

THE SAMPLE LAW FIRM
XYZ road, USA

U.S. Department of Homeland Security
USCIS
Nebraska Service Center
P.O. Box 87426
Lincoln, NE 68501-7526

June 06, 2024

**RE: I-360, Petition for Amerasian, Widow(er), or Special Immigrant with
concurrent I-485, Application to Register Permanent Residence or Adjust
Status**

Applicant: John Smith

DOB: August 29, 1993

To whom it may concern:

The SAMPLE Law Firm, PLLC represents John Smith, in his petition for battered or abused spouse of a U.S. citizen and his accompanying application for Adjustment of Status.

John Smith qualifies for the I-360 with Adjustment of Status because he suffered different types of abuse by his United States Citizen spouse.

I. ARGUMENT

Pursuant to 8 CFR §204.2(c), John Smith, may file a self-petition under §§204(a)(1)(A)(iii)(II)(aa)(AA) or 204(a)(1)(A)(v)(ii) of the Immigration and Nationality Act (“INA” or “the Act”) for his classification as an immediate relative or as a preference immigrant if he:

- (A) Is the spouse of a citizen of the United States;
- (B) Is eligible for immigrant classification under §§201(b)(2)(A)(i) or 203(a)(2)(A) of the Act based on that relationship;
- (C) Is residing in the United States;
- (D) Has resided in the United States with the citizen or lawful permanent resident spouse;
- (E) Has been battered by, or has been the subject of extreme cruelty perpetrated by the citizen during the marriage;
- (F) Is a person of good moral character;
- (G) Is a person whose deportation would result in extreme hardship to himself; and
- (H) Entered into the marriage to the citizen in good faith.

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The Victims of Trafficking and Violence Prevention Act of 2000 (“VTVPA”) eliminated the extreme hardship requirement for self-petitioners. See Victims of Trafficking and Violence Prevention Act of 2000, 114 Stat. 1464, Pub. L. No. 106-386 (Oct. 28, 2000). See also 8 CFR §§204.2(c)(1)(i)(G), (c)(1)(viii), and (c)(2)(vi).

Furthermore, the Secretary of Homeland Security may waive the permanent bar under INA §212(a)(9)(C) in the case of any individual who is a VAWA self-petitioner if there is a connection between the individual’s battering or subjection to extreme cruelty and the individual’s departure from the United States or reentry into the United States. The AAO further found that the waiver is available where the departure or reentry was connected to the abuse by a former partner and need not be connected to the abuse of the partner that is the basis for the VAWA claim. See Matter of ___, (AAO Spokane, Feb. 4, 2013), reported in 18 Bender’s Immigr. Bull. 483, 507 (May 1, 2013); see also Matter of ___ (AAO Spokane Feb. 4, 2013).

A. John Smith Is the Spouse of a U.S. Citizen

Jane Smith, wife of John Smith, was born February 2, 1984 in United States. Pursuant to 8 CFR §§204.2(c)(2)(ii) and (e)(2)(ii), a self-petitioner must submit proof of the abuser’s status as a U.S. citizen or lawful permanent resident. The enclosed copy of Jane Smith + Birth Certificate proves that she is a U.S. citizen.

B. John Smith Entered into His Marriage with His/Her U.S. Citizen Spouse in Good Faith

Pursuant to INA §§204(a)(1)(A)(iii)(I)(aa) and (aa)(BB), the marriage between the petitioner and the abuser must have been entered into in good faith. John and Jane got married on January 19, 2023 in Atlanta, Georgia. John and Jane’s relationship and courtship are detailed in John Smith’s declaration. Also enclosed are [list of bonafides] demonstrating the good faith marriage and cohabitation.

C. John Smith Shared a Residence with His U.S. Citizen Spouse

Although the petitioner need not have lived in the United States, he must show that he has resided with the abuser. INA §§204(a)(1)(A)(iii)(II)(dd) and 204(a)(1)(B)(ii)(II)(dd). John Smith resided with his wife, Jane Smith, at [address] from [dates lived together]. John Smith is currently living at [address].

D. John Smith is a Person of Good Moral Character

John Smith is a person of good moral character who deserves to remain in the United States, where he can heal from the abuse he suffered, remain close to his family, and build a happy life. John Smith is a kind, responsible, hard-working individual. The people who know John Smith value him as a helpful, hard-working, caring individual of high moral character.

Additionally, John Smith has done his best to comply with the laws of the United States. He has a clean criminal record, and he pays his taxes. He wants to remain in the United States to become a productive member of society here. Based on the qualities he exhibits to all who

know him, John Smith is of the highest moral character and deserves to remain in the United States.

E. John Smith's U.S. Citizen Spouse Subjected Him to Extreme Cruelty and Abuse for the Duration of Their Marriage

A self-petitioner must be "battered" or "the subject of extreme cruelty". INA §204(a)(1)(A)(iii)(I)(bb) and (iv). These terms are defined as follows:

"[W]as battered by or was the subject of extreme cruelty" includes but is not limited to being the victim of any act or threatened act of violence, including forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim was a minor), or forced prostitution shall be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that in and of themselves, may not initially appear violent but are part of an overall pattern of violence. 8 CFR §§204.2(c)(1)(vi) and (e)(1)(vi).

The National Domestic Violence Hotline defines domestic violence as a pattern of behaviors used to gain or maintain power and control.¹ The power wheel and control wheel the organization uses is meant to show the tactics that an abusive partner uses to maintain control in the intimate relationship. It is not an all-inclusive list of tactics but provides an idea of the subtle, continuous behaviors that are used to gain and maintain control. We have included in this packet, a gender-inclusive power wheel and highlighted what applies to our client, **JOHN**.

Domestic violence can be physical, sexual, emotional, economic, psychological, or technological actions or threats of actions or other patterns of coercive behavior that influence another person within an intimate partner relationship.² This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.³ Again, there is not a specific type of action or form of abuse that defines what should be considered as domestic violence.

Domestic violence is an alarming and troubling issue that unfortunately knows no boundaries, affecting individuals regardless of their gender, age, ethnicity, faith, or sexual orientation. In the case of John Smith.

Evidence of battering or extreme cruelty may include "any credible evidence." INA §204(a)(1)(J). Specifically, "evidence of abuse may include but is not limited to, reports, and affidavits from police judges and other court officials, medical personnel, school officials, clergy, social workers, and other social service agency personnel." 8 CFR §§204.2(c)(2)(iv) and (e)(2)(iv).

John Smith suffered the following abuse by his spouse:

¹ <https://www.thehotline.org/identify-abuse/power-and-control/>

² <https://www.justice.gov/ovw/domestic-violence>

³ *Id.*

- **Psychological Abuse**

Elements of psychological abuse include - but are not limited to - causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property; and forcing isolation from family, friends, or school and/or work.⁴ **Jane intimidated John with her looks, actions and gestures when she felt insecure of him going to the gym. She blamed him for the abuse she endured on him because he forgot to inform her about his whereabouts. She smashes and breaks things in anger to show dominance over him and make him feel cared of her. Because of her episodes of rage, John was forced to hide his documents from her. She lies and distorts reality in order to manipulate him in front of her family and even ask his brother to threaten him to gain power and control over him. She further keeps an eye on his every move by keeping tabs on him and forcing him to share his every single move with her.**

- **Technological Abuse**

An act or pattern of behavior that is intended to harm, threaten, control, stalk, harass, impersonate, exploit, extort, or monitor another person that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.⁵ **Jane forces John to share his location with her all the time when he opted the job of a delivery man with DoorDash. She also forced him to answer her calls every time she called him while he was working. If he was unable to do so, she would fight him and torture him.**

- **Emotional and Verbal Abuse**

Undermining an individual's sense of self-worth and/or self-esteem is abusive. This may include, but is not limited to constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with his or her children.⁶ **Jane puts him down, makes him feel unvalued and tries to make him feel bad about himself by calling him with insulting names like “Loser” and “Nigga” for not having a job. She attacks his physical appearance by making him wear clothes of her choice and telling him to suit up poorly so that women would not get interested in him. She demanded to be seen as the one in charge by keeping an eye on all his activities while not sharing any of hers with him. She also forces him to speak in English with his family in front of her when she knows that their proficiency in English is low. She accuses him of speaking to other women when he talks to his sister and cousins back at home.**

- **Physical Abuse**

Hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, etc. are types of physical abuse. This type of abuse also includes denying a partner medical care or forcing alcohol and/or

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

drug use upon him or her.⁷ **Jane keeps a pepper spray with her all the time and threatens John that she would it if someone attacks her. She also demonstrated the use of a knife to attack someone if they attack her. She also drives the car while drunk making him feel unsafe when he clearly tells her to let her drive while she cant.**

- **Sexual Abuse**

Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not limited to, marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.⁸ **Jane has a problem of bleeding out every time she gets intimate with John because of having a history of cancer and operations. When John tries to tell her to see a doctor, she refuses to follow through and forces him into having sex with her to fulfill his duties as her husband. When he uses protection for his health concerns, she forces him not to use it and puts him at a risk of STD. She also forces him into partaking into other sexual activities such as oral sex when she knows she would bleed out, against his will.**

- **Economic Abuse**

Controlling or restraining a person's ability to acquire, use, or maintain economic resources to which they are entitled. This includes using coercion, fraud, or manipulation to restrict a person's access to money, assets, credit, or financial information; unfairly using a person's personal economic resources, including money, assets, and credit, or exerting undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.⁹ **Jane forces John to take an allowance from her. She manipulates him into taking her money for his daughter and then blackmailing him into returning it when she knows he doesn't have a job. She doesn't let him keep a job peacefully. She threatens to report him to immigration when things don't go her way, for having jobs that are "under the table." She also makes him provide the proof of purchase for basic things such as groceries for the house and gas for the car in order to make sure that he has not sent any money to his family back home.**

The various abuses John Smith suffered in his marriage are typical forms of abuse by women upon men. Mayo Clinic lists multiple forms of abuse, including when an individual's partner calls the victim names, insults him, or puts him down, tries to control how the victim spends his money. Here, John Smith has suffered each one of these abuses in his own marriage, in addition to other abuses not listed, such as threats. John Smith's wife has repeatedly subjected him to extreme cruelty and abuse for the duration of their marriage.

In support of these applications, please find the following documents enclosed:

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⁷ *Id.*

⁸ *Id*

⁹ *Id.*

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Forms

Exhibit A

- Form G-28, Notice of Entry of Appearance as Attorney or Accredited representative accompanying each form;

Exhibit B

- Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant;

Exhibit C

- Form I-485, Application to Register Permanent Residence or Adjust Status;
- Form I-864W, Request for Exemption for Intending Immigrant's Affidavit of Support;
- Form I-693, Report of Medical Examination (Will be submitted at interview);

Exhibit D

- Form I-765, Application for Employment Authorization;

Exhibit E

- Form I-131, Application for Travel Document;

Supporting Documents

Exhibit F

Applicant's Biographical Documents

- 4 Passport Style Photos of Applicant;
- Copy of Applicant's [birth certificate];
- Copy of Applicant's [passport];
- Copy of Applicant's [visa];
- Copy of Applicant's I-94 document;

Exhibit G

Proof of Bona Fide Marriage to a U.S. Citizen/Lawful Permanent Resident and Cohabitation

- Copy of Certificate of Marriage between John Smith ("Applicant") and Jane Smith ("USC Spouse");
- [Spouse's proof of citizenship];
- [list down bonafides];

Exhibit H

Proof of Extreme Cruelty and/or Battery

- Power and Control Wheel highlighting the abuse John Smith suffered in his marriage;
- Declaration of John Smith regarding the Extreme Cruelty and Abuse he suffered in the relationship;
- [proof of abuse];
- Affidavit Letter of Support from [name];

Exhibit I

Proof of Good Moral Character

- FBI Fingerprint Background Clearance.

II. CONCLUSION

John Smith is eligible to file a self-petition as the abused spouse of a U.S. citizen/Lawful Permanent Resident and accordingly, USCIS should approve his I-360 petition. I trust that the documents attached are sufficient to approve this petition as soon as possible, and I appreciate your kindness in promptly adjudicating this petition and application. If you have any questions or require additional information, please do not hesitate to contact me at 123.456.7878 or abc@xyzlaw.com.

Respectfully,

The Advocate / Lawyer, Esq.