

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
CITIZENSHIP & IMMIGRATION SERVICES
VERMONT SERVICE CENTER
ST. ALBANS, VERMONT

IN THE MATTER OF:)
)
JANE DOE)
)
Applicant)
_____)

**DECLARATION OF JANE DOE IN SUPPORT OF HER I-918 U VISA PETITION AND
I-192 WAIVER OF INADMISSIBILITY**

I, JANE DOE, hereby state under penalty of perjury that the following statements are true and accurate to the best of my knowledge, information, and belief, and that I incorporate the following statements into my application for a U Visa:

Introduction

1. My name is JANE DOE. I was born in Peru on DATE. I came to the United States on a visitors Visa on DATE, and currently live in an apartment in CITY, Virginia.
2. I have two children who live with me in the United States. My son, SON, is six years old and my daughter, DAUGHTER, is five.
3. I survived over five years of physical and mental abuse at the hands of my husband. After a particularly brutal attack on DATE, in which he repeatedly punched my face, splitting my lip and cutting my nose and cheek with my broken glasses, I finally summoned the courage to speak out against his abuse. I moved out and obtained a Protective Order against my husband, which he soon violated. After that, I told the police about his abuse and he was arrested. I testified at my husband’s trial on August 21, 2006, and he was convicted of Domestic Assault and Battery.

A History of Abuse in Peru

4. I met my husband in DATE. When we first got together, I thought he was the most beautiful person in the world. Our courtship was incredibly romantic; he bought me flowers and cards and we were very much in love.
5. The first time I met his mother, she warned me that her son was an ill-tempered person and not easy to live with. She told me, “If you have the patience to deal with him, great.” Looking back, I now see this as a warning sign, but at the time, I couldn’t see any of his flaws because I was so in love.
6. We had only been dating for two months when he left for the United States to find work. I was heartbroken when he left, although I also felt proud that he was leaving to support his family.
7. A few weeks after my husband’s departure, I learned that I was pregnant. I was extremely nervous when I called to tell him about my pregnancy. I didn’t think he was ready to be a father; after all, we had only been dating for a few months. I prepared myself for an unpleasant reaction, but to my surprise, he was excited to learn that I was going to have a baby.
8. We spoke often during my pregnancy, and it was only then that I began to see his possessive nature and the temper his mother had warned me about. Whenever we spoke, he always wanted to know what exactly I was doing, where I had been, and who I had seen. He also demanded that I stop working, telling me that it was my duty to take care of my baby. Unlike my husband, I was raised with a strong work ethic, so I returned to work soon after my son was born, despite his protestations. I think he ultimately

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accepted me working only because I was making money to support my son and he was giving us little financial support at the time.

9. My husband returned to Peru when my son, SON, was four months old. We were married a week later. I decided to get married so quickly because despite some of the problems we were having, we were still very much in love. I thought that it was important to give my son stability, security, and a real family. I faced outside pressure as well, because my Catholic family and general Peruvian culture looked down on single mothers.
10. Our family life began to go downhill soon after we were married. My husband seemed irritated by his new son and the changes he brought to our lives. He was bothered by his son's cries and refused to wake up when SON cried at night. He wanted everything to be the same as it had been before – he wanted to go out and expected that all my attention would still be lavished on him. He didn't understand that things had to change now that we had a child. It was a difficult time for me; I constantly felt torn between my duty to my new husband and to my newborn child.
11. Our problems only got worse when the money my husband had made in the United States ran out. My husband had a hard time finding work, and when he finally did get a job as a security officer downtown, he was fired after few months for refusing to follow orders. After that, he would sleep until late in the afternoon and spend the rest of the day drinking. He was agitated all the time and his anger grew. When our son would cry, he would yell and throw things to try to quiet him.
12. It was around this time, when my son SON was about six months old, that my husband decided that he wanted to have another baby. I didn't want to have another child because

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our family life was already so strained, but I also wanted to make him happy, and in Peru, if a husband wants a child, his wife must oblige him.

13. Unfortunately, my pregnancy did nothing to soften my husband's moods. I had endured his bad temper before, but he had never been physically abusive. This all changed when I was seven months pregnant with my daughter. He was angry about something one day, I cannot even remember what, and he responded by pushing me, hard, from the back. I told him that he couldn't do this to me, that he didn't have the right to push me. This just made him angrier – he didn't like that I was standing up for myself. He told me that I should calm down and pushed me and slapped me across the face. Thankfully, my mother lived a few blocks away from us and was walking by our window in time to see the slap. She came in to defend me, but my husband told her that I was pregnant and hysterical, and he was just trying to calm me by hitting me.

14. After my daughter DAUGHTER was born, I begged my husband to find work. I told him I couldn't do everything by myself. He responded by pawning some of our household items and making grand plans to sell our car to make money, but I knew that this was only a pretext to allow him to leave the house so he could drink with his friends. I was so frustrated – we hardly had enough money for food and he was spending what little we had on beer!

15. My husband remained both sullen and violent during this time. The worst incident occurred when DAUGHTER was two months old. I came home from work to find my husband once again at the bar down the street. I watched him drink and then get into a car with some strange women. I confronted him when he came home and again he gave me the same old excuse that he was trying to sell our car. When I continued to question

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him, he lost complete control. He pushed me, pulled my hair, slapped my face, and punched me in my arms and legs. He beat me as if I were a man, beat me until my face was red and my body was bruised. I was so badly hurt that I could not go to work the following day. The part that was the most upsetting to me was that he did all of this in front of my son.

16. My husband stayed away for about three or four days after the attack. To this day, he has never admitted to or apologized for beating me. He just says that he was drunk and doesn't remember, but I know that is a lie.
17. Everything changed after that incident. I was so mad at him. Here I was working every day to support my family and my husband was an unemployed drunk who would beat me. Our credit was over-extended and we barely had enough money for diapers and formula for the baby. We were sinking, so when the opportunity for him to return to the United States arose, he took it.
18. My life quickly improved once my husband left for the United States. I was able to get out of debt, I went back to school, and things were just so much calmer for me and my children. After a while, as my life improved, my anger began to fade. In the beginning, my husband and I would speak on the phone, but our conversations were very business-like; we discussed our children and nothing else. As time went on, however, we began to have more involved conversations. He told me that he missed his family and that he loved us all. He promised to regain control over his life and to try to become a better man for us. It was hard for my children, especially my two-year-old son, to be without their father. It was heartbreaking when SON began pointing to the telephone when wanted his dad.

19. One day when we were on the phone, my husband asked me to join him in the United States. I struggled with the decision for weeks. I was nervous about my husband – had he really changed? Would things really be better in the United States? But in the end, I decided that my children needed their father. I applied for a visitor’s visa, a temporary visa that would allow me to try out living with my husband again. Despite our rocky history, I was ready, for the sake of my family, to forgive and try to begin anew.

The Abuse Continues in the United States

20. I came to the United States with my children on DATE. We moved into an apartment with my husband and his mother. It was hard for me at first because I was not used to living in the United States and I missed my family and my work. I cried a lot and wanted to return to Peru but kept trying for the sake of my family. At first, my husband consoled me, but his patience soon ran out and he quickly became irritated with both me and our children. He was used to living alone and didn’t seem have any patience for us.

21. We did not have a car, so we had to walk everywhere, which made me scared; the streets in Virginia are so much busier than those in Peru. I could overcome my fear when I was by myself, but I was especially nervous about my children being on the streets. One day, my husband told me that he was going to the store, and I told him that I didn’t want him to take SON with him. He pushed me and slapped my face, telling me “when I tell you to do something, you do it.” Although he apologized when I returned and told me that he didn’t want to hit me, I knew then that things would not be different in the United States.

22. Eventually, my husband’s abuse began to permeate every aspect of my life. He drank in the United States just like he had in Peru which made me nervous – I had seen the violent effect alcohol would have on him. He controlled all our household finances and

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expressed his displeasure whenever I left the house. He began to demand that I act out his sexual fantasies, calling me “boring” when I objected. He disapproved when I started working as a nanny. He was even more upset when I began studying English. Despite his anger, I refused to give up my job and my studies, because I was tired of being trapped at home, of having to beg him for money any time I needed to do anything simple like take the bus.

23. Whenever my husband would drink, I would go sleep with my children in their room. On one of these nights, I heard him in our bedroom, on the phone with his brother and then to someone who was obviously a woman. I was furious but did not dare confront him in his drunken state. When I questioned him the next morning, he denied having talked to anyone. I persisted, telling him that I had heard him, and he grew angry, slapping me and pushing me to our bed. I felt so trapped – I had no money to return home and was once again living the nightmare of my husband’s abuse. Nothing had changed since we left Peru – the moody man who could be set off by a fly had returned.

The Incident and its Aftermath

24. November 15, 2005 was a day that would change the course of my life forever. My husband was driving me to work when we hit some traffic. I knew the neighborhood pretty well so I told him to turn and take a shortcut. While I was on the phone with my boss, telling her that I would be late, my husband turned down the wrong way on a one-way street. He blew up, calling me “stupid” and telling me that my English classes had obviously been a waste since I couldn’t even read a simple sign. He then reached over to the passenger seat and punched me twice in the face with the back of his fist.

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25. His first punch landed low and split my lip. His second punch hit my glasses, breaking them and cutting my cheek and nose. I began to cry, telling him that I knew he could never change. He mumbled a quick apology, dropped me off, and drove away.
26. I had hidden my domestic problems from my bosses BOSS and BOSS for a long time, but I could not hide my face from them that day. BOSS took one look at me and ran after my husband. BOSS asked him what had happened and my husband told him that I had pushed him so he hit me. BOSS told him never to lay a hand on me again or he would call the police. When BOSS returned, he asked if I wanted to go to the hospital or call the police, but I told him I did not, because I was afraid of what the police would do if they found out that I did not have immigration papers. I told BOSS and BOSS everything that day – of the problems I had faced in Peru and what I continued to endure here in the United States.
27. I was terrified to return home after work, but when I did, my husband simply refused to talk to me. I think BOSS's promise to call the police scared him, so he simply ignored me and I went along with my life as usual. I grew closer to BOSS and BOSS, and they persuaded me to talk to a therapist and to begin to question my husband's actions.
28. My newfound strength and support allowed me to address the nagging doubts I had had about my husband's infidelity ever since I overheard his phone call with another woman. I was always curious why he came home so late and why he spent all of his free time on the computer. One day when I was at work, I opened his e-mail account and saw a folder labeled with a woman's name. I opened the folder and found pictures and romantic e-mails. I felt like dying when I saw those messages. I suspected that he talked to other women but could never have dreamed that he had a girlfriend.

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29. My husband's infidelity was the last straw. My heart, which I thought could not withstand any more pain, was broken. I knew right then and there that I could not longer live with my husband. I had survived physical and mental abuse and had stayed by his side largely because we married, because we had made a commitment to each other, to be a couple and family. Knowing that he had violated that trust, I had no choice but to leave him.
30. I moved into a new apartment closer to BOSS and BOSS and my husband pursued me, telling me that he was ready to live with me now and that the other woman meant nothing. I did not believe him though, and did not want to see him. I only talked to him when it was necessary to discuss our children.
31. One day, my husband took my son for what he promised would be brief visit of around one hour. When he had not returned several hours later I grew nervous and called his mother, who gave me the number for the friend my husband was with. I called the friend, and he told me that my husband was too drunk to talk to me or bring SON home. Fearing for my son's safety, my husband's friend had taken his car keys away from him to prevent him from driving. I was furious that my husband could be so irresponsible, but I was also scared to be home alone when he returned with SON, so I asked BOSS to come over the next morning. I wanted him to be there in case my husband was still drunk and became violent. I also wanted BOSS there because my husband had made a copy of the key to my apartment, telling me he needed it for "emergencies," and I wanted BOSS to get the key back for me.
32. When my husband arrived, BOSS asked for my key, and my husband blew up, insulting me, calling me a prostitute, and threatening to take my children. "Be careful," he

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growled at me, “you know what I can do.” He refused to give BOSS the key and was growing more and more angry, so we decided to call the police. I was nervous about calling them, but was more afraid that my husband would hurt me or my children. When the police arrived, they took the key from my husband and sent him away. Once he was gone, I went with BOSS to get a Protective Order against my husband.

33. I was afraid to return to my apartment even with the Protective Order, so BOSS said that I could stay at his parents’ house for a few days. However, when I went back to my apartment to get clothes for me and my children later that afternoon, I noticed that the curtains were open and a cell phone was on my table. I ran back to the car to get BOSS, who came into the apartment and found my husband hiding in the bedroom. My husband lied to BOSS, telling him that I had given him another copy of my key and said he just wanted to get his wife and kids back. We called the police again and finally reported everything that had happened – not just the break-ins and violations of the Protective Order, but the many instances of physical abuse.

34. My husband was arrested and put on trial. I testified at his trial on August 21, 2006, which was a very difficult experience. He said incredibly hurtful things about me to the judge – calling me a prostitute and a bad mother in front of everyone. I made it through though, and he was found guilty of Domestic Assault and Battery, given a ten-day suspended sentence, probation, and sent to anger management classes. After serving his sentence, he was sent back to Peru.

35. My husband’s abuse and the events surrounding his arrest caused me great heartache. I cried every day worrying for myself and my children. I lost twenty-three pounds in two weeks and am still struggling with depression.

36. My husband's abuse did not end just because he was in prison. While he was incarcerated in Alexandria, he posted personal pictures of me on the internet and sent me threatening text messages from a phone registered to "The Punisher." He continued to harass me while awaiting deportation in Texas as well. He regularly called and threatened me. He sent several letters with "children's stories" for SON and DAUGHTER, in which the characters represent members of our family – he is the lion, I am the cat, and our children are the mice. The stories detail how the evil, lying cat hurts both the lion and the mice and warn the cat to be careful. He has also sent threatening letters to Detective DETECTIVE (the detective who investigated my case), to BOSS and BOSS, and even to a friend of BOSS's. I feel a little safer now that my husband is back in Peru, because he is so much farther away and I know that there is less chance he can hurt me or my children again.

37. Despite all the difficulty I have faced here in the United States, I know it would be worse for me and my children if I were forced to return to Peru. My husband is back there now; he knows where my family lives and could easily find me if I were there too. He is furious about what has happened here in the United States and I fear that he would try to kill me or take my children if we were made to return.

My Hopes for the Future

38. I graduated from the Universidad de --- in 1999, where I studied to be a teacher, specializing in work with children with developmental issues such as downs syndrome and speech problems. I work here in the United States as a nanny in order to support my family. Sometimes I feel frustrated because even though I love taking care of BOSS and BOSS's daughter, I sacrificed so much to get a college degree and wish I could better use

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my skills and training. I would love to work as a therapist here in the United States, to use my education to contribute to this country that has given me so much.

39. I regularly attend services at St. Paul’s, a Catholic church in CITY, Virginia. My faith gives me hope and stability, and my pastor Padre Juan has been wonderful to me in my times of need.

40. I’ve never had any interactions with the police in this country that didn’t involve my husband. I have not been arrested for, charged with, or convicted of any crimes in the United States or in my home country.

41. I thank you for considering my U Visa petition and respectfully ask that you approve my I-918 AND I-192 applications.

Signed under the pains and penalties of perjury.

XXXXX XXXXX

Date

CERTIFICATE OF TRANSLATION

I, _____, do hereby certify that I am competent in both the English and Spanish languages and that I have translated the foregoing document from the original English into the Spanish language to Jane Doe who has confirmed that she understands the content of this document and believes it to be true and correct to the best of her knowledge, information, and belief.

Name

Date