

ATTN: VAWA OFFICE

VIA CERTIFIED MAIL

DATE

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Vermont Service Center
ATTN: VAWA OFFICE
75 Lower Welden Street
St. Albans, VT 05479-9400

Re: I-360 Self-Petition for Classification as the Abused Spouse of a US Citizen

Dear Sir or Madam:

Enclosed, please find Ms. Doe's I-360 Self-Petition for classification as the spouse of an abusive United States Citizen under the Violence Against Women Act (VAWA). *See* INA § 204(a)(1)(A)(iii). The following documents are included in support of Ms. Doe's Petition:

I-360 Self-Petition:

- Form G-28 Notice of Entry of Appearance as Attorney
- Form I-360 Self-Petition and supporting evidence (Exhibits 1-25)

Ms. Doe qualifies as the battered spouse of a United States citizen as demonstrated by evidence of (1) Ms. Doe's identity and status as a citizen of Honduras; (2) the status of her husband, John Doe, as a United States legal permanent resident; (3) the couple's good faith marriage; (4) Ms. Doe's shared residence with Mr. Doe; (5) the physical and emotional abuse inflicted upon Ms. Doe by Mr. Doe; and (6) Ms. Doe's good moral character. INA § 204(a)(1)(A)(iii).

Ms. Doe submits the following evidence in support of her I-360 Self-Petition under the Violence Against Women Act:

1. Evidence of Petitioner's Identity and Status

- Exhibit 1 Declaration of Jane Doe
- Exhibit 2 Copy of Ms. Doe's Expired Passport
- Exhibit 3 Copy of Ms. Doe's Identification Card, issued by the
State of Virginia
- Exhibit 4 Copy of Ms. Doe's birth certificate with translation
- Exhibit 5 Copies of birth certificates of Ms. Doe's three children in
Honduras and translations

Please note: We are requesting that Ms. Doe's children be included as derivatives on her application.

Ms. Doe was born on July XXX in Honduras and is currently living in the United States.

2. Evidence of Legal Permanent Resident Status of Abuser, John Doe:

- Exhibit 6 Copy of Permanent Resident card
- Exhibit 7 Copy of Social Security Card

See also Declaration of Ms. Doe, especially ¶ 5 .

Mr. Doe, a native of El Salvador, is a legal permanent resident of the United States.

3. Evidence of Petitioner's Good Faith Marriage:

- Exhibit 8 Copy of Commonwealth of Virginia Marriage Certificate and of Ms. Doe and Mr. Doe, issued in Springfield, Virginia, on July 8, YEAR. Copy of Commonwealth of Virginia Marriage License Official Receipt issued by the Arlington Circuit Court on July 7, YEAR.

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- Exhibit 9 Copy of Birth Certificate of Baby Doe, daughter of Ms. Doe and Mr. Doe, born October 12, YEAR, issued by the Commonwealth of Virginia Department of Health, Division of Vital Records.
- Exhibit 10 Copy of photo of Ms. Doe, Mr. Doe, and their daughter, Baby.
- Exhibit 11 Copy of Receipt for \$175 from Bankers Insurance Company, paid by Ms. Doe for Mr. Doe's release. Copy of Contingency Promissory Note and Indemnity Agreement with Bankers Insurance to secure Mr. Doe's release.

See also Exhibit 1, Declaration of Ms. Doe, especially ¶¶ 5- 16.

Ms. Doe entered into her marriage with Mr. Doe in good faith. Ms. Doe married Mr. Doe on July 8, YEAR, in Springfield, Virginia, after a year of courtship. The couple had a child together. Photographs document the family's life together.

4. Evidence of Petitioner's and Abuser's Shared Residence

- Exhibit 12 Copy of Ms. Doe's YEAR W-2 Statement from Taco Bell (with the address: Springfield, VA).
- Exhibit 13 Copy of Mr. Doe's YEAR W-2 Statement from Davis Industries, Inc. (with the same address as Ms. Doe: Springfield, VA)
- Exhibit 14 Copy of Ms. Doe's YEAR W-2 Statement from Peme Industries, Inc. (with the address: Springfield, VA)
- Exhibit 15 Copy of Mr. Doe's YEAR W-2 Statement from Program & Constr. Mgmt. Grp. (with the same address as Ms. Doe: Springfield, VA)
- Exhibit 16 YEAR Virginia Resident Income Tax Return for Ms. Doe and Mr. Doe, who filed as "married, filing separately" while residing at the address.
- Exhibit 18 YEAR Federal Income Tax Return for Ms. Doe and Mr. Doe, who filed jointly while residing at the address.

See also Exhibit 1, Declaration of Ms. Doe, especially ¶ 10, 26, 30, 36.

Ms. Doe shared a number of residences with her husband, Mr. Doe. As the evidence shows, the two lived together over a period of years and submitted joint income taxes. Exhibits 12-18 indicate that Ms. Doe and Mr. Doe lived together at Springfield, VA and Springfield, VA.

5. Evidence of Domestic Abuse Suffered by the Petitioner

- Exhibit 19 Copy of Emergency Protective Order of 01/10/2000.
- Exhibit 20 Report from Center for Multicultural Human Services counselor, Delia Morales, on Ms. Doe's mental health counseling.
- Exhibit 21 Letter of Support of co-worker and friend.

See also, Exhibit 1, Declaration of Ms. Doe, especially ¶¶ 17-37.

Abuse includes not only physical harm but also “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. 204.2(c)(1)(vi). Acts of violence include “[p]sychological or sexual abuse or exploitation,” as well as “[o]ther abusive actions...that, in and of themselves, may not appear violent but that are a part of an overall pattern of violence.” 8 C.F.R. 204.2(c)(1)(vi).

Ms. Doe suffered physical and emotional abuse at the hands of her permanent resident husband, Mr. Doe. In her declaration, Ms. Doe describes how Mr. Doe and his family physically and emotionally abused her on a regular basis. Ms. Doe describes how Mr. Doe physically abused her on occasion, and she was so afraid of him that she contacted law enforcement.

Mr. Doe also failed to provide for Ms. Doe and Baby, and often they were homeless, having to rely on the kindness of friends. When he left to visit El Salvador, he left her with his brother and sister, with very little money. He stayed longer than expected, and Ms. Doe did not have any money to support herself and her daughter. He left her to rely upon his family who did not care for her and stole from her and treated her like a slave. He also did not believe her when she said that his brother had hit her, and he made her drop the charges against him.

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Mr. Doe was also emotionally abusive. He was possessive and controlling and prevented her from communicating with her family and friends. He became jealous easily, and he often fought with Ms. Doe. He did not defend her from his family, though they were also physically and emotionally abusive.

Mr. Doe's family also abused her physically and emotionally. In addition to insulting her and making her do chores for them, they constantly encouraged Mr. Doe to leave her and take their daughter Baby with him. When she lived with them, they often threatened to kick her out of the house if she did not cook and clean for them. Additionally, Mr. Doe's brother was arrested for pushing and hitting Ms. Doe, and Mr. Doe's two sisters threatened violence against her: one of his sisters tried to hit her, and the other physically fought with her while Mr. Doe watched and refused to intervene.

Thus, Ms. Doe suffered years of physical and emotional abuse at the hands of her husband and his family. In addition to his own abuse, Mr. Doe allowed his family to abuse her and refused to interfere or protect her.

6. Evidence of Petitioner's Good Moral Character

- Exhibit 22 Alexandria, Virginia, Criminal History Record Information Request for Ms. Doe
- Exhibit 23 Letter of Support from friend, with translation
- Exhibit 24 Letter from Jane Doe regarding attempts to obtain the court disposition from Alexandria District Court
- Exhibit 25 Letter from Hanan Idilbi regarding attempts to obtain the court disposition from Alexandria District Court

See also Exhibit 1, Affidavit of Ms. Doe, especially ¶¶ 41-47; Exhibit 20, and Report from Delia Morales.

Ms. Doe was in economic distress after her separation from her husband. She was out shopping with a friend who tried to sneak some items out of the store using Ms. Doe's stroller and her daughter's bag. However, they were caught and Ms. Doe pled guilty to petit larceny and served 40 hours of community service. This incident occurred over four years ago and does not fall within the three year period that an adjudicating officer must consider when evaluating good moral character. Additionally,

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she does not fit into any of the categories of INA § 101(f) which demonstrate a lack of good moral character. Even though larceny is considered a crime involving moral turpitude, Ms. Doe qualifies for the petty offense exception to crimes involving moral turpitude and her crime is not an aggravated felony. Additionally, her crime is not an aggravated felony.

While courts have found that crimes of theft or larceny are crimes involving moral turpitude, the INA allows a petty offense exception for a noncitizen who was convicted of a crime which carries a maximum penalty of one year in prison and where the noncitizen was not sentenced to more than six months imprisonment, regardless of the time actually served. INA § 212(a)(2)(A)(ii)(II). Petit larceny is a Class One misdemeanor in Virginia. Va. Code Ann. § 18.2-96. Class One misdemeanors in Virginia are punishable by not more than twelve months of confinement in jail. Va. Code Ann. § 18.2-11. Ms. Doe was sentenced to classes and community service, and her crime is not punishable by more than one year in prison. Thus, she qualifies for the petty theft exception to crimes involving moral.

Additionally, petit larceny is not an aggravated felony. A theft offense for which the term of imprisonment is at least one year is an aggravated felony, however, Ms. Doe's offense carried at most one year of imprisonment. INA § 101(a)(43)(G); Va. Code. Ann. § 18.2-11.

Thus, Ms. Doe's conviction does not prevent her from showing good moral character. Ms. Doe has only wanted to provide a good life for her children. They are her priority and she wishes to be able to support them. She had never committed a crime in Honduras, and she has not done anything like it since then. She only wants to live a quiet happy life with her children.

* * *

As the attached documents demonstrate, Ms. Doe is a person of good moral character who committed an infraction only when she was under severe economic and emotional distress. She has been an upstanding resident of the community since then, and she is most concerned with caring and providing for her two children. Ms. Doe married Mr. Doe, a legal permanent resident, in good faith, in hopes of building a life together with their daughter. Instead, she was subjected to constant physical and emotional abuse. After several years of suffering this violence and cruelty, Ms. Doe is working to build a life for herself and her children, free from the fear of Mr. Doe's

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attacks and abuse. Therefore, she seeks approval of her petition for classification as the battered spouse of a legal permanent resident.

Thank you for your consideration. Should you have any questions please do not hesitate to contact me.

Sincerely,

Attorney Name