

VAWA: How to Prove Your Abuser's Immigration Status

Immigration requires supporting evidence with every kind of application or petition. Some kinds of evidence are easier to find than others. One of the trickier kinds is proof of someone else's immigration status. This is especially true when that person does not help you get the evidence.

You need to prove someone else's immigration status if you need to show Immigration how you got your status through that person. This person may be your spouse or parent who is either a U.S. citizen or a lawful permanent resident (LPR). Maybe that person died, and therefore cannot help you provide evidence of their status in the United States.

However, the most common example of someone trying to prove another person's status is an immigrant victim of domestic violence. This usually happens in VAWA (Violence Against Women Act) self-petition or a VAWA cancellation of removal. In these cases, the abuser can, but often does not want to help. If you are a victim of domestic violence and you want to use your abuser's immigration status to change your own, here are some ways you can prove their status to Immigration.

NOTE: Some kinds of evidence of your abuser's immigration status are better than others.

Best Evidence of U.S. Citizenship

Birth Certificate

If you want to use your abuser's birth certificate as proof of their citizenship, you do not need the original document. You can use a copy.

In Wisconsin you can get a certified copy of another person's birth certificate if you can show you have "a direct and tangible interest" in it ([according to the state's Statute](#)). This means, you can get a copy of their birth certificate if you are any of the following:

- An immediate family member (e.g. current spouse, child, or parent whose parental rights have not been terminated);
- Brother/sister;
- Grandparent;
- Current domestic partner registered in the Wisconsin Vital Records System;
- A legal custodian or guardian;
- An authorized legal representative; or
- A person who can demonstrate the record is necessary for the determination or protection of a personal or property right.

NOTE: Grandchildren, stepparents, and stepchildren can only obtain certified copies if they are the legal custodian or guardian of the person named on the record, if they are an authorized representative of the person named on the record, or if the record is required for the determination or protection of a personal or property right.

A birth certificate is called a "vital record". You can find [more information](#) and the application for a copy of someone's birth certificate from the Wisconsin Department of Health Services at dhs.wisconsin.gov. When you apply, be sure to follow all of the instructions carefully.

United States Passport

To use your abuser's U.S. passport as evidence of their citizenship, you only need a copy of the biometrics page. This is the page with their photo, date and place of birth listed. You don't need the rest of the passport.

The passport can expire, and you don't need the original. You can use a copy.

Privacy laws do not allow you to get a copy directly from the U.S. Department of State. You will need to make a copy of the biometrics page yourself.

Previous Immigration Application

If your abuser has filed for you before, Immigration probably already has a copy of their immigration status in some form. Privacy laws do not allow you to get a copy of

this directly from Immigration. But if you ask, they are required to look for evidence of your abuser's status.

Keep a copy of everything you send to Immigration, including a request for them to look for evidence of your abuser's citizenship.

Certificate of Citizenship or Naturalization

If your abuser was not born in the United States but got citizenship later, you can use a copy of their Certificate of Citizenship. You do not need the original. You can use a copy, but you cannot get it from Immigration. Privacy laws do not allow that. You would have to either already have a copy or find some other way to get one.

Consular Report of Birth or Certification of Birth

If your abuser was born abroad but their parents were U.S. citizens, they would have a consular report of birth abroad, which will prove U.S. citizenship. Privacy laws do not allow you to get a copy of this directly from Immigration or the Department of State. If you can find your own copy of your abuser's consular report of birth abroad or certification of birth, you can use that to prove their U.S. citizenship.

Other Evidence of U.S. Citizenship

Proof of Voter Registration

In Wisconsin, you can check to see if someone is registered to vote at myvote.wi.gov. You just need the person's first name, last name, and date of birth. This is not absolute proof of their citizenship, because in Wisconsin, someone registering to vote simply swears that they are a U.S. citizen. There is no proof of citizenship required to register to vote in Wisconsin. However, if you can show Immigration that your abuser registered to vote, that is pretty good proof of their citizenship.

Marriage Certificate

In many states, including Wisconsin, your place of birth is listed on your marriage certificate.

Children's Birth Certificate

In many states, your place of birth is listed on your children's long form birth certificates. If you and your abuser have children together, you should get copies of your children's long form birth certificates. This is called a vital record. You can find [more information](#) and the application for a copy of someone's birth certificate from the Wisconsin Department of Health Services. When you apply, be sure to follow all of the instructions carefully.

Affidavits

Using an affidavit as proof of someone's citizenship can be tricky because you need someone who actually knows that your abuser is a U.S. citizen. You should try to find a family member who was present in their life and old enough to remember your abuser's birth. Your abuser's parents should have actual knowledge of their birth. Perhaps an aunt or an uncle. A sibling can be a good source for an affidavit if they were old enough to remember the birth.

Joint Applications

Some financial applications require proof of citizenship. If you and your abuser applied for something together, like a mortgage, you can request a copy of the application from the company. You could use this as proof for your immigration case if the application includes your abuser's immigration status.

If you share health insurance, that company might be able to give you proof. Likewise, if you co-own a checking or savings account, the bank may be able to give you documents that include proof of your abuser's U.S citizenship.

Best Evidence of Lawful Permanent Residence

Copy of a Green Card

You don't need the original, but you do need at least a copy.

Previous Immigration Application

If your abuser has filed something for you before, Immigration probably already has proof of their Immigration status in the application. They cannot give you a copy of the evidence. But if you ask, they are required to look for it.

You should keep copies of everything you send to Immigration, including a request for them to look for evidence of your abuser's lawful permanent residence.

Joint Applications

If you applied for something with your abuser as co-applicants, you can request a copy of the application. Some applications include your abuser's immigration status. For example, most mortgage companies require some proof of immigration status. If you are covered under your abuser's health insurance, you might be able to ask them for documents that show your abuser's status. If you co-own a checking or savings account, you can ask the bank for a copy of your application.

You can use any application as proof of your abuser's lawful permanent residence if it includes a record of their immigration status.

Work with a Good Immigration Attorney

These are just a few ideas. Work with a [good immigration attorney](#) for your VAWA self-petition or VAWA cancellation of removal. Your attorney can help you find a way to get the evidence you need for your immigration case.

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