

U.S. Department of Justice
Immigration and Naturalization Service

Notice of Action

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Applicant/Petitioner A# [REDACTED]		Application/Petition I-360 Pet. for Amerasian, Widow(er) or Spec. Imm.
Receipt # [REDACTED]		Applicant/Petitioner [REDACTED]
Notice Date June 6, 2001	Page 1	Beneficiary [REDACTED]

[REDACTED]
ATTN JUDITH BERNSTEIN-BAKER ESQ
HIAS & COUNCIL MIGRATION SVC OF PHILADELPHIA
2100 ARCH STREET
PHILADELPHIA PA 19103



IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER AND MUST BE RESUBMITTED IN THE ORIGINAL WITH THE REQUESTED INFORMATION. WHEN YOU HAVE COMPLIED WITH THE INSTRUCTIONS ON THIS FORM, RESUBMIT THIS NOTICE AND ALL REQUESTED DOCUMENTS AND/OR INFORMATION.

PURSUANT TO 8 CFR 204.1 (h), YOU HAVE 60 DAYS TO PRESENT ADDITIONAL EVIDENCE, TO WITHDRAW THE PETITION, TO REQUEST A DECISION BASED ON THE EVIDENCE SUBMITTED, OR TO REQUEST ADDITIONAL TIME TO RESPOND. AN ADDITIONAL 60 DAYS MAY BE AUTHORIZED. THE TOTAL TIME SHALL NOT EXCEED 120 DAYS. IF YOUR RESPONSE IS NOT RECEIVED BY THIS OFFICE WITHIN THESE TIME LIMITS, A DECISION WILL BE RENDERED BASED ON THE EVIDENCE PREVIOUSLY SUBMITTED.

REQUESTS FOR ADDITIONAL TIME TO RESPOND SHOULD BE IN WRITING AND ATTACHED TO A COPY OF THIS NOTICE.

From the date this office receives your resubmission a minimum of 14 days will be required to process your form. If you have not heard from us within **60 days** then you may contact this office at (802) 527-4913.

VAWA was designed to provide a means of securing legal immigration status to those individuals who had been battered by or were the victims of extreme mental cruelty at the hands of a citizen or lawful permanent resident spouses or parents. Congressional intent did not encompass the mental anguish generally associated with marital difficulties or abandonment.

You have submitted evidence that your marriage included mental/emotional abuse. However, the standard which non-battering abuse must meet is that of **extreme cruelty**. A finding of extreme cruelty involves the examination of the dynamics of the relationship, the victim's sense of well-being before the abuse, the specific acts during the period of abuse, and the victim's quality of life and ability to function after the abuse. Your own testimony did not fully cover these factors.

Further evidence or testimony is needed in order to promote a finding of extreme cruelty. Such testimony might involve an explanation of the type of abuse suffered and the after-effects of the abuse to include answers or descriptions of the following:

- a. if verbal: what were the words, names used; what tone of voice was used; how did the incident end, who left the room/residence, did things go back to "normal" or was there a need for apologies, appeasement or "walking on eggshells"?

You will be notified separately about any other applications or petitions you filed. Please enclose this original notice with your response. You may wish to make a copy of it for your records. If you write to us about this case, or if you file another application based on this decision, please enclose a copy of this notice. Our address is:

IMMIGRATION AND NATURALIZATION SERVICE
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
ST. ALBANS, VT 05479-0001

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- b. social isolation: were you socially isolated? If so, please explain the manner and duration of the isolation. What specific actions did your spouse take? What did you do in response? How did you feel as a result of his/her actions?
- c. possessiveness: was your spouse possessive? If so, please explain the manner of the possessiveness. What did your spouse do? What did you do in response? How did you feel as a result of his/her actions?
- d. quality of life: how did your life change? How were you affected by the abuse? What do you feel caused the changes? What did you do to deal with the abuse?

It is important to understand the above factors in order to determine if the abuse qualifies as extreme cruelty. Any further explanations or descriptions you can provide or anything further you may wish to share would be of great assistance in making an informed determination.

As evidence of the above you may submit police reports, psychological reports, and/or notarized affidavits from third parties which corroborate these claims.

Affidavits.--Written statements sworn to or affirmed by individuals, other than yourself, who were living at the time the events(s) occurred, and who have personal knowledge of the event you are trying to prove--for example, the incident of abuse.

The affiants may be required to testify before an Immigration and Naturalization Officer.

For further information, you may wish to contact the following:

NATIONAL DOMESTIC VIOLENCE HOTLINE

1-800-799-7233 OR 1-800-787-3244 (TDD FOR THE DEAF)

The National Domestic Violence Hotline provides information, crisis intervention and referrals to local service providers, including legal advocacy, to victims of domestic violence or anyone calling on their behalf. The Hotline service is available 24 hours a day, 7 days a week, and is a free phone call from anywhere in the United States, Puerto Rico, or the U. S. Virgin Islands. The staff and volunteers speak both English and Spanish and have access to translators in 139 languages.

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