

January 27, 2022

*VIA: FedEx*

USCIS  
Vermont Service Center  
ATTN: VAWA/T/U Division  
38 River Road  
Essex Junction, VT 05479

**RE: Response to Request for Evidence**  
**Applicant: S. A. A.**  
**AXXX-XXX-XXX**  
**Receipt No.: EAC180XXXXXXXX**

To Whom It May Concern:

Please be advised that this firm represents Ms. S. A. A. in all her immigration matters. Form G-28 is on file; a courtesy copy is enclosed herein. *See* Exh. 3. We are in receipt of the Request for Evidence (“RFE”) issued by United States Citizenship and Immigration Services (“USCIS”) on September 2, 2021, *see* Exh. 1, and enclose our response herein.

Please note that, pursuant to USCIS’s COVID-19 flexibility policy, for an RFE that was issued between March 1, 2020 and March 26, 2022, USCIS will consider the response to be timely if it is received within 60 calendar days of the deadline. *See* Exh. 2. Because this RFE was issued on September 2, 2021 and the due date was on November 29, 2021, USCIS has extended this deadline to January 28, 2022. Accordingly, this response is timely-filed.

In response to the RFE, please find enclosed the following:

1. **Request for Evidence** issued September 2, 2021, seeking additional evidence of Ms. A.’s good faith marriage and shared residence with her abuser and ex-husband, A. Y.
2. **USCIS COVID-19 flexibility policy.**
3. Courtesy copy of undersigned counsel’s **Form G-28**, originally submitted on November 22, 2017 with Ms. A.’s I-360 self-petition.

4. **Supplemental sworn statement of S. A. A.** Ms. A. states: “I deeply regret that the man I loved and married turned out to be so deceitful. I wish I had more evidence to show USCIS the truth, but I’ve submitted everything that I have. I am begging USCIS to believe me over the words of my abuser. Please, I don’t know what else I can do to get USCIS to see how A. continues to control and abuse me to this day, even though we are separated. A. lives his life in peace, while I suffer the consequences of his actions every day of my life. It kills me that the words of my abuser mean more than my own. I don’t know what else I can do to prove that I did love A. and that we did live together, even if he was cheating on me and staying somewhere else behind my back.”
  
5. **Declaration of Dr. Evan Stark, Professor Emeritus, Rutgers University, and expert on domestic violence and coercive control.** Dr. Stark provides his expert opinion that Ms. A.’s abuser’s actions – including maintaining a separate apartment and secret life with a mistress – were entirely consistent with established patterns of domestic violence and coercive control. He writes: “Adultery or having affairs is a painful, but all too common occurrence in relationships. But in abusive relationships, adultery is almost always part of a pattern of disrespect and disparagement that diminishes the victim’s *sense of identity, dignity, and self-worth*. A common scenario is the use of fraud, theft and economic exploitation to support an alternative household or promiscuous life-style. When infidelity is combined with economic abuse, the person who is betrayed is also made vulnerable because of economic or housing insecurity. The effects of this type of abuse can be hard to trace to an abusive partner, whose physical presence in the victim’s life may be minimal, and are often mistakenly attributed to deficits in the victim’s character or behavior... Based on the evidence provided, it appears that Mr. Y. may have been maintaining a relationship with Ms. C. for some time. I believe that a combination of economic abuse and infidelity occurred where Mr. Y. appears to have been redirecting marital funds to support his mistress and maintain a secret life, including a separate apartment, without Ms. A.’s knowledge. This is consistent with my knowledge of patterns of coercive control and domestic violence.” Dr. Stark’s declaration is accompanied by a copy of his CV, as evidence of his expertise.
  
6. **Supplemental forensic psychological evaluation by Olga Bloch, LCMFT.** Ms. Bloch writes: “It is also to be noted that it would be impossible for Ms. A. to recall the level of detail to replicate her results from 4 years prior if the information she had not previously provided was not a true and accurate depiction of her lived experience. Furthermore, the absence of any desire to find a romantic relationship likewise serves to confirm the relational trauma she has endured and her compromised sense of trust. The results of Ms. A.’s self-report assessments are congruent with her symptomatology and demonstrate slight improvement, which is consistent with her narrative and description of her mental

landscape. In my professional opinion I did not find any indication that would lead me to suspect that Ms. A. was malingering, exaggerating, or not being truthful. Her responses and affect were consistent with someone who is being honest about the statements being made. Ms. A.'s information recall after 4 years since her original interview indicates that she is being truthful beyond a measure of coincidence. There were far too many details and chronology to be deemed accidental. Her affect was congruent with her narrative. Furthermore, the evaluator asked her questions in a manner to challenge the veracity of her first report and in every instance her description of events was congruent and remarkably precise. It is apparent to the evaluator that Ms. A. experienced events as she described them." Ms. Bloch's report is accompanied by a copy of her CV, as evidence of her credentials.

7. Social science research and reports regarding dynamics of domestic abuse and the role of infidelity within those dynamics, including:

- Paul Stanford, "**Marriages after Infidelity: A Prospective Study**," Ph.D. dissertation, Florida State University (2012), available at: <https://www.proquest.com/dissertations-theses/marriages-after-infidelity-prospective-study/docview/1287121309/se-2>. Stanford writes: "[M]ost commonly noted marital consequences following infidelity include marital distress, domestic violence, and divorce. This is not surprising considering Amato and Previti's (2003) finding that infidelity was the most cited reason for divorce, and early on Daly and Wilson (1988) reported that infidelity was commonly linked with subsequent domestic abuse. [...] [I]nfidelity has the potential to engender post-infidelity violence. Thus, I hypothesized that individuals who experience infidelity are more likely to report occurrences of domestic violence afterwards than beforehand [...]. As predicted, infidelity was significantly linked with more frequent domestic violence, [...] infidelity is significantly related to an increase in domestic violence, even after controlling for the other variables. [...] Regarding divorce, infidelity was not linked with more immediate divorce, but it was significantly linked with whether the couple would ever divorce. [...] Individuals who experienced infidelity were more likely to report domestic violence afterwards and compared with those who did not report infidelity, but marital happiness rather than infidelity made the largest impact on domestic violence. The findings are consistent with previous research, indicating that infidelity can result in physical and sometimes deadly violence [...]."
- Marjorie Pichon, Sarah Treves-Kagan, Erin Stern, Nambusi Kyegombe, Heidi Stöckl, et al., "**A Mixed-Methods Systematic Review: Infidelity, Romantic Jealousy and Intimate Partner Violence against Women**," International Journal of Environmental

Research and Public Health (2020), available at: <http://dx.doi.org/10.3390/ijerph17165682>. The authors report that 19 out of 25 studies found that “experiences of infidelity or RJ [romantic jealousy] significantly increased women’s likelihood of experiencing IPV [intimate partner violence]. [...] A study among Ethiopian immigrants in Israel found that male RJ was the second most common motivation for murder after separation [...]. [W]hen traditional patriarchal gender norms are threatened by women questioning male infidelity, being unfaithful themselves or gaining employment, men feel that their achievement of hegemonic masculinities—which is often centred around sexual conquest, dominance and being the financial provider for the family—is threatened. This can lead to male feelings of dependence or impotence, and men blaming their partners for evoking these feelings. Men in turn may respond with IPV to punish their partner, in order to re-establish their dominance and the gendered hierarchy they are accustomed to. [...] [M]ale RJ followed by physical IPV was considered commonplace and expected, as it functioned as a mechanism to reassert male control and authority. Women who refused sex also reported facing suspicions of infidelity followed by physical and psychological IPV. [...] Evidence from across the world indicated that women who were suspected of infidelity also experienced psychological IPV, including being insulted, threatened and ignored by their partners. Psychological IPV often occurred in conjunction with physical IPV and controlling behaviours. [...] A widespread finding was that men often used controlling behaviours to limit woman’s autonomy and prevent infidelity.”

- Jason B. Whiting, Megan Oka, and Stephen T. Fife, “**Appraisal Distortions and Intimate Partner Violence: Gender, Power, And Interaction,**” *Journal of Marital & Family Therapy* (June 2012), available at: <https://pubmed.ncbi.nlm.nih.gov/22765330>. The authors reported: “Between two and four million women are estimated to be abused by their intimate partner each year in the United States.” The authors additionally state: “Men may also deny their partners' reality by trying to convince them that they are crazy (known as ‘gaslighting’). They also may excuse their own actions based on their partner's perceived abuse toward them. By attributing responsibility of their behaviors to external forces, abusers are able to deny personal accountability as well as the need for change. Some controlling men have a distorted self-image to such a degree that they cannot accept any threat to their identity or the relationship. This may be, in part, why they become fearful or insecure about the relationship, which can fuel their rage or controlling tactics. For some abusers, hearing threats or criticism will evoke shame and helplessness, which can trigger retaliation and reciprocal blame. Thus, distortions often fuel aggression, although aggression may also fuel the distortions.”

- Michael P. Johnson, **Typology of Domestic Violence: Intimate Terrorism, Violent Resistance, and Situational Couple Violence** (June 30, 2008), available from Northeastern University Press. The author states: “Coercive control is the key to understanding the differences among the basic types of partner violence. [...] With partner violence we are looking not at an isolated encounter between two people (such as a mugging or a bar fight), but at a close relationship, a pattern of encounters that extends over a period of time and involves a variety of situations. [...] the violence is not all of it, or in some cases not even the worst of it. [...] the common element in these patterns is coercion—the exercise of power and imposition of control over your partner. [...] [S]ometimes the isolation is physical, accomplished by moving away from friends and family, or eliminating all means of communication with the outside world. In other cases the isolation is accomplished psychologically, by harassing friends and family until they avoid all contact, and by undermining employment or education that might provide opportunities to talk with others.”
- Leslye Orloff and Olivia Garcia, **Dynamics of Domestic Violence Experienced by Immigrant Victims** (July 31, 2013), available at: <https://niwaplibrary.wcl.ame.ican.edu/pubs/cult-man-ch1-1-dynamicsdomesticviolence2016>. The authors state: “Psychological abuse plays an important role in abusive relationships because it is often a precursor to physical and/or sexual abuse. Moreover, psychological abuse does not have a concrete beginning or end, like physical and sexual abuse, and this can create a constant climate of terror for the victim. Psychological abuse may consist of: insulting the victim or driving her friends away, continually criticizing her and calling her names, ignoring her feelings, manipulating, humiliating the victim in private or public, mocking or insulting personal beliefs, regularly threatening the victim, regularly threatening to leave or kidnap the children, threatening to abuse her loved ones, locking the victim out of the house, taking possession of the victim’s belongings and keeping control of them, throwing away the victim’s belongings, controlling what the victim can and cannot do, stalking, checking the victim’s mail, phone messages, and anything that may be private to her, becoming jealous and accusing the victim of sexual activity with others, controlling money and accounts without letting the victim have any control, forbidding the victim to go to work or school, or forbidding her from accepting a promotion.”

## I. INTRODUCTION

S. A. A. was born on [redacted] in Addis Ababa, Ethiopia. *See* Initial Filing (“IF”), Tab 8. She has resided in the United States since 2010, having entered the US on her valid F-1 visa on September 3, 2010. *Id.* She attended [College] and graduated with an associate’s degree in

respiratory care in 2014. *See* 2019 RFE Response (“2019 Resp.”), Tab 5. She is a certified respiratory therapist licensed to practice by the Washington State Department of Health. *Id.*, Tab 6. Over the last two years, she has poured herself into saving lives during the COVID-19 pandemic and is now partnering with local health departments to offer community education on vaccines. *See* 2021 RFE Response (“2021 Resp.”), Tab 5.

Ms. A. has succeeded in her career and in caring for her community despite the emotional, sexual, and financial abuse she suffered at the hands of her now ex-husband, A. Y. IF, Tab 10. After gambling away the couple’s savings, Mr. Y. demanded control over Ms. A.’s finances and would become physically and sexually aggressive with her whenever she refused to give him money. *Id.* He regularly insulted her and caused her severe emotional harm, not only with his words but with repeated attempts to sexually assault her. *Id.* Ms. A. finally found the strength to end their relationship after she learned that Mr. Y. was being unfaithful to her and then threatened her life if she did not respond to his calls. *Id.* Ms. A. learned that Mr. Y. had been unfaithful to her for at least several months, based on social media posts she found with him and his mistress, A. C. *Id.* She later learned, through documents issued by USCIS, that Mr. Y. had kept his previous apartment lease after they moved in together and that he signed a new lease behind her back while they were living together. 2021 RFE Resp., Tab 4, ¶ 18.

Because of the abuse she suffered at Mr. Y.’s hands, Ms. A. filed an I-360 self-petition under the Violence Against Women Act (“VAWA”) on November 22, 2017. That petition remains pending nearly four years later. On March 5, 2021, USCIS issued an RFE (“Mar. 2021 RFE”) stating that Ms. A. had not provided sufficient evidence with her VAWA self-petition to demonstrate that she had resided with Mr. Y. Ms. A. timely responded to the Mar. 2021 RFE on July 28, 2021 (“Mar. 2021 RFE Resp.”) with additional evidence of her shared residence and a detailed explanation as to each of the alleged “inconsistencies” mentioned by USCIS, many of which were nonsensical and bordering on absurd.

Although Ms. A. had provided extensive evidence of her bona fide marriage to and shared residence with Mr. Y., USCIS issued an additional RFE (“Sep. 2021 RFE”) seeking more evidence of the same. In the Sep. 2021 RFE, USCIS listed additional information from its investigation, which appears to have been undertaken based on information provided by her abuser, Mr. Y., on the day of his adjustment of status interview with Ms. A., and which yielded documents containing information provided solely by Mr. Y., the abuser. Ms. A. and undersigned counsel are concerned that USCIS may be in violation of 8 USC § 1376, which prevents USCIS from making an adverse determination of admissibility using information furnished solely by a spouse or parent who has battered the immigrant or subjected them to extreme cruelty. 8 USC § 1376(a)(1)(A).

Nevertheless, despite Ms. A.'s concerns regarding potential VAWA confidentiality violations, she hereby submits her timely response to the Sep. 2021 RFE. As explained below, each of the alleged "inconsistencies" that USCIS discusses in its latest RFE, which supposedly call Ms. A.'s credibility into question, have a simple explanation: Mr. Y. was unfaithful to Ms. A. and his separate apartments and separate life with Ms. C. were just facets of his established pattern of coercive control and domestic violence against Ms. A.

## **II. SEP. 2021 RFE AND RESPONSE**

The Sep. 2021 RFE alleges that Ms. A. has not demonstrated her VAWA eligibility because she has not provided sufficient evidence that she entered into a bona fide marriage to and shared a residence with Mr. Y. It is apparent that USCIS has opted to willfully disregard the true evidentiary weight of Ms. A.'s initial evidence and the supplemental evidence submitted with her Mar. 2021 RFE Response. USCIS has requested additional evidence, but Ms. A. frankly has nothing left to offer, aside from her consistent, credible testimony, the psychosocial report confirming her veracity, and the expert evaluation and social science research corroborating the fact that Mr. Y.'s separate apartments and infidelity were clear aspects of his coercive control and domestic violence against Ms. A., who he used for economic and financial gain. Sep. 2021 RFE Resp., Tabs 4-7. Thus, Ms. A.'s lack of additional documentation of joint residence or finances is not indicative of a fraudulent marriage, but rather, Mr. Y.'s pattern of abuse and cruelty that has left Ms. A. desperately fighting to normalize her status. Sep. 2021 RFE, Tab 5, ¶ 11 ("The effects of this type of abuse can be hard to trace to an abusive partner, whose physical presence in the victim's life may be minimal, and are often mistakenly attributed to deficits in the victim's character or behavior.").

In addition to a supplemental statement from Ms. A., we have also included a supplemental psychosocial report that indicates no evidence of malingering and an expert declaration finding that the lack of documentary evidence of a shared address is the result of economic abuse and adultery as the key pillars of Mr. Y.'s abuse of Ms. A. Sep. 2021 RFE Resp., Tabs 5-6. We have also included social science research and reports that demonstrate that infidelity is a common facet of domestic violence dynamics, Sep. 2021 RFE, Tab 7, which further supports Ms. A.'s plausible and likely explanation for the "inconsistencies" alleged by USCIS.

### **A. Infidelity and economic abuse are common facets of domestic violence and coercive control dynamics.**

It is apparent from both the Mar. 2021 RFE and the Sep. 2021 RFE that USCIS is determined to believe that Ms. A. did not enter into a bona fide marriage with Mr. Y. nor reside with him. But the lack of additional documentary evidence available to Ms. A. and the documents obtained during USCIS's investigation are not truly so damning as USCIS wants to believe. In

reality, these things are yet more evidence of the abuse Ms. A. suffered at Mr. Y.'s hands. His infidelity and economic abuse combined to leave Ms. A. in a situation where she is unable to provide anything else to prove her relationship, because Mr. Y.'s affair and his actions in draining her accounts prevented her from obtaining such documentation.

Various academic studies have found that infidelity and economic abuse form part of a larger pattern of domestic violence and coercive control. In a 2012 dissertation, Paul Stanford found:

“[I]nfidelity has the potential to engender post-infidelity violence. Thus, I hypothesized that individuals who experience infidelity are more likely to report occurrences of domestic violence afterwards than beforehand [...]. As predicted, infidelity was significantly linked with more frequent domestic violence, [...] infidelity is significantly related to an increase in domestic violence, even after controlling for the other variables.”

Tab 7. As Stanford notes, infidelity by an abuser can often lead to more abuse. This principle is supported by later findings by Marjorie Pinchon, et al., who noted that even the mention by a victim that her partner may have been unfaithful leads to additional violence:

“These explanations suggest that when traditional patriarchal gender norms are threatened by women questioning male infidelity, being unfaithful themselves or gaining employment, men feel that their achievement of hegemonic masculinities—which is often centred around sexual conquest, dominance and being the financial provider for the family—is threatened. This can lead to male feelings of dependence or impotence, and men blaming their partners for evoking these feelings. Men in turn may respond with IPV to punish their partner, in order to re-establish their dominance and the gendered hierarchy they are accustomed to.”

*Id.* It is clear that infidelity and economic abuse are intricately linked, and that one can lead to the other in many cases. Here, Mr. Y. first committed economic abuse against Ms. A. by taking her entire savings, which they had agreed to earmark for purchasing a home together, and using it entirely to fund his gambling addiction and his separate leases. This in turn allowed him to live a double life, wherein he would spend time with Ms. A., his victim, and then leave to be with Ms. C. whenever he was not able to get what he wanted from Ms. A. (namely, money or sex). When he could no longer access Ms. A.'s money as part of his economic abuse, his physical abuse escalated, as did his infidelity when Ms. A. fought off his unwanted sexual advances.



Dr. Evan Stark, expert on coercive control and domestic violence, likewise discusses the interplay between economic abuse and infidelity:

“Examples of economic abuse include denying a partner money needed for necessities, taking a partner’s money, prohibiting a partner from working or obstructing the partner’s capacity to work or earn a living, setting arbitrary restrictions on a partner’s use of money, and *redirecting and/or exhausting family savings to gambling, drugs or another illicit purpose, such as maintaining a separate partner, family, or home*. Economic abuse diminishes the victim’s capacity to support themselves and forces them to depend on the perpetrator financially.”

Sep. 2021 RFE Resp., Tab 5, ¶ 10 (emphasis added). Dr. Stark makes it clear that it is not uncommon at all for a domestic abuser to take the victim’s earnings and use them to support an outside relationship. Regarding Ms. A.’s relationship with Mr. Y. and the way that this dynamic played out during their marriage, Dr. Stark writes:

“When [Ms. A.] expressed interest in getting a new job to get more money, [Mr. Y.] interpreted this as excuse for her to be unfaithful and cut up her employment authorization card, directly undermining her employability. He checked her continually to determine whether she was cheating on him or withholding money, going over her store receipts, checking her location on her phone and using her phone to track her, repeatedly checking her location if she was out at night and interrogating her about her whereabouts like a prisoner being grilled by the police.”

*Id.*, ¶ 21. Pinchon, et. al, describe how this type of behavior is in fact a shield used by abusers to excuse or hide their own behavior: “Men may also deny their partners' reality by trying to convince them that they are crazy (known as "gaslighting"). They also may excuse their own actions based on their partner's perceived abuse toward them.” Tab 7.

In this case, it is clear that Mr. Y. drained Ms. A.’s savings account and used it to support both his gambling habit and his separate relationship with Ms. C. His infidelity is why he maintained separate leases and listed Ms. C. on his emergency contact form. While USCIS seems determined to believe that this is indicative of a non-bona fide marriage, it is in fact just another example of the various ways in which Mr. Y. inflicted harm and cruelty on Ms. A. during their relationship, and this explanation is supported by experts and social scientists who have studied patterns of coercive control and domestic violence like that suffered by Ms. A.

**B. Mr. Y.'s lease at [Apartment 2], his employment documents, and his lease at [Apartment 4] both are all evidence of his economic abuse of Ms. A., his infidelity, and his psychological abuse.**

USCIS appears to have not taken into account Mr. Y.'s infidelity when seeking an explanation for why he might keep separate apartments. Instead, USCIS seems to think that Ms. A. and Mr. Y. never lived together, when, in fact, Mr. Y.'s affair with Ms. C. provides a simple and clear explanation for why he would have separate leases. Ms. A. has already discussed the affair, but USCIS does not reference her testimony in this regard when considering Mr. Y.'s actions.

On page 3 of the Sep. 2021 RFE, USCIS writes that Immigration Services Officers ("ISOs") visited Mr. Y.'s previous apartment at [Apartment 2], where he and Ms. A. lived together from May of 2015 to August of 2015. USCIS states that the ISOs found that Mr. Y. was the only person on the lease and that there were no roommates listed. The RFE also notes that Mr. Y. ended the lease for [Apartment 2] in January of 2016 and provided a forwarding address of [Apartment 4]. According to USCIS, this is inconsistent with Ms. A.'s consistent, credible testimony that she and Mr. Y. resided together first at [Apartment 2], from May of 2015 to August of 2015, and then at [Apartment 1], from August of 2015 to May of 2016.

Also on page 3 of the Sep. 2021 RFE, USCIS refers to a visit by ISOs to [Employer], where Mr. Y. worked. The ISOs found that Mr. Y. had listed his "friend," A.C., as his emergency contact and that he had listed his address on his job application as the address for his previous apartment at [Apartment 2]. USCIS states that the emergency contact information and the address on the job application indicates that Mr. Y. continued to live at [Apartment 2] instead of with Ms. A. USCIS moreover states that this calls into question the credibility of Ms. A.'s testimony that she and Mr. Y. resided together at [Apartment 1] at that time.

Finally, on page 4 of the Sep. 2021 RFE, USCIS states that ISOs visited [Apartment 4] and were informed that Mr. Y. had leased a one-bedroom apartment in February of 2016 with no one else on the lease. It also states that commercial databases show that Mr. Y. lived at that address from February 2016 through December 2017. USCIS states that this indicates that Mr. Y. lived first at [Apartment 2], then at [Apartment 4], and never with Ms. A. at [Apartment 1] (despite also recognizing that commercial databases are "often found to be less than reliable").

Ms. A. has already provided a plausible explanation for these alleged "inconsistencies" that supposedly call her credibility into question, namely, that Mr. Y. was having an affair and maintaining a secret life with another woman. IF, Tab 10. Ms. A. stated that, when she found out about Mr. Y.'s infidelity, she reviewed numerous social media posts and found photos of him with

Ms. C., his mistress, for at least several months. *Id.* It stands to reason, then, that Mr. Y. must have had somewhere to meet with Ms. C. when he was not with Ms. A.

Although Ms. A. has already provided information regarding Mr. Y.'s affair, she has offered additional information about how she felt when she learned of Mr. Y.'s infidelity and that he was keeping a separate apartment. Ms. A. writes in her supplemental statement:

“I found out that he had been keeping separate apartments only once immigration officials informed me of it. When I learned from C. that A. had cheated on me, I was mad, hurt, and shocked. But when I saw the immigration papers indicating that A. had led this entire double life, it completely destroyed me. I was unprepared for this news and had never expected that he could have done this to me. It was so much worse than just finding out he was cheating. Sleeping with another woman was bad, but learning that he kept an entire other life behind my back just broke me.”

Tab 4, ¶ 18.

Therapist Olga Bloch recently completed a supplemental psychosocial evaluation of Ms. A., with the purpose of determining whether she appeared to be malingering or outright lying when describing her relationship with Mr. Y., their shared residence, or the abuse she suffered at his hands. During her evaluation, Ms. A. once again recounted her experiences with Mr. Y., including his infidelity with Ms. C. In her supplemental evaluation, with regard to Ms. A.'s truthfulness, Ms. Bloch writes:

“[Ms. A.'s] capacity to describe the details of what occurred in her life even 4 years later is remarkable and noteworthy. Ms. A. demonstrated accuracy not only in the information she shared, but also the sequence of events, the phrases she used were the same, and the impact was also reflected on her narrative. The evaluator asked questions to Ms. A. while using the previous evaluation as a reference; while she was speaking, the evaluator took notes. The replication of the narrative, the details, and the sequencing demonstrated such precision that it would be unimaginable for her narrative to be fabricated.”

Tab 6. Ms. Bloch's analysis confirms that Ms. A. has been candid, consistent, and credible throughout this process, including when describing Mr. Y.'s affair.

Dr. Stark, an expert on coercive control and domestic violence, confirms that Mr. Y. maintaining his lease was a part of his pattern of coercive control against Ms. A., in that it contributed to both economic abuse and infidelity. Dr. Stark writes:

“Adultery or having affairs is a painful, but all too common occurrence in relationships. But in abusive relationships, adultery is almost always part of a pattern of disrespect and disparagement that diminishes the victim’s sense of identity, dignity, and self-worth. A common scenario is the use of fraud, theft and economic exploitation to support an alternative household or promiscuous life-style.”

Tab 5, ¶ 11. Dr. Stark’s expert opinion confirms that Mr. Y.’s separate lease at [Apartment 2] and his subsequent forwarding address that was different than his shared address with Ms. A. was not, in fact, an indicator that they did not live together, but rather a facet of Mr. Y.’s pattern of coercive control over Ms. A., by way of economic abuse and infidelity.

Dr. Stark moreover confirms that the lack of additional documentary evidence of Ms. A. and Mr. Y.’s bona fide relationship and shared residence should not be considered as proof that they did not live together, but as proof that Mr. Y. was engaged in a pattern of coercive control, psychological violence, and economic abuse of Ms. A. He further writes: “Ironically, many of the apparent deficits in Ms. A.’s case—e.g. the lack of a home address or of two names on the lease and the lack of transparency of his home life at work—reflect her husband’s attempts at duplicity rather than Ms. A.’s trust in her husband.” *Id.* at ¶ 25.

Having reviewed all of the evidence previously submitted in Ms. A.’s VAWA adjustment of status application, the evidence in response to the Mar. 2021 RFE, and Ms. A.’s supplemental statement and Ms. Bloch’s report prepared in response to the Sep. 2021 RFE, Dr. Stark conclusively finds:

“Based on the evidence provided, it appears that Mr. Y. may have been maintaining a relationship with Ms. C. for some time. I believe that a combination of economic abuse and infidelity occurred where Mr. Y. appears to have been redirecting marital funds to support his mistress and maintain a secret life, including a separate apartment, without Ms. A.’s knowledge. This is consistent with my knowledge of patterns of coercive control and domestic violence.”

*Id.* at ¶ 23.

**C. The Sep. 2021 RFE contains erroneous analysis and mischaracterizations of evidence provided by Ms. A. to demonstrate her bona fide marriage and shared residence with Mr. Y.**

Apart from the issues mentioned in Subpart B of this section, USCIS also makes numerous other mischaracterizations and blatantly false statements throughout the Sep. 2021 RFE. First, on page 4 of the Sep. 2021 RFE, USCIS writes: “Your affidavit lacks probative details about how the relationship developed, nor does it substantively describe positive shared experiences before or during your married life...” This is entirely incorrect. In Ms. A.’s declaration in her initial filing, she wrote:

“I loved how funny he was. He loved to joke around and do impressions. He was really good at doing different accents. I felt like I was always laughing when I was with him. From that night, we started seeing each other regularly. At first, we just spent time together in groups of other people as friends only. It was frustrating, because I quickly grew to realize that I wanted a relationship with him. I have always been shy, so I did not know how to act on my feelings. I couldn’t tell if A. was interested in me that way, too. So I wanted to wait for him to make the first move, that way I could be sure it came from him. He was flirty with me, but never enough that I was really sure he liked me. Our friendship developed, and after four months or so, we even started going out on our own instead of in groups. We would mostly go out to eat and go to the movies. One night, we went out to the movies together in the fall of 2014. It was the just the two of us. There was a screening of an Ethiopian movie, “Be Chese Tafegn,” in downtown. We decided to attend because of the good ratings the movie had received in other states. On that particular night, our relationship changed from friendship to a romantic one. While we were in the movie, A. pulled that awkward move where the guy pretends to stretch and then puts his arm around the girl. I wanted to laugh at him, but more than that, I wanted to see what his next move would be. After a couple of minutes, he turned my face toward him and kissed me. I was absolutely over the moon. I was so happy that he finally figured out that we should be together (and even more so that he made the first move). As our relationship developed, we quickly developed deep feelings for each other. After about a month, we had a conversation where we became “official” and agreed not to date other people. We spent a lot of time talking about past relationships and about what we wanted for the future. We were both clear that we were only going to be with each other. A few months later, in January of 2015, as our relationship continued to grow I introduced A. to most of my friends and later to my family.”

IF, Tab 10. This selection contains only three paragraphs from a lengthy declaration by Ms. A., in which she describes in detail the early parts of her relationship and marriage that were filled with joyful memories before Mr. Y. became abusive toward her. USCIS's statement in the Sep. 2021 RFE that she never provided probative details is blatantly false.

Second, also on page 4 of the Sep. 2021 RFE, USCIS writes that none of the third party affidavits described Ms. A.'s courtship, marriage, or relationship with Mr. Y., including descriptions of their wedding ceremony. This is also entirely incorrect. In her initial filing, at Tab 13, Ms. A. included letters of support from a number of people who were witness to her relationship with Mr. Y. from the start, and who described everything from their early dating relationship to their proposal, wedding, and moving in together. For example, T.T., a former co-worker of Mr. Y.'s and friend of Ms. A.'s, wrote:

“S. and A. dated for a year and a half before he proposed. I knew A. before S. married him. He used to work as a certified nursing assistant where I worked...When S. told me that she started to date someone by name A., I didn't know that she was talking about him until she showed me his picture but S. was head over heels about him. She was in love with him. The couple had a civil wedding even though family members did not want the couple to get married before the traditional wedding ceremony in Ethiopia took place. Since S. and A. wanted to live together, nothing could stop them. On the week of her wedding, she was put on schedule six days in a row without her knowledge. S. was nervous because the facility where she worked had a strict 'no calling in sick' policy unless someone covers your shift. S. had to switch shifts to attend her wedding ceremony.”

Meanwhile, A.Z., Ms. A.'s uncle, described how he learned of their relationship and Mr. Y.'s proposal:

“I gave her a call and asked her about the relationship. She was hesitant to speak with me about her relationship because it is not our tradition to share details about relationships with elderly relatives and especially with men. She shared with me what she liked about A. and who he was. During that conversation I realized that S. was a grown woman now and in love with a young man. S. and A. dated for over a year and a half before A. proposed. He proposed to S. in early spring of 2015. S. first sent us her picture with a ring and then called to inform us about her engagement. She was so excited that she was screaming and laughing at the same time. At first, I could not understand what she was screaming about until I saw the picture.”

S.T., Ms. A.'s co-worker and friend, wrote about the day of the surprise wedding celebration that Ms. A.'s friends and family planned for her:

“I called her aunt, T.T., to plan a surprise party for S. and her husband. I had known S.'s aunt before I met S. as I was her translator during her pregnancy appointments. T. invited her neighbors and I invited some of our co-workers; however only I.E. and S.G. from work could make it. T. told S. that they had been invited to the neighbor's' wedding anniversary party and that the dress code was Ethiopian traditional dress. On the day of the surprise wedding, I had to work. I was anxious and worried that I would be late. The bride and groom were late too, just like at any typical African wedding. Prior to the guests' arrival, I helped S.'s aunt with the wedding decorations and her aunt did most of the cooking.”

I.E., Ms. A.'s co-worker and friend, described how happy Ms. A. was to be dating Mr. Y. and about their wedding party:

“S. started working in our facility after the two of them started dating. We always had conversations about our personal lives. She would ask my opinion whether it was regarding outfit ideas for her dates with him or places to go. The first day of our work week, we would update each other on what happened over the weekend. S. was excited and happy in her relationship with A. And I was really happy for her that she had someone in her life who she loved dearly. I did not meet him in person before the wedding, but S. introduced us to each other over video call while she was face-timing with him at work. I attended a small surprise wedding ceremony for S. and A. with family, friends, and neighbors and it was beautiful. There was Ethiopian food and traditional dancing. S. and A. looked happy and excited to start their life as a married couple. The ceremony was held in her aunt's house which was decorated beautifully and the food was very delicious. Overall, for a small ceremony, it turned out to be perfect. I was extremely happy for her to have someone she could share her life with at a young age.”

Each of these support letter examples were taken from Tab 13 of Ms. A.'s initial VAWA adjustment of status filing. It seems that USCIS either has failed to review these support letters or has disregarded them without reason or explanation. Ms. A. has provided extensive independent evidence that corroborates her account of her relationship with Mr. Y., but it certainly seems that USCIS is determined to ignore it and instead rely solely on evidence obtained from her abuser.

Third, on page 5 of the Sep. 2021 RFE, USCIS notes that Ms. A. listed both her aunt and Mr. Y. as her emergency contacts at her employer. USCIS then bafflingly asserts that, because Ms.

A. listed her aunt as her emergency contact after her marriage, the document has limited evidentiary weight and diminishes Ms. A.'s credibility. This statement is nonsensical, given that her husband, Mr. Y., *was also listed on the form*. The fact that Ms. A.'s aunt was also listed is an indicator of the fact that she had multiple people to reach out to in case of an emergency, not that her marriage to her husband was not bona fide.

Fourth, on page 6 of the Sep. 2021 RFE, USCIS states that Y.A. wrote in her affidavit that she "did not communicate with [Ms. A.] for over two years." USCIS has taken this quote out of context to make it appear as if Ms. A. completely cut off all ties with Ms. A.Y., instead of limiting conversations to the superficial, which is clearly what Ms. A.Y. meant. In her initial declaration, Ms. A.Y. wrote: "But after she married and moved in with A., all of that changed. She became so withdrawn and did not communicate with me for over two years. She was a completely different S." IF, Tab 13. In her subsequent declaration, Ms. A.Y. wrote: "I have avoided asking S. questions about her relationship with A. since that time, because I do not want her to cut off contact with me." Mar. 2021 RFE Resp., Tab 13.c. The two statements only conflict if, like USCIS, you take them entirely out of context. Taken in context, it is clear that Ms. A.Y. was stating that Ms. A. did not communicate with Ms. A.Y. *about her relationship* for two years, and that Ms. A.Y. did not press the issue because she wanted to *avoid* having Ms. A. cut off contact entirely.

The errors and mischaracterizations in the Sep. 2021 RFE make it clear that USCIS has either not considered the evidence submitted with the initial filing or has simply forgotten about it as of the time the Sep. 2021 RFE was issued. Many of USCIS's concerns have already been addressed, yet USCIS continues to dig for reasons to deny Ms. A.'s case, despite her consistent, credible, and candid testimony and the extensive amount of independent supporting evidence, including third-party witness statements, financial documents, photos, and other documentary evidence. USCIS appears to be determined to find a reason to deny Ms. A.'s VAWA adjustment of status application, notwithstanding the voluminous evidence in support of her eligibility.

### **III. CONCERNS REGARDING POTENTIAL VIOLATIONS OF VAWA CONFIDENTIALITY REQUIREMENTS**

What is perhaps most concerning about USCIS's seeming determination to deny Ms. A.'s VAWA adjustment of status is that all of the "inconsistencies" and "derogatory information" listed in the various RFEs was obtained through an investigation that occurred based off of the abuser, Mr. Y.'s statements at the time of Ms. A.'s initial adjustment of status interview in 2016. As we are sure USCIS is aware, the terms of the Violence Against Women Act prevent USCIS from making an adverse determination of admissibility using information furnished solely by a spouse or parent who has battered the immigrant or subjected them to extreme cruelty. 8 USC § 1376(a)(1)(A).



While USCIS may feel that its “derogatory information” was obtained independently, and thus not in violation of the confidentiality provisions, it certainly appears that the investigation conducted by the ISOs was the result of statements made by Mr. Y. at the time of Ms. A.’s initial marriage-based adjustment interview in 2016. Moreover, it appears that the findings of that investigation are limited to statements made solely by Mr. Y., be it on job applications, emergency contact forms, lease agreements, or verbally by him on June 27, 2016, when ISOs visited his apartment and interviewed him there. USCIS has been careful not to mention it in any of its three RFEs, but Ms. A. and counsel are aware, based on the I-130 denial that was sent to Ms. A.’s previous attorney, that ISOs were in contact with Mr. Y. that day. The investigation by the ISOs was entirely one-sided, as they only spoke to the abuser, Mr. Y., and reviewed his information, while they never spoke with Ms. A. and dismissed without consideration the documentation she provided in response to a Notice of Intent to Deny Mr. Y.’s I-130 petition.

Though Ms. A. did not yet have a VAWA case pending at that time, “[t]he lack of a pending or approved VAWA self-petition does not necessarily mean that the prohibited source provisions do not apply and that the alien is not a victim of battery or extreme cruelty.”<sup>1</sup> Moreover, there is no time limit at which the prohibited source provision would cease to apply. Thus, the fact that USCIS obtained this information during Ms. A.’s initial marriage-based adjustment of status does not make it permissible for USCIS to later apply it here. Regardless of when USCIS became aware that Mr. Y. was abusing Ms. A., it is not permitted to use information provided by him to determine that she is not eligible for VAWA adjustment of status.

To date, counsel has noted at least four potential VAWA confidentiality violations in the Sep. 2021 RFE, and there are possibly five, given Ms. A.’s and counsel’s awareness that ISOs spoke with Mr. Y. on June 27, 2016 and that the information provided by him at that time is likely being taken into consideration as part of USCIS’s ongoing attempt to find a reason to deny Ms. A. legal status in this country. As we are sure USCIS is aware, violations of the VAWA confidentiality provisions carry a penalty of \$5,000 per violation under the Department of Homeland Security’s policies. “Anyone who willfully uses, publishes, or permits any information pertaining to such victims to be disclosed in violation of section 384 of IIRIRA will face disciplinary action and may be subject to a civil money penalty of up to \$5,000 for each violation.”<sup>2</sup>

---

<sup>1</sup> Dep’t of Homeland Security, Instruction Number: 002-02-001, Implementation of Section 1367 Information Provisions, in Nat’l Immigrant Women’s Advocacy Project, 10 (Nov. 7, 2013)

<http://niwaplibrary.wcl.american.edu/pubs/implementation-of-section-1367-all-dhs-instruction-002-02-001/>.

<sup>2</sup> Dep’t of Homeland Security, Broadcast Message on New 384 Class of Admission Code, Nat’l Immigrant Women’s Advocacy Project (Dec. 21, 2010), <http://niwaplibrary.wcl.american.edu/pubs/dhs-broadcast-class-admission-code/>.

Counsel notes that Mr. Y.'s [Apartment 2] lease, his emergency contact form, his job application, and his [Apartment 4] lease are all information provided solely by Mr. Y. Any conversation with Mr. Y. would of course also result in information provided solely by him. The use of each of these documents or statements as evidence adds up to at least four potential violations, for a total fine of \$20,000, and likely a fifth violation, thus reaching \$25,000.

Given these apparent violations, we sincerely hope that USCIS will conduct a *thorough* review of the record of proceedings and find that there is in fact *no* information that was not provided solely by Mr. Y. that could support its seemingly desired finding of ineligibility. All of the other evidence in the record supports Ms. A.'s consistent, credible, and candid account of her relationship and life with Mr. Y., including their bona fide marriage and shared residence. As such, USCIS should grant Ms. A.'s VAWA adjustment of status application without further delay.

#### IV. CONCLUSION

Even more than the Mar. 2021 RFE, the Sep. 2021 RFE leaves a strong and unfortunate impression that USCIS has viewed Ms. A.'s VAWA adjustment of status case with the intention of dismissing it outright from the moment she filed. Although Ms. A. has provided consistent, credible testimony, letters of support from third-party witnesses that support her narrative, and extensive documentary evidence, USCIS continues to dig for reasons to deny her adjustment of status. With this third RFE, USCIS has now gone so far as to commit apparent violations of the VAWA confidentiality provisions in its search to find a reason to deny Ms. A.'s application.

It seems to both Ms. A. and counsel that all of USCIS's actions in this matter have directly defied the purpose of VAWA. Congress has noted that "the [VAWA] provisions are designed to ensure that abusers and criminals cannot use the immigration system against their victims. Examples include abusers using DHS to obtain information about their victims, including the existence of a VAWA immigration petition, interfering with or undermining their victims' immigration cases, and encouraging immigration enforcement officers to pursue removal actions against their victims."<sup>3</sup> Here, while Mr. Y. may not be taking affirmative action to harm Ms. A.'s case in this moment, USCIS has clearly allowed him to use the immigration system against her and to undermine her VAWA adjustment of status application, by choosing to believe his word and his documents over Ms. A.'s, despite his status as her abuser. While we respect and expect USCIS to verify eligibility of VAWA adjustment of status applicants, the history of this case shows that this is not what has happened here. Rather, it is abundantly clear that USCIS has sought a reason to deny Ms. A.'s case from the outset, based solely on information provided by her abuser.

---

<sup>3</sup> Dept. of Justice Appropriations Authorization Act, Fiscal Years 2006 Through 2009, H.R. NO. 109-233, in Nat'l Immigrant Women's Advocacy Project, 122 (2005) <http://niwaplibrary.wcl.american.edu/pubs/conf-vawa-lghist-dojexcerptshr-3402-09-22-2005/>.

The simple truth here is that Ms. A. fell in love with Mr. Y. and intended to share her life with him, but he was financially, emotionally, sexually, and psychologically abusive toward her. His infidelity and economic abuse resulted in Ms. A. having little documentary evidence of their relationship. Moreover, his infidelity and economic abuse are why Mr. Y. had separate lease agreements and other pieces of evidence that USCIS is relying on (including an emergency contact form and an employment application), potentially in violation of the Violence Against Women Act.

Ms. A. has given USCIS everything she has to offer, resulting in her continued and ongoing retraumatization. Each time USCIS has asked for additional evidence, Ms. A. has been forced to re-confront the harm she suffered at Mr. Y.'s hands in the past. But, like many victims of domestic violence, Ms. A. is doing everything she can to rebuild her life, and thus has continued to subject herself to this incredibly dehumanizing process, even when USCIS is almost certainly using "derogatory information" provided by her abuser against her to say that she is not credible and that her love for Mr. Y. was not bona fide.

The *only* evidence USCIS has that supposedly calls Ms. A.'s narrative into question—Mr. Y.'s lease agreement at [Apartment 2], his employment application, his emergency contact form, and his lease agreement at [Apartment 4] —were provided by Mr. Y. himself and cannot be considered under the VAWA confidentiality provisions. Any other "derogatory" evidence that USCIS has referred to (for example, a neighbor not recognizing Mr. Y.), has already been explained by Ms. A. in previous filings. USCIS has nothing else that it can rely on to deny Ms. A.'s case, and we sincerely hope that USCIS will ultimately choose to do what it should have done three years ago: grant Ms. A.'s adjustment of status application and allow her to finally heal.

We thank you for your immediate attention to this matter. Please do not hesitate to contact us with any questions or concerns.

Sincerely,

Dree K. Collopy, Esq.  
Benach Collopy LLP

Enclosures: as stated  
cc: S.A.A.