov) for the VSC for I-765.

## **BIOMETRICS APPOINTMENT**

- **My client has been scheduled for a biometrics appointment. What is this appointment and should I attend with my client?**
  - The biometrics appointment is required for all applicants for employment authorization (I-765) and adjustment of status (I-485). At the appointment, the official will take your client's digital fingerprints and digital photograph. Your client must attend this appointment or she will abandon her application. There is no need for you to accompany your client to the appointment.
- **What should my client take to the appointment?**
  - Your client should take the original biometrics appointment notice and her photo identification

## **VAWA PRIMA FACIE NOTICE**

- **My client received a prima facie notice. Does she qualify for public benefits?**
  - With a VAWA prima facie notice, your client may qualify for public benefits. Please refer her to the nearest Illinois Department of Human Services to apply for benefits. <http://www.dhs.state.il.us/page.aspx?>
- **Are there any immigration consequences if my client accepts public benefits with her prima facie notice?**
  - When applying for adjustment of status (Form I-485), your client will need to demonstrate that she will not be a public charge. Therefore, if your client receives public benefits, she should be working toward self-sufficiency by the time of the adjustment of status interview in order to demonstrate that she will not be a public charge.

## **VAWA APPROVAL NOTICE AND DEFERRED ACTION**

- **The Vermont Service Center approved my client's I-360 and issued her deferred action status for 15 months. Is this normal to receive deferred action without requesting it?**
  - Yes, the VSC issues deferred action with approved I-360s for principal applicants.
- **Can my client travel outside the country with deferred action?**
  - No, please strongly advise against travel. Your client can be barred from applying to adjust status to that of lawful permanent resident if they have accrued unlawful presence and leave the United States. Deferred action does not permit an individual to re-enter the United States lawfully if they were to leave. Please contact NIJC if your client is considering travel for emergency reasons.
- **My client's children are included on the I-360 approval notice but they did not receive deferred action. Is this normal? Can we request deferred action for the derivatives?**

- Yes, derivatives must request deferred action in writing to the VSC after the principal's I-360 is approved.

## **EMPLOYMENT**

- My client is working under a false name. On the I-360, I-485, and G-325A, it asks about current employment. Do I need to disclose this employment?
  - Yes. The client must answer all questions on the government forms truthfully and should disclose employment if she is working.
- What are the consequences of my client working under a false name?
  - It depends. There are permanent bars to several forms of immigration relief for individuals who make a false claim to U.S. citizenship on a Form I-9 in order to work. On the other hand, if you client did not make a false claim to U.S. citizenship, he/she needs to disclose the unlawful employment but she remains eligible for the VAWA self-petition and adjustment of status. *Please contact NIJC if your client states that she made a false claim to U.S. citizenship.*
- I am filing a VAWA self-petition for my client. Is she eligible to file for work authorization (I-765) at the same time?
  - No, unless she is filing her application for adjustment of status concurrently.
- What are the categories under which a VAWA client qualified for employment authorization?
  - (c)(9) – a client with a pending application for adjustment of status (I-485)
    - NOTE: There is no category for a client with a pending VAWA self-petition; therefore until the VAWA self-petition is approved, there is no manner for an individual to obtain a work permit UNLESS they also have a pending application for adjustment of status (I-485)
  - (c)(14) – a client who has been granted deferred action (Deferred Action is granted to the principal applicant once the VAWA self-petition is approved)
  - (c)(31) – an client with an approved VAWA self-petition
    - This category is generally only used when the client does not want to request Deferred Action because he/she likely has a past deportation or removal order.
- The VSC approved my client for employment authorization and mailed her the card. It is only valid for one year. Can I request that it be extended? If so, how do I extend or renew the employment authorization?
  - Yes, but she cannot renew her work permit until she is within four months of the expiration date of her current card. NIJC can assist the client in renewing her work authorization card each year if your representation ends once the VAWA application is approved. Please refer them to our consultation hours.
  - To renew employment authorization depends on the category under which she

qualified.

- Work permit under (c)(9) – Submit renewal application (Form I-765 and Form G-28 with proof that the application for adjustment of status remains pending).
  - Work permit under (c)(14) – Submit renewal application (Form I-765 and Form G-28) with a written request in the cover letter that Deferred Action be extended as well
  - Work permit under (c)(31) – Submit renewal application (Form I-765 and Form G-28) with proof of the approved VAWA self-petition
- My client received her employment authorization card. What does she need to do to work?
    - The client should go to the nearest social security office with her employment authorization card and request a social security number. Upon receipt of the social security number, the client can work lawfully so long as the employment authorization is valid.

### **ADJUSTMENT OF STATUS INTERVIEW**

- **My client has been scheduled for her adjustment of status interview. Should I attend the interview?**
  - Yes, as her representative, you should represent your client at the interview.
- **What do we need to do to prepare for the interview?**
  - We recommend scheduling a meeting with your client to practice questions for the interview and to confirm that your client has all the necessary documents. Please see the interview document list in the appendix for a list of necessary documents. For the questions, please practice all questions on the I-485 and prepare your client for questions on whether or not she is still married.
  - *Please contact NIJC to advise of the interview and to discuss it in more detail.*
- **My client needs a translator. Will USCIS provide one?**
  - No, USCIS will not provide the translator and your client will need to bring one. Any non-relative who is 18 or older and competent in both English and the foreign language can translate.
- **Does the translator need to be certified?**
  - No
- **Can the attorney translate for the interview?**
  - No
- **Will the officer give the decision at the interview?**
  - Sometimes officers will explain that they plan to approve the case; however, nothing is final until the client receives the approval notice.

- **How long after the interview will it take to receive a decision?**
  - It depends. If you do not receive a decision within 90 days of the interview, please contact NIJC and we can explain how to submit an inquiry to the local USCIS office.

### **CLOSING A CASE**

- **My client has been granted her I-360 VAWA self-petition and/or I-485 adjustment of status. What do I need to do to close out the case with the client and NIJC?**
  - Please check with your firm for internal case closing procedures.
  - We recommend sending the client a closing letter and sending NIJC a copy of the file.
  - Upon receipt of the file, NIJC will mail the client our closing letter with advisals regarding her status and will close out the case.