

# Having complete records facilitates making a compelling AWA immigration submission

written by Allan Lolly | September 2, 2022



By Allan Lolly . . . Success with US Immigration under the Adam Walsh Act requires a lot of effort to get things right. A first basic step in presenting a good case is having the correct and complete set of criminal and treatment records.

## **Step 1: Pull Records**

Instructions to help you get started [can be found here](#). This outlines targeted records and how to try to obtain them; this should be especially helpful to most who are not oriented toward pulling records.. Work first on records that are likely to be readily available to you.

Records are not always available, and yet the US petitioner has the burden of proving beyond a reasonable doubt that he or she poses no threat to the foreign family member. This is the

highest legal standard of proof, and certified records play an important role in helping to satisfy the petitioner's burden.

## **Successes Happen**

Don't be overly discouraged about the AWA. Despite the odds, you can have success. [Here are some cases that have been approved](#) over the past several years. This link provides some information about what may lead to success. There have been a number of approvals for us since then as well, three within the past five months, all from the USCIS without the need to litigate:

- Robert: Sexual intercourse with a 14-year-old minor in 1999. Mutual attraction. K1 fiancée petition approved in April 2022; fiancée from the Philippines.
- Todd: Child porn on cell phone. Incident in February 2018. On probation and the registry. Adjustment of status approved for his spouse from China on June 1, 2022.
- Doug: Sexual relationship with a girl he met online who turned out to be 13. Adjustment of status approved for his spouse from Korea on August 2022.

## **Proceed Cautiously**

USCIS is the United States Citizenship and Immigration Service, the agency that decides whether or not to approve immigration submissions. Approval from USCIS is not impossible as shown, but AWA matters are some of the most difficult cases in immigration. An attorney who continually researches and is willing to explore all legal avenues can be helpful. USCIS officers often take seriously those who are serious.

## **Other Avenues**

In addition to substantive AWA no risk approvals by USCIS, there can be technical reasons the AWA might not apply. In other instances, a resubmission with new information has

resulted in approval. Other immigration options outside family sponsorship should be explored to find the best path to a green card. Cases are always a work in progress. All avenues in support of your family should be explored.