

Document Gathering for Self-Petitioning Under the Violence Against Women Act

A Step-by-Step Guide



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Dear Reader,

This guide is designed to walk you through the document-gathering requirements under the 1994 Violence Against Women Act (VAWA) and its more recent revisions and updates. The guide is not a comprehensive explanation of the law or its requirements, but instead a user-friendly resource to gathering the necessary documents for a VAWA self-petition. For readers in need of a more comprehensive introduction to VAWA, the ILRC and the Catholic Legal Immigration Network, Inc. (CLINIC) have published a complete VAWA manual that is available for purchase at www.ilrc.org. You may also request an order form, please call ILRC at 415-255-9499 x4.

ILRC knows that a law is only useful when people can actually use it, and because of that, this guide is designed for shelter workers, volunteers, friends and social service providers who may not be familiar with legal document gathering. VAWA self-petitioning is not an easy process, and obtaining all the necessary evidence is often the hardest part. This guide recognizes the difficulty of document gathering and the unique position of VAWA self-petitioners. The hints and ideas are realistic, creative and flexible. We try to make the self-petitioning process easier, faster and less stressful for self-petitioners and advocates.

We encourage advocates to read and use this guide and also to copy pages for the self-petitioners themselves to assist them in document gathering. Recognizing that advocates are busy and self-petitioners can be intimidated by the document-gathering process, this manual points out which tasks can be performed by the self-petitioner and which may require assistance from the advocate.

This guide is based on a comprehensive study of procedures and regulations in California. While most of the directions will be applicable across the United States, laws do differ with regard to public access to documents and specific fees for copies. If you are not in California, we urge you to be aware of possible differences in procedure in your own state.

Please note that this guide refers to VAWA applicants as “self-petitioners,” as opposed to clients, applicants, or applicants. It also uses female pronouns for the self-petitioner and male pronouns for the abuser, despite the fact that VAWA also covers men who have suffered abuse by their partners and children who have been abused by their parents. Not all the sections will be relevant for the case of child self-petitioners, but the modifications are fairly simply and straightforward.

We sincerely hope that this guide helps you in the document-gathering process. ILRC welcomes your feedback for future editions of this guide.

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Document-Gathering Guidelines

Before starting the document-gathering process, take a look at these general suggestions which will make the process easier, quicker and more complete.

- (1) **Never use the self-petitioner's address in requests for records, documents or declarations.** Self-petitioners almost always self-petition without the knowledge of their husbands and any documentation or correspondence that arrives at her house could endanger her by alerting her spouse to the self-petition process. Always use the advocate's address in the document-gathering process. If that is not an option, ask the self-petitioner for the address of a friend or relative who can receive mail for her.
- (2) **You do not need all the documents listed in each category.** This guide includes many ideas for evidence, but it is not necessary to gather all of them. In most cases, the guide lists "first choice" documents and also suggests other documents that can be used if the first choice documents are unavailable.
- (3) Although some documents can be picked up by only the self-petitioner herself, some agencies will release documents to a person who the self-petitioner has **authorized** to receive documents on her behalf. If the advocate is contacting agencies on behalf of the self-petitioner, he or she should **make sure to get an authorization signed by the self-petitioner** that permits the advocate to receive documents on the self-petitioner's behalf. Include the authorization in all faxes or letters with which the advocate is trying to access the self-petitioner's documents. See Appendix 1 for a copy of the authorization.
- (4) **Documents in any language other than English will need to be translated.** All translations must be "certified" by a competent translator. There are specific guidelines and formats for this process. See Appendix 2 for directions and copies of the forms.
- (5) Some documents will be hard to find given the sensitivity of the self-petitioner's situation. **See "Having Trouble Finding Evidence" on page 8 for an explanation of the U.S. Citizenship and Immigration Service (USCIS) "any credible evidence" standard.**
- (6) Document gathering can be difficult for self-petitioners because they are undocumented and may not have picture identification. In each section, **this guide gives suggestions and directions for self-petitioners who do not have picture ID.** Also see the section called "The Problem of Picture ID" on page 7 for more instructions and ideas.

(7) **Save all documents in a secure place**, including copies of all petitions filed with the USCIS and all correspondence from and to the USCIS. Advocates should be aware that self-petitioners' homes are usually not safe places for VAWA documents.

(8) The mail is not foolproof! **Keep copies of everything you send to the USCIS and to other law enforcement agencies.** When you send anything to the Vermont Service Center (the VAWA branch of USCIS), send it Certified Mail, Return Receipt Requested.

(9) When you talk to someone, **write down the name, date, time and what they said.** Then, if you are unable to get the documents you feel are best, you can show the USCIS all your efforts to get them.

(10) Document-gathering for VAWA petitions may be challenging at first. Many agencies have never heard about VAWA or the self-petition process; their regulations and rules often make it difficult for VAWA self-petitioners to access documents. **Taking the time to educate local agencies (such as the police department and the County Recorder) about VAWA and to build relationships with certain community groups (such as Victim Witness in California) will pave the way for easier document-gathering in the future.**

(11) **Take the time to contact other agencies, shelters, and community groups working on VAWA.** Every community is different, and practitioners may have ideas and suggestions for document gathering in your town or city. Networks are a great source of information and assistance.

The Problem of Picture Identification

Many self-petitioners will encounter problems as they gather documents because they do not have state-issued identification cards (such as driver's licenses). Marriage, birth, death and divorce certificates usually do not require photo identification, but self-petitioners will probably be asked for state-issued identification cards when they request police reports, 911 transcripts, police clearance letters or even medical records. (The requirement for photo ID is not for immigration reasons, but rather to protect the privacy of people's records.)

The situation is easier if the self-petitioner has any form of photo identification, such as an ID card, driver's license, passport from the country of origin, or a non-immigrant visa – either expired or still valid. The self-petitioner can usually explain that she is self-petitioning under the Violence Against Women Act to obtain legal permanent residence and that she does not yet have a driver's license or state-issued ID card. See Appendix 3 for a form letter which explains the Violence Against Women Act and why the self-petitioner is not able to provide a driver's license. Most agencies will accept other forms of photo identification.

If the self-petitioner has no photo identification at all, she can try to get picture ID either by asking relatives at home to obtain her picture ID or passport from the country of origin or by contacting her home country's consulate in her area.

In the case of self-petitioners from Mexico, the Mexican ID card, *la matrícula consular mexicana* or, simply, *la matrícula*, is increasingly accepted in California state agencies. If the self-petitioner is unable to obtain her *matrícula* through her relatives, she can contact her local Mexican Consulate. See the section called “For Self-Petitioners from Mexico” on page 14 for more information.

If self-petitioners are unable to access documents because they do not have photo ID, they should not get too discouraged. The USCIS will accept what it calls "any credible evidence," which means the agency will accept any evidence that (1) shows that the self-petitioner meets a requirement, and (2) is believable. See the following page called "Having Trouble Finding Evidence" for more suggestions about what to do when you can't obtain certain documents.

Having Trouble Finding Evidence: The “Any Credible Evidence” Standard

Gathering documents can be difficult for self-petitioners. Battered undocumented women face many challenges in gathering evidence for their VAWA petition. The USCIS knows how hard this process can be for self-petitioners.

Because of this, the USCIS gives self-petitioners a more realistic standard for evidence. If self-petitioners cannot get their first-choice evidence (like official government records) because they aren't living at home, their husbands keep the documents from them, or they don't have the right ID to get the document, the USCIS will accept more informal evidence, such as signed declarations and letters.

This standard is known as the "any credible evidence" standard. It means that self-petitioners will not be rejected just because they are missing an official document, so long as they have other believable documents that show they meet the requirements.

This guide helps self-petitioners and their advocates to get their first-choice evidence, but also suggests less formal evidence to include in the petition when first-choice evidence cannot be obtained. For each requirement, we list both official suggestions and more creative ideas. The self-petitioner and her advocate can also come up with ideas of their own.

Keep track of your efforts!

ILRC suggests that self-petitioners keep records of their efforts to get the documents they need. If the self-petitioner tries two times to get a police report from a domestic violence incident and keeps getting rejected because she does not have a state-issued ID, she should explain each effort she made and why she was rejected. Attach notes taken by the self-petitioner to the evidence she is able to get, such as a declaration from a friend who saw the abuse or heard about it or an abusive note from the self-petitioner's husband. This shows USCIS you are making a serious effort to get these documents.

For example, if the self-petitioner simply cannot convince the police department to give her a letter of clearance or police reports, the self-petitioner should create a log of her efforts. She should include the date, the document in question and the efforts she made to obtain the document.

For example:

9/13/07 • I went to the police department to get records of a visit by the police to my house last year. They asked me for photo identification, but I do not have any because I am not a legal resident and I am not eligible for a driver's license. I also do not have any photo identification from Mexico.

9/22/07 • I returned to the police department with a letter from my advocate explaining the Violence Against Women Act and that I am not eligible for a driver's license but that the law asks for evidence of abuse. I spoke with the supervisor, but she said that I cannot get copies of police reports without photo identification. I have attached the letter I gave them as well as an additional declaration from my neighbor who witnessed the police visit.

Ask for a letter!

An additional tip is to ask the agency that has denied the self-petitioner because she has no photo identification to write a letter verifying that they could not provide the requested document. The agency may refuse to write the letter, but it is worth a try to ask. Such a letter would be excellent evidence that the self-petitioner made a good effort. The letter might look like this:

On September 23, the bearer of this letter came into the Yuba City Police Department to request a report of a police visit made to 123 Main Street, Yuba City at 7:18 pm on July 13, 2007. I was not able to grant her request for a police report because she had no photo identification

Sgt. John Doe

Tip for the advocate:

When all else fails, try meeting with the Chief of Police in your city. The Chief of Police might be willing to set up special procedures for helping petitioners obtain police clearance letters, police reports, 911 transcripts and other evidentiary documents. Explain the challenges facing VAWA petitioners and their special needs. Advocates may find that taking the time to reach out to community agencies in this way not only speeds up the document-gathering process, but also paves the way for future petitioners to play a greater role in preparing the petition.

Contacting Agencies for Records

The document-gathering process requires the self-petitioner and her advocate to have extensive contact with records offices and departments. Each office has different procedures and policies about forms of payment, required information and waiting time for copies of records.

It is best, if possible, to go in person to request records. The self-petitioner can carry a completed copy of each record request and find out for herself what forms of payment are required, if she can pay extra to have the document rushed, and so forth.

Obviously, it won't always be possible for self-petitioners to request documents in person. Many self-petitioners have lived in several locations and have documents filed in different cities and counties (for example, a marriage certificate in Napa and a restraining order in Salinas). Other self-petitioners have limited mobility due to transportation problems or controlling partners.

If the self-petitioner is unable to actually go to the office, ILRC suggests that she call the records office before sending or faxing her document request. She should ask how much the documents cost, what kind of payment the agency accepts, how long it will take for the documents to arrive and if she can pay extra to have documents rushed when necessary. She should also ask if it is necessary to include a self-addressed, stamped envelope in her request.

Calling first will help the self-petitioner to include the right payment and information to get her documents quickly and easily.

Also, remember that some documents can be picked up by the advocate if the advocate has an authorization signed by the self-petitioner. See Appendix 1 for a copy of the authorization.

Ways to Show Relationship to Abuser

Self-petitioners must show evidence of that they are (or were, in the case of recently divorced self-petitioners) legally married to their abusers. The self-petitioner is required not only to show that her marriage is or was legal but also that all previous marriages were terminated by death or dissolution.

In order to prove the existence of a legal marriage to her abuser, the following documents, which are further described below, are necessary

- * *Marriage certificates* (for the self-petitioner and the abuser)
- * *Death certificates* for any previous marriages (of either spouse) that ended because of death
- * *Divorce certificates* for any previous marriages (of either spouse) that ended in divorce

Marriage Certificates

Marriage in the United States

There are two options for self-petitioners who were married in California. A self-petitioner can either go to the California Office of Vital Records (a part of the California Department of Public Health) or to the Vital Records Offices in the county in which she was married. It is much quicker and easier to contact the county for vital records.

NOTE: Because this guide is specifically designed for use in California, it does not describe other possible procedures for obtaining vital records such as marriage certificates. For example, while California does not regard common law marriages as valid, other states do. If the self-petitioner's state of residence accepts common law marriage, the self-petitioner can qualify by demonstrating that she is legally married under common law in that state.

County Records:

Each county has an agency that keeps basic vital records like marriage certificates. Those offices are usually called the "County Recorder." Self-petitioners can call or write the County Recorder to request marriage certificates.

To find the office of vital records in each county, the self-petitioner or her advocate can dial 411 and ask for the County Recorder in the city in which she was married. Each county has different procedures for requesting vital records, but documents usually can be requested over the phone with a credit card, through the mail with a check or money order, or in person. Fees for marriage certificates vary by county but are usually between \$10 and \$15. Extra charges apply for rushed documents. Each county has a different waiting time for record requests; the County Recorder can tell callers how long it will take for their documents to arrive.

No identification should be needed because marriage certificates are public record in California.

State Records:

Marriage records are also available from the California Office of Vital Records, but the records are far more limited and the waiting period is much longer than at county offices. At the time of publishing, the wait time for a marriage certificate was at least 3 months.

You may want to contact the Department of Public Health or the California State Vital Records Office to ascertain current waiting times.

If the self-petitioner chooses this option, she should send her request to:

California Office of Vital Records
304 S Street
Sacramento, CA 95814

If the self-petitioner or advocate has internet access...

If the self-petitioner or her advocate has access to the internet, he or she can save time by going to www.vitalrec.com/ca.html. This free website provides the contact address, phone number, and prices for each county's office of vital records.

If the self-petitioner wishes to order her marriage certificate over the internet, she can go to www.vitalchek.com. This is an excellent option for self-petitioners who were married outside California. VitalChek is a very accessible website and offers different options for rushing documents. Note that this option requires the use of a credit card.

Information to include with request for marriage certificate

Whether the self-petitioner writes to the county recorder or goes into the office, she should be prepared to provide:

- * full name of husband
- * full maiden name of wife
- * date of marriage
- * place of marriage (city/town, county, state)
- * registration number, if possible

If any of that information is not available, the self-petitioner should provide the most thorough information she can and indicate that some of the information is only an approximation. As always, the self-petitioner should include the reason the record is needed, plus her name, address and signature. If she is sending the request, a self-addressed, stamped envelope is usually required. See the section called "Contacting Agencies for Records" on page 10.

Please see Appendix 4 for a copy of the request, which can be sent to either the State Office of Vital Records or the County Recorder and can also be carried by hand by the self-petitioner to the County Recorder.

Marriage outside the United States

Tracking down marriage certificates in the country of origin tends to be more of an art than a science. Most self-petitioners obtain overseas documents by having a relative or friend who still lives in the country of origin obtain them.

In rare situations, the local office of the consulate of a self-petitioner's home country will assist self-petitioners in tracking down their documents. It is worthwhile for self-petitioners to contact their local consulates by calling 411 and asking for the consulate from their country or origin. If the advocate is willing to help in this process, this would be a good place for them to be involved. Phone menus can be confusing and getting information may require persuasion.

For self-petitioners from Mexico:

The best way to track down documents is to ask friends, family members, or neighbors from Mexico to go get the documents and send them. Self-petitioners should provide all necessary information (full names, date of marriage, place of marriage, as well as any additional information such as dates of birth) and instruct their friends to go to the local *Registro Civil*. It is generally not necessary to show identification in order to obtain these documents from the *Registro Civil*.

If the self-petitioner does not have friends or relatives in Mexico or if her contacts are unable to obtain the documents, the self-petitioner should contact her local Mexican Consulate. Each consulate has a department that can assist self-petitioners in obtaining their documents. This is a good time for the advocate to help. Staffers may be reluctant to assist in document gathering and will usually do so only if convinced that all other options have failed and that the situation is sufficiently urgent. Advocates should make sure to clearly explain the reason the documents are needed and the nature of the Violence Against Women Act.

See Appendix 5 for a letter explaining VAWA and requesting assistance with document gathering.

Death Certificates

Death Records in California

As with marriage certificates, death certificates are best obtained through the County Recorder in the county where the death occurred. The self-petitioner or her advocate can find contact information for the County Recorder in California by calling 411 or going to www.vitalrec.com/ca.html. See the section above on "Marriage Certificates" for more detailed instructions on locating the County Recorder. The self-petitioner can get the record by mail or in person.

To obtain a death certificate for her deceased husband or her husband's deceased wife, most counties only require the name of the deceased and the date of death. If the self-petitioner does not know the exact date of death, she may tell the Recorder that the date given is only an approximation or she may give a range of dates. It is always preferable to provide additional information when possible. For example, the self-petitioner should provide the place of death and the deceased's date of birth if possible.

Again, no identification should be necessary because these records are public record, and they are open to anyone.

Please see Appendix 6 for a copy of the death record request.

Death Records Outside the United States

Please see the section above on "Marriage Certificates Outside the United States" The directions are the same for death records, both generally and in Mexico specifically.

Divorce Records

Divorce Records in California

Unlike birth, death and marriage certificates, divorce records are not generally accessible through the County Recorder. The divorce decree is a court document, which is usually available through the county court in the county in which the divorce was filed. Self-petitioners and their advocates may call 411 to request the phone number for the county court. This can be a bit confusing because county courts often have many divisions and departments.

An easier alternative may be to locate the County Recorder and call that office. The County Recorder can give the self-petitioner the direct number for locating divorce records. To do so, the self-petitioner should follow the directions in the "Marriage Certificates" section for contacting the County Recorder. The County Recorder can quickly and easily provide the direct phone number for divorce records.

When the self-petitioner speaks with the county court, she should get a contact address if she plans to mail a request for records and also ask what information she needs to provide. Most counties require that the requestor provide the name of both parties in the divorce, the approximate date of divorce and the case number. If the case number is not available, the county court will search its database but may add an extra charge or take longer to process the request.

Please see Appendix 7 for a copy of the divorce record request.

Divorce Records Outside the United States

Divorce records can be even harder to track down than marriage, birth and death certificates because many countries do not have a central database of divorce records. The best way to track down divorce records is to contact relatives in the home country. If that is unsuccessful, the self-petitioner should defer to the "any credible evidence" standard described in the section called "Having Trouble Finding Evidence" on page 8. In this case, she could include declarations from friends and family members stating that a divorce did take place.

Ways to Show Status of Abuser

VAWA self-petitioners are required to prove that their husbands are legal permanent residents of the United States or U.S. citizens. This requirement can be difficult for some self-petitioners, so this guide provides a range of approaches and ideas for documenting the status of self-petitioners' spouses. Each of the following ideas is described in detail in the following pages.

If the self-petitioner's husband is a **U.S. CITIZEN**, copies of the following documents can be submitted with the petition. It is not necessary to obtain each of these documents. Any *one* of the following documents should be sufficient.

- * *Abuser's birth certificate*
- * *Abuser's U.S. passport*
- * *Abuser's Certificate of Naturalization*
- * *Approval notice for I-130 petition filed by abuser*

If the self-petitioner's husband is a **LEGAL PERMANENT RESIDENT**, copies of the following documents can be submitted in the petition. Again, it is not necessary to obtain each of these documents. Any *one* of the following documents should be sufficient.

- * *Alien Registration Card (Green Card)*
- * *Approval notice for I-130 petition filed by abuser*
- * *Any USCIS document or letter with the abuser's A number*

An additional option is for the self-petitioner to search her own USCIS file to see if her husband has already started a file for her. See the section below on the Freedom of Information Act.

A last resort is to obtain declarations from people who have knowledge of the husband's status. See the section on "Declarations" for more information.

If the Abuser is a U.S. Citizen...

Abuser's Birth Certificate

If the abuser was born in California (or in another state which treats "vital statistics" such as birth, marriage, and death certificates as public records), the birth certificate should be easily accessible through the County Recorder in the county of his birth. You can locate the County Recorder by following the directions for marriage certificates on page 12.

In order to get her husband's birth certificate from the County Recorder, the self-petitioner must include the following information in her request:

- * the abuser's full name
- * his date of birth
- * his mother's maiden name
- * his place of birth (if possible)

Other information, such as the full name of both of his parents, might be helpful to include to help the Recorder find the correct information.

NOTE: Not all states grant individuals access to their spouse's vital records. In California, birth certificates are on the public record and anyone may access them. This is not the case in other states, such as Florida, where only an individual seeking his or her own records or a parent of a child under 18 has access to birth records. Make sure to find out the laws about public access to vital records in your state.

See Appendix 8 for a sample letter requesting a birth certificate.

U.S. Passport

If the self-petitioner has access to her husband's passport, a photocopy will serve as proof of his status. Make a copy, if possible, but if that is too dangerous or impossible, copy down the passport number. Other helpful details to copy down include the full name, birthdate and "Date of Issue."

If the self-petitioner has no physical documentation but she does have her husband's passport number, she should submit it to the USCIS in her application. She should

explain in her declaration why she was unable to submit a photocopied document and should request that the USCIS search its database.

Certificate of Naturalization

The Certificate of Naturalization is a paper the abuser may have if he is a naturalized U.S. citizen. If possible, the self-petitioner should make a photocopy. If she is unable to make a photocopy, the most important thing she should do is write down the USCIS Registration Number, which begins with the letter "A." (See the section below on "USCIS Registration Number"). Also write down the naturalization certificate number.

See Appendix 9 for a picture of a naturalization certificate and instructions for finding the A number and certificate number.

I-130 Petition Approval Notice

If the abuser has already filed an I-130 petition on the self-petitioner's behalf and the I-130 has been approved by the USCIS, a copy of the USCIS's approval notice may be used to show the abuser's A number. Some self-petitioners may be able to find and copy the approval notice. A self-petitioner who cannot get a copy of the approval notice may request any files the USCIS has on her, including the petition filed on her behalf and the approval notice, through a Freedom of Information Act (FOIA) request. See page 21 for instructions on making a FOIA request.

USCIS Registration Number (A #)

If the self-petitioner has no physical documentation but she does have her husband's A number, she should submit it to the USCIS in her application. She should explain in her declaration why she was unable to submit a photocopied document and should request that the USCIS search its database.

Declarations

If the self-petitioner is having trouble obtaining documents to show her husband's immigration status, she can include declarations from people who have knowledge of his

immigration status. This could include his or her friends, family members, employers, coworkers, ESL teachers, and anyone else who knows that he is either a U.S. citizen or a legal permanent resident. Friends, family members and others can simply state in their declarations that they believe the husband is a U.S. citizen or a legal permanent resident and explain why. See Appendix 12 for more directions.

If the Abuser is a LPR...

Green Card/Alien Registration Card

A copy of the green card is excellent evidence of the abuser's legal status. Again, if the self-petitioner is unable to make a photocopy, she should look for the long number starting with the letter A on the front of the card.

If the self-petitioner is not familiar with the green card, see Appendix 10 for an image of the green card and directions on where to find the A number.

I-130 Petition Approval Notice

If the abuser has already filed an I-130 petition on the self-petitioner's behalf and the I-130 has been approved by the USCIS, a copy of the USCIS's approval notice may be used to show the abuser's A number. Some self-petitioners may be able to find and copy the approval notice. A self-petitioner who cannot get a copy of the approval notice may request any files the USCIS has on her, including the petition filed on her behalf and the approval notice, through a Freedom of Information Act (FOIA) request. See the next page for instructions on making a FOIA request.

Any USCIS Document

Any USCIS document or letter may contain important information confirming the abuser's status. As always, a photocopy is best. If that is unavailable, the self-petitioner should look for the A number.

USCIS Registration Number (A #)

If the self-petitioner has no physical documentation but she does have her husband's A number, she should submit it to the USCIS in her application. She should explain why she was unable to submit a photocopied document and should request that the USCIS search its database.

The Freedom of Information Act (FOIA)

This law permits self-petitioners to view their own immigration files, if any exist. If the abuser has already started the petition process for the self-petitioner, the documents that self-petitioners get from a FOIA request may verify not only the marriage, but also the abuser's immigration status. Self-petitioners who suspect that papers have been filed by their abusers on their behalf should follow the procedure explained in Appendix 11.

Declarations

See the section on declarations on the previous page. A declaration is particularly useful to include if the self-petitioner has no documents to show her husband's status and is considering a USCIS name search (as described below).

If All Else Fails...

If the self-petitioner is simply unable to obtain any information confirming her abuser's status, she can request that the USCIS do a name search when she submits her VAWA self-petition. Be advised that this is not a particularly safe or certain option because USCIS records are not always complete or foolproof and they list many people with the same name. If the self-petitioner chooses this option, she should include as much information as possible in the her cover letter with the VAWA self-petition, such as her abuser's full name, his date of birth, his port and place of entry, and the date he was interviewed to adjust his status (get his green card).

Ways to Show Residence with Abuser

Self-petitioners are required to show that they currently live or that they did live with the abuser. VAWA does not specify how long the self-petitioner and her husband had to live together or how much time might have passed since they lived together. If the self-petitioner and her husband lived together for only a short time, though, she should explain that in her declaration. See page 37 for an in-depth discussion of the self-petitioner's declaration.

Self-petitioners and their advocates can be creative in demonstrating joint residence. The following documents, which are described in the next few pages, serve as documentation for joint residence:

- * *Lease or rental agreements*
- * *Utility or other bills*
- * *Children's school records*
- * *Letters to both spouses, or to each spouse if the letters show the same address at the same time.*
- * *Other documents listing self-petitioner and abuser at same address at the same time, such as medical records.*
- * *Declarations from landlords, neighbors, and friends*

Lease or Rental Agreements

Lease agreements or property deeds in both parties' names, of course, are the most direct evidence of joint residence. If the self-petitioner has access to her lease agreement, she should include it in her application. Otherwise, she can write to her landlord to request a copy of the lease agreement. See Appendix 5 for a general letter explaining VAWA and requesting documents.

Utility or Other Bills

Utility, water, cable, and garbage bills are all useful if they list both spouses together. If one bill lists one spouse and another lists the other, include both to show that the self-petitioner and her spouse are receiving mail at the same address at the same time. The same is true for tax returns or medical bills.

Children's School Records

Children's school records often list the names of both parents as well as the address of their residency. If self-petitioners are having trouble finding documents with their own names on them, they can go to or write to the school to look at school records. For help requesting these records, see Appendix 5.

Letters

Letters to both spouses, or to each spouse if the letters show the same address at the same time, are also useful. Even an old invitation addressed to both spouses will serve as evidence of joint residency. The point is just to show that the self-petitioner and her abuser resided jointly.

Declarations

If the self-petitioner is having trouble finding concrete evidence of joint residency, she can ask her landlord, neighbors, friends and family to write declarations verifying that the self-petitioner and her abuser lived together. For directions and tips for declaration writers, see Appendix 12.

Ways to Show Good Faith Marriage

Gathering evidence to demonstrate good faith marriage is usually not too difficult. The idea is to show that the couple intended to make a life together as husband and wife and not to cheat immigration law. If the marriage was short, the USCIS might be more suspicious and the self-petitioner should explain why the marriage was short in her declaration and try to provide more evidence of her good faith intention to marry.

Any of the following documents, which are described in the next pages, demonstrate good faith marriage:

- * *Birth certificates of children*
- * *Photographs*
- * *Notes, cards, email and letters between self-petitioner and abuser*
- * *Joint property interests*
- * *Declarations from friends and family*

Birth Certificates for Children

The clearest way to demonstrate good faith marriage is to show that children were born of the marriage, which the self-petitioner can do by including birth certificates for children. Obtaining a birth certificate for children born in the U.S. is much like obtaining a marriage or death certificate. Birth certificates are available through the County Recorder at the county in which the child was born. See the section on "Marriage Certificates" for directions on contacting the County Recorder. Be ready to provide the full name, date of birth, and place of birth for each child.

Please see Appendix 8 for a copy of the request, which can either be sent to the County Recorder or carried in hand with the self-petitioner.

Photographs

Submitting copies of photographs is another great way to prove good faith marriage. Particularly helpful are wedding photos, pictures of the couple together, and pictures of the whole family together. It would be helpful to submit copies of the pictures in color. Color photocopies can be made at most copy stores, such as Kinko's.

Notes, Letters, and Cards

Notes, letters, cards or emails from the abuser can also serve as evidence of good faith marriage. If the self-petitioner has any written correspondence from the abuser that indicates affection or closeness, she should include it in her petition.

Joint Property Interests

If the self-petitioner and her husband do not have children and she does not have photographs or correspondence, there are other options for demonstrating good faith marriage. Any document that shows joint financial interests serves as evidence of good faith marriage. For example, the self-petitioner could submit evidence of one or more of the following:

- * Joint bank accounts or credit cards in both names
- * Car leases in both names
- * Health insurance in both names
- * Income tax returns, if couple filed jointly

Declarations

The self-petitioner's declaration should address the good faith marriage issue by telling how the couple met and fell in love and by sharing stories about their relationship. See section on writing the declaration on page 37.

Aside from the self-petitioner's declaration, declarations from friends and family can address the good faith marriage question. Friends and relatives can write about the couple, their romance, how the self-petitioner felt about the relationship in the beginning, and so on. See Appendix 12 for more detail.

Ways to Show Abuse

Self-petitioners are required to show that they were subjected by the abuser to "battery or extreme cruelty," a term that includes a wide range of physical, mental and emotional abuse and cruelty.

Self-petitioners and their advocates have many options for demonstrating abuse. These evidentiary documents, however, might be more confusing and difficult for the self-petitioner to obtain because they require extensive contact with public officials and law enforcement agencies. If the advocate is able to devote some time to document gathering on behalf of the self-petitioner, his or her time might best be used by assisting the self-petitioner in documenting abuse. Each of the following ideas for documentation is described in detail in the following pages.

- * *Restraining, stay away, or exclusion orders, plus accompanying documents*
- * *Police reports*
- * *Statements, notes, or declarations from a police officer with knowledge of the situation*
- * *911 transcripts*
- * *Criminal court records if abuser was arrested or convicted*
- * *Medical records, even if self-petitioner didn't say true reason for injuries*
- * *Domestic violence shelter records*
- * *Counseling/mental health records*
- * *Photographs of injuries or damaged property*
- * *Letters or notes from the abuser*

** School records containing comments by child about abuse*

- *Declarations:*

From self-petitioner telling her own story

From person who saw abuse or was told about it by self-petitioner

From staff or volunteer at domestic violence shelter

From mental health worker/counselor

** Evidence of abuser's history of drug or alcohol abuse or mental illness*

Restraining, Stay Away, Protection or Exclusion Orders

Restraining orders are public records in California and many other states, so self-petitioners should have fairly easy access to them. The self-petitioner should call 411 and ask for the county court. The self-petitioner should be prepared to provide her full name, her husband's full name, and their dates of birth, as well as the approximate date the order was filed. As usual, call ahead of time to ask for the cost of the copy and the required form of payment. See Appendix 13 for a copy of the request for a copy of the restraining order.

Police Reports

Police reports of visits to the self-petitioner's home are excellent evidence of domestic abuse. Victims of domestic violence have legal access to any police report in which their names are listed. The self-petitioner should locate the phone number of the local police department and explain that she is trying to obtain a copy of the police report for an incidence of domestic abuse. Once she provides the location of the site that the police visited and the approximate date, the police can give her a contact number at the records department of either the county police department or the sheriff's office.

The self-petitioner should be prepared to provide the names and dates of birth of the victim and the abuser, as well as the location and approximate date of the visit.

The self-petitioner should know that most police departments are required to check for state identification before dispensing police reports. This will likely be a challenge for VAWA self-petitioners who only very rarely have driver's licenses or state identification cards. The model letter in Appendix 3 includes an explanation about the picture ID issue.

Another option is for the self-petitioner to directly contact the officer who visited her home. Most officers in California are instructed to give out business cards when they visit a residence for domestic violence. If the self-petitioner has the business card or remembers who the officer was, she can ask him to vouch for her identity. Even if she doesn't remember who the officer is, she might be able to contact him because, in most towns, there are fairly few officers who respond to domestic violence calls and speak the same language as the self-petitioner. Some police departments have used this technique to get around the photo ID issue.

For more suggestions and ideas, please see "The Problem of Picture Identification" on page 7.

Police Statements and Declarations

If the police visited the self-petitioner's residence for a domestic violence issue fairly recently and the self-petitioner is able to directly contact that police officer, then she should ask the officer if he would be willing to write a declaration about the incident and the abuse he witnessed. The officer can go into more detail than he might in a regular police report, which would be good evidence of abuse for the self-petitioner.

911 Transcripts

Each police department has a different procedure regarding 911 transcripts. The easiest way to find out how to get 911 transcripts is to call the local police department and ask. The self-petitioner should explain that she is submitting a petition to USCIS under the Violence Against Women Act and needs to show evidence that she has suffered abuse. The police department can direct the self-petitioner to the appropriate department or division to obtain her 911 transcripts. For a letter requesting the documents and explaining the photo ID issue, see Appendix 3.

Medical Records

If the self-petitioner went to a clinic, a doctor's office or an emergency room for injuries resulting from domestic abuse, she can use the medical records to demonstrate abuse. It is *not* necessary that the self-petitioner reported the true reasons for injuries. If, for example, the self-petitioner went to the emergency room after an incident of domestic violence and claimed she had fallen down the stairs, she could still submit the medical records along with a declaration explaining that she felt afraid to report the true cause of the injury.

In order to access her medical records, the self-petitioner can go to a doctor's office or clinic that she has visited in the past. All medical records -- from hospitals or doctor's offices anywhere in the United States -- should be in the self-petitioner's current medical records. If the medical records do *not* contain records of an emergency room visit or a doctor's appointment, the self-petitioner can contact the hospital, doctor's office or clinic directly to request medical records from previous visits. If she chooses this option, she should be prepared to provide the approximate date of visit.

The patient can explain the situation to her current doctor and request help tracking down previous records.

See Appendix 5 for a sample letter requesting documents such as medical records.

Shelter Records

If the self-petitioner ever went to a domestic violence shelter or even consulted a shelter worker as a result of domestic abuse, the shelter will probably have records of the visit and of the general facts of the situation. Shelters are often sensitive about releasing information, so it is important for the self-petitioner to explain why she needs records of her visits and for what purpose they will be used. Please see Appendix 5, "Letter for General Document Request," for a sample letter to use when you ask for records.

If the self-petitioner worked with a specific individual who is familiar with her case, she should consider asking the individual to write a declaration to help prove that the self-petitioner suffered domestic abuse. See the section on declarations below for more information and instructions.

Counseling/Mental Health Records

If the self-petitioner has seen a counselor or a mental health worker, records of her visits can serve as evidence of abuse and related emotional strain. If the counselor knows the self-petitioner's case well enough to write a declaration to support the self-petitioner's claim that she suffered domestic abuse, see the section on declarations below.

School Records

Schools usually keep records of comments made by children about abuse in the family as well as teachers' concerns about domestic abuse. If the self-petitioner suspects that her child might have made such a comment or that one of the child's teachers is or was concerned about violence in the family, she can go to the school to find out if there are records on file and to see whether she can obtain copies of them. Again, it is important for the self-petitioner to explain why she needs the records and for what purpose she will be using them. See sample letter requesting documents in Appendix 5.

The self-petitioner might also contact her children's teachers directly for help on this issue. The teacher might be willing to write an affidavit or assist the self-petitioner in looking for school records.

Photographs

Some self-petitioners may have photographs of bodily injury or property damage resulting from their spouse's abusive behavior. Photographs are good evidence of abuse and should be included along with explanations of the photograph's content.

Letters or Notes from the Abuser

Letters or notes from the abuser may reveal aggressive, violent, jealous, or threatening behavior and treatment. Even an apology note can show that mistreatment and abuse have taken place.

Declarations

Declarations supporting the self-petitioner's claim that she has been abused can come from a wide range of people. The most important declaration is the one the self-petitioner writes herself. See page 37 for tips on writing the declaration.

Declarations from friends, family members, neighbors, coworkers, and such

Friends, family members, neighbors, coworkers and other acquaintances can help if they either witnessed the abuse directly or were told about it by the self-petitioner. If these people directly witnessed the abusive behavior, their declarations can describe the actions and behaviors. Even if they did not witness the behavior, their declarations can describe the abuse as the self-petitioner reported it to them.

If you're asking for a declaration from a friend, a coworker, a landlord or a family member, see Appendix 12 for directions and suggestions.

Declarations from shelter workers, counselors, clergy and other social service providers

Declarations can also come from shelter workers, mental health workers and clergy with whom the self-petitioner has consulted. If you're asking for a declaration from a social service provider like a priest, a shelter worker, a mental health worker, a social worker, a teacher or a doctor, see Appendix 14 for a sample letter to give them when you ask for the declaration. The letter includes directions and tips for writing the declaration.

Ways to Show Good Moral Character

Self-petitioners are required to demonstrate that they are persons of good moral character. This generally means that the self-petitioner follows the law. It can also refer to her positive contributions to her family and community.

Unless the self-petitioner and her advocate identify possible problems in her ability to show good moral character, the self-petitioner should state in her declaration that she is of good moral character and that she has had no problem with the law. She might also mention her position in and contributions to the community and her role in the positive development of her children. This is described in more detail in the section called "Writing the Declaration" on page 37.

In terms of documents to show good moral character, the self-petitioner should include the following documents, which are described in the next pages:

- * ***Local police clearance letters*** from each place the self-petitioner has lived for at least six months in the last three years
- * ***A state criminal record check*** if the local police clearance letters are unavailable, along with a statement explaining why the self-petitioner was unable to obtain the local police clearance letter
- * ***Declarations from people who can vouch for the self-petitioner's good moral character*** (especially if the police clearance letter is unavailable or there are problems regarding good moral character)

Local Police Clearance Letter

As mentioned above, police clearance letters are requested for any place the self-petitioner lived for six months or more in the three years before filing the petition. The self-petitioner should be able to go to her local police department and simply request a clearance letter by giving her name, date of birth, and place(s) of residence.

However, this situation is often more complicated when the self-petitioners do not have state-issued photo identification. The police departments will usually accept passports and identification cards from other countries but will probably be more reluctant to give clearance letters to self-petitioners with no ID at all.

Appendix 15 contains a letter for local police departments explaining VAWA and requesting a police clearance letter in spite of the fact that the self-petitioner is unable to provide the required photo identification. Some police departments prefer to send the letter directly to USCIS; the letter in Appendix 15 also explains why the clearance letter should not be sent directly to USCIS.

Some police departments are more willing than others to give police clearance letters without identification. If the self-petitioner fails to get a police clearance letter with the letter in Appendix 15, it might be useful for the advocate to call the police department and explain the situation. Be sure to bring a release of authorization (Appendix 1). It might also be helpful to show the officer a letter written by another police department for a VAWA self-petitioner (see Appendix 16).

Tip for the advocate:

When all else fails, try meeting with the Chief of Police in your city. The Chief of Police might be willing to set up special procedures for helping petitioners obtain police clearance letters, police reports, 911 transcripts and other evidentiary documents. Explain the challenges facing VAWA petitioners and their special needs. Advocates may find that taking the time to reach out to community agencies in this way not only speeds up the document gathering process, but also paves the way for future petitioners to play a greater role in preparing the petition.

Another way advocates have gone about getting clearance letters is to actually send in the VAWA application without the clearance letters. The USCIS will send a notice that the application was missing evidence of good moral character such as police clearance letters. The self-petitioner or advocate can take that notice to the police department to

show them what she needs. This process can take a long time, but it may be helpful in some cases.

If the self-petitioner fails to get a local police clearance letter, she should not give up. Instead, she should keep a record of the times she tried to get the letter and the reasons why she was denied. She can submit this record in her application to show that she tried hard to get a clearance letter. She should also submit either a state clearance letter, if possible, or declarations from other people. See the directions below.

State Criminal Record Check

State criminal record checks usually take longer to receive, but they are a potential substitute for local clearance letters. The main challenge to getting a state clearance letter is that a fingerprint card needs to be included in the envelope. In order to get fingerprints, self-petitioners must show photo identification. Some fingerprint agencies accept foreign identification, but others do not. (See information at end of section for details about fingerprinting for VAWA self-petitioners.)

If the self-petitioner has foreign identification and has been unable to get local clearance letters (perhaps because she lived in many locations in the last three years), she should try to locate a fingerprinting agency that accepts foreign identification. Police departments do fingerprinting and so do some companies and stores. The yellow pages in the phone book or an online search can help you find places to get your fingerprints taken.

The situation with fingerprints, however, is complicated. Self-petitioners are instructed not to tell the agency or police department that they are requesting state clearance letters for immigration purposes. This is because fingerprinting agencies are obliged to send fingerprints for immigration matters directly to the USCIS--which is NOT what VAWA self-petitioners want. It is better for self-petitioners to tell the agency that they are requesting the state criminal record check for a domestic violence situation.

If the advocate can afford to buy a fingerprinting kit or to join with other VAWA advocates and organizations to buy one, this would be the best option. That way, the advocate can take the self-petitioner's fingerprints and send in the card herself. Self-petitioners can just write "personal" on the section of the fingerprint form that asks for the purpose of the fingerprints.

See Appendix 17 for a state criminal record check (including the address to send a request).

Even if the self-petitioner gets a state criminal record check, she should include a statement explaining why she was unable to get local police clearance, as explained in the section above.

NOTE: VAWA advocates have asked the government to help make it easier for self-petitioners to get their fingerprints. We recommend that you keep track of this and other developments by visiting the National Lawyer's Guild National Immigration Project Domestic Violence webpage at www.nationalimmigrationproject.org or by joining the VAWA Updates listserv by writing to ana@nationalimmigrationproject.org.

Declarations

If the self-petitioner is unable to get state or local clearance letters, declarations can be used to demonstrate good moral character. In addition to describing her moral character in her own declaration, the self-petitioner can get declarations from employers, teachers, clergy, social service workers and anyone else who will say that she has good moral character. The declarations can talk about the self-petitioner's role in the community and family as well as her honest personality and good morals. See Appendix 12 for a sample letter with directions for friends, family, and other acquaintances.

Instructions for Self-petitioner Declarations¹

The main point of the declaration is to provide an opportunity for the self-petitioner to tell her own story and explain why she needs to self-petition. The declaration should come from the self-petitioner's own words and reflect her own thoughts, experiences, and emotions. The declaration should sound like a story.

The declaration plays an important role in the self-petition and must address various issues. ILRC recommends that you discuss each section of the law in the petition. In other words, the petition should address the marriage, the joint residency, the immigration status of the husband, the nature of the abuse, and the self-petitioner's good moral character.

Address the letter to the USCIS like this:

U.S. Citizenship & Immigration Services
Vermont Service Center
Attn: VAWA Unit
75 Lower Weldon Street
St. Albans, VT 05479

Begin the declaration with the statement: "I, (your name), hereby declare:"

U.S. Citizenship & Immigration Services
Vermont Services Center
Attn: Family Service Product Line (VAWA)
75 Lower Weldon Street
St. Albans, VT 05479

I, (your name) hereby declare:

My name is (your name). I met my husband in...

I declare under penalty of perjury that the foregoing
is true and correct to the best of my knowledge.

¹ This section is based on very helpful tips from Rosa Fregoso formerly at Legal Aid Foundation of Los Angeles.

(Your signature)

Date

NOTE: See Appendix 18 and Appendix 19 for sample declarations in English and Spanish, respectively. These declarations are helpful for the advocate to get a sense of the format and content and also for the self-petitioner in understanding the kinds of examples and details she needs to provide. These declarations are just examples. Each declaration is different based on the circumstances of the case.

Start your story based on the following suggestions:

Section 1: The Courtship & Marriage

Describe a little bit about the period before you got married, using dates and specific examples when possible.

Suggested things to include:

(Answer all questions in full sentences in paragraph form.)

When did you meet your husband?

Where did you meet your husband?

How long did you date before you were married?

Do you have any children together? If so, how many and how long after marriage did you have your first child?

Did you think this was a good relationship? Were you in love? Tell about how you fell in love.

Section 2: Domestic Violence

Give a brief discussion as to how and when your husband first began his abusive behavior towards you. You may want to focus on the first, the worst, and the last incidents of violence. Include dates if possible. Make sure to include both physical and psychological abuse.

Do not make any general statements without explanations. For example, do not say “my husband used to hit me all the time.” Instead, give specific examples of when he hit you by giving dates and the specific details of what happened.

Suggested things to include:

How long after you were married did his behavior change? Was it gradual or sudden?

How did he change?

Was he violent sometimes, then apologetic later?

Did you feel afraid that he would hurt you?

Were you afraid for your children?

Was substance abuse involved?

What led up to the incidents?

Did you call the police? If not, why not?

If you called the police, was your husband arrested? If not, why wasn't he arrested?

Did you get a restraining order? If so, when?

Did anyone witness the violence?

Was there sexual abuse? (Describe.)

Did he say cruel and insulting things to you? In public?

Did he try to keep you away from your family and friends?

Did he destroy your possessions? Hurt your pets?

Did he threaten to turn you in to immigration authorities?

Section 3: Good Moral Character

Write about your good moral character including:

Your lack of problems with the law,

Your positive role as a mother, community member, student or employee, etc.,

Any other community activities (such as a position in the church or community group, or work at the school).

The last section of your letter to the USCIS should include the following statement:

"I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge." Sign your declaration and write the date.

NOTE:

- Advocates should review all declarations.
- Some self-petitioners may have trouble expressing their thoughts in writing and may need to dictate to the advocate or a friend.

Appendices

- (1) Authorization forms
- (2) Translation forms
- (3) Letter for agencies requesting documents, with explanation about picture ID problem
- (4) Marriage certificate request
- (5) General letter requesting documents
- (6) Request for death certificate
- (7) Request for divorce certificate (divorce decree)
- (8) Birth certificate request
- (9) Image of naturalization certificate, with instructions
- (10) Image of green card, with instructions
- (11) Directions for using the Freedom of Information Act (FOIA)
- (12) Directions for declarations from friends, relatives and coworkers
- (13) Request for copy of restraining order
- (14) Directions for declarations from social service providers
- (15) Letter to police department requesting local clearance letter
- (16) Sample clearance letter from local police
- (17) Request for state clearance
- (18) Sample petitioner declaration (in English)
- (19) Sample petitioner declaration (in Spanish)

Appendix 1: Authorization forms

AUTHORIZATION TO CONSULT OR RELEASE

I, _____ residing at _____
(name) (address)

hereby authorize _____ to discuss or
(name of advocate or organization)
release information concerning my sexual assault/domestic violence case with the
following: (check all that apply)

- (a) _____ Therapist _____
- (b) _____ Law enforcement
- (c) _____ Victim Witness
- (d) _____ Shelter _____
- (e) _____ District Attorney
- (f) _____ Other _____

II. Check one:

_____ This authorization covers a specific aspect of my case.

(specify)

_____ This authorization covers *any and all* aspects of my case.

This authorization is in effect for a period of one year from the date of signing.
This form was completed in its entirety and was read by me or to me prior to signing.

Client

Date

Appendix 2: Translation Directions and Forms, page 1

According to the USCIS: “All documents which are not in English must be submitted to the USCIS with English translations made by a person who is competent to translate. Summary translations are no longer accepted. All foreign language documents must be accompanied with a full English translation.

Anyone (other than the petitioner or beneficiary or a close relative of the petitioner or beneficiary) who is competent to translate may make the translation; it does not have to be an attorney, certified representative or notary public.

The translator must certify the translation. To do that, the translator should write at the bottom of the last page of the English translation “I certify that I am competent to translate from [the original language] to English and that the above is a correct and true translation to the best of my knowledge and belief.” The translator should sign and date this statement.”

Appendix 2: Translation Directions and Forms, page 2

English Extract Translation of Spanish Language Birth Certificate

NAME OF REGISTERED CHILD:

DATE OF BIRTH:

PLACE OF BIRTH:

SEX OF CHILD:

FATHER OF CHILD:

NATIONALITY OF FATHER:

AGE OF FATHER:

MOTHER OF CHILD:

NATIONALITY OF MOTHER:

AGE OF MOTHER:

GRANDPARENTS:

PATERNAL:

MATERNAL:

WITNESSES:

PLACE AND DATE OF REGISTRATION:

DATE AND PLACE THIS COPY ISSUED:

NAME/TITLE OF OFFICIAL:

State of California

County of _____

I, _____, attest to my competency to translate from
(name of translator)

Spanish to English, and I certify that this is a correct translation of all pertinent information from the Spanish original.

Signed this _____ day of _____, in _____.
(day of month) (month) (city and state)

(signature of translator)

Appendix 2: Translation Directions and Forms, page 3

English Extract Translation of Spanish Language Marriage Certificate

NAME OF GROOM: _____

GROOM'S AGE: _____ **GROOM'S NATIONALITY** _____

NAME OF BRIDE: _____

BRIDE'S AGE: _____ **BRIDE'S NATIONALITY** _____

DATE OF MARRIAGE: _____

PLACE OF MARRIAGE: _____

PARENTS OF GROOM: _____

PARENTS OF BRIDE: _____

WITNESSES: _____

DATE AND PLACE THIS COPY ISSUED: _____

State of California

County of _____

I, _____, attest to my competency to translate from
(name of translator)
Spanish to English, and I certify that this is a correct translation of all pertinent
information from the Spanish original.

Signed this _____ day of _____, in _____.
(day of month) (month) (city and state)

(signature of translator)

Appendix 3: Document Request with Explanation about Identification

Dear _____,

The bearer of this letter is a "self-petitioner" under the Violence Against Women Act (VAWA). This law is an immigrant provision, which passed as a part of a crime bill in 1994. VAWA allows abused undocumented immigrant women to file for legal permanent residence status without the help of their abusive husbands.

In order to petition, she needs to gather evidentiary documentation of her physical and psychological abuse. The law requires the petitioner to submit relevant police records, reports, 911 transcripts and previous restraining orders, among other documents. Because VAWA self-petitioners are undocumented in the U.S., however, they do not have traditional forms of photo identification. Some have identification from their countries of origin, but others have no photo identification at all. Unfortunately, the only way for them to obtain those identification documents is by petitioning for legal status under VAWA and submitting the required documents.

This petitioner is coming to request _____

I recognize that releasing these documents without traditional photo identification might not be part of your standard protocol. This is a challenge being met by legal enforcement agencies and other groups around the country right now as they grow increasingly aware of VAWA and its requirements. Please release the documents to the bearer of this letter or feel free to contact me to speak on her behalf.

If you absolutely cannot release the documents to my client, I ask that you please write a short letter stating that this woman came to your office requesting the aforementioned document and that you were unable to release it to her because she did not have picture identification. This will serve as proof in her application that she attempted to fulfill the evidentiary requirements.

Thank you for your time.

Sincerely,

Appendix 4: Request for Marriage Certificate

Date: ____/____/____

To Whom It May Concern:

I am writing to request a copy of marriage certificate, registration number
_____ . The marriage was between _____

and _____ on the date of ____/____/____.

Enclosed please find \$ _____ to cover the cost for this request. Please mail
the requested marriage certificate to:

Thank you for your attention to my request.

Sincerely,

Appendix 5: Letter for general document request
(Landlords, teachers, school administration, clinics, doctor's offices, etc.)

Dear _____,

I am in the process of "self-petitioning" for a family-based immigrant visa under the Violence Against Women Act. This law, which was passed as part of a crime bill in 1994, enables abused immigrant women like me to petition for legal permanent residence without the help of their spouses. In order to petition under this law, I need to gather evidence and documentation that I lived with my husband for some period of time, that I suffered abuse and that I am of good moral character, among other things.

I am writing you because I believe that you may have a document(s) that could help me in my petition. I am requesting that you please give me a copy of _____

These documents will only be used for the purpose of my petition and will be kept confidential by my advocate and the U.S. Citizenship and Immigration Services. If you have any questions, feel free to contact me or my advocate:

Thank you so much for your time and assistance.

Sincerely,

Appendix 6: Request for Death Certificate

Date: ____/____/____

To Whom It May Concern:

I am writing to request a copy of the death certificate of _____
who passed away on ____/____/____ in the city of _____.
The person's birth date was ____/____/____. Enclosed please find \$ _____
to cover the cost for this request. Please mail the requested death certificate to:

Thank you for your attention with this matter.

Sincerely,

Appendix 7: Request for Divorce Decree

Date: ____/____/____

Court of _____

To Whom It May Concern:

I am writing to request a copy of the final divorce decree for _____
and _____. The case number is _____. The
approximate date of the divorce was ____/____/_____.

Enclosed please find \$_____ to cover the cost for this request. Please mail the
requested divorce decree to:

Thank you for your attention to this matter.

Sincerely,

Appendix 8: Request for Birth Certificate

Date: ____/____/____

To Whom It May Concern:

I am writing to request a copy of the birth certificate of _____
who was born on ____/____/____ in the city of _____.
Enclosed please find \$ _____ to cover the cost for this request. Please mail
the request birth certificate to:

Thank you for your attention with this matter.

Sincerely,

Appendix 9: Image of Naturalization Certificate, with instructions

COMMISSIONER GENERAL OF IMMIGRATION AND NATURALIZATION

No. 238

INS Registrations No. A 92

I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.

Personal description of holder as of date of naturalization:
 Date of birth: MARCH 6, 1969
 Sex: MALE
 Height: 5 feet 10 inches
 Marital status: MARRIED
 Country of former nationality: MEXICO

VICTOR
(Complete and true signature of holder)

Be it known that, pursuant to an application filed with the Attorney General at LOS ANGELES, CA

The Attorney General having found that

VICTOR

then residing in the United States, intends to reside in the United States when so required by the Naturalization laws of the United States, and had in all other respects complied with the applicable provisions of such naturalization laws and was entitled to be admitted to citizenship, such person having taken the oath of allegiance in a ceremony conducted by the

U.S. DISTRICT COURT
 FOR THE CENTRAL DIST. OF CALIFORNIA

at LOS ANGELES, CA on MARCH 31, 1998

that such person is admitted as a citizen of the United States of America.

Louis J. ...
 Commissioner of Immigration and Naturalization

IT IS PUNISHABLE BY U. S. LAW TO COPY, PRINT OR PHOTOGRAPH THIS CERTIFICATE, WITHOUT LAWFUL AUTHORITY.

Certificate of Naturalization number

INS Registration Number ("A Number")

Copy down both numbers.

Double check the numbers to make sure they are correct.

Also write down the full name and any other statistics such as date of birth, height and location of application.

Appendix 11: Directions for using the Freedom of Information Act (FOIA)

OMB No. 1653-0030; Expires 11/30/08

G-639, Freedom of Information/ Privacy Act Request

Department of Homeland Security
U.S. Citizenship and Immigration Services

Instructions

NOTE: Please read all instructions carefully before completing this form. Applicants making false statements are subject to criminal penalties (Pub. L. 93-579.99 Stat. [5 U.S.C. 552a(i)(3)]).

Are There Cases When You Should Not Use This Form?

Do not use this form:

1. To determine the status of pending applications. For status inquiries, write to the USCIS office where the application was filed or call our National Customer Service Center at 1-800-375 5283.
2. For consular notification of a visa petition approval, use Form I-824 (Application for Action on an Approved Application or Petition).
3. For the return of original documents, use Form G-884 (Request for Return of Original Documents).
4. For records of naturalization prior to September 27, 1906, write to the clerk of court where naturalization occurred.
5. For information on USCIS manifest arrivals prior to December 1982, write to the National Archives.
6. To obtain proof of status (i.e., Social Security benefit, Selective Service requirement).

Where Should USCIS FOIA/PA Requests Be Submitted?

Depending on the type of record you are seeking, Freedom of Information Act (FOIA) or Privacy Act (PA) requests should be submitted by mail to the following locations:

Alien Files -

National Record Center (NRC)
P. O. Box 648010
Lee's Summit, MO 64064-8010

Human Resources and Procurement Records -

USCIS FOIA/PA
70 Kimball Avenue
South Burlington, Vermont 05403-6813

Remaining USCIS Records and Border Patrol Records -

USCIS National Record Center
FOIA Division
P.O. Box 648010
Lee Summit, MO 64064-5570

The envelopes containing your request should be clearly marked "Freedom of Information" or "Privacy Act Request."

NOTE: Do not submit your FOIA/PA request to your local USCIS office or Service Center.

What Information Is Needed to Search for USCIS Records?

NOTE: Failure to provide complete and specific information as requested in **Number 5** of the form may result in a delay in processing or USCIS' inability to locate the record(s) or information requested. You may access www.uscis.gov for a description of DHS/USCIS systems of records.

Verification of Identity in Person.

Requesters appearing in person for access of their records may identify themselves by showing a document bearing a photograph (such as a Permanent Resident Card, Form I-551; Naturalization Certificate or passport) or two items that bear their name and address (such as a driver's license and voter registration card).

Verification of Identity by Mail.

Requesters wanting access of their records should identify themselves by name, current address, date and place of birth, and alien registration or employee identification number.

A notarized example of their signature or sworn declaration under penalty of perjury must also be provided. (This Form G-639 or a U.S. Department of Justice Form 361, Certification of Identity, may also be used).

Verification of Identity of Parents, Guardians, Children or Other Persons.

Parents or legal guardians must establish their own identity as parents or legal guardians and the identity of the child or other person being represented.

Authorization or Consent.

Other parties requesting nonpublic information about an individual usually must have the consent of that person on Form G-639 or by an authorizing letter, together with appropriate verification of identity of the record subject. A notarized or sworn declaration is required from a record subject who is a lawful permanent resident or U.S. citizen, and for access to certain Legalization files.

Can Your Request Be Expedited?

To have your case processed ahead of other requests received previously, you must show a compelling need for your request to be expedited.

How Do You Show a Compelling Need?

A requester who seeks expedited processing must explain in detail the basis of the need and should submit a statement certified to be true and correct to the best of his or her knowledge and belief. The requester must also establish that one of the following situations exists:

1. Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, or
2. An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information.

Fees.

No fees are required until you are notified by USCIS during the processing of your request.

Except for commercial requesters, the first 100 pages of reproduction and two hours of search time will be provided without charge. Thereafter, for requests processed under the Privacy Act, there may be a fee of ten cents per page for photocopy duplication.

Other costs for searches and duplication will be charged at the actual direct cost.

Fees will only be charged if the aggregate amount of fees for searches, copy and/or review is more than \$14.00. If the total anticipated fees amount to more than \$250.00, or the same requester has failed to pay fees in the past, an advance deposit may be requested.

NOTE: If fees for a prior request are outstanding, we will not honor future requests until all fees are paid.

Fee waivers or reductions may be sought for a request that clearly will benefit the public and is not primarily in the personal or commercial interest of the requester. Such requests should include a justification.

When Must You Submit the Fees?

Do not send money with this request. When USCIS instructs you to do so, submit the fees in the exact amount.

Payment may be in the form of a check or U. S. postal money order. If the form is submitted from outside the United States, remittance may be made on a bank international money order or foreign draft drawn on a financial institution based in the United States, made payable in U.S. currency to the "United States Treasury."

A requester residing in the U.S. Virgin Islands should make the remittance payable to the Commissioner of Finance of the Virgin Islands; and, if residing in Guam, to the Treasurer, Guam." **Do not send cash at any time.**

A charge of \$30.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. Every remittance will be accepted subject to collection.

Routine Uses.

Information will be used to comply with requests for information under **Title 5 U.S. Code 552 and 552a**. Information provided to other agencies may be for referrals, consultations and/or to answer subsequent inquiries concerning specific requests.

Effect of Not Providing Requested Information.

Providing the information requested on this form is voluntary. However, failure to furnish the informations may result in our inability to comply with a request when compliance will violate other policies or laws.

General Information.

The Freedom of Information Act (5 U.S.C. 552) allows requesters to have access to Federal agency records, except those exempted by the Act.

Privacy Act Statement.

Authority to collect this information is contained in **Title 5 U.S. Code 552 and 552a**. The purpose of the collection is to enable USCIS to locate applicable records and to respond to requests made under the Freedom of Information and Privacy Acts.

Privacy Act of 1974 (5 U.S.C. 552a).

With certain exceptions, the Privacy Act of 1974 permits persons (U.S. citizens or permanent resident aliens) to gain access to information pertaining to themselves in Federal agency records, to have a copy made of all or any part thereof, to correct or amend such records, and to permit individuals to make requests concerning what records pertaining to themselves are collected, maintained, used or disseminated. The Act also prohibits disclosure of any person's records without their written consent, except under certain circumstances as prescribed by the Privacy Act.

If you have comments regarding the accuracy of this estimate or suggestions for making this form simpler, write to U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529; OMB No. 1653-0030. **Do not send your request to this office address.**

USCIS Forms and Information.

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

Use InfoPass for Appointments.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website at **www.uscis.gov**. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.

Public Reporting Burden.

Under the Paperwork Reduction Act (5 U.S.C. 1320), a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

We try to create forms and instructions that are accurate, can be easily understood and that impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.

The estimated average time to complete and file this application is 15 minutes per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Department of Homeland Security
U.S. Citizenship and Immigration Services

**G-639, Freedom of Information/
Privacy Act Request**

NOTE: The completion of this form is optional. Any written format for a Freedom of Information or Privacy Act request is acceptable.

START HERE - Please type or print in black ink. Read instructions before completing this form.

1. Type of request: (Check appropriate box.)

- Freedom of Information Act (FOIA). (Complete all items except Number 6.)
- Privacy Act (PA). (Number 6 must be completed in addition to all other applicable items.)
- Amendment. (PA only. Number 5 must be completed in addition to all other applicable items.)

2. Requester information.

Name of Requester: (Last, First and Middle Names)		Date (mm/dd/yyyy)	Daytime Telephone:
Address (Street Number and Name):			Apt. Number:
City:	State:	Zip Code:	

By my signature, I consent to the following:

Pay all costs incurred for search, duplication and review of materials up to **\$25.00**, when applicable. (See Instructions.)

Signature of requester:

- Deceased Subject - **Proof of death must be attached.** (Obituary, Death Certificate or other proof of death required.)

3. Consent to release information. (Complete if name is different from Requester). (Numbers 7 and 8 must be completed.)

Print Name of Person Giving Consent:	Signature of Person Giving Consent: (Original signature required.)
--------------------------------------	--

By my signature, I consent to the following: (Check applicable boxes.)

- Allow the Requester named in **Number 2** above to review: All of my records, or A portion of my records. (If a portion, specify below what part, i.e. copy of application.)

(Consent is required for records of U. S. citizens (USC) and Lawful Permanent Residents (LPR).)

4. Information needed to search for record(s).

Specific information, document(s) or record(s) desired: (Identify by name, date, subject matter and location of information.)

Purpose: (Optional: You are not required to state the purpose of your request. However, doing so may assist USCIS to locate the records needed to respond to your request.)

5. Data needed on subject of record. (If data marked with an asterisk (*) is not provided, records may not be located.)

* Family Name:	Given Name:		Middle Name:
* Other names used, if any:	* Name at time of entry into the U.S.:		I-94 Admission #:
* Alien Registration Number: (A#)	* Petition or Claim Receipt #:	* Country of Birth:	* Date of Birth (mm/dd/yyyy)
Names of other family members that may appear on requested record(s) (i.e., Spouse, Daughter, Son):			
Father's Name	First	Middle	Last
Mother's Name	First	Middle	Last (Include Maiden Name)

Country of Origin: <i>(Place of Departure)</i>	Port-of-Entry Into the U.S.:	Date of Entry:
Manner of Entry: <i>(Air, Sea, Land)</i>	Mode of Travel: <i>(Name of Carrier)</i>	U.S. Social Security Number:
Name on Naturalization Certificate:	Certificate #:	Naturalization Date:
Address on Date of Naturalization:	Court and Location:	

6. Verification of subject's identity: *(See Instructions for explanation. Check one box.)*

In-Person With ID Notarized Affidavit of Identity Other *(Specify)* _____

7. Signature of subject of record:

(Original signature required) _____ Date: _____

Telephone No.: () _____

8. Notary: *(Normally needed from persons who are the subject of the record sought or for a sworn declaration under penalty of perjury. See below.)*

Subscribed and sworn to before me this _____ Day of _____ in the Year _____

Signature of Notary _____ My Commission Expires on _____

OR

NOTE: *If a declaration is provided in lieu of a notarized signature, it must state at a minimum the following: (Include Notary Seal or Stamp in the appropriate space below.)*

Executed outside U.S.

If executed outside the United States: "I declare (certify, verify or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: _____

Executed in U.S.

If executed within the United States, its territories, possessions or commonwealths: "I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Signature: _____

(Seal/Stamp)

(Seal/Stamp)

Appendix 12: Directions for Declarations from Friends, Relatives, Neighbors, Landlords, Coworkers, etc., page 1

I. Introduction

Under the Freedom of Information Act, you have the right to request copies of your immigration file from the Department of Homeland Security (DHS). To do so, you will need to fill out a “FREEDOM OF INFORMATION/PRIVACY ACT REQUEST,” also called a “FOIA Request,” a “G-639 Form” or a “Request for Information.” We have attached a blank form for you to use. Before completing the form, carefully read the instructions below in Section II, and refer to the sample form as you fill out your Request for Information.

II. Instructions for Filling out Your Information Request

A. In this section, we will walk you through numbered sections of the G-639 Form. You should be sure to fill out each of the sections *completely*. If you do not, your request for information could be delayed.

1. Type of request:

✓ Check box labeled “Freedom of Information Act (FOIA).”

2. Requester information.

✓ The information here should be about the person who is requesting the records – not necessarily the person who is the subject of the records. For example, you may be requesting the records of another person.

If you are making the request for yourself, fill in the information in the spaces in section 2, and where it asks for:

- ✓ “Name of Requester”— Write your full last, first and middle names.
- ✓ “Date”— Fill in the date in numbers in this format:
mm/dd/yyyy.
- ✓ “Daytime Telephone”— You should write your advocate’s phone number here to be sure your husband does not find out you are doing immigration papers on your own. If you’re sure that’s not a problem, write a daytime or home number here.
- ✓ “Address”— You should write your advocate’s address here to be sure your husband does not find out you are doing immigration papers on your own. If you’re sure that’s not a problem, write a your street address, including your house number and street name.

Appendix 12: Directions for Declarations from Friends, Relatives, Neighbors, Landlords, Coworkers, etc., page 2

- ✓ “Apt. Number.”— Write in the number of your apartment, if you have one. If your home address does not include an apartment number, write in “N/A.”
 - ✓ “City”— Write the name of the city in which you live.
 - ✓ “State”— Write the name of the state in which you live.
 - ✓ “Zip Code”— Write in the zip code of your address.
 - ✓ “Signature of requester”— Sign your full name.
- ✓ Pay all costs incurred for search, and review materials up to \$25.00, when applicable. The DHS will not charge you for the first 2 hours of search time or the first 100 pages made. Therefore, if your file is small, you may not be charged at all. However, you should be prepared to pay up to \$25 if necessary.

3. Consent to release information.

Make sure to sign this section, especially if you are having the records sent to another person listed in the requester information section above.

4. Information needed to search for record(s):

- ✓ Write “Complete copy of alien file, including copies of any INS, USCIS, ICE, CBP or EOIR proceedings.”
- ✓ Where it says “Purpose,” this section is optional. Only fill it out if you think it may help DHS locate your records.

5. Data needed on subject of record:

Be sure to give complete information on yourself in this section. If you do not, your request for information may be delayed. Never leave anything blank. If you do not remember the requested information and cannot find it, then write “unknown.”

Where it asks for:

- ✓ your “Family Name”— Write your complete last name.
- ✓ your “Given Name”— Write your complete first name.
- ✓ your “Middle Name”— Write your middle name, if you have one.
- ✓ “Other names used, if any”— Write in any names that you have previously used or by which you have been called. If you have no other previous names, write “none.”
- ✓ your “Name at time of entry into the U.S.”— Write the complete name that you used when you entered the United States. If it is the same as the name you listed in the sections above, write “same as above.”

Appendix 12: Directions for Declarations from Friends, Relatives, Neighbors, Landlords, Coworkers, etc., page 3

- ✓ your “I-94 Admission #”— Write in this number. If you do not have or remember this number, write “unknown.”
- ✓ your “Alien Registration Number (A#)— If you have an alien registration number (your “A number”), write it here. If you do not have one, or do not know if you have one, write “unknown.”
- ✓ your “Petition or Claim Receipt #”— If your husband or someone else has already filed an immigrant petition for you, write its number here. If an immigrant petition has not been filed for you, write “none.” If you do not know or remember, write “unknown.”
- ✓ your “Country of Birth”— Write the name of the country where you were born.
- ✓ your “Date of birth”— Write the date of your birth in numbers in this format: mm/dd/yyyy.
- ✓ the “Names of other family members that may appear on the requested record(s)— Write in the complete names of your spouse and children.
- ✓ “Country of Origin”— Write the name of the country in which you lived immediately before you entered the United States.
- ✓ “Port-of-Entry Into the U.S.”— Name the first city and state in the United States that you reached when you entered the United States, even if you entered without inspection. If you cannot remember, write “unknown.”
- ✓ “Date of Entry”— Write the month and year when you first entered the United States, even if you entered without inspection. If you cannot remember, write “unknown.”
- ✓ “Manner of Entry”— Write how you traveled into the United States, even if you entered without inspection. If you arrived on a boat, write sea. If you arrived on an airplane, write air. If you arrived in a car, truck, train, or by walking, write land.
- ✓ “Mode of Travel”— Write in the specific name of the vehicle on which you came into the United States, i.e. name of airline, boat, bus, etc., even if you entered without inspection. If you cannot remember, write “unknown.”
- ✓ your “U.S. Social Security Number”— If you have a **VALID** Social Security Number that was given to you by the Social Security Administration, write it here. Most VAWA petitioners do not have a valid Social Security Number. If you do not have one, or if you have used one that might not have been valid, write “none.”
- ✓ “Name on Naturalization Certificate”— Because you are not a naturalized U.S. citizen, you should write “N/A” here.
- ✓ “Certificate #”— Because you are not a naturalized U.S. citizen, you should write “N/A” here.
- ✓ “Naturalization Date”— Because you are not a naturalized U.S. citizen, you should write “N/A” here.

Appendix 12: Directions for Declarations from Friends, Relatives, Neighbors, Landlords, Coworkers, etc., page 4

- ✓ “Address on Date of Naturalization”— Because you are not a naturalized U.S. citizen, you should write “N/A” here.
- ✓ “Court and Location”— Because you are not a naturalized U.S. citizen, you should write “N/A” here.

6. Verification of subject’s identity:

Check the box marked “ Other” and write in “signed declaration below”

7. Signature of subject of record:

Sign your name where it asks for “Original signature required” fill in the date on which you signed your name, and write your current telephone number.

8. Notary:

You do not need to have the form notarized. However, you should sign one of the two signature lines at the bottom of this section. Sign the one on the left hand side if you are sending this from outside the United States. Sign the one on the right hand side if you are sending this from within the United States.

When you have completed the form, send it by mail to the office indicated on the form’s instructions. Write “Freedom of Information Act Request” on the front of the envelope.

Depending on the type of record you are seeking, Freedom of Information Act (FOIA) or Privacy Act (PA) requests should be submitted by mail to the following locations:

Alien Files -

National Record Center (NRC)
P.O. Box 648010
Lee’s Summit, MO 64064-8010

Human Resources and Procurement Records -

USCIS FOIA/PA
70 Kimball Avenue
South Burlington, VT 05403-6813

Remaining USCIS Records and Border Patrol Records

USCIS National Record Center
FOIA Division
P.O. Box 648010
Lee’s Summit, MO 64064-5570

Appendix 12: Directions for Declarations from Friends, Relatives, Neighbors, Landlords, Coworkers, etc., page 5

Dear _____,

I am in the process of "self-petitioning" for a family-based immigrant visa under the Violence Against Women Act. This law, which was passed as part of a crime bill in 1994, enables abused immigrant women like me to petition for legal residence without the help of their spouses. However, in order to petition under this law, I need to gather evidence and documentation that I married my husband because we planned to make a life together (and not to cheat immigration law), that I lived with my husband for some period of time, that I suffered abuse and that I am of good moral character, among other things.

Declarations from friends, family members, and other witnesses or acquaintances are very helpful for my application. I am writing you to request a statement from you on my behalf. I am hoping that you will describe any knowledge or experiences which support my claim that _____

In order to write this declaration, you can simply tell the story of what you saw or heard about. Be honest and thorough. Details are helpful. If you refer to specific incidents, please include the approximate dates of those incidents.

Here are some made-up examples of declarations, which might be helpful to you in writing yours.

My name is Sara Ross. I am a friend of Hema Narayan. We became friends in May 2000 when Hema started to work at Yummy's Café. I was a waitress and she was a cashier. We became friends quickly and talked often. I never saw Hema's husband hit her, but she told me many stories about his abusive treatment. Hema would come into work crying and was always afraid to go home at the end of the day. She told me that he often accused her of cheating on him and told her she was ugly and stupid. If she was late returning from work, he would hit her and threaten to send her back to India. Hema was a very sad woman and I could tell that she was going through a lot of physical and emotional abuse.

My name is Victor Perez. I lived in the apartment next to Maria Gonzalez for two months in late 1999. To the best of my knowledge, Maria lived with her husband Tomas for at least a month during that period. I often saw Maria and Tomas enter their apartment in the mornings and evenings. I once stopped by to say hello and both Maria and Tomas were in the apartment. It appeared to me that they lived together.

Appendix 12: Directions for Declarations from Friends, Relatives, Neighbors, Landlords, Coworkers, etc., page 6

My name is Luisa Martinez and I am Consuelo Luna's sister. I came from Mexico to visit Consuelo in September 2001. I stayed for two weeks to spend time with Consuelo and help her take care of her new baby Laura. At first, her husband Roberto was very generous to me, but one night he came home very late. He appeared to be drunk. He started yelling at Consuelo for leaving the house messy and began to push and shove her. She begged him to leave her alone, but he continued to scream at her and squeeze her arms. Consuelo began to cry and he became even angrier. He pushed her against the wall very hard and then ran off into the other room and slammed the door. Consuelo and I were very frightened.

These, of course, are just examples of how to explain what you know and how you know it. Your declarations may be very different.

You should begin your declaration with the statement: "I, (your name), hereby declare the following:" Then just tell your story. You should end your declaration with this sentence: "I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge." Then sign your name and write the date. (See below for an image of what your letter should look like.)

Your declaration will only be used for the purpose of my petition, and it will be kept confidential by my advocate and the Immigration & Naturalization Service.

Please let me know if my advocate or I can provide any additional information. Thank you so much for your time and assistance.

Sincerely,

I, (*your name*), hereby declare:

Tell your story here...

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

(*Your signature*)

Date:

Appendix 13: Request for copy of restraining order

Date: ____/____/____

To Whom It May Concern:

I am writing to request a copy of a Temporary Restraining Order against
_____, who was born on ____/____/____.

I applied for the restraining order on ____/____/____ in the city of
_____.

Enclosed please find \$ _____ to cover the cost for this request.

Please mail the copy of the temporary restraining order to the address below:

Thank you for your attention with this matter.

Sincerely,

Appendix 14: Request for Declarations from Social Service Providers

Dear Social Service Provider,

I am in the process of “self-petitioning” for a family-based immigrant visa under the Violence Against Women Act. This law, which was passed as part of a crime bill in 1994, enables abused immigrant women like me to petition for legal permanent residence without the help of their spouses. However, in order to petition under this law, I need to gather evidence and documentation of the physical and psychological abuse I have suffered in my relationship with my husband.

I am writing you to request that you write a letter on my behalf indicating your knowledge of abuse I have suffered. My advocate, _____, has informed me that it is important for me to obtain letters from social service providers that include as much information as possible on me and my situation. I hope that this will eventually enable me to become independent of my abusive husband.

Here are the directions my advocate gave me. I thought you might find them helpful as you write the letter:

- Begin your letter by including your profession and any titles or experience you may have working with battered women and/or immigrants.
- Please explain how and when you came into contact with me and the types of services you provided for me.
- Include any specific incident of violence or abuse that I shared with you. Your analysis of the situation and its impact on my mental health and physical safety would be very helpful.
- The letter should be written on your professional letterhead and addressed as follows:

U.S. Citizenship and Immigration Services
Vermont Service Center
VAWA Unit
75 Lower Weldon Street
St. Albans, VT 05479

Note that it is not necessary to send the letter or even to seal it, as it will be enclosed in a packet with other documents I must submit for my self-petition. Please just give the finished letter to me or my advocate.

Please let me know if my advocate or I can provide you with additional information. Thank you so much for your time and assistance.

Sincerely,

Appendix 15: Letter to local police department requesting clearance

To Whom It May Concern:

The bearer of this letter is a “self-petitioner” under the Violence Against Women Act (VAWA). This law is an immigrant provision, which passed as part of a crime bill in 1994. VAWA allows abused undocumented women to file for legal permanent residence status without the help of their abusive husbands.

In order to petition, the self-petitioner needs to gather evidentiary documentation of her “good moral character.” The law requires that she obtain a letter of clearance from the police department in each city where she resided for at least six months in the last three years.

Because VAWA self-petitioners are undocumented in the U.S., however, they do not have traditional forms of photo identification. Some have identification from their countries of origin, but others have no photo identification at all. Unfortunately, the only way for them to obtain those identification documents is by petitioning for legal status under VAWA and submitting a letter of clearance from their local police departments.

I recognize that writing a clearance letter without traditional photo identification might not be part of your standard protocol. This is a challenge being met by legal enforcement agencies and other groups around the country right now as they grow increasingly aware of VAWA and its requirements. Some police departments have responded to this issue by including a disclaimer directly in the letter that the individual was unable to show photo identification. Others have included a sentence stating that: “This letter is to be used for passport, immigration, or adoption purposes only.”

This client does not yet have an immigration number. She needs the police clearance letter in order to file her application and be issued a number.

VAWA also requires that the clearance letter be included in the application rather than sent directly to U.S. Citizenship and Immigration Services as with many other immigration processes. VAWA applications are processed at a separate center in Vermont, and petitioners are required to include police clearance letters in their applications.

If there are any problems, feel free to contact me to speak on the petitioner’s behalf.

Thank you for your time.

Sincerely,

Appendix 16: Sample Letter from Local Police



CITY OF FAIRFIELD

Founded 1846

Incorporated December 12, 1903

COUNCIL

Mayor
George Pellygrove
(707) 428-7395

Vice Mayor
Hony F. Price
(707) 429-6298

Councilmembers
(707) 429-6298

Jack Bolton
Steve Lessler
Karin MacMillan

City Manager
Kevin O'Rourke
(707) 428-7400

City Attorney
Greg Stepanovich
(707) 428-7419

City Clerk
Gina Marell
(707) 428-7384

City Treasurer
Oscar G. Reyes, Jr.
(707) 428-7497

DEPARTMENTS

Community Services
(707) 428-7465

Finance
(707) 428-7496

Fire
(707) 428-7375

Human Resources
(707) 428-7394

Planning & Development
(707) 428-7461

Police
(707) 428-7554

Public Works
(707) 428-7485

September 21, 2001

RE: ~~XXXXXXXXXXXXXXXXXXXX~~
[name of petitioner]

Date of birth: ~~XXXXXX~~
CA driver license: N/A

TO WHOM IT MAY CONCERN:

A thorough check of our local files did not reveal any information that would reflect upon the character or conduct of the above-named individual.

This letter is to be used for passport, immigration, or adoption purposes only.

Sincerely,

Douglas D. Milender, Chief
Fairfield Police Department

DDM:pm

Appendix 17: Request for State Clearance

Date

Bureau of Criminal Investigation
Records Review Unit
P.O. Box 903417
Sacramento, CA 94203-4170

Re: (Name)
D.O.B.:

To the Bureau of Criminal Investigation:

I request a check of my criminal record as provided by California Penal Code Section 111045(c)(8). These records are necessary for a legal matter.

I enclose my fingerprint card and money in the amount of \$25.00 made payable to the California Department of Justice. Please send the record to me at the address below.

If you need any additional information to respond to this request, please let me know. Thank you for your attention to this matter.

Sincerely,

[signature]
[printed name]
[address—*at a safe location!*]
{ phone—*at a safe location!*}

Appendix 18: Sample Petitioner Declaration, page 1

Declaration of Monique Ejemplo in Support of I-360

Petition for Battered Spouse

I, Monique Ejemplo, declare under penalty of perjury that the following information is to the best of my knowledge correct:¹

1. I am a 28-year-old Mexican national who has been living in the United States since 1993. I am the mother of two United States citizen children, Kevin, age 8, and Kimberly, age 6. Kevin was born to me in a prior relationship. I am married to an abusive lawful permanent resident who threatens constantly to deport me and take away my children. We have been together as a couple for seven and a half years and married for two years. We have separated, but have not started the divorce process yet.

Mutual Residence and Bona fide Marriage

2. I first met Cesar in Richmond in 2001. His brother lived across from us. I had a boyfriend at the time and did not know that I was pregnant. My boyfriend was using drugs, and I was going through tough times. Cesar and I became friends. We talked a great deal. He used to console me and give me hope and told me that I am not alone in this world. I was so sad about being a single mother. He told me do not worry -- one day a guy will come who will truly love me.

3. In 1997, I gave birth to my son Kevin. Two months later, Cesar asked me out. He told me that he loved me and that he would be there for me. I believed him and therefore decided to date him. We soon became involved in a serious relationship.

4. We first started living together in May of 1997. We rented an apartment in El Cerrito. I quickly began to suspect that Cesar was not faithful, even though he was always nice to me. I started taking birth control pills, but I became pregnant anyway. I felt horrible. I thought about getting an abortion and made an appointment at a clinic. I told Cesar about this decision and he started crying and said that I wanted to kill his baby. I explained to him that I did not want more responsibility. I was careful and I became pregnant. But eventually Cesar made me feel so guilty that I decided to have the baby. Cesar was a good stepfather to Kevin, so I thought it was meant to be for us to be a family and for me to have another child.

¹ This sample affidavit is from Carmen Reyes-Yosiff, former directing attorney at International Institute of the East Bay, and was drawn from her very helpful VAWA materials.

Appendix 18: Sample Petitioner Declaration, page 2

Physical and Emotional Abuse

5. As my pregnancy progressed, however, I began to have regrets. Cesar's behavior rapidly began to change and he became like a different person. He would yell at me, accuse me of things I didn't do and hit me uncontrollably.
6. Cesar's abuse started with jealousy. He would accuse me of liking other men. One day I caught him ripping up all of the pictures of my ex-boyfriend, Kevin's father. I also had a video tape of Kevin's father with Kevin, which Cesar erased a couple of weeks later. I was very upset. What hurt me was not that I had feelings for my ex-boyfriend, but that my child would not have any pictures of his father. It was as if Cesar had destroyed a piece of my son's history.
7. I also noticed that Cesar would often get angry for no apparent reason. When he did, he wouldn't just yell like an ordinary person, he would throw and punch things around him. I remember that one time we were driving in the car and Cesar got upset about something. He started punching the roof of the car so hard that I thought it was going to cave in and that we would get in an accident.
8. The first real instance of physical abuse occurred was when I was six months pregnant. I went to where Cesar worked to pick him up. He wasn't outside waiting, so I went into the building and told him I was ready to go. I think he thought that I was being controlling and, because he was with all of his friends, he felt like he'd lost his manhood. He turned around and pushed me to the ground. I fell hard and it really hurt. Then Cesar started apologizing and punching the wall. He hit the wall so hard that he damaged his hand and couldn't work. He spent three months in physical therapy.
9. From that day on, Cesar started drinking. Since he was still getting therapy on his hand and couldn't go to work, I started working as a janitor and became the sole breadwinner. It was extremely hard because I was very pregnant and worked long hours. Cesar never even helped me with any of the housework. When I was seven and a half months pregnant, I started to bleed and felt like I was going into labor. I had to go to the emergency room. Luckily, everything was O.K. with the baby, but the doctors said that I needed to stay at home and rest and that I couldn't go back to work.
10. When I told Cesar that I couldn't work anymore, he was furious. He told me I would still have to keep house and that I was stupid to expect him to help.
11. During the final months of my pregnancy, things got really bad. We had no money to eat or pay the rent. My friends had to lend me money to help me out.
12. Right before I was due, Cesar started working again and bringing in money. However, he told me that I better not think he was going to support me and that after I had the baby I would have to go back to work.

Appendix 18: Sample Petitioner Declaration, page 3

13. In 1999, I had Kimberly. Immediately after I came home from the hospital, Cesar started drinking every weekend. I was ashamed and confronted him about it several weeks later. I told him, "I think you are drinking too much." Before I could get away, he punched me in the eye with his fist. He never hit me like that before. I was really scared and left the house to stay with my mom for the rest of the evening. The next day I went home. My eye was black and swollen and I felt horrible. I had heard from friends that if a man hits you once, he will always hit you. I knew this, but I went back to Cesar because I was afraid of being alone. I did not know where to go with my babies.

14. At work, everyone asked me about my black eye. I told them I fell and hit my head. I felt too ashamed to tell the truth.

15. The next time Cesar hit me was the worst ever. It was his birthday and I wanted to celebrate with him, but he didn't want to be with me or the kids. He stayed in the garage drinking with his friends. I was so hurt that I wanted to leave him. I took the kids and went to my sister's house. He followed me there in the car. He was extremely drunk and I was scared of him. He told me to come home with him. I got in the car with him and the kids because I just didn't know what else to do. He told me to drive because he was so intoxicated, so I did. He did not like the way I took a turn, and when I pulled into our driveway he said, "You can't even drive and don't ever be thinking of leaving me." He called me stupid and started hitting my head very hard with his fists. He hit me many times and pulled my hair. I couldn't get away – I still had my seatbelt on. He hit me so hard that I felt that I had dust in my mouth. I asked him, "What are you doing??" He didn't answer; he just went into the house and left me there.

16. For a while I couldn't move. I could not feel my head anymore. He hit my head so that no marks would show. My head hurt for a long time after that. I was too embarrassed to tell anyone. Cesar and I never talked about the incident.

17. For a while we lived in peace, although Cesar still verbally abused me. He would tell me I could never talk to another man, not even Kevin's father. During this time, he went to Ciudad Juarez and got his green card. He then filed a petition for me. He told me, "If I see you with someone, I am going to take away your immigration papers."

18. Things started going downhill again later. We were outside. Cesar was angry about the way I was keeping house and threw the keys at me. The neighbor came and told him to act like a man and not hit me. He calmed down and left the house.

19. The next incident occurred when Kimberly was about two years old. Cesar's mother was over at our house. She did not want us to be together, because she didn't think I was good enough for her son. She lied and told Cesar that I had been with Kevin's father. Cesar asked me if this was true and I told him, "Absolutely not." He then told me to shut up. I told him he should shut up. He took me in front of his mother and raised his fists to hit me. He grabbed me and I started to struggle. I grabbed my chair to resist him. The chair broke and stuffing flew everywhere. His mother told him to stop.

Appendix 18: Sample Petitioner Declaration, page 4

20. After that, things continued to get worse. When Kimberly was three we had a party for her. We had a lot of guests over and we were out in the yard. My cousin caught Cesar kissing another woman on the other side of the house and told me about it. That night Cesar went out with the woman. I confronted him about it the next day. He became angry and slapped me so hard with the back of his arm that I fell to the floor and started seeing stars. That night I went to my brother's house with my children. A week later, Cesar came and begged for me to forgive him and told me to think of the kids. I went back because I was scared that I wouldn't be able to care for the kids on my own.

21. Once again things grew calmer. We lived together for about a year and a half with no problems.

22. Then Cesar started talking about taking a vacation to Mexico. He would take his whole paycheck to the bank. He told me that I was in charge of paying the rent, the bills, and the expenses for the children. I didn't think it was fair, but I didn't really object. Cesar promised that his money was for both of us and that we would take a family trip. But he bought a single ticket to Mexico without my knowledge and went alone. He was gone for over a month and used up all of our savings.

23. When he came home it was awkward. He told me that he no longer loved me. I asked him what had happened in Mexico. He told me that he wanted another woman. I told him that that was fine, that he could leave.

24. He started calling the woman in Mexico from our house. He would tell his friends that he had a girlfriend in Mexico. One time he went to a nightclub. My niece was there and saw him dancing with women. I have no idea what got into me, but I wanted to go and see him. So I went to the club and felt horrible seeing him with other women. I was just standing there when someone asked me to dance, so I said yes. Cesar then saw me and came over to this man and yelled at him to leave me alone because I was his wife.

25. Later, he started called me a "fucking bitch" and a "whore" and told me that he would divorce me and call immigration. He laughed and said I would be worth nothing without him and would have to go back to "fucking Mexico." I felt really scared and alone, but kept living with Cesar. I did my best to make him happy.

26. Then last year around June, I was sick with a fever. I asked Cesar for some pills, and he threw them onto the bed. I told him not to throw them like that. He then took them and, with all his might, hit my thigh with them in his fist. I couldn't defend myself because I was too weak. I developed a huge bruise on my leg. I showed it to Cesar and he told me, "Good. I hope you have learned your lesson."

27. Around that time Cesar started to tell me that without documents I am worth nothing in this country. He would say that at any minute he could call the police and I would be gone.

Appendix 18: Sample Petitioner Declaration, page 5

Whenever I went out with my friends, he would threaten to kick me out of the country. I felt so humiliated.

He told me to never leave the house with my friends. He told me if I ever went out, he would call the immigration and cancel my immigration papers. From then on, anytime there was an argument, he used to bring up deportation.

28. My children heard all of this. Kimberly would get sad and tell me that I could use her papers. Moreover, she once heard Cesar threaten to "drown me," which is a slang phrase meaning to report someone to immigration. But Kimberly literally thought he was going to drown me in water. She told Cesar that if he drowned me he would have to drown her, too.

29. Things got so bad that Cesar moved out of the house around the end of July 2004. Around September 2004, he came into the house in the middle of the night. He still had keys and would come in whenever he wanted without announcing. I was asleep and he was very drunk. He woke me up and started saying that I didn't love him and he started kissing me and telling me he loved me. He made love to me and then all of a sudden he spat at me and started accusing me of being with other men. He called me a "piece a shit." I told him to leave me. He refused for awhile and the finally left. I really felt horrible and ugly.

30. The last time he hit me was in October 2004. My niece was staying with me. He was drunk again. I did not want him to come in, but he started pounding on the door. I had changed the locks. I told him I did not want him to hurt me again and asked him what he wanted. He said that he just wanted to talk. I finally believed him and opened the door. As he walked in he pushed me on my forehead. Then he "head-butted" me so hard that it left a huge inflammation on my forehead. I felt like my head was going to explode. When I lifted my head, I bit his arm. When my niece saw this, she called the police. (I had told her that if she ever saw Cesar doing anything to me or the kids to call the police, because I'd finally had enough. I had never called the police before because I was afraid they would deport me.) Cesar left with my car before the police came. When the police did arrive, they took pictures of my head and took my declaration. I told them that I did not want them to arrest Cesar, because I did not want my kids to see him in jail. I just wanted Cesar to know that I wasn't going to stand by and quietly take his abuse anymore.

31. When he got back, Cesar begged and begged for me to give him another opportunity. He also told me that if I did not take him back, he would take away the car. I had paid for the car with my own money, but we put it in his name because he had the green card. I consented and Cesar moved back in.

32. Cesar and I have been together ever since. He does not dare to touch me, but he still verbally abuses me. He says that I am like a machine he can operate. And he continues to threaten to deport me and take away our children.

Appendix 18: Sample Petitioner Declaration, page 6

Moral Character

33. I have never been arrested nor have I had any problems with the police.

34. I have never received public assistance. I have worked in the past and continue to work to provide for myself and my children.

35. I have never committed fraud in order to obtain an immigration benefit.

36. I am a good mother and have dedicated my life and time to my children. I also have a loving support network in the neighborhood where I live. I have also begun to participate in a group called “Mujeres Unidas y Activas” [United and Active Women], which teaches and empowers women so that we can help other women. More than anything else, I want to give back to my community and give my children a better life than I have had. If I could get a green card, I know that I would have a better chance of making these dreams a reality.

For all of the foregoing reasons, I ask that you please grant my self-petition.

Monique Ejemplo

Date

DECLARACION DE MARIBRISA ESTELA NAVA CIELOS

**Para su auto-petición como esposa maltratada
de un Residente Permanente²**

Yo, Maribrisa Estela Nava Cielos, declaro bajo pena de perjurio que lo siguiente es verdad a mi mejor conocimiento:

1. Tengo 29 años. Nací en México y vine a los Estados Unidos en 1979. He estado viviendo en los EUA desde hace esa fecha. El 7 de agosto de 1997, me case con Emilio Cielos, un residente permanente. Todavía estoy casada con él. Viví con él desde marzo de 1995 hasta enero de este año. En enero de este año tuve que llamar a la policía porque mi esposo me golpeó cuando discutimos. Esta fue la primera vez que él me golpeo y fue muy horrible y doloroso para mí. El me quebró la muñeca y tuve que ir al hospital. Ahora voy a un doctor para el cuidado de mi muñeca.
2. Todavía estamos separados. El tiene que ir a la corte porque hay cargos contra él por violencia doméstica. Tengo tres niños biológicos de él y estoy luchando para sobrevivir esta crisis. Ha sido muy difícil para mi cuidar a mis niños y soportar la tensión a causa de mi esposo.

Pruebas de Bona Fides del Matrimonio y Residencia Común

3. Conocí a mi esposo en 1993. Fui a una fabrica de telas para buscar trabajo y él estaba trabajando ahí. Pude conseguir trabajo y trabajé ahí por poco tiempo porque no sabia usar las maquinas muy bien. Conocí a Emilio durante el tiempo que estaba ahí. Nos caímos muy bien. Me gusto mucho y parecía que él tenía interés en mí. Intercambiamos nuestros números de teléfono, y desde entonces comenzamos una amistad que duró por muchos meses.
4. Después de más o menos dos meses, empezamos a salir juntos. A mí me gustaba él por muchas razones. Pensaba que era muy atractivo. También había algo de él que me hacía pensar que era una persona muy seria. Era tranquilo y reservado. Podía ver que era una persona honesta, responsable y trabajadora. Aunque era serio, era de una manera muy buena. No fue inmaduro ni necio, y me gustó eso.
5. Durante el tiempo que salíamos, él me llevó a comer, al cine, y al parque para caminar. Tomábamos viajes muy largos en el carro. Tuvimos algunos amigos mutuos, y a veces salimos juntos con ellos. De pronto me enamoré de Emilio, y sabía que él se había enamorado de mí también. Cuando ya llevábamos como un año, nuestra relación se hizo más seria. Confié en él completamente y creía que teníamos una relación muy estable. Empecé a pensar en casarme con él porque creía que sería buen esposo y padre.
6. Nos mudamos juntos a Pittsburg en 1995. Nos casamos en 1997 y nos mudamos a Walnut Creek en ése año. Desde febrero 1999, vivimos en Oakland, California.

² This sample affidavit is from Carmen Reyes-Yosiff, former directing attorney at International Institute of the East Bay, and was drawn from her very helpful VAWA materials.

Appendix 19: Sample Petitioner Declaration (Spanish), page 2

7. Emilio y yo tuvimos tres niños, los cuales tienen 4, 3 y 2 años. A pesar de su abuso hacia mí, Emilio siempre ha sido un buen padre para los niños y nos ha mantenido bien. No tiene ningún problema con el alcohol. Trabaja muy duro. Es el tipo de persona que trabaja hasta cuando está enfermo. Creo que fueron estas virtudes que me hicieron enamorarme de Emilio y confiar en él. Nunca pensé que íbamos a tener los problemas que tenemos ahora. Tengo mucho miedo por nuestro futuro. Estoy confundida sobre nuestra relación y a la vez temo el impacto que todo esto tenga en nuestros hijos.

8. Al pensar en lo que pasó el día que Emilio me golpeó, solo puedo decir que él siempre ha tenido una vida difícil. Sé que cuando era niño, tenía que luchar mucho. También me parece que es una persona muy triste, se lo puedo notar en sus ojos. Perdió ambos padres. Pienso que desde que ellos murieron, la vida le ha sido más difícil y se ha amargado. Cuando estaba vivo el padre de Emilio siempre le fue infiel a su mamá y su mamá dirigió su frustración hacia sus niños, incluyendo Emilio. Aunque creo entender porque Emilio tiene un problema con su agresión, no creo que lo que me hizo a mí es perdonable. No quiero que mis hijos crezcan con este tipo de violencia a su alrededor.

9. Emilio y yo ahora estamos separados, porque no me siento segura con él. Aunque todavía lo amo, no le voy a permitir que me maltrate. No voy a permitir que mis hijos vean este tipo de comportamiento abusivo. No quiero este tipo de abuso y sé que los problemas de Emilio son muy graves.

10. Yo soy una persona muy fuerte. Pienso que ésa fue una de las razones que yo le gusté a Emilio, porque siempre hago lo que pienso que será bueno. Además, soy muy sincera. A Emilio le gustó eso de mí, pero pienso que fue influenciado por la manera que él pensó que tenía que actuar, y en la manera en que él piensa que yo debo actuar. Emilio siente que tiene que ser un “hombre” y decirme que hacer, y si me quejo, él piensa que tiene el derecho de hacer cualquier cosa para hacerme obedecerlo, hasta llegar al punto de golpearme. Todo esto me da mucha tristeza. Esa es la razón porque nos llegamos a pelear esa tarde en enero de 2000.

Abuso Físico y Emocional

11. Emilio y yo siempre hemos peleado. Tanto como otras parejas. Pero creo que muchas de nuestras peleas fueron a causa de que Emilio no aprobaba mi forma de ser, además de sus celos y su posesividad.

12. Soy muy platicadora y simpática. Soy el tipo de persona que realmente se divierte al hablar con sus amigos y familia. Me gusta tener mucha gente a mí alrededor. Esto era siempre motivo de pelea, ya que si él pensaba que yo me estaba pasando de amigable, él se enojaba. Entonces también me enojaba yo, porque sabía que no estaba haciendo nada malo. Nuestras peleas siempre se trataban de las mismas cosas. Si quería salir con mis amigas, él se enojaba si no era invitado. A veces Emilio se enojaba porque creía que estaba hablando demasiado o demasiado fuerte. Además, también se ponía celoso si mi manera de vestir revelaba mucho.

13. A causa de mi temor a Emilio, no hice muchas cosas que quería hacer. Quisiera haber salido con mis amigas al cine y a comer. Pero dejé de salir con ellas porque Emilio siempre se ponía

Appendix 19: Sample Petitioner Declaration (Spanish), page 3

celoso. Ni pensaba en salir con amigos varones aunque tenía amigos de ambos sexos antes de conocer a Emilio.

14. Tal vez una de las razones que pensaba así fue porque fui criada por mi cuñada, quien es Estadounidense. Aunque nació en México, vine aquí cuando era niña. Mi prima Maria Nava me enseñó que es aceptable tener amigos varones. Que era aceptable ser independiente y expresar mis opiniones. Que era aceptable reír y hablar en voz alta con sus amigos. Aunque soy de herencia mexicana, siento que tengo dos culturas mezcladas en mí. La cultura de mi esposo, que apoya el “machismo,” y la cultura Americana, la cual dice que las mujeres tienen derechos iguales a los hombres.

15. El 5 de enero de 2000, el día que Emilio me pegó, empezamos a pelear porque él llegó a la casa muy tarde sin decirme donde estaba. Como ha eso de las seis de la tarde, me dijo que iba a llevar a su amigo Luis al trabajo, pero no regresó sino hasta la medianoche. No me llamó. Ni dejó un mensaje. Estaba muy preocupada porque era tan noche. Como en otras noches, cerre la puerta con llave porque no quería una altercación con Emilio.

16. Emilio finalmente llegó a casa después de la 1 de la mañana. El toco muy fuerte la puerta de nuestra recamara pero yo no lo deje entrar. Quizas andaba llaves porque de todas maneras entro a la recamara y se paró frente a mí. Su amigo Luis también vino a casa, pero se quedó en la sala. Emilio y yo empezamos a pelear; le pregunte dónde había estado por todo ese tiempo y me dijo que estaba con su amigo. Su voz era muy fuerte y su tono muy agresivo. Tenia miedo que Emilio se alterara y no poder contralarse. Traté de sacarlo del cuarto y él me empujo a un lado. Seguimos gritando y se me acercó como si fuera a pegarme. Le dije que si me pegaba le llamaría a la policía. Él solo dijo, “Oh, yeah?” Entonces, me empujo muy fuerte contra la mesa de noche. El dolor fue horrible y me entumió toda. No lo sabía, pero me había quebrado la muñeca.

17. Pude agarrar el teléfono de la recamara y marque 911. Entonces, Emilio le arranco la cuerda al teléfono de la pared. La llamada llegó de todos modos, porque casi inmediatamente el otro teléfono en la cocina empezó a sonar.

18. Levanté el teléfono inalámbrico de la cocina. Era la policía y les dije lo que había pasado. Mientras tanto Emilio empezó llevarse su ropa al carro. Emilio todavía estaba muy enojado. Yo no quería tenerlo cerca de mí y corrí a la recamara con el teléfono en mano. Cerré la puerta con llave de nuevo. A través de la puerta, le dije a Emilio que la policía estaba por llegar.

19. La policía llegó muy pronto, tal vez en menos de tres minutos. Emilio estaba esperándolos afuera. Tomaron nuestros testimonios y lo arrestaron a él. A mí me llevaron al hospital en una ambulancia. En el hospital, me dijeron que mi muñeca estaba quebrada. Tenía mucho dolor. Estoy viendo a un doctor para el cuidado de mi muñeca.

20. Gracias a dios los niños no se dieron cuenta de que Emilio me había golpeado. Ellos estaban dormidos en sus cuartos cuando Emilio llegó a casa. Se despertaron con el ruido de las policías en la casa. Yo llame a mi prima Maria para que los cuidara cuando me llevaron al hospital.

21. Llamé a mi mama del hospital para contarle lo que había pasado, ella se enojó. Me preguntó, “¿Por qué hiciste eso?” “¿Por qué llamaste a la policía?” Como le llamaba por el teléfono, ella

Appendix 19: Sample Petitioner Declaration (Spanish), page 4

no podía ver lo que Emilio mi había hecho. Le dije que tenía que llamar la policía porque Emilio me había golpeado muy fuerte. Ella se disculpó cuando me vio en persona. Entonces entendió por que tuve que llamarle a la policía. Pero ella todavía está preocupada por mí. Está preocupada por mí, los niños y también por Emilio, porque tengo cargos contra él. Todo esto ha sido muy duro para todos. Mi mamá reza todos los días que nuestros problemas se resuelvan.

22. Emilio se quedó en la cárcel por dos días. Su jefe pagó la fianza para que pudiera salir libre. La corte puso una orden de restricción contra él después de su arresto. No sabemos lo que el juez va a decidir en su caso.

Pruebas de Buen Carácter Moral

23. Nunca he sido arrestada, ni he cometido fraude para recibir algún beneficio de Inmigración.

24. Lo que me gustaría más es ir a la escuela y sacar una licencia para tener una guardería de niños en mi casa. Me encanta estar con los niños y cuidarlos. Me gustaría tener un trabajo y ser más independiente

25. Soy una buena madre, hija y amiga. He dedicado mi vida a mi familia y siempre trabajo para que mis hijos puedan tener una vida mejor. Quiero asegurarles un futuro bueno. Quiero que sean independientes y fuertes. Quiero que vivan libre de la violencia y que crezcan sin las influencias de hombres abusivos. Quiero que mis hijos respeten a las mujeres. Por favor, deme la oportunidad de construir una nueva vida con mi familia.

26. Gracias por considerar mis problemas y mi caso.

Atentamente,

Maribrisa E. Nava Cielos

Date