

**Physical Documentation --
Tips and Strategies for Gathering
ala Becky Rambow, Immigration Clinic**

Physical documentation is the heart of many cases. Lack of documentation can break a perfectly valid claim as well as give a veneer of respectability to, shall we say, a more anemic one. **Start gathering documentation early and get as much or (preferably) more than humanly possible.** Gathering will always take more time than you anticipate and having to do it all at the last minute is a Bad Idea.

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I. First thing to do

As soon as possible, get the alien to sign some general release forms. There is a sample release form attached at the end. Some places require their own release form, and some even require the alien to request documents themselves, and you just have to find out as you go along, but it will speed and smooth matters *immensely* if you already have signed releases on hand. I advise you to get 6 signed releases when you begin any case requiring heavy documentation (Cancellation, Asylum, etc.). And don't think 6 is going to be too many – you may well need more later. [Incidentally, Barbara is a notary, if you want to get the release notarized – not absolutely necessary, but could be useful...]

II. Don't Let the Documentation Disappear!!

Once you get your hands on original documents, make sure you keep them in the file. If the alien has the originals, ask him nicely if you can keep them while the case is pending (but use common sense – obviously he needs to keep his original social security card and driver's license and that sort of thing). We don't generally turn in original documents (like tax forms or W-2s or report cards, etc.), just copies, but the judge or DHS attorney is entitled to request to see the original. It is far easier if all original documents are in the file in the Clinic rather than counting on the alien to bring every piece or evidence every time you go to court.

How to best keep the evidence in the file? *Don't* punch holes in it. Usually the best way is to use a large manila envelope – clearly marked with the alien's name and "Original Docs" and keep that in the file. This keeps everything together and in once piece. Remember, these things are part of the alien's life and we are only keeping them on sufferance – we don't want to be responsible for losing them.

III. Documents You Can Gather (this list is by no means all-inclusive)

A. Birth Certificates

Specific directions on how to request one, see Part IV

B. Baptismal/Church Records

A church will often keep records of baptisms. Some churches keep records of when members join and are confirmed.

C. Social Security Records

If the alien has worked with a valid social security #, the employer should have taken out social security wages. You can request a free social security statement on the internet (directions, Part IV).

D. Tax Forms

Has the alien filed tax returns? If the alien doesn't have copies on hand, copies for up to at least 6 years previously (the IRS may or may not still have records of ones dating further back than 6 years) can be requested directly from the IRS (directions, Part IV).

E. Legal Documents

- Divorce decrees and/or motions
- Criminal Complaints/Convictions
- Civil Suits
- Liens
- Immigration documents

If the alien has ever been named in any sort of civil or criminal suit, the documents should be on file with the court. Alternatively, if they had a lawyer representing them, you could contact that lawyer for the documents. Note that motions that have been filed but not granted can still be used as proof of address or bona fide marriage. For immigration documents, *file a FOIA* – these take months to process, so do it right away! (Specific information on retrieving criminal records, Part IV)

F. School Records

- Transcripts
- Report cards
- Vaccination Records
- Diplomas
- Standardized Test scores and dates taken

If the alien or his children were/are in school, the school should have a record of addresses. Check the main office of the school district first to determine where records are kept. Most districts will have the records at the school being attended *while* the student is in school and then stored elsewhere once he leaves the district or graduates.

G. Yearbooks

Pictures are difficult to use as proof because generally they aren't dated. You could get lucky and have a calendar in a picture, but then you're usually inside and it's hard to prove the picture was taken in the U.S. In fact, even with the date-stamp pictures, unless they're taken in front of something that is obviously in the U.S. (landmark, road sign, police car, etc.), those don't even help. But a school yearbook or a school class picture (ie – a picture of the student and the student's whole class) with the year on it overcomes both those problems.

H. Work Records

An employer should have records including dates of employment, address, phone number, social security number, emergency contact, and pay information. (Directions on hunting down employers, Part IV)

I. Medical Records

- Has the alien ever been in the hospital?
 - For an accident
 - Childbirth
- Does the alien have a regular doctor?
- Has the alien ever gone to Planned Parenthood or a health clinic?
- Vaccination records
 - A school should have copies of the student's vaccination records up to the point he left the school

J. Medicaid, SNAP, and WIC

You need to go in person to the particular office to request records for these. If you're not sure what office you need, begin with Texas Department of Human Services and ask them. They infinitely prefer that the client go in person. The WIC people may even require it to be the client. Call the office first to see what their specific requirements are and if an appointment needs to be made. You may need to bring original birth certificates and/or social security cards as well as the signed release forms. Note that the printouts can take up to 2 weeks to prepare.

K. Driver's License / State ID card

- Some states have "date issued" actually printed on the card
- You can request a copy of the original application for the license or ID from most states
- If the alien has had any motor vehicle accidents, you can also request a copy of all accident reports
- Even if there are no accidents, you can request a copy of the driving record, it will just state that there have been no accidents
- See instructions for requesting TX docs in Part IV

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First appeared as part of the conference materials for the
2020 A Practical Guide to Immigration Removal Proceedings session
"Adjustment of Status (approx. 30 min.)"