

**NATIONAL  
IMMIGRANT  
JUSTICE CENTER**  
A HEARTLAND ALLIANCE PROGRAM

**DATE**, 2019

***VIA OVERNIGHT DELIVERY***

U.S. Citizenship and Immigration Services  
Vermont Service Center  
Attn: VAWA Unit  
75 Lower Welden Street  
St. Albans, VT 05479-001

RE: CLIENT (A123-456-789)  
Submission of I-360 VAWA Self-Petition

Dear Officer:

**CLIENT** is applying for relief pursuant to the Violence Against Women Act (VAWA). Please find attached Forms G-28 and I-360 signed and dated by **CLIENT** with supporting documents. **CLIENT** is self-petitioning as the abused spouse of a United States citizen, **ABUSIVE SPOUSE**.

Although self-petitioners are encouraged to submit primary evidence when possible, the U.S. Citizenship and Immigration Services (hereinafter “USCIS”) will consider any credible evidence relevant to the petition. 8 C.F.R. § 204.2(c)(2)(i).

CLIENT’s supplemental documentation supports all requirements that VAWA self-petitioners must prove under the Immigration & Nationality Act (“INA”) § 204 (a)(1)(A). Specifically, CLIENT is able to prove: (1) a qualifying abuser, (2) qualifying relationship, (3) a good faith marriage, (4) battery or extreme cruelty, (5) residency with the abuser, (6) current residence in the United States, and (7) good moral character.

1) Qualifying Abuser:

CLIENT’s spouse is a U.S. citizen and a qualifying spouse. INA § 204(a)(1)(A)(i). Proof that ABUSIVE SPOUSE is a qualifying abuser is supported by his birth certificate showing that he was born in New York City.

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## 2) Qualifying Relationship:

To qualify as a self-petitioner, CLIENT must show that she was legally married to her U.S. citizen spouse. A copy of a Certificate of Marriage is included in this application to show that a legal marriage took place between CLIENT and ABUSIVE SPOUSE on June 6, 2005 in Michigan, and previously on September 20, 1997.

## 3) Good Faith Marriage:

To qualify as a self-petitioner, CLIENT must show that she married a qualifying spouse in good faith. INA § 204 (a)(1)(A)(iii)(I)(aa). The key factor in determining whether a person entered into a marriage in good faith is whether he or she intended to establish a life together with the spouse at the time of the marriage. 61 Fed. Reg. at 13068 (March 26, 1996) [preamble to Immigration & Naturalization Service (“INS”) regulations]. A self-petition will not be denied solely because the spouses are no longer living together and the marriage is no longer viable. 8 C.F.R. § 204.2(c)(ix).

CLIENT’s affidavit and supporting documents prove that she entered into a marriage with ABUSIVE SPOUSE in good faith. CLIENT has included photographs with she and ABUSIVE SPOUSE and proof of shared residence. In addition, CLIENT and ABUSIVE SPOUSE have a U.S. citizen child together, CHILD.

## 4) Battery or Extreme Cruelty:

CLIENT must prove that she is the victim of battery or extreme cruelty. INA § 204(a)(1)(A)(iii)(I)(bb). Battery or extreme cruelty is broadly defined to include, “being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury.” 8 C.F.R. § 204.2(c)(2)(vi). Moreover, abusive actions which in and of themselves do not initially appear violent, but that are a part of an overall pattern of violence, may also be acts of violence under certain circumstances. *Id.*

The regulations provide a non-exhaustive list of evidence that may prove battery or extreme cruelty. *Id.* This list includes, but is not limited to, reports and affidavits from law enforcement personnel, medical personnel, school officials, clergy, social workers, and other social service agency personnel, protection orders, shelter records, and photographs supported by affidavits. 8 C.F.R. § 204.2(c)(2)(iv).

CLIENT’s affidavit provides an account of the abuse she has suffered from her spouse, ABUSIVE SPOUSE. CLIENT also has a plenary order of protection for two years with a description of the abuse attached. She also has a police report and the last domestic

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violence episode is currently being prosecuted by the State's attorney's office.

## 5) Residency With The Abuser:

The self-petitioner must have resided with the abuser at some point. INA § 204(a)(I)(iii)(II)(dd). Relevant credible evidence of residency may include utility receipts, school records, hospital or medical records, birth certificates of children born in the U.S., deeds, mortgages, rental records, insurance policies, and affidavits. Evidence that CLIENT and ABUSIVE SPOUSE resided together is found in CLIENT' Affidavit as well as bills and other correspondence sent to both individuals at the same address during most of 2005. In addition, they own property together and they police report and plenary order show that they were living together.

## 6) Current Residence in The United States:

The self-petitioner must reside in the United States at the time the self-petition is filed. 8 C.F.R. § 204.2(c)(1)(i)(H)(v). Included in CLIENT's application is proof that she is currently physically present in the United States. CLIENT is submitting her Affidavit and her order of protection. In addition, CLIENT is currently in removal proceedings.

## 7) Self-Petitioner's Good Moral Character:

To qualify as a self-petitioner, CLIENT must show that she is a person of good moral character. INA § 204(a)(1)(A)(iii)(II)(bb). The self-petitioner's sworn statement provides primary evidence of good moral character. 8 C.F.R. §204.2(c)(2)(v). In addition to the self-petitioner's sworn statement, the regulations suggest including in the application a local police clearance from each locality or State where the self-petitioner has resided for six or more months during the 3-year period immediately preceding the filing of the self-petition as proof of good moral character. *Id.*

CLIENT's police clearance letter is forthcoming.

On the basis of this application, CLIENT asks that you approve her self-petition and grant her deferred action. Thank you for your attention to this application. If you need additional information, please contact me at (312) 660-1306.

Very truly yours,

**NAME**

Attorney at Law

Enclosures