

Sample Cover Letter – Battered Spouse Waiver (I-751)

[Date]

U.S. Department of Homeland Security
Citizenship and Immigration Services
Vermont Service Center
Attn: VAWA Office
75 Lower Welden Street
St. Albans, VT 05479

Re: XXXXXXXX XXXXXXXX
 A# XXX-XXX-XXX
 I-751 Petition to Remove Conditions on Residence
 Request for Waiver of Joint Filing Requirement

Dear Sir or Madam,

Please find enclosed XXXXXXXX XXXXXXXX's I-751 Petition to Remove Conditions on Residence and a Request for a Waiver of the Joint Filing Requirement based on:

1. Her entry into marriage with XXXXXXXX XXXXXXXX in good faith;
2. The battery and extreme cruelty she faced by Mr. XXXXXXXX. INA §216(c)(4)(C).

In connection with her petition, Ms. XXXXXXXX submits the following:

- Form G-28 Notice of Entry of Appearance as Attorney, of XXXXXX XXXXXX;
- Form I-751 Petition to Remove Conditions on Residence and supporting evidence;
- Check in the amount of \$590 made payable to the "U.S. Citizenship and Immigration Services" for the I-751 filing fee (**or Form I-912, Application for Fee Waiver and Supporting Documentation, for that amount)

The “any credible evidence” standard is applicable to I-751 battered spouse waiver cases under INA § 216(c)(4)(C). Ms. XXXXXXXX submits the following evidence in support of her petition:

1. Evidence of Petitioner’s Status and Identification

- Exhibit 1 Declaration of XXXXXXXX XXXXXXXX (hereinafter “Decl. of Ms. XXXXXXXX”) at ¶¶
- Exhibit 2 Copy of Ms. XXXXXXXX’s Conditional Permanent Resident Card
- Exhibit 3 Copy of the biographical page from Ms. XXXXX’s passport.
- Exhibit 4 Copy of Ms. XXXXXXXX’s immigrant visa entry stamp.

2. Evidence of Petitioner’s Good Faith Marriage

- Exhibit 1 Decl. of Ms. XXXXXXXX at ¶¶
- Exhibit 5 Copy of Marriage Certificate of Ms. XXXXXXXX and Mr. XXXXXXXX
- Exhibit 6 Copies of photographs of Ms. XXXXXXXX and Mr. XXXXXXXX spending time together in XXXXXXXX and the United States
- Exhibit 7 Copy of Rental Lease Agreement signed by Ms. XXXXXXXX and Mr. XXXXXXXX for their shared apartment at XXXXX XXXXX, XXXXX, Maryland.
- Exhibit 8 Copy of joint checking account statement of Ms. XXXXXXXX and Mr. XXXXXXXX’s from Suntrust Bank.
- Exhibit 9 Copy of Joint Income Tax Return for XXX Years

Ms. XXXXXXXX’s marriage was entered into in good faith. Ms. XXXXXXXX and Mr. XXXXXXXX were married on DATE, in XXXXX, XXXXXXX. See Exhibits 1, 5. Ms. XXXXXXXX was in love with Mr. XXXXXXXX and happy about spending her life with him. See Exhibit 1. Photographs from their marriage document their life together. See Exhibit 6.

3. Evidence of Battery and Extreme Cruelty

- Exhibit 1 Decl. of Ms. XXXXXXXX at ¶¶
- Exhibit 10 Copy of DATE Event Report, issued by Montgomery County Department of Police, evidencing physical abuse suffered by Ms. XXXXXXXX.
- Exhibit 11 Copy of DATE Filing for Petition for Protection from Domestic Violence, later dismissed on DATE.
- Exhibit 12 Copy of Comments/Hearing section of DATE petition record, noting voluntary dismissal of petition on DATE. Please see DATE Petition for Protection from Domestic Violence, which describes the pressure she was under to withdraw her protective order petition. See Exhibit 13.
- Exhibit 13 Copy of Petition for Protection from Domestic Violence filed on DATE, explaining that Ms. XXXXXXXX withdrew her DATE request for a Protective Order because Mr. XXXXXXXX “threatened to kill [her] if she didn’t.”
- Exhibit 14 Copy of Temporary Protective Order issued on DATE; Notice to Respondent; and True Copy Certification of Temporary Protective Order.

Abuse includes not only physical harm but “extreme cruelty,” which is “any act or threatened act of violence . . . which results or threatens to result in physical or mental injury” 8 C.F.R. 216.5(e)(3)(1). Acts of violence include “[p]sychological or sexual abuse or exploitation.” Id.

Throughout her marriage to Mr. XXXXXXXX, Ms. XXXXXXXX was repeatedly subjected to battery and extreme cruelty. In her Declaration, Ms. XXXXXXXX describes in detail how Mr. XXXXXXXX subjected her to physical abuse and extreme mental cruelty by physically assaulting her, forcing her to have sex against her will, seeking to control every aspect of her life, and threatening to kill her. See Exhibit 1. On two separate occasions, Ms. XXXXXXXX felt so threatened by Mr. XXXXXXXX’s abuse, she moved out of the home she shared with Mr. XXXXXXXX and hid at a friend’s home. See Exhibit 1, paras. 35, 36.

Mr. XXXXXXXX has repeatedly acted in a violent manner towards Ms. XXXXXXXX, and these actions have placed Ms. XXXXXXXX in fear of serious injury or even death. On many occasions, Mr. XXXXXXXX would force Ms. XXXXXXXX to cook for him or massage him in the middle of the night when he returned from work. See Exhibit 1, paras. 23, 28. If she ever refused his requests, he would slap her and throw her off of the bed and onto the floor, until Ms. XXXXXXXX became too afraid to refuse him any longer. See Exhibit 1, paras. 23, 28.

Mr. XXXXXXXX became particularly violent with Ms. XXXXXXXX, when she tried to discuss his family’s abusive treatment of her. Mr. XXXXXXXX and Ms. XXXXXXXX lived with 12 of his family members, and they demanded that Ms. XXXXXXXX do all of the cooking and cleaning for them. See Exhibit 1, para. 24. Although she worked day and night to keep a clean

house and prepare every meal, Ms. XXXXXXXX could never satisfy XXXXXXXX's family, and they would frequently scold her and hit her if they found flaw in her efforts. See Exhibit 1, para. 24. Many times, Ms. XXXXXXXX begged Mr. XXXXXXXX to move out of the house, and each time he became enraged by her requests. See Exhibit 1, para. 27. Mr. XXXXXXXX would scream that he did not care if his family did not treat her well, and would slap her across the face until she became too afraid to speak. See Exhibit 1, para. 27.

In addition to these and other incidents of physical abuse, Mr. XXXXXXXX sexually assaulted Ms. XXXXXXXX on repeated occasions. See Exhibit 1, para. 29, 39. Mr. XXXXXXXX insisted on having sex with Ms. XXXXXXXX nearly every night and often against Ms. XXXXXXXX's will. When Ms. XXXXXXXX tried to resist Mr. XXXXXXXX's sexual advances, he would get very angry and yell at Ms. XXXXXXXX that she had no choice but to succumb, because she had to obey him as his wife. See Exhibit 1, para 29. Mr. XXXXXXXX would then hold Ms. XXXXXXXX down, and enter her forcibly and against her will. See Exhibit 1, para. 29.

Mr. XXXXXXXX repeatedly demonstrated his desire to dominate, control, and isolate Ms. XXXXXXXX. He demanded strict obedience from Ms. XXXXXXXX and with the help of his family, monitored Ms. XXXXXXXX's every move to ensure that she did not disobey him. See Exhibit 1, para. 26. They rifled through all of her personal mail and attempted to prevent her from using the telephone. In fact, if XXXXXXXX found Ms. XXXXXXXX attempting to use the phone, he would grab the phone from her hands and throw it at her. See Exhibit 1, para. 26. Ms. XXXXXXXX was forbidden from making friends and was confined to the house, unless she was at work. See Exhibit 1, para. 26.

The abuse suffered by Ms. XXXXXXXX reached a critical point in DATE, when Ms. XXXXXXXX sought a protection order against Mr. XXXXXXXX and temporarily moved out of their shared residence. See Exhibit 1, paras. 31 - 37. That day, Ms. XXXXXXXX overheard XXXXXXXX's mother complaining incessantly to Mr. XXXXXXXX about all of the ways in which Ms. XXXXXXXX was a terrible, lazy wife and daughter-in-law. See Exhibit 1, para. 31. When Ms. XXXXXXXX attempted to defend herself against these accusations, she was verbally and physically attacked by Mr. XXXXXXXX's family. See Exhibit 1, para. 32. Mr. XXXXXXXX simply watched as the horrible scene unfolded and became increasingly angered by Ms. XXXXXXXX's attempts to defend herself. See Exhibit 1, para. 32. Ms. XXXXXXXX made an initial attempt to escape the attack and run away from the house, which only compounded Mr. XXXXXXXX's anger. See Exhibit 1, paras. 33, 34. When Ms. XXXXXXXX tried to reason with Mr. XXXXXXXX, he pulled off his belt and whipped Ms. XXXXXXXX all over her body, tried to choke her, and then left her beaten and bruised on the floor. See Exhibit 1, para. 34. That night, Ms. XXXXXXXX was able to escape from the house, and she reported Mr. XXXXXXXX's violence behavior to the police and sought a protection order from the court. See Exhibit 1, paras. 35, 36. Just days later, coerced by Mr. XXXXXXXX's promises of love and devotion, Ms. XXXXXXXX withdrew her petition for a protection order and made her first attempt to reconcile with Mr. XXXXXXXX in early March. This violent episode and its aftermath embodied the pattern of coercion and control that defined Ms. XXXXXXXX's relationship with Mr. XXXXXXXX.

Mr. XXXXXXXX's abusive behavior returned with a vengeance almost immediately after Ms. XXXXXXXX returned to him. He became even more obsessed as to Ms. XXXXXXXX's

whereabouts and called her work constantly to be sure she was not lying about her work schedule. See Exhibit 1, para. 39. Mr. XXXXXXXX also forbade Ms. XXXXXXXX from going outside the house, except when she had to work, and would not allow her to give out her phone number to anyone. See Exhibit 1, para 39. In addition he controlled the household finances and never allowed Ms. XXXXXXXX access to any of the money she earned at her job. See Exhibit 1, para. 39.

Whenever Mr. XXXXXXXX felt like he was losing control, he would react violently and would slap and punch Ms. XXXXXXXX and scream at her. See Exhibit 1. On one occasion, in DATE, Mr. XXXXXXXX's had such an extreme reaction that Ms. XXXXXXXX petitioned for another protective order. That day, Ms. XXXXXXXX went out with a friend from work, although Mr. XXXXXXXX believed that she was working all day. See Exhibit 1, para. 41. When Mr. XXXXXXXX discovered what had happened, he went into a rage and threatened to kill Ms. XXXXXXXX if she returned home that night, or ever. See Exhibit 1, paras. 42, 43. Fearing for her life, Ms. XXXXXXXX petitioned the court for a protective order, which she later withdrew under threats from XXXXXXXX and his family. See Exhibit 1, paras. 44, 45.

This pattern of Mr. XXXXXXXX's abuse and Ms. XXXXXXXX's attempts to alternately escape from and return to the relationship continued for the next six, agonizing months. See Exhibit 1, paras. 46 - 58. The longer Ms. XXXXXXXX remained in the relationship, the more difficult it became for her to break the pattern and imagine a life without Mr. XXXXXXXX. See Exhibit 1, paras. 46 - 58. Ms. XXXXXXXX was especially vulnerable to Mr. XXXXXXXX's physical and emotional manipulation and domination, because she was an inexperienced teenager married to a man twice her age. See Exhibit 1, para 74.

As of DATE, Ms. XXXXXXXX has ended her relationship with Mr. XXXXXXXX and is living with a friend in Maryland. See Exhibit 1. Having been away from Mr. XXXXXXXX for the past 5 months, Ms. XXXXXXXX has now found a safe place to live and is looking ahead to her future. She is working very hard to become independent and break the cycle of violence in her life. Ms. XXXXXXXX attends English language classes and is currently employed as a XXXXXXXX.

Mr. XXXXXXXX's physical abuse, extreme cruelty, and threats to Ms. XXXXXXXX resulted in physical and mental injury to her. These incidents therefore meet the statutory requirements of abuse.

Please do not hesitate to contact us if you have any questions regarding this matter.