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November 4, 2020

USCIS

Vermont Service Center
Attn: Humanitarian Unit
75 Lower Welden Street
St. Albans, VT 05479-0001

RE: CONCURRENT FILING OF FORM I-360, Self-Petition under the Violence Against Women Act as an abused spouse of a United States Citizen, & FORM I-485, Application to Adjust Status

Principal Applicant: XXXXXXXXXXXXXXXX A#XXXXXXXXXXXX

Dear Sir/Madam:

I am the attorney of record in the above-referenced case. The APPLICANT, XXXXXXXXXXXXXXXX, by and through undersigned counsel, is filing a self-petition under the Violence Against Women Act, as the abused spouse of a U.S. citizen, XXXXXXXXXXXXXXXX ("Abuser").

Applicant has suffered physical, mental, and emotional abuse by his U.S. citizen spouse during their marriage. Applicant's relationship with his wife quickly turned abusive as the Coronavirus Pandemic began affecting the U.S. and lockdowns were commenced in their area earlier this year. When the Applicant started dedicating additional time to his minor daughter, the Abuser's unfounded suspicions of infidelity arose, leading to a series of physical assaults on the Applicant. These assaults included being hit with objects, shoved, struck on the face or body, scratched, and bitten.

According to Applicant's sworn statement, he and Abuser began to have frequent arguments which often led to physical violence and destruction of property by Abuser. On April 7, 2020, a neighbor called the Police Department to respond to a domestic dispute at their marital home. According to Applicant's personal statement, Abuser hit him with a phone charger and began throwing things from the dresser. In an effort to protect himself and keep Abuser from

continuing to hit him, Applicant held Abuser's hands and then grabbed her shirt to push her away from him. A neighbor who heard the noise from the incident called the police and both Applicant and Abuser were arrested for DOMESTIC VIOLENCE 3RD (HARASSMENT). Applicant's charge was subsequently dropped by a Municipal Court Judge as the minor marks on Abuser's neck and hands were caused by him acting in self-defense. *See* certified Case Action Summary from [county] Court stating "Nol. Pros" included herein.

In the time that Applicant and Abuser have been married, Abuser has destroyed Applicant's clothing and cell phones on several occasions out of rage. Abuser has thrown Applicant's food away while he was eating, and forced him to retrieve meals from the floor where she placed them as a means to humiliate and demean him. In an effort to exert control over Applicant, Abuser has destroyed legal documents such as their marriage certificate, and has threatened, on several occasions, his ability to obtain status in the U.S. and deportation. She has hacked into his social media accounts, placed a tracker in his vehicle, and has gossiped about their personal marital difficulties at their mutual place of employment causing Applicant embarrassment and ostracization.

It is clear that Applicant cannot hope to obtain relief from his abusive spouse without the positive adjudication of these petitions.

Enclosed, please find the following documents in support of this I-360 application:

1. **G-28, Notice of Appearance of Attorney of Record** signed by the Applicant
2. **G-1145, e-Notification of Application/Petition Acceptance**
3. (2) Passport photos of Applicant
4. One check in the amount of \$1,225 which is the sum of the \$1,140 filing fee for form I-485 plus \$85 biometrics fee.
5. **I-360, Petition for Amerasian, Widow(er) or Special Immigrant** duly signed by Applicant (filing as the abused spouse of a U.S. citizen, no filing fee is required)
6. **I-485, Application to Register Permanent Residence of Adjust Status**
7. **I-765, Application for Employment Authorization**
8. **I-131, Application for Travel Document**
9. Copy of Applicant's birth certificate
10. Copy of biographical page of Applicant's passport used at last arrival
11. Copy of Applicant's nonimmigrant visa

12. Copy of Applicant's I-94 Entry Document
13. Copy of biographical page of Applicant's current passport

Abuser is a U.S. Citizen

- Copy of Abuser's birth certificate

Good Faith Marriage

- Copy of Applicant and Abuser's Marriage Certificate as evidence of good faith marriage
- Copy of Decree of Divorce for Applicant and former spouse
- Applicant's sworn personal statement
- Applicant's mother's Affidavit attesting to the relationship between Applicant and Abuser
- Photos of Applicant and Abuser with friends and family

Joint Residence

- Copy of Lease for marital home signed by Applicant and Abuser
- Copy of receipt for furniture purchased by Applicant and Abuser for marital home
- Copy of utility bill in Abuser's name for marital home
- Copy of mail addressed to Applicant and Abuser at marital home
- Copy of noise violation from management addressed to Applicant and Abuser at marital home

Abuse

- Report of mental health evaluation conducted by Licensed Marriage and Family Therapist, Andria Estrella-Roa
 - o "XXXXXXXXXX appears to be suffering from Posttraumatic Stress Disorder..."
 - o "With his history of severe trauma, current mental health symptoms, current suicidal ideation (no plans made), potential separation from his youngest daughter ...XXXXXXXXXX would be at serious risk of developing further posttraumatic symptoms and Major depressive disorder..."
- See Applicant's Personal Statement
 - o "XXXXXXXXX has destroyed my personal belongings including several items of clothing and my cellphone out of rage and extreme jealousy."

- “The last occurrence when XXXXXXXXX destroyed a piece of clothing, she did so while I was wearing it. She ripped it off my body....”
- “...she would shove me, hit me in the face or on my body, claw me with her nails and even bite me.”
- Copy of [county] Police Department report of domestic violence from [date]
- Copy of Complaint and Case Action Summary signed “Nol.Pros” by Municipal Court Judge evidencing dismissal of case against Applicant
- Copy of [county] Police Department report of domestic violence from [date]
- *See* Affidavit from Applicant’s mother
- Photos of harm to Applicant and his property caused by Abuser

Good Moral Character

- Educational certificates of achievements from XXXXX High School
- Affidavits from Supervisors XXXXXXXXXXXX and XXXXXXXXXXXX attesting to Applicant’s character

We respectfully request a favorable adjudication of the petitions filed in this case. Should you have any questions or concerns please do not hesitate to contact our office. Thank you for your kind attention to this matter.

Very Truly Yours,

Sonya Peterkin, Esq.