

SAMPLE RFE FOR ASISTA PRACTICAL SKILLS TRAINING

May 22, 2024

US Department of Homeland Security
US Citizenship and Immigration Services
38 River Road
Essex Junction, VT 05479-0001

Isa de la Cruz
% [attorney/representative]
[Address]

[USCIS LOGO]
[Barcodes]
[Receipt Number]
[A Number]

RE: Isa de la Cruz
I-360 Petition for Amerasian, Widow(er), or
Special Immigrant

REQUEST FOR EVIDENCE

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE RECEIPT NUMBER. THIS PAGE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence requested on the attached page(s). Include duplicate copies if you are requesting consular notification.

Your response must be received in this office by August 18, 2024.

Please note that you have been allotted the maximum period allowed for responding to a Request for Evidence (RFE). The time period for responding cannot be extended. See Title 8 Code of Federal Regulations (8 CFR), Section 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. See 8 CFR 103.2(b)(11). If you submit a document in any language other than English, the document must be accompanied by a full and **complete** English translation. The translator must

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certify that the translation is accurate and he or she is competent to translate from that language to English. **If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.** The processing of your form or benefit request will resume upon timely receipt of your response. Written inquiries may be mailed to:

USCIS Vermont Service Center
ATTN: VAWA TU Division
38 River Road
Essex Junction, VT 05479-0001

Your written inquiry must be signed and should include your A-number, receipt number, and indicate the purpose of your inquiry.

On May 22, 2021, you filed a Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant to classify yourself as the battered spouse of a U.S. Citizen or Lawful Permanent Resident. U.S. Citizenship and Immigration Services (USCIS) has reviewed your petition and all supporting evidence. You did not submit sufficient evidence to establish your eligibility under the self-petitioning provisions of the Violence Against Women Act (VAWA). Therefore, additional evidence is needed.

BATTERY AND/OR EXTREME CRUELTY

The filing of this petition requires the self-petitioner to establish that he or she has been battered by or has been the subject of extreme cruelty perpetrated by the U.S. citizen or lawful permanent resident during the qualifying relationship or is the parent of a child who has been battered by or has been the subject of extreme cruelty perpetrated by the citizen or lawful permanent resident during the qualifying relationship.

To satisfy this requirement, you submitted:

- A self-affidavit.

With your self-affidavit, you discussed an event with your spouse that occurred before you were married, and took place outside the United States. **However, no corroborating evidence was provided with your Form I-360.** You did not discuss any of the circumstances surrounding the incident in order to put into context the details of the altercation. **USCIS acknowledges that you may have been in an unhealthy relationship where your spouse may have shown a great deal of apathy toward you and your relationship, was often unkind, appeared to manipulate you, and conceived a child outside of the marriage. Marital tensions and incompatibilities such as apathy toward the relationship by one party, name calling, dishonesty, or infidelity, which place strains,**

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sometimes severe enough to result in a marriage's disintegration, do not by themselves constitute extreme cruelty. The evidence provided in the present case does not suggest that the marital difficulties claimed by you were beyond those encountered in many marriages.

Please submit evidence to show that you or your children have been the subject of battery or extreme cruelty committed by Cedro de la Cruz. Submit one or more of the following as evidence:

1. Reports and affidavits from police, judges, court officials, medical personnel, counselors, social workers, or other social service agency personnel, or school officials.
2. Evidence that you have sought refuge in a shelter for the abused.
3. Photographs of your injuries, and affidavits from witnesses, if possible.
4. As specific and detailed as possible, a statement, in your own words describing the relationship with your abuser.

If it is your claim that your relationship included mental/emotional abuse, you may submit evidence to support this claim. 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. Extreme cruelty may involve, but is not limited to, acts of intimidation, social isolation and possessiveness. Extreme cruelty is a non-physical act of violence or threat of violence demonstrating a pattern or intent on the part of the U.S. citizen or LPR to attain compliance from or control over the self-petitioner. USCIS determines whether a self-petitioner has demonstrated extreme cruelty occurred on a case-by-case basis, and no single factor is conclusive.

Provide any evidence you believe will demonstrate that your spouse subjected you to extreme cruelty. Such evidence may include but is not limited to:

1. Police reports
 2. Psychological evaluations or counseling reports
 3. Medical reports
 4. Affidavits from yourself and/or third parties which corroborate your claims.
- Please note, the affiants may be required to testify before a USCIS Officer.

GOOD FAITH MARRIAGE

The filing of this petition requires that you provide sufficient credible evidence demonstrating you entered into the qualifying marriage with your spouse in good faith. For immigration purposes, evidence of good faith should demonstrate emotional ties, commingling of resources,

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and/or shared financial responsibilities generally associated with a bona fide marriage.

To satisfy this requirement, you submitted:

- A self-affidavit;
- Photographs of you and your spouse; and
- A copy of a marriage certificate.

With your self-affidavit, you indicated you married your spouse in good faith. However, you noted that you met in 2017 in Oaxaca while you were sleeping on a friend's sofa and married him shortly after you arrived in the US in 2017. You also indicated that you had doubts about your spouse, but married him because he was older and promised you a home and stable income.

It is not apparent from your statement that you married your spouse in good faith on [date]. Furthermore, you stated that you stopped living with your spouse on [date], but then returned to live with him after he had fathered a child with someone else and while you were in divorce proceedings. This sequence of events casts doubt upon your claim that you married your spouse in good faith, and not to evade U.S. immigration laws.

It is noted that you submitted photographs of you and your spouse. However, photographs capture one time events and without thorough explanations cannot be given much evidentiary weight when evaluating evidence. Although USCIS acknowledges that you were together, these photographs do not provide sufficient insight into the dynamics of your marriage and do not meet the preponderance of evidence standard for USCIS to determine your intent upon marriage.

Although your marriage certificate appears to show that you entered into a legal marriage performed by an officiant, a legal marriage does not provide insight into the dynamics of your relationship prior to your marriage or of your subsequent marital relationship. As such, a marriage certificate is insufficient to establish that you meet this requirement.

Please show that you married your spouse in good faith. You may submit as much of the following evidence as possible:

1. Insurance policies in which you or your spouse is named as the beneficiary;
2. Bank statements, tax records and other documents that show you share accounts and other similar responsibilities;
3. Evidence of your courtship, wedding ceremony, residences, special events, etc.;
4. Evidence of joint ownership of property (such as a home, automobile, etc.);
5. Birth certificates of children born to you and your spouse; and/or
6. Affidavits of friends and family who can provide specific information verifying your relationship with your spouse.

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For further information and resources regarding domestic violence, 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.

National Domestic Violence Hotline Website: www.thehotline.org/ **OR** www.justice.gov/ovw

PLEASE RETURN THE REQUESTED INFORMATION AND ALL SUPPORTING DOCUMENTS WITH THIS ORIGINAL REQUEST ON TOP TO:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

38 RIVER ROAD

ESSEX JUNCTION VT 05479-0001