

Legal Momentum and Organización en California de Líderes
Campesinas, Inc.

Chapter Four In:
**Advocacy to Improve Services
for Battered Migrant and Immigrant
Women Living in Rural
Communities**

A Manual



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LISTS OF DOCUMENTS FOR BATTERED IMMIGRANTS

EVIDENCE LIST FOR IMMIGRANT VICTIMS APPLYING FOR VAWA SELF-PETITION

1. Proof of applicant's identity and immigration status

Has	Needs	
_____	_____	Birth Certificate of applicant and her children
_____	_____	Copies of passport and I-94 card on behalf of applicant and her children
_____	_____	Other documents received from or sent to the Immigration and Naturalization Service

2. Evidence of spouse's immigration status

Has	Needs	
_____	_____	Birth Certificate (if spouse is born in the United States)
_____	_____	Naturalization Certificate
_____	_____	Lawful Permanent Resident Card (i.e.- "Green Card")
_____	_____	Copies of spouse's U.S. passport
_____	_____	US State Department Form FS-240 reporting the birth of a U.S. Citizen outside of the U.S.
_____	_____	I-551 Stamp in Spouse's passport showing evidence of lawful permanent residence
_____	_____	Declaration for U.S. Consulate official certifying that spouse is a U.S. Citizen and possesses a valid US passport

3. Evidence of the marital relationship

Has	Needs	
_____	_____	Marriage Certificate.
_____	_____	Birth Certificates of children born of the marriage.
_____	_____	Wedding Photographs
_____	_____	Correspondence, love letters sent to one another.
_____	_____	Joint Insurance policies (Auto, Health, Life Insurance)
_____	_____	Police Reports, Court Documents, Hospital Records showing evidence of marital relationship and that they are residing together
_____	_____	Affidavits from family, friends, neighbors attesting to marital relationship
_____	_____	Affidavit from the official who conducted the wedding ceremony

4. If abusive spouse has died within the last two years, the following is required:

_____	_____	Death Certificate
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5. If the applicant has divorced her abusive spouse within the last two years, the following is required:

Has	Needs	
_____	_____	Final Declaration of Divorce demonstrating the date of final divorce
_____	_____	Copies of the relevant law that the criminal activity has violated
_____	_____	Copies of any arrest warrants
_____	_____	Copies of any complaint reports
_____	_____	Copies of any police reports
_____	_____	Copies of any domestic violence incident report
_____	_____	Affidavit of the pertinent law enforcement officer regarding the nature of the criminal activity

6. If the abusive spouse is engaged in a bigamous relationship, the following is required:

Has	Needs	
_____	_____	Marriage Certificate
_____	_____	Copies of the application for the marriage license
_____	_____	Photographs of the wedding ceremony
_____	_____	Affidavit signed by the witnesses present at the

<input type="checkbox"/>	<input type="checkbox"/>	wedding ceremony
<input type="checkbox"/>	<input type="checkbox"/>	Affidavit signed by the self-petitioner indicating why she believed that she was legally married to the aggressor and that to the best of her knowledge the wedding was legal

7. Proof of residence

Has	Needs	
<input type="checkbox"/>	<input type="checkbox"/>	Any documents from current employment, school, or other education related registration forms
<input type="checkbox"/>	<input type="checkbox"/>	Children’s current school registration forms
<input type="checkbox"/>	<input type="checkbox"/>	Receipts documenting mortgage payments or rent paid
<input type="checkbox"/>	<input type="checkbox"/>	Utility bills including electric, gas, and any security deposits
<input type="checkbox"/>	<input type="checkbox"/>	Hospital bills or recent hospital registration
<input type="checkbox"/>	<input type="checkbox"/>	Cards or letters mailed to the address of the petitioner
<input type="checkbox"/>	<input type="checkbox"/>	Property deeds, lease agreements or rental agreements that include the address and name of the petitioner and the abusive spouse
<input type="checkbox"/>	<input type="checkbox"/>	Birth certificates of the children born in the United States
<input type="checkbox"/>	<input type="checkbox"/>	Signed affidavits of landlords, neighbors or friends testifying that the petitioner lives in the United States

8. If you live outside of the United States

Has	Needs	
<input type="checkbox"/>	<input type="checkbox"/>	Documents stating the name and the address of the employer of the husband or abusive father
<input type="checkbox"/>	<input type="checkbox"/>	Pay stubs of the aggressor
<input type="checkbox"/>	<input type="checkbox"/>	Proof of employment
<input type="checkbox"/>	<input type="checkbox"/>	Military I.D.
<input type="checkbox"/>	<input type="checkbox"/>	Copies of military orders

9. Proof of residence with abusive husband/father

Has	Needs	
<input type="checkbox"/>	<input type="checkbox"/>	Birth certificates of children born both in the United States and/or in other countries
<input type="checkbox"/>	<input type="checkbox"/>	Family photographs with family members together
<input type="checkbox"/>	<input type="checkbox"/>	Testimonies or statements from family friends who knew the family when they lived together. Include names, telephone numbers, and addresses of people that knew the couple

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_____	_____	Copies of tax forms
_____	_____	U.S. legal documents with both of the names of the petitioner and the aggressor
_____	_____	Documents that indicate the names of the aggressor and self-petitioner: employment, school registration, or children’s school records
_____	_____	Mail including both the names of the self-petitioner and aggressor
_____	_____	Mail separately addressed to the petitioner and the aggressor, received on the same day and to the same address
_____	_____	Property leases or receipts from paid rent which include both names
_____	_____	Utility bills
_____	_____	Medical documents or medical bills
_____	_____	Car insurance, health or life insurance that include both names
_____	_____	Credit card bills
_____	_____	Bank statements
_____	_____	Rental agreements, property deeds, or lease agreements indicating jointly owned property
_____	_____	Any correspondence in both names (magazines, newsletters)

10. Proof of violence or extreme cruelty

Has	Needs	
_____	_____	Personal Statement—Using the wheel of power and control describe specific examples in each section if possible. You must prove that you are a victim of violence. Most importantly there need be proof that the aggressor took advantage of your legal status in order to isolate, abuse, control, and assert power over the petitioner. The statement is an opportunity to establish your credibility and sincerity. The statement should explain why you need assistance and should gain the sympathy of the reader
_____	_____	Police reports and documented police visits to the residence
_____	_____	Copies of phones bills indicating phone calls made by the petitioner
_____	_____	Official protection order or restraining orders obtained in any U.S. state
_____	_____	Letters of support from priests, teachers, or friends from work
_____	_____	Medical reports or psychological examinations
_____	_____	Statements from witnesses of the abuse or people who knew

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		or learned of any form of abusive behavior. (children, neighbors, family members, friends, etc.)
_____	_____	Photographs of the inflicted wounds taken by the petitioner or any other person (lawyer, social worker, or police officer).
_____	_____	The abusive spouse’s criminal record documenting criminal conviction for aggression, property destruction or other acts of domestic violence
_____	_____	Records from shelters or affidavits stating the date when petitioner entered the shelter and an account of the events that lead to seeking the refuge
_____	_____	Damaged items or photographs of damaged items (clothes, telephones, etc.)
_____	_____	Any document, report or affidavit signed by a police officer, judge, social worker or service provider
_____	_____	Court orders regarding custody, visitation rights or child care
_____	_____	Criminal court records for fiscal citations or indictment for domestic violence
_____	_____	Medical records for treatment sought due to domestic violence, records of previously existing medical conditions

11. Community ties within the United States

Has	Needs	
_____	_____	Family, children, parents, siblings
_____	_____	Education or training, (i.e. ESL classes)
_____	_____	Children’s education
_____	_____	Involvement in church /religious group activities
_____	_____	Involvement with the Parents and Teacher’s Association (P.T.A.)
_____	_____	Involvement in extracurricular activities (sports, clubs, community service, etc.)

12. Good moral character

Has	Needs	
_____	_____	Statement of self-petitioner
_____	_____	Local and state police clearance records from the past three years of every city the petitioner has lived in for more than six months.
_____	_____	Fingerprints
_____	_____	Statements from friends, family members, Church members or religious leaders, employer, etc. affirming that the applicant is a good person, mother, friend, employee, etc.

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- _____ _____ A letter from the applicant’s instructor if she is taking English lessons; include any awards or certificates received.
- _____ _____ Documents from teachers at the applicant’s children’s school, affirming that you are a good mother and if you volunteer your time at the school
- _____ _____ Statements from your landlord

13. Proof of good faith marriage

- | Has | Needs | |
|-------|-------|---|
| _____ | _____ | Marriage Certificate |
| _____ | _____ | Birth Certificates of the applicant’s children |
| _____ | _____ | Affidavit from the applicant recounting the story of the engagement and wedding ceremony, include stories about the home and experiences the two shared |
| _____ | _____ | Photographs of the wedding, vacations and other experiences the two shared before and after the wedding |
| _____ | _____ | Love letters from the abusive spouse to the applicant |
| _____ | _____ | Cards or letters from the abusive spouse to the applicant’s family |
| _____ | _____ | Names, addresses, telephone numbers of people that knew the applicant and the abusive spouse as a couple |
| _____ | _____ | Letters from the applicant’s employer or health care provider asserting that the applicant changed her name after the wedding |
| _____ | _____ | Forms of identification (driver’s license) indicating the change in applicant’s surname after the wedding |
| _____ | _____ | Insurance policy statements that indicate the aggressor’s surname |
| _____ | _____ | Copies of jointly filed tax forms during the marriage |
| _____ | _____ | Bank statements with both the applicant’s and the abusive spouse’s names |
| _____ | _____ | Copies of the housing lease with both the applicant’s and the abusive spouse’s names |
| _____ | _____ | Mail addressed to both individuals as a couple |
| _____ | _____ | Proof of vacations taken together (copies of plane tickets showing they traveled together and sat together, photographs, receipts) |
| _____ | _____ | Receipts or payments from large jointly purchased items (cars, house, household appliances, etc.) |
| _____ | _____ | Copies of joint membership applications (gym, pool, other organizations) |
| _____ | _____ | Automobile registration for jointly owned vehicles |
| _____ | _____ | Statements from friends, neighbors or family members, etc. |

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_____	_____	Copies of utility bills—gas, telephone, electricity, water, etc.
_____	_____	Academic bills or records naming the applicant and abusive spouse as the children’s parents
_____	_____	Children’s medical bills naming the applicant and the abusive spouse as the parents
_____	_____	Police, court, medical or any other documents that provide information about the applicant and the aggressor as a married couple.

14. Termination of previous marriages

Has	Needs	
_____	_____	Divorce decree/ Final order of divorce
_____	_____	Annulment decree
_____	_____	Death certificate of deceased abusive spouse

EVIDENCE LIST FOR IMMIGRANT VICTIMS APPLYING FOR THE CRIME VICTIM VISA (U VISA)

Under the Victims of Trafficking and Violence Protection Act of 2000 (“VTVPA”), battered noncitizens and other crime victims may be eligible for a new nonimmigrant visa, the U Visa. This form of relief, if granted, gives the applicant immediate legal status as a nonimmigrant and possible lawful permanent residence in the long-term. The following is a list of the requirements that must be met by an applicant, and some suggestions of evidence that may be offered to meet each requirement. Currently, no federal regulations exist for the U Visa. A 2001 interim guidance directed at the Immigration and Naturalization Service (“INS”), however, instructs immigration authorities to broadly interpret the requirements for the U Visa in order to protect possible “U” victims. Additionally, the Department of Homeland Security (DHS) is required to consider “any credible evidence” in its adjudication of an applicant’s case. The suggested evidentiary documents in this memo are meant to be guidelines, and not exhaustive descriptions of the types of evidence that may be offered to support an application under the U Visa.

A. Who is eligible to apply for a U Visa?

Certain battered noncitizens and other noncitizen crime victims who have suffered substantial physical or mental abuse flowing from criminal activity and who are cooperating with government officials investigating or prosecuting such criminal activity.

B. What are qualifying criminal activities?

- § Rape
- § Torture
- § Trafficking
- § Incest
- § Domestic Violence
- § Sexual Assault
- § Abusive Sexual Contact
- § Prostitution
- § Sexual Exploitation
- § Female Genital Mutilation
- § Being Held Hostage
- § Peonage
- § Involuntary Servitude
- § Slave Trade
- § Kidnapping
- § Abduction
- § Unlawful Criminal Restraint
- § False Imprisonment
- § Blackmail
- § Extortion
- § Manslaughter
- § Murder
- § Felonious Assault
- § Witness Tampering
- § Obstruction of Justice

- § Perjury
- § Attempt, Conspiracy, or Solicitation to Commit Any of the Above-Mentioned Crimes

C. What are the requirements that an applicant needs to prove in a U Visa application?

An individual applying for a U Visa must establish the following five requirements:

1. Substantial physical and mental abuse as a crime victim

Has	Need	
_____	_____	Medical records from U.S. based provider documenting the diagnosis and treatment of physical injuries
_____	_____	Copies of any ambulance call reports
_____	_____	Records of any 911 calls
_____	_____	Records from a health care provider documenting diagnosis and treatment of mental abuse
_____	_____	Affidavit of applicant detailing the substantial physical and mental abuse suffered as a result of the crime
_____	_____	Copies of any protection order issued for the applicant or her/his children
_____	_____	Copies of any domestic violence incident report
_____	_____	Affidavits from neighbors, landlords, friends, or family attesting to the criminal activity or having witnessed injuries that resulted from the criminal activity that occurred in the U.S.
_____	_____	Affidavits from police officers or prosecutors detailing the violence that the applicant has endured
_____	_____	Affidavits from victim advocates, shelter workers, battered women’s advocates, counselors or mental health professionals detailing the physical and mental abuse that the applicant has endured

2. Possession of information concerning the criminal activity alleged

Has	Needs	
_____	_____	Affidavit of applicant detailing the applicant’s knowledge of the criminal activity
_____	_____	Affidavits from police officers and prosecutors detailing the applicant’s knowledge of the criminal activity
_____	_____	Any documents that may show applicant’s knowledge of the criminal activity
_____	_____	Copies of any police reports

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_____	_____	Copies of any statements that the applicant has made to a law enforcement agency
_____	_____	Copies of any complaint reports
_____	_____	Copies of any evidence that was obtained as a result of the applicant's help
_____	_____	Copies of any documents that the applicant has given to a law enforcement agency
_____	_____	Transcripts of testimony that the applicant has given to a law enforcement agency
_____	_____	Any incriminating photographs that applicant may have
_____	_____	Affidavits from witnesses that may place the applicant at the scene of the criminal activity or attest to the applicant's knowledge of the criminal activity

3. Crime victim has been helpful, is helpful, or is likely to be helpful to a Federal, State, or local investigation or prosecution

Has	Needs	
_____	_____	Affidavit of applicant detailing the applicant's helpfulness with the investigation or prosecution
_____	_____	Affidavit of a law enforcement official, prosecutor, judge, INS official, or other federal or state authorities that the applicant has been helpful, is helpful, or is likely to be helpful to the investigation or prosecution
_____	_____	Certificate from a law enforcement official, prosecutor, judge, INS official, or other federal or state authorities that the applicant has been helpful, is helpful, or is likely to be helpful to the investigation or prosecution
_____	_____	Copies of any police reports
_____	_____	Copies of any complaint reports
_____	_____	Copies of any statements that the applicant has made to a law enforcement agency
_____	_____	Copies of any evidence that was obtained as a result of the applicant's help
_____	_____	Copies of any documents that the applicant has given to a law enforcement agency
_____	_____	Transcripts of testimony that the applicant has given to a law enforcement agency
_____	_____	Affidavits of witnesses that applicant has been helpful, is helpful, or is likely to be helpful to a Federal, State, or local investigation or prosecution
_____	_____	Brief description by the applicant's advocate regarding applicant's activities in assisting the investigation or prosecution

4. Certification from a law enforcement official, prosecutor, judge, INS official, or other federal or state authorities

Has Needs

_____ _____ Certificate from a law enforcement official, prosecutor, judge, INS official, or other federal or state authorities

5. Criminal activity violated the laws of the United States or occurred in the United States or its territories

Has Needs

_____ _____ Certificate from a law enforcement official, prosecutor, judge, INS official, or other federal or state authorities that the criminal activity violated the laws of the United States or occurred in the United States or its territories

_____ _____ Copies of the relevant law that the criminal activity has violated

_____ _____ Copies of any arrest warrants

_____ _____ Copies of any complaint reports

_____ _____ Copies of any police reports

_____ _____ Copies of any domestic violence incident report

_____ _____ Affidavit of the pertinent law enforcement officer regarding the nature of the criminal activity

EVIDENCE LIST FOR BATTERED IMMIGRANT WOMEN SEEKING PROTECTION ORDERS

This list is designed to provide advocates working with battered immigrants with a tool that will help them work more effectively with immigrant battered women preparing to seek protection orders. It can be used to help women who will be seeking protection orders “pro se” accompanied by an advocate and it can also be used as a tool for advocates helping women who will be represented by attorneys. It is highly recommended that advocates accompany battered immigrant women to the courts when they seek a protection order. Advocates should carefully write down any problems she encounters. By working with this check list advocates can help improve the success battered women will have in obtaining protection orders and ensuring that the protection orders they receive contain all of the remedies that they need. Protection orders that contain more complete remedies and creative remedies needed in specific cases will have a better chance at helping reduce the level of violence the victim has been experiencing and helping deter ongoing violence.

Many battered immigrants can receive protection orders with the assistance of advocates and will not need to be represented by attorneys. However, there are some instances in which it is highly recommended that the advocate help the battered immigrant find an attorney to represent her. Even when an attorney is involved in the case, the advocates will also need to continue helping the battered immigrant or migrant victim. The advocate can help assure that the attorney handles the case in a culturally competent manner. The advocate will also have established a closer trust based on the previous relationship with the battered woman and may be able to help with interpretation issues. The following are examples of when it is advisable that a battered immigrant have the assistance of an advocate and an attorney when she seeks a protection order:

- q When the abuser arrives in court at the protection order hearing with an attorney. The advocate should help the battered immigrant ask for a brief continuance to locate an attorney who can assist her.
- q When there have been threats of parental kidnapping.
- q When the battered immigrant has been arrested along with her abuser in a dual arrest.
- q When the abuser of a battered immigrant seeks a protection order against an immigrant victim.
- q When the battered immigrant reports that it is likely that the abuser will fight her for custody of the children.
- q When the abuser attempts to raise the immigration status of the victim as a factor in the protection order or custody case.

In using this list advocates should use the left column to check off when they have requested that the immigrant victim bring them a particular piece of evidence and the right column to check off that they have received the documentation. Some of the listed documentation the battered immigrant woman will be able to obtain herself. There will be other items that the advocate will need to assist her in obtaining. It is very important that the advocate do safety planning with the immigrant victim to assess the safety issues involved with the victim attempting to obtain any of the items listed below on her own.

Finally, in order to prepare to obtain a protection order, the advocate should help the battered immigrant document the complete history of abuse in the relationship. It is best if this includes all incidents of physical and sexual abuse, threats, harassment and emotional abuse. It would also be useful for the purpose of helping the immigrant victim determine what remedies she will need to document the history of power and control in the relationship. Collecting this information from the victim will help her prepare for her protection order case and will also help her prepare for an immigration case she may have based on domestic violence.

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The advocates should help the victim write up a chronology of the abuse in the relationship. You can use this chronology to help the victim prepare her petition for a protection order. For the protection order case the victim should list in her petition the date and place of each violent incident and each threat. She should include a description of the actual violent or threatening events that took place on that day and should not include in her petition other details about the event except the violence itself, except to mention whether the children witnessed the abuse and how it affected them and to note if the police arrived and whether she or the children needed medical attention. This is very different from an immigration case in which you will need to include the whole story of what happened including what they may have been fighting about and other details.

Many victims will recall more and more incidents as time goes on and as they develop a better relationship with the advocate. For this reason it is very important that at the end of the protection order petition the battered immigrant include a statement such as: "In addition to the specific incidents discussed above, the violence began in 1998 and has continued on at least a monthly basis since that time including, at least monthly incidents in which I was pushed, hit and scratched by the respondent." This will provide the court an overview of the level and frequency violence in the relationship and will help ensure that if she remembers another important incident that she does not include in her initial petition she can testify about it in court.

The following is a list of documents that will help the battered immigrant prove that she is entitled to receive a protection order with the remedies that she needs. These will be in addition to, not instead of, the history of abuse listed in her petition and her testimony about the abuse at the protection order hearing.

DOCUMENTS TO PROVE ABUSE

Has	Brought In	
_____	_____	Police reports
_____	_____	Transcript from 911 calls
_____	_____	Medical records
_____	_____	Hospital records documenting the abuse (even if she did not tell anyone at the hospital that her partner caused the abuse and even if she denied that the cause was domestic violence)
_____	_____	Photographs of any injuries
_____	_____	Torn clothing or destroyed property or photographs of these
_____	_____	A diary
_____	_____	Names of shelters where you have stayed
_____	_____	Names, addresses and telephone numbers of doctors, nurses, counselors, mental health professionals and social workers whom you or your children have spoken with or received treatment from in relation to the domestic violence.
_____	_____	Names, addresses and telephone numbers of people who: saw your bruises, heard you scream, witnessed any incident of the abuse, you told about the abuse, witnessed your abuser's threats against you, your children or your family members or you have stayed with for refuge.

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- | | | |
|-------|-------|--|
| _____ | _____ | Names, addresses and telephone numbers of police officers, prosecutors, judges or other government officials who know about the domestic violence you experienced. |
| _____ | _____ | Information about the abuser’s access to weapons. |
| _____ | _____ | Documentation or information about your abuser’s history of mental illness, threats of suicide or criminal record |

TO OBTAIN CUSTODY OF YOUR CHILDREN AND PROVE THE EFFECT THAT THE ABUSE HAS HAD ON YOUR CHILDREN

- | Has | Brought In | |
|-------|------------|--|
| _____ | _____ | Names, addresses and telephone numbers of people who can describe the effect that the abuse has had on you and your children. |
| _____ | _____ | Medical records documenting injuries to or affects of the abuse on your children |
| _____ | _____ | Hospital records documenting abuse of your children |
| _____ | _____ | Your children’s medical and dental records including comments about who has been responsible for the children’s medical care. |
| _____ | _____ | Your children’s school records |
| _____ | _____ | Your children’s passports and your children’s immigration papers, if any. |
| _____ | _____ | Names, addresses and telephone numbers of teachers and counselors at your children’s school who can describe how the children’s school performance may have been affected by the domestic violence |
| _____ | _____ | Names, addresses and telephone numbers of doctors, nurses, counselors, mental health professionals, clergy and social workers whom you or your children have spoken with or received treatment from in relation to the domestic violence against your children or the effect that the domestic violence against you has had on the children. |
| _____ | _____ | Names, addresses and telephone numbers of persons who can who can describe your role as primary caretaker of your children and who can describe what, if any role, your abuser has played in the children’s lives, including how he treats the children when they are in his care. |
| _____ | _____ | Information about the abuser’s drug and alcohol use. |
| _____ | _____ | Names, addresses and telephone numbers of persons who would be willing to help supervise visitation or assist with pick up and drop off of the children so that there can be visitation without contact between you and your abuser. |
| _____ | _____ | The children’s birth certificates |
| _____ | _____ | Court documents or other documents in which the father of the children acknowledges paternity |

TO HAVE THE ABUSER REMOVED FROM THE FAMILY HOME

Has Brought In

- | | | |
|-------|-------|---|
| _____ | _____ | A copy of the lease or mortgage (the abuser can be removed even if the house is in his name) |
| _____ | _____ | Documentation of the cost of the rent, mortgage, and utilities for the home (so that the abuser can be ordered to pay a portion of these costs or so that the victim can plan how she will make these payments without him, e.g. finding someone to move in with her and share some of these expenses). |
| _____ | _____ | An answer to the question if asked by the judge where the abuser will go. |
| _____ | _____ | A safety plan helping the victim determine whether it is safer for her to remain in the home removing the abuser with a protection order or whether she and the children need to move to an undisclosed location. |

TO OBTAIN A STAY AWAY ORDER

Has Brought In

- | | | |
|-------|-------|---|
| _____ | _____ | A list of places that the abuser is already familiar with that you or your children go to that the abuser should be ordered to stay away from (including your home, the homes of your family and friends, your place of employment, your children's schools, your day care provider, your church, your hairdresser) |
| _____ | _____ | A list of problems that you anticipate your abuser may state to the court when asked to stay away from these places |

TO BE GRANTED CONTROL OR USE OF PERSONAL AND JOINT PROPERTY

For victims remaining in the home:

Has Brought In

- | | | |
|-------|-------|---|
| _____ | _____ | A list of personal items of the abuser that he can take from the home |
|-------|-------|---|

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For victims who will be leaving the home:

Has	Brought In	
_____	_____	A complete list of items that she wants the court to allow her to take from the home including her clothing, family photographs, items of importance to her from her home country, medical records, documentation of abuse, of the marriage, and any documents that she may need for her immigration case. (See immigration case check lists)
_____	_____	A complete list of items belonging to the children including clothing, toys, school and medical records that she wants the court to allow her to take from the home.
_____	_____	A list of important items that she will need to pursue her employment or care for the children.

For all victims whether or not they stay in the home or leave

Has	Brought In	
_____	_____	A copy of the title to any jointly owned car
_____	_____	Documentation from her employer that she needs the car to work
_____	_____	A list describing any weapons that the abuser may have including their location to the best of her knowledge
_____	_____	Documentation of ownership of her property or jointly owned property that the parties might have ongoing disputes over
_____	_____	A list of property items that she is concerned will lead to ongoing disputes or contact with the abuser if the court does not decide who shall have use and control over the property.
_____	_____	Copies of statements from joint bank accounts and credit cards that the abuser would need to be ordered not to take or convert to his sole property
_____	_____	A list of property items that she is concerned that the abuser will sell, damage or destroy.

TO OBTAIN MONETARY RELIEF AS PART OF THE PROTECTION ORDER INCLUDING CHILD SUPPORT

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Has Brought In

- | | | |
|-------|-------|---|
| _____ | _____ | Your husband's or the father of your child's social security number |
| _____ | _____ | Your husband's or the father of your child's "A" number from his immigration case |
| _____ | _____ | A copy of your husband's or the father of your child's most recent pay stub from his employer |
| _____ | _____ | The name, address, phone and fax number of your husband/father of your child's employer |
| _____ | _____ | A copy of your husband/father of your child's tax returns for the past three years |
| _____ | _____ | Information about how long your husband/father of your child has worked for his current employer and past employers |
| _____ | _____ | Proof of who is your child's father (child's birth certificate, acknowledgement of paternity or other proof) |
| _____ | _____ | Copies of records proving what assets (bank accounts, stocks, bonds, property), if any, your husband/father of your children owns |
| _____ | _____ | Copies of documentation proving that your husband/father of your children has placed you and/or your children on his health insurance policy |
| _____ | _____ | Documentation of your monthly expenses to support you and your children (you can use your local court's financial statement form to collect this information) |
| _____ | _____ | Copies of medical, dental, counseling bills for you or your children related to the domestic violence |
| _____ | _____ | Copies of bills for changing your locks at your home and repairing damages to your house, car or other property caused by your abuser. This may include costs of replacing items that were destroyed by your abuser. |
| _____ | _____ | A list of any costs you might have to spend to replace identification cards, immigration documentation, passports or other documentation belonging to yourself or your children that your husband/partner may have destroyed, hidden, or refused to turn over |
| _____ | _____ | Documentation of costs you will incur in INS fees and other charges you will have to pay for you and your children to obtain legal immigration status through an immigration benefit you and/or you children qualify to receive. |

EVIDENCE LIST FOR BATTERED IMMIGRANT WOMEN SEEKING PUBLIC BENEFITS

This list is designed to provide advocates working with battered immigrants with a tool that will help them work more effectively with battered immigrants preparing to apply for public benefits such as TANF, Food Stamps, Medicaid, and SSI. This checklist should be utilized as a guide to determine whether a battered immigrant is eligible to receive cash benefits. This checklist is not an exhausted list of documentation needed to prove eligibility requirements. Advocates are strongly encouraged to accompany their clients to the benefits agency to insure their clients are not denied these benefits by caseworkers who do not fully understand the process and eligibility requirements involved. Advocates should not be deterred from applying for a benefit if the applicant meets the requirements set forth below. It is important to apply for the benefit, receive a determination, and if the determination is unfavorable, appeal the decision. By working with this checklist, advocates can help improve the success battered women will have in obtaining public benefits.

1. IMMIGRATION DOCUMENTS PROVING QUALIFIED IMMIGRANT STATUS

Documented and undocumented battered immigrants are "qualified immigrants" if they prove the following:

Has	Needs	
_____	_____	VAWA Prima Facie Determination – i.e. Receipt Notice evidencing the filing of a VAWA Self-petition; OR
_____	_____	Approved VAWA self-petition; OR
_____	_____	Approved family-based petition; OR
_____	_____	Documents proving the battered immigrant has been granted cancellation of removal by an immigration judge (the deportation process has been stopped and the woman has been given a green card).

2. DOCUMENTS PROVING ENTRY INTO THE UNITED STATES PRIOR TO AUGUST 22, 1996

Has	Needs	
_____	_____	Asylum application filed prior to 8/22/96; OR
_____	_____	Notice to Appear evidencing date of entry prior to 8/22/1996; OR
_____	_____	Order to Show Cause evidencing date of entry prior to 8/22/1996; OR
_____	_____	I-94 card with entry stamp prior to 8/22/1996; OR
_____	_____	Passport evidencing entry stamp prior to 8/22/1996; OR
_____	_____	Approved work authorization (approved prior to 8/22/96); OR
_____	_____	Documentation proving physical presence (copy of lease of new home, utility bills, letter from battered women's shelter, monthly bank

statement, etc., demonstrating continuous physical presence in the United States from 8/22/1996 to the present).

3. DOCUMENTS TO PROVE ABUSE

The immigrant or the immigrant's child has been abused by their U.S. citizen or lawful permanent resident spouse or parent, or by the spouse's or parent's family member living in the same household.

Has	Needs	
_____	_____	Protective Order
_____	_____	Police reports
_____	_____	Transcript from 911 calls
_____	_____	Medical records
_____	_____	Hospital records documenting the abuse (even if she did not tell anyone at the hospital that her partner caused the abuse and even if she denied that the cause was domestic violence)
_____	_____	Photographs of any injuries
_____	_____	Torn clothing or destroyed property or photographs of these
_____	_____	Affidavit from shelter workers
_____	_____	Affidavit from doctors, nurses, counselors, mental health professionals or social workers whom you or your children have spoken with or received treatment from in relations to the domestic violence.
_____	_____	Affidavit from neighbors, friends, or family who witnessed the abuse: witnessed any incident of the abuse, saw your bruises, heard you scream, witnessed your abuser's threats against you, your children or your family members.

4. EVIDENCE THAT VICTIM IS NO LONGER RESIDING WITH THE ABUSER

The battered immigrant or child must no longer live with the abuser. (Note that the benefits agency may decide that the battered immigrant is ineligible for benefits *if she is still living with the abuser.*)

Has	Needs	
_____	_____	Copy of lease agreement of new home
_____	_____	Letter from battered women's shelter, friend, family member evidencing place of residence.
_____	_____	Utility bills (i.e. Electric, Gas bills) evidencing new address
_____	_____	Monthly bank statement evidencing new address

5. EVIDENCE OF SUBSTANTIAL CONNECTION BETWEEN ABUSE AND NEED FOR PUBLIC BENEFITS

The battered immigrant or child must prove there is a "substantial connection" between the abuse and the need for the public benefit. To establish this connection, the applicant will need to assert that she has been a victim of abuse and that she is in need of public benefits in order:

- § To help the victim of abuse be able to support herself economically without help from the abuser and/or the abuser's community.
- § To ensure the safety of the woman and her children.
- § To make up for the loss of financial support due to the separation.
- § To make up for the loss of a job or income because of the abuse or because of time spent in domestic violence legal proceedings.
- § To make up for the loss of a place to live as a result of the abuse.
- § To help the victim take care of the children when fear of the abuser interferes with child care.
- § To meet nutritional needs resulting from the abuse or separation.
- § To provide for medical care during a pregnancy that resulted from the abuse.
- § To replace medical coverage or health care services that were lost because of the separation from the abuser.

6. EXEMPTION FROM DEEMING REQUIREMENTS

In order for any person to qualify to receive public benefits, the state benefits granting agency must determine whether the applicant is "income eligible" to receive the benefit. If a person obtained lawful permanent resident status through a family member, an affidavit of support is required. This affidavit states that the sponsor is willing to be financially responsible for that immigrant. Therefore when seeking public benefits, the benefits granting agency assumes, for the purposes of determining income eligibility, that the immigrant has full access to the income and assets of her sponsor. The following groups of battered immigrants are exempt for 12 months from meeting the deeming requirements:

Has	Needs	
_____	_____	VAWA self-petitioners (with prima facie determinations, approved self-petitions, or those who have received lawful permanent residency under VAWA);
_____	_____	VAWA cancellation of removal or suspension of deportation applicants (with prima facie determinations, approved self-petitions, or those who have received lawful permanent residency under VAWA);
_____	_____	Battered immigrants with approved I-130 petitions filed for them by their spouses or parents;

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- _____ _____ Children whose battered immigrant parent qualifies for benefits due to VAWA or an approved family-based visa petition;
- _____ _____ Lawful permanent residents and any dependent children who obtained their status through a family-based visa petition and were battered before and/or after obtaining lawful permanent residency;
- _____ _____ and
- _____ _____ Certain indigent immigrants who the benefits provider determines to be unable to obtain food and shelter in the absence of assistance.

EVIDENCE LIST FOR BATTERED IMMIGRANT WOMEN SEEKING SOCIAL SECURITY NUMBERS

This list is designed to provide advocates working with battered immigrants with a tool that will help them work more effectively in obtaining social security numbers. Battered immigrants who receive a prime facie determination may be eligible to receive cash assistance. Many federal and state benefits agencies require a social security number in order to issue the cash benefit. Therefore, battered immigrants who do not have an INS issued work authorization will need to apply for a non-work social security number. Advocates are strongly encouraged to accompany their clients to the Social Security Administration to ensure that their clients are not denied non-work SSNs by caseworkers who do not fully understand the process and eligibility requirements involved in issuing non-working SSNs.

I. NON-WORKING SOCIAL SECURITY NUMBER

To obtain a non-work social security number, the applicant must be able to prove the following:

A. DOCUMENTS TO PROVE AGE

Has	Needs	
_____	_____	Birth certificate
_____	_____	Religious record showing age or date of birth
_____	_____	Hospital records of birth
_____	_____	Passport

B. TO PROVE IDENTITY

Has	Needs	
_____	_____	Driver's license
_____	_____	Identity card
_____	_____	School record
_____	_____	Medical record
_____	_____	Marriage records
_____	_____	Passport
_____	_____	Immigration and Naturalization Service document

C. PROOF OF LEGAL REQUIREMENT

_____	_____	Letter from benefits agency stating client is eligible to receive the benefits but is required to obtain a non-work social security number in order to receive these benefits.
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2. WORK AUTHORIZED SOCIAL SECURITY NUMBER

To receive a work eligible social security number the immigrant must show that she has been authorized to work in the United States by the Immigration and Naturalization service. If the client does not have proof of work authorized immigration status, she may be eligible for a non-work social security number. The applicant must prove the following to receive a social security number:

A. DOCUMENTS TO PROVE AGE

Has	Needs	
_____	_____	Birth certificate
_____	_____	Religious record showing age or date of birth
_____	_____	Hospital records or birth
_____	_____	Passport

B. DOCUMENTS TO PROVE IDENTITY

Has	Needs	
_____	_____	Driver's license
_____	_____	Identity card
_____	_____	School record
_____	_____	Medical record
_____	_____	Marriage records
_____	_____	Passport
_____	_____	Immigration and Naturalization Service document

C. DOCUMENTS PROVING WORK AUTHORIZED IMMIGRATION STATUS

Has	Needs	
_____	_____	Proof of lawful permanent resident or conditional resident status
_____	_____	Evidence that client was granted refugee status
_____	_____	Evidence that client was granted asylum status
_____	_____	Copy of valid INS work authorization card
_____	_____	Copy of non-immigrants visa which authorizes client to work
_____	_____	Evidence that client was granted temporary protective status
_____	_____	Non immigrant student seeking on campus employment, part time off campus employment or curricular practical training

3. OBTAINING A SOCIAL SECURITY NUMBER FOR A CHILD

If a child is a United States Citizen, the Social Security Administration must issue a social security number to that child regardless of whether the parents are documented immigrants. The applicant must be able to prove the following:

A. PROOF OF U.S. CITIZENSHIP STATUS

Has	Needs	
_____	_____	Birth certificate
_____	_____	Hospital records of birth
_____	_____	Passport

B. PROOF OF IDENTITY (FOR CHILDREN OVER AGE 7)

Has	Needs	
_____	_____	Driver's license
_____	_____	Identity card
_____	_____	School record
_____	_____	Medical record
_____	_____	Passport
_____	_____	Immigration and Naturalization Service document
_____	_____	Other similar document serving to identify the individual