

Clinton Presidential Records

Graphic/Offensive Material Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff to identify graphic and/or offensive material that is not suitable for underage researchers. Record(s) located in this folder may be considered offensive by researchers.

**PLEASE READ BEFORE
PROCEEDING INTO
FOLDER**

Irene Bueno

09/17/99 04:00:07 PM

Record Type: Record

To: Leanne A. Shimabukuro/OPD/EOP

cc:

Subject: Bioterrorism - Immigration review process of ground of admissibility

Here's what I learned about the review process:

A non-immigrant (ie students, visitor, etc) applicant for admission to the US completes a form and submits to the US consulate for review (I'll give you a copy).

The form asks if the applicant if factors listed apply to the applicant.. For example, if the applicant has been "Arrested, convicted for any offense or crime even though subject of a pardon, amnesty, or other such legal action". If applicant indicates that this or other similar factors apply, the applicant is advised to go to the consulate office or attach a statement.

After the form is submitted, the consulate office checks it against it's "Look out system" that contains information that is relevant in determining applicants for admission to the US. The look out system contains intelligence and information that is gathered by the consulate, Customs and other agencies. It could intelligence on pplicant is involved in bioterrorism if they have that info.

Please let me know if you have any questions. Thanks.

32. (a) HAS ANYONE EVER FILED AN IMMIGRANT VISA PETITION ON YOUR BEHALF? (b) HAS LABOR CERTIFICATION FOR EMPLOYMENT IN THE U.S. EVER BEEN REQUESTED BY YOU OR ON YOUR BEHALF? (c) HAVE YOU OR ANYONE ACTING FOR YOU EVER INDICATED TO A U.S. CONSULAR OR IMMIGRATION EMPLOYEE A DESIRE TO IMMIGRATE TO THE U.S.?

(a) ☐ No ☐ Yes (b) ☐ No ☐ Yes (c) ☐ No ☐ Yes

33. ARE ANY OF THE FOLLOWING IN THE U.S.? (If YES, circle appropriate relationship and indicate what that person is doing in the U.S., i.e., studying, working, etc.)

HUSBAND/WIFE _____ FIANCÉE/FIANCÉ _____ BROTHER/
FATHER/MOTHER _____ SON/DAUGHTER _____ SISTER _____

34. PLEASE LIST THE COUNTRIES WHERE YOU HAVE LIVED FOR MORE THAN 6 MONTHS DURING THE PAST 5 YEARS

COUNTRIES _____ CITIES _____ APPROXIMATE DATES _____

35. IMPORTANT: ALL APPLICANTS MUST READ AND ANSWER THE FOLLOWING:

A visa may not be issued to persons who are within specific categories defined by law as inadmissible to the United States (except where a waiver is obtained in advance). Complete information regarding these categories and whether any may be applicable to you can be obtained from this office. Generally, they include persons:

- Afflicted with contagious diseases (i.e., tuberculosis) or who have suffered serious mental illness;
- Arrested, convicted for any offense or crime even though subject of a pardon, amnesty, or other such legal action;
- Believed to be narcotic addicts or traffickers;
- Deported from the U.S.A. within the last 5 years;
- Who have sought to obtain a visa by misrepresentation or fraud;
- Who are or have been members of certain organizations including Communist organizations and those affiliated therewith;
- Who ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion under the control, direct or indirect, of the Nazi Government of Germany, or of the government of any area occupied by, or allied with, the Nazi Government of Germany.

DO ANY OF THESE APPEAR TO APPLY TO YOU? ☐ No ☐ Yes
If YES, or if you have any question in this regard, personal appearance at this office is recommended. If it is not possible at this time, attach a statement of facts in your case to this application.

36. I certify that I have read and understood all the questions set forth in this application and the answers I have furnished on this form are true and correct to the best of my knowledge and belief. I understand that possession of a visa does not entitle the bearer to enter the United States of America upon arrival at port of entry if he or she is found inadmissible.

DATE OF APPLICATION _____

APPLICANT'S SIGNATURE _____

If this application has been prepared by a travel agency or another person on your behalf, the agent should indicate name and address of agency or person with appropriate signature of individual preparing form.

SIGNATURE OF PERSON PREPARING FORM _____

DO NOT WRITE IN THIS SPACE

37 mm x 37 mm

PHOTO

Glue or staple
photo here

VISAS BY MAIL

If you wish to apply for a nonimmigrant visa without making a personal appearance at a United Consular Office, complete this form after having carefully read all of the information contained there. Sign and date the form. Enclose all of the documentation requested, in some localities and under certain circumstances the consular officer may require an applicant to appear in person to apply for a visa. You will be informed if this is considered necessary in your case.

SUPPLY A SELF-ADDRESSED ENVELOPE—LARGE ENOUGH TO RETURN YOUR PASSPORT TO YOU. AFFIX SUFFICIENT POSTAGE TO THE ENVELOPE TO EXPEDITE THE RETURN OF YOUR PASSPORT.

NOTE: As soon as we receive your application, and if your eligibility for a visa can be determined on the basis of the application form and the documents submitted therewith, a NONIMMIGRANT VISA will be stamped in your passport which will be returned to you promptly. If there is a question concerning your documentation or eligibility, you will be invited by mail or telephone to visit the Consular Office for a discussion of your plans to visit the U.S.A.

APPLY FOR YOUR VISA EARLY AND BEFORE
YOU MAKE FINAL TRAVEL ARRANGEMENTS

HOLIDAY NOTICE

Consular Offices are closed on all legal holidays of this country and of the United States of America.

Holidays of the U.S.A.

January 1	New Year's Day
Third Monday in January	Martin Luther King, Jr. Day
Third Monday in February	Washington's Birthday
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
Second Monday in October	Columbus Day
November 11	Veteran's Day
Fourth Thursday in November	Thanksgiving Day
December 25	Christmas Day

THIS FORM IS SUPPLIED GRATIS

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 2

To <u>Irene Bueno</u>	From <u>Ron Ackey</u>
Dept./Agency <u>White House</u>	Phone # <u>31205</u>
Fax # <u>456-5581</u>	Fax # <u>33898</u>

NSN 7540-01-317-7368

5009-101

GENERAL SERVICES ADMINISTRATION

THIS FORM IS SUPPLIED GRATIS
NONIMMIGRANT VISA INFORMATION
IMPORTANT-READ CAREFULLY

A valid VISA is necessary for every alien who wishes to apply for entry into the United States. Under U.S. law, all aliens seeking admission are presumed to require an immigrant visa unless they establish that they are entitled to receive a visa in one of the nonimmigrant visa categories. The most widely known nonimmigrant visa category is the visitor visa, which is used by aliens who wish to enter the United States temporarily for business purposes (B-1) or for tourism, visit to relatives and friends, or similar reasons (B-2). Other categories of nonimmigrant visas are required for persons with different temporary purposes of entry and are representatives of origin governments (A&G), transit (C), crewmen (D), treaty traders and investors (E), students in academic or language programs (F), temporary workers and trainees (H), journalists (I), exchange visitors (J), fianc(e)s of U.S. citizens (K), intracompany transferees (L), and students in vocational or other nonacademic programs (M).

A nonimmigrant visa for a particular category is valid for entry only for the purpose for which it was originally issued. For example, a student visa cannot be used for entry as a visitor, nor can the possessor of a visitor visa enter to study.

A visa is not a guarantee of entry into the United States. The bearer of a visa is subject to inspection at the port of entry by U.S. Immigration officials who have authority to deny admission. Therefore, the recipient of a visa should carry with him/her, for possible presentation to immigration inspectors, the evidence submitted to the consular officer when the visa was obtained.

The validity period shown in a nonimmigrant visa relates only to the period during which it may be used in making application for admission into the United States; it does not indicate the length of time the alien may spend in the United States. The period for which the bearer of a nonimmigrant visa is authorized to remain in the United States is determined by the U.S. Immigration authorities at the port of entry. A nonimmigrant who remains in the United States beyond the period for which he/she has been granted permission to stay may become subject to deportation.

Certain categories of nonimmigrant visas require special documentation which can be furnished only by an authority in the United States. These categories include students, who must have a valid Form I-20 A&B issued by the prospective school; exchange visitors, who must have a Form IAP-68 issued by the sponsoring organization; and temporary workers and trainees, intracompany transferees, and fianc(e)s of U.S. citizens, all of whom must have a specific petition filed on their behalf and approved by the U.S. Immigration and Naturalization Service.

There may be a fee charged for your visa. If there is a fee it is approximately the same as that which is charged by your government to a United States citizen for a similar type visa.

TO APPLY FOR A NONIMMIGRANT VISA

1. Complete this application form by PRINTING all of the answers.
2. Submit your passport with the completed application form. Your passport should be valid for at least 6 months longer than your intended period of stay in the United States.
3. A separate application is required for each traveler, regardless of age, or if more than one person is included in the same passport.
4. Present a recent photograph 1 1/2 inches square (37 x 37mm) with your usual signature written on the REVERSE side. Children under the age of 16 are not required to submit a photograph.
5. Submit evidence substantiating the purpose of your trip and your intention to depart from the United States after a temporary visit. Examples of such evidence are: in cases of business trips, a letter from your employer; in cases of pleasure trips, documents outlining your plans while in the United States and explaining the reasons why you would return abroad after a short stay, such as family ties, employment, or similar binding obligations in your home country; for students a completed Form I-20 A&B; for exchange visitors a Form IAP-68; and for temporary workers and intracompany transferees, evidence of an approved petition. U.S. law prohibits aliens who are granted visitor visas, crewmen visas, and most student and exchange visitor visas from working in the United States. They must therefore demonstrate that they have adequate funds of their own, or assurances that they will be supported there by some interested person. In this connection, evidence should also be submitted regarding the arrangements you have made to cover your expenses while in the United States and to provide for your departure from the United States.

The above requirements are not inclusive. In that all applicants will not be required to submit all documents, and some applicants will be required by the consular officer to submit additional documents. In order to avoid delay, it is to your advantage to submit as complete documentation as possible when you first submit your visa application.

2. FIRST NAME AND MIDDLE NAME (Exactly as in Passport)		OTHER Visa Classification _____	
		MULT OR _____ Number Applications	
3. OTHER NAMES (Maiden, Religious, Professional, Aliases)		MONTHS _____ Validity	
4. DATE OF BIRTH (Day, Month, Year)	7. PASSPORT NUMBER	ISSUED ON _____ BY _____	
5. PLACE OF BIRTH (City, Province, Country)	DATE PASSPORT ISSUED	REFUSED ON _____ BY _____	
6. NATIONALITY	DATE PASSPORT EXPIRES	UNDER SEC. _____ INA	
8. HOME ADDRESS (Include apartment no., street, city, province, and postal zone)		REFUSAL REVIEWED BY _____	
9. NAME AND STREET ADDRESS OF PRESENT EMPLOYER OR SCHOOL (Postal box number unacceptable)		L.D. CHECKED _____	
10. HOME TELEPHONE NO.	11. BUSINESS TELEPHONE NO.		
12. SEX ☐ Female ☐ Male	13. COLOR OF HAIR	14. COLOR OF EYES	
15. COMPLEXION	16. HEIGHT	17. MARITAL STATUS ☐ Married ☐ Single ☐ Widowed ☐ Divorced ☐ Separated	
18. MARKS OF IDENTIFICATION		19. NAMES AND RELATIONSHIPS OF PERSONS TRAVELING WITH YOU (NOTE: A separate application must be made for a visa for each traveler, including children and infants.)	
20. HAVE YOU EVER APPLIED FOR AN IMMIGRANT OR NONIMMIGRANT U.S. VISA BEFORE? ☐ No ☐ Yes Where? _____ When? _____ Type of visa? _____ ☐ Visa was issued ☐ Visa was refused		25. PRESENT OCCUPATION (If retired, state past occupation)	
21. HAS YOUR U.S. VISA EVER BEEN CANCELED? ☐ No ☐ Yes		26. AT WHAT ADDRESS WILL YOU STAY IN THE U.S.A.?	
22. Bearers of visitor visas may not work or study in the U.S. DO YOU INTEND TO WORK IN THE U.S.? ☐ No ☐ Yes If YES, explain.		27. WHAT IS THE PURPOSE OF YOUR TRIP?	
23. DO YOU INTEND TO STUDY IN THE U.S.? ☐ No ☐ Yes If YES, write name and address of school as it appears on form I-20.		28. WHEN DO YOU INTEND TO ARRIVE IN THE U.S.A.?	
24. WHO WILL FURNISH FINANCIAL SUPPORT, INCLUDING TICKETS?		29. HOW LONG DO YOU PLAN TO STAY IN THE U.S.A.?	
		30. DO YOU PLAN FUTURE TRIPS TO THE U.S.A.? IF SO, WHEN?	
		31. HAVE YOU EVER BEEN IN THE U.S.A. ☐ No ☐ Yes When? _____ For how long?	
NONIMMIGRANT VISA APPLICATION			
COMPLETE ALL QUESTIONS ON REVERSE OF FORM			



*United States Department of Justice
Immigration & Naturalization Service
Office of the Executive Associate Commissioner
Policy and Planning*

*425 I Street, NW
Washington, D.C. 20536
Phone: 202-514-3242 / Fax: 202-305-0134*

Fax Cover Sheet

To: Irene Bueno From: B. Strack
Fax: _____ Pages: 8
Phone: _____ Date: _____
Re: _____
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

*This is an excerpt from the draft 212(a) reg.
which has not yet been published. Ignore the
far right column — that's an internal cross-
reference to the draft reg.*

DRAFT**Subpart C - Information about General Waiver Procedures****§ 212.20 What are the grounds of inadmissibility, exceptions, and waivers?**

SUMMARY OF GROUNDS OF INADMISSIBILITY, EXCEPTIONS, AND WAIVERS UNDER SECTION 212 OF THE ACT - PAGE 1							
WHAT IS THE GENERAL CATEGORY?	WHAT IS THE SECTION HEADING?	WHAT ARE THE GROUNDS COVERED?	ARE THERE ANY EXCEPTIONS?	ARE THERE ANY WAIVERS FOR IMMIGRANTS?	ARE THERE ANY WAIVERS FOR NONIMMIGRANTS?	ARE THERE ANY WAIVERS FOR REFUGEES & ASYLEES?	WHERE CAN I FIND MORE INFORMATION?
HEALTH & RELATED GROUNDS	212(a)(1)(A)	(i) Communicable disease of public health significance	No	Yes	Yes	Yes	SUBPART D [SEE ALSO part 232 of this chapter for information about the required medical exam]
		(ii) Vaccinations	Yes, for orphans	Yes	Yes	Yes	SUBPART D
		(iii) Physical or mental disorder with associated harmful behavior	No	Yes	Yes	Yes	SUBPART D
		(iv) Drug abuse or drug addiction	Yes, if in remission	No	Yes	Yes	SUBPART D
CRIMINAL & RELATED GROUNDS	212(a)(2)	(A)(i)(I) Crimes involving moral turpitude	Yes, for minor offenses & offenses committed when under the age of 18 when other requirements are met	Yes	Yes	Yes	SUBPART E
		(A)(i)(II) Drug Offenses (U.S. or foreign)	No	Yes, but very limited	Yes	Yes	SUBPART E
		(B) Multiple criminal convictions	No	Yes	Yes	Yes	SUBPART E
		(C) Drug Traffickers	No	No	Yes	No	SUBPART E
		(D) Prostitution and vice	No	Yes	Yes	Yes	SUBPART E
		(E) Convicted of a serious crime & asserted immunity from prosecution	No	Yes	Yes	Yes	SUBPART E

HQ

HQOPP

09/13/99 MON 16:40 FAX 202 305 0134

09/13/99 MON 16:41 FAX 202 305 0134 HQOPPP HQ

SUMMARY OF GROUNDS OF INADMISSIBILITY, EXCEPTIONS, AND WAIVERS UNDER SECTION 212 OF THE ACT - PAGE 2							
WHAT IS THE GENERAL CATEGORY?	WHAT IS THE SECTION HEADING?	WHAT ARE THE GROUNDS COVERED?	ARE THERE ANY EXCEPTIONS?	ARE THERE ANY WAIVERS FOR IMMIGRANTS?	ARE THERE ANY WAIVERS FOR NONIMMIGRANTS?	ARE THERE ANY WAIVERS FOR REFUGEES & ASYLEES?	WHERE CAN I FIND MORE INFORMATION?
CRIMINAL & RELATED GROUNDS	212(a)(2)	(G) Violation of religious freedom	No	No	Yes	Yes	SUBPART E
SECURITY & RELATED GROUNDS	212(a)(3)	(A)(i)(I) Espionage and sabotage	No	No	No	No	SUBPART F
		(A)(i)(II) Export of sensitive goods, technology, or information	No	No	Yes	No	SUBPART F
		(A)(ii) Any other unlawful activity	No	No	No	No	SUBPART F
		(A)(iii) Any activity aimed at opposing, controlling, or overthrowing the U.S. Government by violence or any other unlawful means	No	No	No	No	SUBPART F
		(B) Terrorist activities	No	No	Yes	No	SUBPART F
		(C) Foreign policy considerations	Yes, in limited cases	No	No	No	SUBPART F
		(D) Membership in totalitarian party (N/A for nonimmigrants)	Yes, for involuntary & past membership	Yes	N/A	Yes	SUBPART F
		(E) Participation in Nazi persecutions or genocide	No	No	No	No	SUBPART F
PUBLIC CHARGE	212(a)(4)	Public charge	No	No	No	N/A	SUBPART G

SUMMARY OF GROUNDS OF INADMISSIBILITY, EXCEPTIONS, AND WAIVERS UNDER SECTION 212 OF THE ACT - PAGE 3							
WHAT IS THE GENERAL CATEGORY?	WHAT IS THE SECTION HEADING?	WHAT ARE THE GROUNDS COVERED?	ARE THERE ANY EXCEPTIONS?	ARE THERE ANY WAIVERS FOR IMMIGRANTS?	ARE THERE ANY WAIVERS FOR NONIMMIGRANTS?	ARE THERE ANY WAIVERS FOR REFUGEES & ASYLEES?	WHERE CAN I FIND MORE INFORMATION?
LABOR CERTIFICATION REQUIREMENTS & LICENSURE REQUIREMENTS	212(a)(5)	(A) Failure to meet labor certification requirements (Intending immigrants)	No, but there are special rules for teachers, aliens skilled in arts & sciences and professional athletes	No, but there are cases when a labor certification is not required	N/A - applies only to intending immigrants	N/A	SUBPART H
		(B) Failure to meet licensure requirements for medical doctors (Intending immigrants)	Yes, if you have passed parts I & II of the National Board of Medical Examiners examination and are competent in oral and written English	No	N/A - applies only to intending immigrants	N/A	SUBPART H
		(C) Failure to meet certification requirements for health care workers	No	No	Yes	N/A	SUBPART H
ILLEGAL ENTRANTS AND IMMIGRATION VIOLATORS	212(a)(6)	(A) Aliens in the U.S. without admission or parole	Yes, for battered spouses & children N/A for NACARA adjustment applicants	No waivers for adjustment applicants, but can apply for adjustment under 245i if certain requirements were met on or before 1/14/98. N/A for immigrant visa applicants	N/A if you are not present in the U.S.	N/A	SUBPART I
		(B) Failure to attend a removal proceeding	No	No	Yes	Yes	SUBPART J
		Misrepresentation (C)(i) • Fraud and misrepresentation of material fact (includes some false claims to U.S. citizenship made before 9/30/96)	No	Yes	Yes	Yes	SUBPART K

09/13/99 MON 16:44 FAX 202 305 0134 HQ HQOPP

SUMMARY OF GROUNDS OF INADMISSIBILITY, EXCEPTIONS, AND WAIVERS UNDER SECTION 212 OF THE ACT - PAGE 4							
WHAT IS THE GENERAL CATEGORY?	WHAT IS THE SECTION HEADING?	WHAT ARE THE GROUNDS COVERED?	ARE THERE ANY EXCEPTIONS?	ARE THERE ANY WAIVERS FOR IMMIGRANTS?	ARE THERE ANY WAIVERS FOR NONIMMIGRANTS?	ARE THERE ANY WAIVERS FOR REFUGEES & ASYLEES?	WHERE CAN I FIND MORE INFORMATION?
ILLEGAL ENTRANTS AND IMMIGRATION VIOLATORS	212(a)(6)	(C)(ii) • False claim to U.S. citizenship made on or after 9/30/96	No	No	Yes	Yes	SUBPART K
		(D) Stowaways	No	No	No	Yes	[RESERVED]
		(E) Smuggling	Yes, for some family reunification	Yes	Yes	Yes	SUBPART M
		(F) Civil penalties for document fraud	No	Yes	Yes	Yes	SUBPART L
		(G) Student visa abusers	No	No	No	Yes	SUBPART N - [RESERVED]
DOCUMENTARY REQUIREMENTS	212(a)(7)	(A)(i)(I) Immigrant without proper visa or travel documents upon arrival at POE	No	Yes	N/A	N/A	8 CFR part 211
		(A)(i)(II) Improperly issued immigrant visa discovered upon arrival at POE	No	Yes, in limited cases	N/A	N/A	SUBPART O
		(B)(i)(I) Nonimmigrant not in possession of passport valid for at least 6 months from the date the initial admission expires	Yes	N/A	Yes, at POE for unforeseen emergency	N/A	SUPART A
		(B)(i)(II) Nonimmigrant not in possession of valid nonimmigrant visa or border crossing card upon arrival at POE	Yes	N/A	Yes, at POE for unforeseen emergency	N/A	SUBPART A

09/13/99 MON 16:45 FAX 202 305 0134 HQPP HQ

SUMMARY OF GROUNDS OF INADMISSIBILITY, EXCEPTIONS, AND WAIVERS UNDER SECTION 212 OF THE ACT - PAGE 5							
WHAT IS THE GENERAL CATEGORY?	WHAT IS THE SECTION HEADING?	WHAT ARE THE GROUNDS COVERED?	ARE THERE ANY EXCEPTIONS?	ARE THERE ANY WAIVERS FOR IMMIGRANTS?	ARE THERE ANY WAIVERS FOR NONIMMIGRANTS?	ARE THERE ANY WAIVERS FOR REFUGEES & ASYLEES?	WHERE CAN I FIND MORE INFORMATION?
INELIGIBLE FOR CITIZENSHIP	212(a)(8)	(A) Alien permanently ineligible for citizenship	No	No	Yes	Yes	SUBPART P
		(B) Draft evaders	No	No	Yes	Yes	SUBPART P
APPLICANTS PREVIOUSLY REMOVED OR UNLAWFULLY PRESENT	212(a)(9)	Certain applicants previously removed (A)(i) • 5/20/permanent bar for arriving aliens removed at POE—either expedited or at end of proceedings (or left under outstanding order of removal) – applies to proceedings commenced on or after 4/1/97	Yes, with consent to reapply from Attorney General	No	No	Yes	SUBPART S
		(A)(ii) • 10/20/permanent bar for aliens removed after admission to U.S. – applies to proceeding commenced before, on, or after 4/1/97	Yes, with consent to reapply from Attorney General	No	No	Yes	SUBPART S
		Unlawful presence (B)(i)(I) • 3 year bar: Accrued more than 180 days but less than 1 year of UP & who left voluntarily before the Service commenced proceedings. UP not counted in the aggregate.	Yes, for minors, bona fide asylum applicants, family unity beneficiaries and battered spouses and children. N/A for NACARA adjustment applicants (Pub.L. 105-100)	Yes, based on extreme hardship to certain U.S. citizen or Lawful Permanent Resident relatives	No	Yes	SUBPART Q
		(B)(i)(II) • 10 year bar: Accrued 1 year or more of UP regardless of whether left before, during, or at end of proceedings					

SUMMARY OF GROUNDS OF INADMISSIBILITY, EXCEPTIONS, AND WAIVERS UNDER SECTION 212 OF THE ACT - PAGE 6

WHAT IS THE GENERAL CATEGORY?	WHAT IS THE SECTION HEADING?	WHAT ARE THE GROUNDS COVERED?	ARE THERE ANY EXCEPTIONS?	ARE THERE ANY WAIVERS FOR IMMIGRANT VISA AND ADJUSTMENT OF STATUS?	ARE THERE ANY WAIVERS FOR NONIMMIGRANTS?	ARE THERE ANY WAIVERS FOR REFUGEES & ASYLEES?	WHERE CAN I FIND MORE INFORMATION?
ALIENS PRESENT WITHOUT ADMISSION OR PAROLE AFTER PREVIOUS IMMIGRATION VIOLATION	212(a)(9)	Applicants who enter illegally on or after 4/1/97, after: (C)(i)(I) • more than 1 year of unlawful presence in the aggregate (C)(i)(II) • removal that occurred before, on, or after 4/1/97	Yes, consent to reapply after 10 years outside the U.S.	No	No	Yes	SUBPARTS Q and S
MISCELLANEOUS GROUNDS	212(a)(10)	(A) Practicing polygamists	No	No	N/A for nonimmigrants	Yes	SUBPART T
		(B) Guardian required to accompany helpless applicant	No	No	Yes	Yes	SUBPART T
		(C) International child abduction	Yes, for certain U.S. and foreign government officials & when child is located in a Hague Convention country	No	Yes	Yes	SUBPART T
		(D) Unlawful voters	No	No	Yes	Yes	SUBPART T
		(E) Former citizens who renounced citizenship to avoid paying U.S. taxes	No	No	Yes	Yes	SUBPART T - [TO BE ADDRESSED IN A SEPARATE RULEMAKING]

09/13/99 MON 16:48 FAX 202 305 0134 HQPP

SUMMARY OF GROUNDS OF INADMISSIBILITY, EXCEPTIONS, AND WAIVERS UNDER SECTION 212 - PAGE 1							
WHAT IS THE GENERAL CATEGORY?	WHAT IS THE SECTION HEADING?	WHAT ARE THE GROUNDS COVERED?	ARE THERE ANY EXCEPTIONS?	ARE THERE ANY WAIVERS FOR IMMIGRANT VISA AND ADJUSTMENT OF STATUS?	ARE THERE ANY WAIVERS FOR NONIMMIGRANTS?	ARE THERE ANY WAIVERS FOR REFUGEES & ASYLEES?	WHERE CAN I FIND MORE INFORMATION?
ALIENS SUBJECT TO THE 2-YEAR FOREIGN RESIDENCE & PHYSICAL PRESENCE REQUIREMENT	212(e)	J-1 exchange visitors (& J-2 dependent spouse & children): (a) Whose program was funded by the U.S. or home country government	No	Yes, but not eligible to apply unless you already have the waiver	Yes, but not eligible to apply for H or L visa unless you already have the waiver	N/A	SUBPART U
		(b) Whose skills are required in their home country as designated in the exchange visitors skills list OR					
		(c) Who are foreign medical graduates who participated in the program to receive graduate medical education or training					

LEGEND:

Immigrant = Individual applying for status as a lawful permanent resident

Nonimmigrant = Individual seeking admission to the U.S. on a temporary basis

Refugee/ Refugee Applicant = Individual applying for admission as refugee and individuals admitted as refugees

Asylee = Individuals in the U.S. granted asylum

UP = Unlawful presence

POE = Port of Entry

Exception = If you meet the requirements for an exception you are not inadmissible and do not need a waiver

Waiver = If you are inadmissible, you must apply for and receive a waiver before you can be issued a visa, admitted into the United States, or adjust your status to that of a lawful permanent resident.

Ron Adell -

Grounds of Admissibility

Typical procedure

~~edit~~

~~to~~ new app

Personal appearance - from DF-156 Visa App.

Copy - 33 questions - biographic + general questions - dxn, cnc. involved in terrorism

once info is filled out, console Look-out System -

Contains based on info related to a person - ineligible

for basic - statutory grounds (9940) on the basis look of

document or presumption of identity misg. I get info from ~~copy~~

misgnt ineligibility - based reapplying depending on push
nat'l security - permit eligibility - overstay - 3 or 10 yrs.

waiver application

Political section

for Embassy, ~~Consulate~~

Custom - Customs

may require - Database

Sharing information

Reporting to info - newspaper -

NEW DANGERS FOR BATTERED IMMIGRANTS:

The Untold Effects of the Demise of 245(i)

Compiled on behalf of the
National Network on Behalf of Battered Immigrant Women

Prepared by:

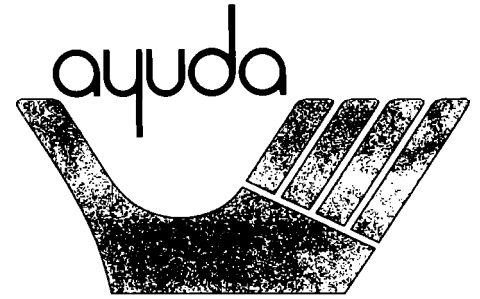
Leslye Orloff

Jessica Cundari

Erika Esterbrook

with the assistance of Alec Christoff, Lucia Duncan, and Wayne Krause

AYUDA, Inc.
1736 Columbia Road, N.W.
Washington, D.C. 20009



March 18, 1999

Irene Bueno
The White House Domestic Policy Council
Old Executive Office Building
Washington, D.C.

Dear Ms. Bueno, *Irene*

Enclosed is our newly-completed book of stories about battered immigrants who have been placed at risk by intervening changes in immigration law. The book contains 118 stories of battered immigrant women and children from 43 jurisdictions who under current law will be required to leave the United States as the only means to obtain their lawful permanent residency status based on the ir VAWA self-petition.

We look forward to hearing your thoughts on this project. Feel free to call with any questions that may arise. Thank you for your time and attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leslye".

Leslye E. Orloff
Director National Policy Project

Ayuda, Inc.
Legal Aid/Family Law

1736 Columbia Road, N.W.
Washington, D.C. 20009
Telephone: 202-387-0434/4848
Fax: 202-387-0324



A United Way Member Agency

INTRODUCTION

The stories recounted in this volume document the experiences of battered immigrants from around the country. In all of these cases, battered immigrants either filed or are in the process of filing self-petitions for lawful permanent residency pursuant to Subtitle G of the Violence Against Women Act (VAWA) of 1994. The purpose of this compilation is to highlight the potential hardships and dangers that battered immigrants will face now that §245(i) of the Immigration and Nationality Act (INA) has sunsetted. This provision previously allowed many immigrants, including battered immigrants, to obtain lawful permanent residency while they remained in the United States. Since the sunset of §245(i), immigrants who have not been lawfully present in the U.S. must now leave the country as the only means of obtaining lawful permanent residency. Battered immigrants are not exempted from this requirement. They must also leave the U.S. as the only means to obtain permanent residency through VAWA. This makes battered immigrants more vulnerable to abuse and may ultimately deter them from leaving their abusers and bringing charges against them.

I. *Empowering Battered Immigrants Through VAWA*

Immigrants who are abused by their U.S. citizen or lawful permanent resident spouses or parents may obtain their “green cards” without relying on their abusers to file the papers for them with the Immigration and Naturalization Service (INS). The Violence Against Women Act of 1994 included a provision that allowed battered immigrants the opportunity to “self-petition,” that is, file an application for permanent residency based on the abuse that occurred in the marriage or the parent-child relationship.¹ By filing a self-petition, the battered immigrant would be free to leave the abusive household. Prior to 1994, abusers had total control over their spouses’ or children’s immigration status. Battered immigrants could not file for lawful permanent residency on her own behalf. As a result, many battered immigrants remained without legal immigration status in the U.S. because their abusers used control over their immigration status as a tool to continue the abuse.

¹ Violent Crime Control and Law Enforcement Act, Pub. L. No. 103-322, 108 Stat. 1796, 1993-1995 (1994) (codified at 8 U.S.C.A. §1554). For overviews of the VAWA provisions affecting battered immigrants, see Linda Kelly, *Domestic Violence Survivors: Surviving the Beatings of 1996*, 11 Geo. Immigr. L.J. 303, 313-314 (1997) (detailing the Congressional rationale for adopting VAWA); Note, *Trapped in Domestic Violence: The Impact of United States Immigration Laws on Battered Immigrant Women*, 6 B.U. Pub. Int. L.J. 589, 600-603 (1997) (noting that VAWA became effective in 1995, but the INS did not issue interim regulations for the implementation of VAWA until March 26, 1996); and Linda Kelly, *Stories from the Front: Seeking Refuge for Battered Immigrants in the Violence Against Women Act*, 92 Nw. U.L. Rev. 665, 671-688 (1998) (outlining VAWA’s evidentiary requirements).

II. *The Expiration of §245(i)*

At the time that VAWA was passed, there already existed a provision in the INA that allowed immigrants who had entered the U.S. illegally to “adjust” from approved visa status to permanent resident status while remaining in the U.S. Since 1994, any immigrant who entered the U.S. illegally, or in the case of relatives of lawful permanent residents, entered lawfully but worked without permission or overstayed a visa, could pay a fine of \$1000 and adjust to permanent resident status while remaining in the U.S.² The INA provision that allowed for this adjustment of status was §245(i). This provision brought in significant revenue to the INS³ and allowed those with approved immigrant visa petitions to remain in the U.S. to continue working and supporting their families while adjusting their residency status.⁴

Section 245(i) was scheduled to sunset on September 30, 1997.⁵ The absence of §245(i) would have meant that all immigrants⁶ with approved immigrant visas who either entered the U.S. illegally or overstayed an earlier visa could no longer adjust status within the continental United States. Instead, these immigrants would be forced to return to their home countries of origin and obtain their green cards through processing at U.S. embassies or consulates abroad.

On July 29, 1997, the Senate voted to permanently extend §245(i); but on September 30, 1997, the House of Representatives voted to allow §245(i) to expire.⁷ A day later, on October 1, 1997, President Clinton signed a resolution that extended §245(i) until October 23, 1997.⁸ When October 23, 1997, arrived, the President again extended §245(i), this time until November 7, 1997.⁹ Finally, on November 13, 1997, both the House and Senate voted to let §245(i) sunset on January 14, 1998.¹⁰ On November 26, 1997, the President signed legislation entitled the “Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998.”¹¹ This legislation contained the provision that eliminated the benefits of §245(i) for all

² Congress set the fine at \$1000 in 1996; before then, the amount of the fine had fluctuated. H.R. Conf. Rep. 104-863, 104th Cong. §376 (1996).

³ Revenues were used, in large part, to fund detention centers for illegal and criminal aliens. S.Rep. 105-48, 105th Cong. (1997).

⁴ Gabrielle M. Buckley, International Legal Developments in Review: 1997, 32 INTLLAW 471, 474 (1998).

⁵ H.R. Rep. 105-845, 105th Cong. (1998).

⁶ Immigrants who entered lawfully and were spouses or children of U.S. citizens who violated the terms of their visas may continue to adjust their status within the United States.

⁷ Supra note 5.

⁸ Supra note 5.

⁹ Supra note 5.

¹⁰ Supra note 5.

¹¹ Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998, Pub. L. No. 105-119, H.R. 2267 (1997).

immigrants seeking permanent residency status. When §245(i) ended, battered immigrants petitioning for immigration relief under VAWA lost their ability to obtain green cards while remaining safely within U.S. borders.

III. *Catch-22: VAWA's "Extreme Hardship" Requirement and §245(i)*

The sunset of §245(i) presents an urgent problem for battered immigrants who self-petition under VAWA. Without §245(i), many battered immigrants with approved VAWA self-petitions filed after January 14, 1998, will be required to return to their countries of origin to obtain their green cards. These battered immigrants have already proven to the INS's satisfaction that they must not return to their countries of origin. This is because all battered immigrants whose VAWA self-petitions have been approved by INS have demonstrated that they would suffer "extreme hardship" if they were forced to return to their countries of origin.¹²

The extreme hardship proof is just one of the many evidentiary requirements that battered immigrants must meet in order to gain approval of their VAWA self-petitions. Not all VAWA self-petitioners will meet this test.

Generally, a battered immigrant will meet the "extreme hardship" test if she proves that her abuser is able to travel to her country of origin, that she will be in danger due to the loss of her U.S. restraining order when she travels outside the U.S., or that her country of origin lacks laws or services to protect her from abuse. She may also meet the test if she proves that she will lose custody or visitation of her children by being forced to leave the U.S., or if she or her children will suffer from physical or mental health problems by discontinuing the treatment they receive in the U.S. to help them cope with the effects of the abuse. She must show that similar physical or mental health services are unavailable in her country of origin. In addition, she may meet the test by demonstrating that she and her children will suffer due to human rights violations or political and social turmoil present in her country of origin.¹³

Immigrants who benefit from family-based petitions filed by non-abusive spouses or parents can receive lawful permanent residency status without proving extreme hardship.¹⁴ Current law places battered immigrants who have met the extreme hardship test and received approval of their VAWA self-petitions in a difficult and dangerous "catch-22." The law forces them to return to their countries of origin as the only means to obtain their green cards, despite the fact that the INS has determined that they cannot safely return. The sunset of §245(i) forces all illegally present immigrants to return to their countries of origin to get their green cards. The law makes no exception for

¹² INA §204(a)(1)(A)(iii)(II); INA §204(a)(1)(A)(iv)(II); INA §204(a)(1)(B)(ii); and INA §204(a)(1)(B)(iii)(II).

¹³ Leslye E. Orloff, Deeana Jang & Catherine F. Klein, With No Place to Turn: Improving Legal Advocacy for Battered Immigrant Women, 29 Fam. L.Q. 313, 327 (1995).

¹⁴ Kelly, supra note 1, 92 Nw. U.L. Rev. at 686.

battered immigrants who have already proven that returning to their countries of origin will jeopardize their safety, undermine the treatment they rely on to overcome the abuse, and/or interfere with custody decrees crafted to protect children from the harmful effects of domestic violence.

IV. *Devastating Effects for VAWA Self-petitioners*

Battered immigrants who have successfully self-petitioned under VAWA will suffer many hardships and dangers if they are forced to return to their countries of origin to obtain their green cards. The stories contained here illustrate the fact that battered immigrant VAWA self-petitioners experience many of the same hardships and dangers even though they come from different countries, live in different states, and make their homes in both urban and rural communities. These hardships and dangers can be summarized as follows:

A. Risk of being abused abroad

Leaving the U.S. deprives battered immigrants of the protection provided by U.S. laws, court orders, and law enforcement.¹⁵ Restraining orders are not valid outside the territory of the U.S., which makes battered immigrants vulnerable to abuse the moment they leave the jurisdiction of the U.S. courts.¹⁶ The Violence Against Women Act made restraining orders enforceable across state lines in every U.S. jurisdiction; however, these orders have no effect outside of the U.S.¹⁷ Batterers who are U.S. citizens or lawful permanent residents have the ability to travel abroad easily and can take advantage of abused immigrants' lack of legal protection. Since the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 made the crime of domestic violence a deportable offense, a batterer who is a lawful permanent resident convicted of a domestic violence crime may be deported to the same country where the battered immigrant will be forced to return to obtain her green card.¹⁸

B. Loss of custody of the children

There are no procedures currently in place at U.S. embassies and consulates abroad for processing cases of battered immigrants with VAWA self-petitions approved by the INS. Although battered immigrants are exempt from the three- and ten-year-bars to re-entry which apply to other immigrants who have been unlawfully present in the U.S., there are no regulations implementing these exemptions for VAWA self-

¹⁵ *Id.* at 677 (explaining that battered women must often struggle to obtain custody of their children because of the perception that they are "weak" and thus unable to care for their children).

¹⁶ See Shawn Foster, *Law's Demise Puts Immigrant Wives at Risk*, SLTR, January 25, 1999, at B1.

¹⁷ Violent Crime Control and Law Enforcement Act, *supra* note 1 at Sec. 40221.

¹⁸ Kelly, *supra* note 1, 11 Geo. Immigr. L.J. at 303, *citing* Illegal Immigration Reform and Immigrant Responsibility Act, Pub. L. No. 104-208, 110 Stat. 3009 (1996).

petitioners.¹⁹ Thus, we cannot predict how long a battered immigrant will have to remain abroad to obtain her green card under VAWA.

A battered immigrant who must travel abroad will be separated from her children for an indeterminate period of time if forced to leave the U.S. to obtain her green card. Often, a battered immigrant woman is the sole caretaker of her children and has a court order awarding her custody of the children. Knowing that she will have to leave the U.S. and potentially remain abroad for several months to obtain her green card will create significant problems for a battered immigrant. For example, she may have to take her children with her so that she can protect them from her abuser; however, taking the children with her may be economically impossible, since she cannot predict how long she will have to remain abroad. Taking the children with her also may result in the violation of a court order awarding her abuser visitation with the children. The abuser may even succeed in having parental kidnapping charges filed against her.²⁰

If a battered immigrant decides not to take her children with her when she travels abroad to get her green card, she must then locate a temporary place for the children to stay that is safe from her abuser. This is often a very difficult, if not impossible, task. If the battered immigrant does succeed in finding a place for her children to stay, once she leaves the U.S., her abuser may file for permanent custody of the children, claiming that she has abandoned them.²¹

Furthermore, many battered immigrants may not be able to leave the U.S. because custody matters are still pending in the courts. A battered immigrant may not remove the children from the country without court permission while custody is being adjudicated. To attain such court permission, a battered immigrant must be able to guarantee to the court that she will return to the U.S. by a fixed date. Providing such a date is impossible, though, since a battered immigrant will not be able to predict how long it will take to obtain her green card abroad. If she misses a U.S. court date for a pending custody matter, she may risk losing custody of her children permanently and risk being held in contempt.

C. Abuser kidnapping the children

Battered immigrants are concerned that if they leave their children in the U.S. with a trusted relative, their abusers will either petition the courts for custody of the children or attempt to kidnap the children. Conversely, battered immigrants are also concerned that if they bring their children with them to their countries of origin, their

¹⁹ Leslye E. Orloff, Comments on Public Notice 2556. Interim Rule 22 CFR 240 submitted on behalf of Ayuda and the National Network on Behalf of Battered Immigrant Women. February 26, 1998. p.6 (herein after Interim Rule 2556 Comment).

²⁰ Id. at 5.

²¹ Id. at 5-6.

batterers will follow them there, kidnap the children from them, and take the children back to the U.S. or to another country.

D. Shame and loss of familial support

Many battered immigrants will face severe social stigma if forced to return to their countries of origin after divorcing or separating from their husbands.²² Women are often deterred from reporting domestic violence in the U.S. or leaving their abusers because they fear that their families and communities in their countries of origin will condemn them for exposing their husbands' abuse and breaking up the traditional family unit.²³ Religious norms and social constructions of gender roles in the immigrants' home countries will also penalize the returning immigrant who has dared to leave her abusive husband.²⁴ Thus, VAWA self-petitioners forced to return to their home countries to obtain their green cards may not be able to access help and support from their families and communities in their home countries during the time they must remain abroad. They may be ostracized because they publicly exposed their husbands' abuse.

E. Lack of physical and mental health care abroad for battered immigrants or their children

Victims of domestic violence and their children often suffer from physical and mental health problems as a result of the abuse.²⁵ These problems include depression, low self-esteem, post-traumatic stress disorder, and long-term physical injuries caused by the abuse.

If a battered immigrant or her children receive treatment from mental health professionals in the U.S., discontinuing treatment for the weeks or months needed to obtain a green card abroad could cause tremendous emotional damage for women and children struggling to rebuild their lives.

Additionally, for some battered immigrants or their children, travel abroad for any period of time would disrupt treatments they are receiving in the U.S. for physical

²² In some countries, shelters and services for survivors of domestic violence may not exist. In other countries, laws against domestic violence may be greatly under-enforced, either because the laws have only recently been passed or because law enforcement fails to respond to domestic violence reports. See Kelly, *supra* note 1, 92 Nw. U.L. Rev. at 681-682. See also Uma Narayan, "Male-order" Brides: Immigrant Women, Domestic Violence and Immigration Law, 10 HYPA 104 (1995), where the author describes the ostracism of Indian women who return home after having left their abusive husbands.

²³ *Id.*, citing Nilda Rimonte, *A Question of Culture: Cultural Approval of Violence Against Women in the Pacific-Asian Community and the Cultural Defense*, 43 Stan. L.R. 1311 (1991), and giving the example of Asian women at a Los Angeles Battered women's shelter who refrained from reporting domestic violence due to a need to "preserve the family honor."

²⁴ Michelle J. Anderson, *A License to Abuse: The Impact of Conditional Status on Female Immigrants*, 102 Yale L.J. 1401, 1420-21 (1993).

²⁵ Deborah Weissman, *Protecting the Battered Immigrant Woman*, 68-OCT Fla. B.J. 81, 82 (1994).

ailments. Often, these immigrants will be unable to find an adequate level of affordable health care treatment in their countries of origin. The issue becomes even more complicated when a battered immigrant's child has a physical ailment that requires treatment in the U.S. If the battered immigrant is the sole caretaker of the child, and the immigrant is forced to take the child with her when seeking her green card, discontinuing the child's medical treatment may result in life-threatening consequences for the child.

F. Poor socio-political conditions abroad

Returning to the battered immigrant's country of origin could also, in some cases, subject her to political persecution, war, torture, jail, extreme poverty, disease, entrenched gender discrimination, or death.²⁶

V. *Infeasibility of Consular Processing for VAWA Self-petitions*

Consular officers abroad have not received the training they need to enter proper decisions regarding VAWA self-petitioners' qualifications for lawful permanent residency. Untrained consular officials may choose to re-open and re-evaluate approved VAWA self-petitions. Allowing consular officials who do not appreciate the particular problems battered immigrants face to overturn decisions made by INS adjudicators with expertise in domestic violence poses grave dangers to battered immigrants.

The INS has followed the lead of other justice system professionals who work on issues of domestic violence. Many courts, police departments, and prosecutors' offices have created specialized units with trained staff to handle domestic violence cases.²⁷

The INS has adopted this integrated approach, as demonstrated by its training of INS officials assigned to adjudicate VAWA self-petitions.²⁸ INS centralized the collection and adjudication of VAWA self-petitions so that all VAWA cases would be handled by a group of specially trained immigration adjudicators at the INS Vermont Service Center. This group of officers has been made aware of the particular evidentiary burdens that victims of domestic violence face, and they have developed expertise in adjudicating these cases.

The problem and danger to battered immigrants lies in allowing consular officers abroad to determine whether or not battered immigrants will receive their green cards. Within the U.S., both administrative agency and judicial review are afforded to all immigrants whose petitions or adjustment applications are denied approval by the INS.

²⁶ Id.

²⁷ See Catherine F. Klein and Leslye E. Orloff, Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law, 21 Hofstra L. Rev. 801, 1020 (1993) (noting that the effective provision of legal assistance and services to battered immigrant women requires that advocates, attorneys, police, and courts receive training and education on domestic violence issues).

²⁸ Kelly, supra note 1, 92 Nw. U.L. Rev. at 675.

By contrast, no judicial review is available to immigrants for decisions made by consular officers at embassies and consulates abroad. Even though a battered immigrant has left the U.S. with an approved VAWA petition in hand, a consular officer abroad could determine that the battered immigrant's personal affidavit was not believable, or that she did not suffer enough violence, although no specific quantity of violence is required by the statute. These problems are common when untrained judges and adjudicators issue rulings in domestic violence cases. They rise from a lack of understanding of the psychological dynamics of abusive relationships. Once trained, most adjudicators come to understand that facts which, to an untrained decision-maker would raise questions as to the abuse victims credibility, to a trained adjudicator, so closely fit patterns of domestic violence that these same facts actually enhance the petitioner's credibility. For example, untrained adjudicators may fail to credit a battered woman's testimony because they cannot believe she would have stayed in the relationship if such abuse were occurring. A trained adjudicator would understand that she stayed because of her abuser's power and control over her.

Further, since the domestic violence that the approved VAWA self-petition was based upon must have occurred in the U.S., and any additional evidence to support the self-petition is also in the U.S., a battered immigrant would be unable to gather whatever additional evidence might be needed to convince the consular official to grant her lawful permanent residency status based on her self-petition. The consular officer could deny the battered immigrant a green card and trap her in her country of origin without a way to legally re-enter the U.S. No review of the consular officer's decision would be available.²⁹

VI. *Legislative Solutions*

The proposed legislation in the VAWA Restoration Act³⁰ would allow battered self-petitioners to adjust status through §245(a) and (c) of the INA, which is the same mechanism under which spouses, parents, and children of U.S. citizens who entered the U.S. lawfully may adjust their status. This legislation would not create new rights for immigrants who have entered unlawfully; rather, it would restore a previously existing option to a narrow group of people who, in good faith, married citizens or lawful permanent residents only to suffer domestic violence at their loved-ones hands. With the proposed legislation, battered self-petitioners would be allowed to adjust their status pursuant to §245(a) and (c) without leaving the country and without paying a fine, regardless of whether they overstayed their visas or worked without authorization. This approach furthers the goals of the Violence Against Women Act because it enhances the ability of battered immigrants married to or the children of U.S. citizens or lawful

²⁹ *Pena v. Kissinger*, 409 F.Supp. 1182 (S.D.N.Y. 1976).

³⁰ The VAWA Restoration Act is included in the Violence Against Women Act II (S. 51) introduced by Senator Biden, the Violence Against Women Act '99 (S. 245) introduced by Senator Hatch, and the Violence Against Women Act of 1999 (H.R. 357) introduced by Representative Conyers. These are all proposals before the 106th Congress.

permanent residents to flee violent homes, obtain court protection for themselves and their children, and cooperate with prosecutors to hold their abusers accountable for criminal acts committed against immigrant family members.

VII. *Methodology*

The case summaries in this compilation describe the experiences of 118 battered immigrants in 41 states, the District of Columbia, and the U.S. Virgin Islands. The information contained in these case summaries was provided by domestic violence agencies, domestic violence shelters, immigration attorneys, and battered immigrants from across the country. All case summaries were compiled from one or more of the following sources: 1) affidavits prepared by battered immigrants and their attorneys; 2) case files and notes recorded by social workers and domestic violence advocates at agencies and shelters; and 3) telephone interviews with battered immigrants self-petitioning under VAWA. The cases compiled here constitute only a fraction of the total number of VAWA cases in which battered immigrants will face hardships and dangers because of the sunset of section 245(i) of the INA.

All names have been changed to protect the identities of those involved in these incidents.

Cases were submitted by a variety of organizations, including the following*:

Albuquerque Border City Project
Albuquerque, New Mexico

American Friends Service Committee
Newark, New Jersey

Asian Pacific American Legal Center of Southern California
Los Angeles, California

Ayuda, Inc.
Washington, D.C.

Casa Cornelia Law Center
San Diego, California

Central American Resource Center
Los Angeles, California

Centro Legal
St. Paul, Minnesota

Nancy Chen, Attorney at Law
New York, New York

Congresso de Latinos Unidos, Inc.
Philadelphia, Pennsylvania

Diocesan Migrant and Refugee Services, Inc.
El Paso, Texas

Domestic Violence Intervention Program
Iowa City, Iowa

Florida Immigrant Advocacy Center
Miami, Florida

Greater Boston Legal Services
Boston, Massachusetts

Immigrant Initiatives, CUNY School of Law
Flushing, New York

Iowa Coalition Against Domestic Violence
Des Moines, Iowa

Legal Aid of Central Texas
Austin, Texas

Legal Aid Foundation of Los Angeles
Los Angeles, California

Legal Assistance Foundation of Chicago
Chicago, Illinois

Legal Services of North Carolina, Inc.
Raleigh, North Carolina

Milwaukee Women's Center, Inc.
Milwaukee, Wisconsin

Na Loio Immigrant Rights and Public Interest Legal Center
Honolulu, Hawaii

Northern Manhattan Coalition
New York, New York

Northwest Immigrant Rights Project
Seattle, Washington

NYANA
New York, New York

Project VAWA
Tucson, Arizona

Sanctuary for Families, Inc.
New York, New York

Southern Arizona Legal Aid
Tucson, Arizona

Travelers and Immigrants Aid
Chicago, Illinois

*A complete list of organizations is not provided in order to protect the anonymity of the victims.

Summary of Cases

	COUNTRY OF ORIGIN	STATUS OF SPOUSE	PAGE NUMBER
NEW YORK			
Aminata	Afghanistan	LPR	1
Lupe	El Salvador	USC	3
Sol	Guatemala	USC	5
Gabrielle	Haiti	USC	7
Raquel	Dominican Republic	LPR	8
Belinda	Dominican Republic	LPR	9
Violeta	Trinidad	LPR	10
Pilar	Mexico	LPR	11
Lilly	Canada	USC	13
Johanna	Jamaica	LPR	14
Sima	Pakistan	LPR	15
TEXAS			
Carmela	Mexico	USC	16
Linda	Mexico	USC	18
Estrella	Mexico	LPR	20
Dolores	Mexico	LPR	22
Victoria	Mexico	LPR	24
Lisa	Mexico	LPR	27
Doris	Mexico	USC	30
Ina	Mexico	USC	34
Lola	Mexico	USC	36
Pamela	Mexico	LPR	38
Veronica	Mexico	USC	107
Berta	Mexico	USC	153
Rosita	Mexico	LPR	205
ILLINOIS			
Paulina	Mexico	LPR	40
Valerian	Mexico	USC	42
Julia	Mexico	LPR	44
Carolina	Mexico	LPR	46
Melanie	Jamaica	LPR	48
Celeste	Mexico	LPR	49

Tamara	Mexico	LPR	51
Nancy	Mexico	LPR	53
Beatriz	Mexico	LPR	99
Angela	Mexico	LPR	201

CALIFORNIA

Marina	Mexico	LPR	55
Fatma	Bangladesh	LPR	57
Melissa	Mexico	LPR	59
Philippa	Romania	LPR	61
Anita	Philippines	LPR	63
Paola	Peru	LPR	64
Marta	Mexico	LPR	65
Val	Thailand	LPR	67
Rosa	Mexico	LPR	69
Pamina	Mexico	LPR	71
Patricia	Mexico	USC	73
Lina	El Salvador	USC	75
Victoria	Mexico	LPR	24
Doris	Mexico	USC	30
Carolina	Mexico	LPR	46
Conchita	Mexico	USC	94
Milagros	Mexico	USC	101
Laura	Mexico	USC	141
Cristina	Mexico	LPR	163
Nuria	Guatemala	USC	180

MARYLAND

Elise	Nigeria	USC	76
-------	---------	-----	----

ARIZONA

Paloma	Mexico	LPR	79
Susana	Mexico	LPR	81
Elena	Mexico	USC	83
Mercedes	Mexico	USC	84
Maria	Mexico	USC	86
Doris	Mexico	USC	30

IOWA

Ayesha	Lesotho	LPR	88
Allegra	Mexico	LPR	90

Marisia	Mexico	LPR	92
Conchita	Mexico	USC	94
Tatiana	Mexico	LPR	96

MICHIGAN

Yaa	Nigeria	LPR	97
Beatriz	Mexico	LPR	99

UTAH

Milagros	Mexico	USC	101
Lina	El Salvador	USC	75
Laura	Mexico	USC	141

FLORIDA

Felicia	Honduras	USC	103
Emilia	Costa Rica	LPR	105
Veronica	Mexico	USC	107

MASSACHUSETTS

Mona	Poland	LPR	110
Sonya	Guyana	LPR	112
Celia	Trinidad and Tobago	LPR	114
Donna	Ethiopia	LPR	116

DELAWARE

Teresa	Mexico	LPR	118
--------	--------	-----	-----

INDIANA

Consuelo	Mexico	USC	120
----------	--------	-----	-----

PENNSYLVANIA

Ugne	Lithuania	USC	122
Maggie	Columbia	USC	124
Naomi	Ghana	USC	125
Teresa	Mexico	LPR	118

VIRGINIA

Mariangela	Mauritania	USC	127
------------	------------	-----	-----

NEVADA

Vilma	Mexico	LPR	128
-------	--------	-----	-----

RHODE ISLAND

Alejandra	Guatemala	LPR	130
-----------	-----------	-----	-----

NEBRASKA

Josefina	Mexico	LPR	132
----------	--------	-----	-----

NEW JERSEY

Ramona	Peru	LPR	134
--------	------	-----	-----

Kamara	Kenya	LPR	136
--------	-------	-----	-----

Rosalinda	Peru	USC	137
-----------	------	-----	-----

IDAHO

Lourdes	Mexico	USC	139
---------	--------	-----	-----

Maria Luisa	Mexico	USC	140
-------------	--------	-----	-----

Laura	Mexico	USC	141
-------	--------	-----	-----

KANSAS

Stella	Mexico	LPR	143
--------	--------	-----	-----

Tatiana	Mexico	LPR	96
---------	--------	-----	----

MINNESOTA

Magdalena	Mexico	LPR	145
-----------	--------	-----	-----

Brigitta	Mexico	LPR	147
----------	--------	-----	-----

NEW MEXICO

Blanca	Mexico	USC	149
--------	--------	-----	-----

Evangelina	Mexico	LPR	151
------------	--------	-----	-----

Berta	Mexico	USC	153
-------	--------	-----	-----

Conchita	Mexico	USC	94
----------	--------	-----	----

NORTH CAROLINA

Miranda	Mexico	LPR	155
Kim	Thailand	USC	157
Margarita	Mexico	LPR	159
Lola	Mexico	USC	36

VIRGIN ISLANDS

Ursula	Trinidad	LPR	161
--------	----------	-----	-----

WASHINGTON, D.C.

Cristina	Mexico	LPR	163
Lita	El Salvador	LPR	166

ALASKA

Miguel	El Salvador	USC	168
--------	-------------	-----	-----

COLORADO

Lucinda	Argentina	LPR	170
Luisa	Mexico	LPR	172
Dalia	El Salvador	LPR	174
Alicia	Mexico	LPR	176

KENTUCKY

Eva	El Salvador	LPR	178
-----	-------------	-----	-----

OREGON

Nuria	Guatemala	USC	180
-------	-----------	-----	-----

WASHINGTON

Sara	El Salvador	LPR	182
Juana	Mexico	LPR	184
Felipe	Mexico	USC	186

OKLAHOMA

Clara	Mexico	USC	187
-------	--------	-----	-----

ARKANSAS

Soledad	Mexico	LPR	189
---------	--------	-----	-----

LOUISIANA

Juanita	Mexico	LPR	191
Sharifa	Israel	LPR	192
Wabei	East Africa	LPR	194

TENNESSEE

Catalina	Mexico	LPR	195
----------	--------	-----	-----

NEW HAMPSHIRE

Marie	Haiti	USC	197
-------	-------	-----	-----

WYOMING

Esperanza	Honduras	USC	199
-----------	----------	-----	-----

CONNECTICUT

Angela	Mexico	LPR	201
--------	--------	-----	-----

WISCONSIN

Genoveva	Mexico	LPR	203
Rosita	Mexico	LPR	205
Atalanta	Venezuela	USC	207
Bonita	Mexico	USC	209

OHIO

Elsa	Hungary	USC	210
Lee	Thailand	USC	211

ALABAMA

Carmen	Panama	USC	213
--------	--------	-----	-----

GEORGIA

Anou	Egypt	LPR	214
------	-------	-----	-----

HAWAII

Lea

Vanessa

Micronesia

Mexico

USC

USC

216

217

This case originated in New York.

AMINATA

Aminata is a 33-year-old citizen of Afghanistan. She met her husband, Ahmed, in Afghanistan. Ahmed is a lawful permanent resident of the United States.

The circumstances under which the couple met and married are disturbing. While in Afghanistan, Ahmed began stalking Aminata. He would stop her in the street and tell her that she was to be his and no one else's. He later threatened to kill her if she did not marry him. Aminata was very afraid of his stalking and his threats, but she had no one to turn to for protection. She lived with her elderly parents who could not help her, and the police force offered little to no protection, due to the civil strife in Afghanistan at the time. She was afraid, but she felt she had no choice but to marry Ahmed.

During the first week of their marriage and every week thereafter, Ahmed slapped Aminata. Initially, she sought refuge with her parents, but they forced her to return to her husband and "do her duty" as a wife. Ahmed frequently slapped, punched, pushed, and threatened to kill Aminata. This abuse only intensified after the couple moved to the United States and settled in New York.

During one of Aminata's pregnancies, Ahmed grabbed a kitchen knife and tried to cut open her stomach and remove the baby from her womb. Aminata defended herself and her baby as best she could from Ahmed's attack. Her hands were cut and bruised. On another occasion, Ahmed put a knife against Aminata's chest and cut her hand when she tried to protect herself. He also threatened to kill her by running her over with his car. He began abusing their daughters, as well, often pulling their hair and hitting them.

After this incident, Aminata received a restraining order against Ahmed. She further sought to protect her daughters from Ahmed by getting a court order limiting Ahmed's visitation of the girls to supervised visits only.

Over the course of her marriage, Aminata has suffered constant physical and verbal abuse from Ahmed. Even though he was excluded from the family home pursuant to the restraining order, Ahmed has continued to threaten and harass Aminata. She has struggled to survive without his income, supporting her girls with meager assistance from her family and other agencies. Her husband does not pay child support even though he is self-employed.

Aminata has filed her VAWA self-petition for residency status, which has been approved. If she is forced to leave the United States to get her green card in Afghanistan, she believes that Ahmed will follow her there and kill her. In Afghanistan, Ahmed is fully able to do anything he wishes to Aminata because she is his wife. He knows exactly where she would stay in Afghanistan, and he is aware that the police force and laws of Afghanistan would not hold him

accountable for any violence committed against Aminata or the children. He is watching her very closely in the United States, and he would know when she left the country with the children. Aminata's restraining order would not keep her safe in Afghanistan from Ahmed's abuse.

This case originated in New York.

LUPE

Lupe is originally from El Salvador. She met Christopher, a United States citizen, at a dance club where he was working as a disc jockey. They started dating and quickly fell in love. Later, they moved in together. They married in New York three years later.

Christopher began controlling Lupe's movements from the beginning of their relationship. He would call her every five minutes when she was at home, just to check up on her. When she got pregnant with their first child, he purchased a cellular phone so he could call her even more frequently. He told her that she did not need anyone but him and the baby. A few months into her pregnancy, though, Lupe discovered that Christopher was having an affair with another woman. She left him and went to her parents' house.

Christopher began stalking Lupe at her parents' home, parking his car directly across the street and calling out "I love you!" whenever she would leave the house. One day, she was standing outside the house with her mother and brother when Christopher came barreling into the driveway in his car, ordering Lupe to "get in." When she refused, he got out of the car and dragged her by the hair into the passenger's seat. Her pregnant belly got stuck between the seats, and Lupe could not move. Lupe's brother got a baseball bat and hit the back windshield of the car as Lupe's mother tried to pull Lupe out of the car. Christopher threw Lupe's mother to the sidewalk and sped off with Lupe in the car. He drove her to his apartment and locked her inside with him, telling her that if she did not come back to him, he would do something drastic. He told her it was all her fault that he did these crazy things. He kept repeating that he loved her and begged her not to leave him. Then he pulled the phone off the wall and laid down next to her in bed. He convinced her to stay.

On other occasions, Christopher would force Lupe to perform sexual acts against her will. Three weeks after giving birth, the baby was sleeping next to Lupe in the bed when Christopher came into the room and began to undress Lupe. She told him that the doctor had strongly recommended no sexual activity for at least one month. Christopher became angry and called her nasty names. Then he pushed her onto her knees and demanded that she give him oral sex. When she said "no," he pinned her against the wall and screamed at her to do it now. She had no choice but to follow his orders. Then he had sex with her against her will, even though she told him that he was hurting her.

Later that year, Christopher began complaining that Lupe was spending too much time with the baby. One day, he forced her into the car and made her drop the baby off at her mother's house. Then he took her back to their house and pushed her around the bedroom, ripping off her clothes and calling her a whore and a slut. Then he pulled his pants off as Lupe screamed and tried to reach for the phone. He told her to act like the whore she was and have sex with him like one. She was so afraid that she held still as he raped her again and again. When he was done, he

acted as though nothing had happened and treated her as if she had enjoyed it. From then on, the sexual abuse was more frequent. When he would come home for lunch he would order her to put the baby to nap so that they could have sex. Every time he wanted rough sex and oral sex, Lupe would feel sick. Christopher would respond by pushing her, smacking her, pulling her hair, and telling her that she would never see the baby again unless she did what he asked.

Christopher abused the baby, as well. He would lock him in the closet to punish him for crying. He would also crush the baby's favorite toys with his foot. Lupe discovered Christopher's abuse of her son and immediately left Christopher, fleeing to her parents' house. Christopher came to her parents' house and stalked her for a week, calling her and parking his car outside the house. When she finally agreed to talk with him, he forced her into his car and drove away at a high speed, swerving all over the road and telling her that they were both going to die that day. He said that if he could not have her, no one would. She was so frightened that she told him that she would return to him.

Lupe got a restraining order against Christopher after he abducted her from the local gym and drove her to a lake, where he threatened to drown her. Lupe talked to him and calmed him down for hours before he finally agreed to take her back to the gym, where she called the police. She later consulted an attorney and filed a VAWA self-petition for her residency.

If Lupe is forced to return to El Salvador to get her green card, she will face severe hardships. First of all, her restraining order is unenforceable in El Salvador. Additionally, Lupe fled the war in El Salvador along with all her family when she was only five years old and has horrible memories of gunfire, hiding, and running for cover in El Salvador. She has not been to El Salvador since she fled many years ago, and she no longer speaks Spanish or knows any contacts in El Salvador. Finally, the expense of the trip would be a significant financial burden to a young, single mother of two young sons. She is trying to rebuild her life and support her babies entirely on her own, with no help from Christopher. Forcing Lupe to return to El Salvador would be a nightmare of confusion and emotional trauma for a woman who has already suffered so much in her life.

This case originated in New York.

SOL

Sol was born in Guatemala. She met her husband, Jeffrey, in New York in 1987. Jeffrey was the owner of the apartment building where Sol lived when she first arrived in New York. He is a United States citizen.

Sol and Jeffrey started living together shortly after they met. They married almost six years later. While they were living together, Jeffrey revealed to Sol that he was addicted to cocaine and that he was trying his best to quit. Sol tried to be supportive of Jeffrey, but she soon discovered that he was still partying with friends and taking drugs without attempting to quit. Knowing that her husband was a drug addict upset Sol and created tension in their relationship.

Jeffrey began abusing her shortly after their first child, Maggie, was born. He would push Sol forcefully when he would get angry. He would also grab and shake her violently. He threatened to throw her out of the apartment and leave her homeless. Only 15 days after Maggie was born, Sol became so afraid of Jeffrey that she attempted to leave him and move in with her brother. Before she could leave, Jeffrey told her that unless she stayed with him he would hurt her brother. Fearing for her brother's life and not knowing the extent of Jeffrey's capacity for violence, Sol stayed with him and abandoned her plans to flee.

On another occasion, after Jeffrey held Sol by the arms and shook her repeatedly, Sol feared for her and her daughter's life and fled to her local church. There, the pastor called the police and helped her enter a women's shelter. She remained there for the next year. Towards the end of that year, Jeffrey sought out Sol's brother and demanded he tell him where Sol was living. When Sol's brother refused to tell him, Jeffrey beat him up and rummaged through his house. He found a phone bill and from there traced one of the phone numbers to the shelter where Sol was staying. He arrived at the shelter and demanded that Sol return to him, or else he would kill her whole family. Believing his threats, Sol felt she had no choice but to move back in with him. Immediately afterward, Jeffrey began pressuring Sol to have a second child and refused to allow Sol to use birth control.

Sol's second child, Anthony, was born needing a liver transplant. Money was tight in the household at that time, and one day Jeffrey flew into a rage over how much money Sol had spent for household supplies. He started to throw things around the apartment, kicking and hitting the furniture and walls. He also threatened to kill Sol's mother. At that moment, Sol decided that she would risk everything to escape this man's violence. She left the apartment with the children and filed for a restraining order, which is still in effect and which granted her sole custody of the children to protect them from Jeffrey's violence.

Since Sol left Jeffrey, he has continued to stalk her, harassing and threatening to kill her and her family. He has also sent her threatening letters and a videotape of him filming the place

where Sol and the children were now living. The police are trying to arrest Jeffrey for violation of the restraining order, but so far, he has managed to evade them. Sol believes he is capable of the greatest violence--including killing her and her family and kidnaping the children.

If Sol is forced to return to Mexico to get her green card under VAWA, she fears that Jeffrey will follow her there and abuse her. She knows that he is currently stalking her and the children and that he follows her movements closely in the U.S. The restraining order she has against him is the only thing that is keeping her safe from Jeffrey's violence. Outside of the U.S., her restraining order would not be valid.

In addition, if forced to leave the U.S. to get her green card, Sol would have to take her children with her for an unknown period of time while the consulate processes her visa. Sol's U.S. citizen son, Anthony, would face life-threatening health problems if he went with his mother to Mexico to get her green card. He requires ongoing treatment and dialysis for his liver problems, and he depends on Sol as his primary caretaker. He cannot interrupt his medical treatment for a trip with his mother to Mexico. There is no one that Sol can risk leaving the children with in her absence. Any caretaker would be subject to violent attacks while caring for the children and may not be able to protect the children from Jeffrey.

This case originated in New York.

GABRIELLE

Gabrielle was born in Haiti. She has lived in the United States for the past three years. While she was living in Haiti, she met Pierre, a United States citizen also originally from Haiti. Pierre had been visiting his mother near Gabrielle's hometown. In time, Pierre and Gabrielle started dating and soon fell in love. Pierre later brought Gabrielle with him to the U.S. and married her in New York.

Soon after the marriage took place, Gabrielle noticed a change in Pierre. He isolated her in a small town where she had neither friends nor family. Gabrielle felt depressed and lonely and longed to make American friends, but Pierre never allowed her to leave the house without him. He even pinned down the curtains and told her that she "had no business looking outside." He refused to let her go to school or learn to speak English because he wanted her to be entirely dependent upon him. Pierre would inform Gabrielle that she was only good for cooking, cleaning, and having sex with him. He even proposed bringing women to the house to have sex with both Gabrielle and himself. This proposition horrified Gabrielle.

One day, after a long period of severe emotional abuse and isolation, Gabrielle finally disobeyed Pierre's orders and left the house to take a walk by herself. When she returned home after the walk, she found that Pierre had called the police and had told them that she was taking drugs. Gabrielle did not understand English, so she could not answer the police officer's questions. After a translator was called, Gabrielle explained to the police how Pierre had been abusing her during their marriage. The police took Gabrielle to a battered women's shelter.

Pierre later served divorce papers on Gabrielle and threatened to have her deported. He told her that since he was an American citizen, he could do whatever he wanted to her, and nothing would happen to him. Gabrielle went to an attorney and received a restraining order against Pierre and assistance in applying for her green card under VAWA. Pierre was furious at Gabrielle's actions. He immediately made a trip to Haiti and visited Gabrielle's parents, her adult daughter, and her former place of employment, spreading lies about Gabrielle and threatening to kill her if she ever set foot in Haiti again. He also threatened to hurt Gabrielle's parents and daughter if Gabrielle ever came back to Haiti. He knew full well that Gabrielle's restraining order would not protect her outside the United States.

Gabrielle's family and friends in Haiti have called and written to her to warn her of Pierre's plan to kill her or have her killed if she ever returns to Haiti. Gabrielle is very afraid of Pierre and believes she will be in serious danger if she returns to Haiti to get her green card under VAWA. Gabrielle feels that Haiti is an insecure place where Pierre could easily kidnap, hurt, or kill her without police intervention. She has no doubt that once she sets foot in Haiti, Pierre will be waiting for her.

This case originated in New York.

RAQUEL

Raquel is a citizen of the Dominican Republic. She has lived in the United States for the past four years. After her arrival in the United States, Raquel met and fell in love with Gerardo, a lawful permanent resident of the United States originally from the Dominican Republic. After a period of courtship, Raquel and Gerardo were married. Raquel had no idea at the time of her marriage that Gerardo was an abusive man.

Shortly after their marriage, Raquel noticed a change in Gerardo's behavior. He began to be very controlling and domineering with Raquel. He also started criticizing the way she talked and acted. He would insult her verbally, telling her "you're not good enough," and calling her an unfit wife. When their son, Pablo, was born, Gerardo began criticizing Raquel's skills as a mother. He was never satisfied with anything Raquel did, and soon his verbal abuse made Raquel depressed, afraid, and severely lacking in self-confidence.

Gerardo's abuse of Raquel escalated drastically over time. He began calling Raquel at work, threatening and harassing her. During one call, he threatened to burn down their home. Finally, in April of 1998, Gerardo beat Raquel severely all over her body. Bruised and fearful for her and her son's safety, Raquel went to the police and reported the beating. She received a permanent restraining order against Gerardo, in which Gerardo was ordered to leave the family home. Shortly after this incident, Raquel consulted a lawyer who began helping her self-petition for permanent residency under VAWA.

If Raquel is forced to return to the Dominican Republic as the only way she can get her green card under VAWA, her U.S. citizen son will suffer serious, perhaps life-threatening, health risks. Raquel's son, Pablo, was born with severe atopic dermatitis, a rare disease which makes him sensitive to weather changes and puts his life in jeopardy if he is exposed to sunlight. Pablo has been receiving ongoing medical treatment for this disease, and he requires close care and monitoring. Treatment for Pablo's disease is unavailable in the Dominican Republic. In fact, doctors from the leading medical centers in the Dominican Republic have reported to Raquel's attorney that there are no reported cases of Pablo's disease in the Dominican Republic and that the Dominican Republic is unprepared to treat such a disease as Pablo's. Sending Raquel and Pablo back to the Dominican Republic to obtain Raquel's green card could be a death sentence for young Pablo.

This case originated in New York.

BELINDA

Belinda's long-term boyfriend, Francisco, brought Belinda and their child to the United States from the Dominican Republic. Belinda and the child entered illegally. Francisco is a lawful permanent resident of the United States. After several years of living together both in the Dominican Republic and the United States, Belinda and Francisco were married in New York. Later, they had a second child here in the United States.

The year after Belinda entered the U.S., Francisco began to physically abuse her. He would punch and slap her repeatedly, and when she would attempt to call the police, he would threaten to report her to the INS. He was very controlling and would monitor her movements and her phone calls. She was not allowed to leave the house, make friends, or associate with anyone without Francisco's permission.

The physical and emotional abuse was so severe that Belinda separated from Francisco and fled the family home with her two children. She sought refuge with Francisco's sister and began living with her. One day, Francisco arrived at his sister's house and demanded to see Belinda. When she came out, he began beating her face and body with his fists and pulling her hair. She managed to escape his grasp, open the door, and run out into the street. To her horror, Francisco followed her to the street and attacked her with a machete. The attack only ended when police arrived on the scene and arrested Francisco for domestic assault and battery. Belinda was hospitalized with the severe injuries that Francisco inflicted upon her. Later, she obtained a protective order against Francisco.

The state filed criminal charges against Francisco for assaulting Belinda. The criminal case is still pending. Francisco is filled with rage and blames Belinda for getting him arrested and charged with this crime. He has vowed to follow her to the ends of the earth to exact his revenge upon her. Belinda believes his threats and is afraid that Francisco will hurt or kill her if he ever comes in contact with her again.

If Belinda is forced to return to the Dominican Republic as the only way to obtain her green card under VAWA, she fears that Francisco will follow her and hurt her. His family knows Belinda, and Belinda is certain that Francisco could find her easily in the Dominican Republic. Belinda's restraining order would not keep her safe from Francisco's abuse outside the United States. In addition, making the trip to the Dominican Republic to get her green card would be a devastating financial hardship to Belinda. She and her two children are living in a shelter for battered women and children, and she does not have the resources to finance a trip now or in the near future. Her protection order awards Belinda custody of their two small children. She has no one in the United States on whom she can rely to take care of her children while she is in the Dominican Republic. All of these hardships would make it dangerous impossible for Belinda to return to the Dominican Republic to get her green card.

This case originated in New York.

VIOLETA

Violeta was born in Trinidad. She came to the United States along with other family members. While Violeta was living in New York, she met Kurt, a lawful permanent resident of the U.S. originally from Trinidad. Kurt and Violeta fell in love and were married in 1997. Shortly after their marriage, Kurt began mistreating Violeta.

Kurt had an uncontrollable temper. He would savagely beat Violeta for no particular reason. The beatings were frequent and unpredictable. He would punch her, scratch her, and kick her repeatedly during these attacks. He constantly threatened to kill her by throwing her out of the window. Violeta sincerely believed these threats. She knew that it was only a matter of time before Kurt snapped and beat her to death. He had already begun beating her in front of others, including Violeta's mother.

Kurt's brutal physical abuse of Violeta caused her to miscarry their child in the second month of pregnancy. At that time, Kurt was unemployed, and Violeta's income from her own job was the only means of support for the couple. Despite this, Kurt called Violeta's boss to try to get her fired. It was then that Violeta decided she could not stand to be with Kurt any longer. Even though she feared what he would do if she left him, Violeta gathered her courage and moved in with her mother. She applied for and received a restraining order against Kurt and applied for legal immigration status under VAWA.

Despite Violeta's attempts to sever her relationship with Kurt, he has continued to stalk her ever since she moved out of their house. He calls her on the telephone 10-12 times every night. Violeta is so frightened of Kurt that she goes everywhere with an escort and always has either her mother or a friend in the house with her at all times. Her body is covered with scars and bruises left from Kurt's abuse. She is now undergoing counseling and psychiatric treatment for the trauma she experienced living with Kurt.

If Violeta must return to Trinidad as the only way of getting her green card under VAWA, she will face possible injury and death at the hands of Kurt. Since her restraining order will not be valid in Trinidad, she will have no way to protect herself from Kurt, who has maintained his contacts in Trinidad. He has already vowed to kill her in the U.S., and he continues to stalk her to this day. Violeta does not doubt that he would follow her to Trinidad, a place where she would be alone and unprotected. Violeta has no friends or family to rely upon for support and protection in Trinidad, and she cannot even imagine walking the streets alone, either in the U.S. or in Trinidad. She lives in a constant state of terror and is in such terrible physical and emotional shape that she cannot endure a trip to Trinidad. To Violeta, the only place where she stands a chance at protecting herself from Kurt is here in the United States. If she is forced to return to Trinidad for any period of time to obtain her lawful permanent residency under VAWA, she knows she will be a target for violence.

This case originated in New York.

PILAR

Pilar is originally from Mexico. She first entered the United States when she was fifteen years old. Her parents disapproved of her leaving Mexico to live with her aunt in the U.S. at such a young age. Consequently, Pilar's family and community in Mexico cut all ties with her.

When Pilar was sixteen, she met and fell in love with Roberto, a twenty-year-old lawful permanent resident of the United States who was originally from Nicaragua. Pilar moved in with Roberto and became pregnant with their child when Pilar was seventeen. Roberto forced Pilar to have an abortion, even though this decision was against Pilar's religious and moral beliefs. Since Pilar was under age at the time of the abortion, Roberto posed as her brother and signed all the consent papers for the procedure. Pilar still carries severe emotional scars as a result of this forced abortion.

Throughout the next three years of their relationship, Roberto physically and emotionally abused Pilar. He would punch, slap, and kick her when she displeased or "disobeyed" him. He refused to let her out of the house and isolated her from friends and family. During the day, Roberto kept an eye on Pilar by getting her a waitressing job at the same restaurant at which he worked. He would exercise complete control over Pilar's every movement, often threatening to have her deported if she did not obey his commands.

When Pilar was twenty, she again became pregnant with Roberto's child. Roberto married her at that time. Soon after this, he tried to make her have another abortion, but Pilar refused. In response, Roberto beat Pilar severely during all nine months of her pregnancy, regularly punching her in the stomach so that she would miscarry the child. At the end of nine months, when Pilar went into labor, Roberto refused to take her to the hospital, and instead told her to "call a cab." After their baby was born, Roberto did not pick Pilar and the baby up from the hospital, and Pilar was forced to take a bus home.

About a month after the baby was born, Roberto attacked Pilar for the last time. He began beating her even though she was holding the baby in her arms. He attacked her with such force that she dropped the baby. Although the baby was not hurt in the fall, the incident made Pilar fear for her baby's safety. She found the strength to pack her things, go to the police, and enter a shelter for battered women and children. She left Roberto that day. Since then, she has sought counsel to assist her in obtaining her green card via a VAWA self-petition.

Pilar has lived in the United States since she was a young girl. If she is required to return to Mexico as the only way to get her green card under VAWA, Pilar will face extreme hardship. She has no family in the U.S. with whom she may leave her U.S. citizen child while she is getting her green card. In Mexico, Pilar no longer has ties to her family, who disowned her when she left for the United States, nor does she have any ties with her hometown community. Her

parents refuse to see her and do not communicate with her. She and her baby would be shunned if they returned to Mexico, and no one would help and support Pilar there. Because of the years of abuse that Pilar has suffered in her relationship with Roberto, she now lacks the emotional strength to confront her family. After all she has suffered, she must not be forced to leave the United States to obtain her green card.

This case originated in New York.

LILLY

Lilly is originally from Canada. Her mother, an alcoholic named Mary, and her father, a violent, abusive man named John, mistreated Lilly both physically and emotionally when she was a little girl. They would belittle her, call her names, and beat her severely whenever they perceived she had misbehaved. Lilly suffered such tremendous emotional scars from the abuse and neglect of her parents that she was placed in Child Protective Services by the Canadian authorities. Lilly was released to her uncle's care in the United States, and she entered the country without inspection in 1990.

Lilly later married a U.S. citizen named Stuart. Unfortunately for Lilly, Stuart was also a controlling, violent man who abused her just as her parents had. Stuart would insult her and damage her self-esteem, and he would punch, slap, and kick her when angry. After years of abuse and terror, Lilly finally escaped to a shelter with her two children, Greg and Katie. After consulting with a lawyer, Lilly filed her paperwork for a VAWA self-petition, and it was approved.

Lilly's two children are U.S. citizens, and they are both involved in the community and enrolled in school. Lilly would not be able to leave them behind if she were forced to return to Canada to get her green card under VAWA. Furthermore, she is unable to afford the trip to Canada at all, considering that she is currently living with her children in a battered women's shelter. Assuming she did go back to Canada, though, Lilly would face painful memories from her childhood and severe emotional trauma.

Lilly has no other friends or family in Canada aside from her abusive parents. She and her children would have no one else to rely on for help and support while in Canada. The prospect of seeing her parents again fills Lilly with fear. Her contact with them has been very limited, but they still try to control and emotionally abuse her to this day. Her mother has even threatened to call the police and the INS to have Lilly deported to Canada. Considering her parents' emotionally controlling nature, Lilly cannot fathom returning to Canada and facing the painful memories from her childhood after the abuse she has recently suffered at the hands of her husband.

This case originated in New York.

JOHANNA

Johanna is a citizen of Jamaica who entered the United States in 1991 with a visitor's visa. In 1992, Johanna's landlord introduced her to Irving, a citizen of Jamaica who had gained permanent residency through his mother. The two dated and lived together for several years, and had two American citizen daughters. They finally married in 1997.

Johanna constantly suffered physical and emotional abuse throughout the course of their relationship. Irving was extremely possessive and controlling, preventing Johanna even from picking out her own clothes to wear. Both Johanna and her neighbors reported several incidents of abuse to the police. Johanna required medical attention for her injuries after several brutal incidents. It was not uncommon for Irving to punch Johanna in the face and slap her. Specific incidents of abuse include shaking her violently while she was pregnant with their daughter, slapping her while she was holding their child in her arms, and hitting her in the head with a ceramic mug.

The worst incident of abuse Johanna suffered was in June of 1997, when Irving invited his mother to move in with the couple and their children. Johanna told Irving this was not a good idea because the apartment was already very crowded. Enraged, Irving punched her in the ears, grabbed her, and pushed her up against the wall and then down onto the floor. Johanna's ears were seriously injured from this abuse and rang for two weeks after this incident.

Soon after this episode, Johanna escaped the home with her two daughters and moved to a shelter for battered women. Irving never filed a spousal petition for Johanna's green card, and Johanna has now filed a self-petition. However, she is afraid to return to Jamaica to receive her green card. Irving knows he could abuse her there without legal consequences and would likely follow her there to do so. In addition, she cannot afford to take her children to Jamaica for an indeterminate length of time, but has no one with whom to leave them. Johanna has no support system left in Jamaica to aid and protect her while she is there. It is necessary that Johanna be allowed to remain in the United States to become a lawful permanent resident in order to protect her safety.

This case originated in New York.

SIMA

Sima is a citizen of Pakistan who entered the United States on a student visa in 1981. She met her future husband, Rashid, in 1985. The couple dated for many years, and eventually married in September of 1997. Rashid, a citizen of Pakistan and a lawful permanent resident, refused to file a spousal petition for Sima.

Rashid became both physically and emotionally abusive to Sima immediately after they were married. He would often tell her she was no longer attractive, and that he no longer wanted her. On one occasion, he shouted curses at her and spit toothpaste on her several times. Rashid first hit Sima in the face in November of 1997. Having sustained extensive bruising, she went to the police after this incident. Subsequently, physical violence such as hitting, pushing, and slapping took place about once a month, and verbal abuse took place almost every day. During one incident, Rashid slapped Sima and pulled her by the hair. Sima called the police, which only further enraged Rashid. He exacted revenge by threatening Sima's friends and family and spreading malicious lies about her in their close-knit community.

In December of 1997, Sima's husband started forbidding her to answer the phone, and denied that they were married to many of the couple's friends and acquaintances. Rashid would also constantly threaten to have Sima deported. Throughout the marriage, women would call the couple's home and harass Sima by telling her that they were Rashid's lovers.

In October of 1998, Sima came home to their marital residence to find the locks had been changed. She later found that Rashid had put half of her possessions in storage and the rest in garbage bags. After a warrant for her husband's arrest was issued due to the history of domestic violence culminating in the illegal lockout, Rashid wrote letters to Sima's family in Pakistan threatening to have Sima and her family members killed. Rashid then served Sima with divorce papers.

Sima is currently staying with friends while awaiting space so she can move into a shelter for battered women. She has filed a self-petition for residency, but she is frightened to return to Pakistan for visa issuance. She has no doubt that if she returns home Rashid will follow through with his threats to kill her and her family. Once she leaves the United States, Sima will no longer be protected by the American criminal justice system that has, for now, brought a halt to the physical violence if not the threats. Sima will face grave danger in her tumultuous home country where husbands have full legal right to control and abuse their wives. Since Rashid is also a Pakistani citizen and maintains contacts in Pakistan, he knows this and will be able to carry out his threats. Sima must be allowed to remain safe within the boundaries of the United States, and not be required to return to Pakistan in order to become a lawful permanent resident.

This case originated in Texas.

CARMELA

Carmela is originally from Mexico. She moved to Texas in 1988, after both her parents died in Mexico. She met Jed, a United States citizen, in 1995 through a mutual friend. She and Jed began dating, and eventually they moved in together in El Paso. A few months after they moved in together, Carmela found out that Jed had a drinking problem. He was arrested for causing an accident while driving under the influence, and when he was released from jail, he begged Carmela to help him quit drinking. Carmela thought he was a good person and was in love with him, so she told him she would try to help. They were married in 1996, when Jed became sober. Carmela believed that he would not drink again.

The first month of their marriage was happy; however, soon after that, Jed began coming home drunk. When Carmela confronted him about his drinking, he screamed at her and insulted her. His verbal abuse of Carmela grew more frequent over time. Jed would yell at Carmela, call her a prostitute, throw her clothes all over the floor, and kick her out of the house when he would get angry at her. He began disappearing every weekend, leaving Carmela alone and without transportation. She began to suspect that he was having affairs with other women.

At this time, Carmela was diagnosed with uterine cancer. She had a very difficult time getting Jed to take her to the doctor, and he refused to give her money to pay the clinic fees. He began telling her that he wished she were dead. He also began sexually abusing her, and on one occasion, he purposely urinated inside of her while they were having intercourse. He became more violent, as well. One evening, he got angry at her while they were at a bar. He smashed two glasses, insulted her, and drove off without her. By the time she got home, Jed had destroyed a clock and had ripped the telephone out of the wall and thrown it across the room. Carmela was very afraid of his violence.

After Carmela had an operation to remove the cancer from her uterus, Jed did not bring her food while she was recuperating, and he abused her physically. About a week after her operation, she asked Jed to bring her some food, and he became so angry that he pulled her out of bed and threw her against the sofa. Then he pushed her out the door and refused to let her back in the house.

She separated from him shortly after that incident. First she went to a shelter, and then she found an apartment of her own. Jed came to her apartment shortly after she moved in, asking her to let him inside. When she refused, he broke the door down and slapped her so hard that her gums bled. Then he spat in her face and called her a prostitute. Carmela raced to her bedroom and called the police. Jed was arrested, and Carmela received a restraining order to protect her from his abuse. She also obtained counsel to assist her in filing a VAWA petition for residency.

Now Carmela will be forced to return to Mexico as the only way of getting her green card

under VAWA. She has lived in the U.S. for the past ten years, since she was a very young girl. She has no relatives to help and support her in Mexico, and making the trip alone would cause her great emotional stress. In addition, Carmela cannot leave the U.S. to journey to Mexico because she is receiving ongoing treatment in Texas for uterine cancer. She pays for her own treatment, but it is affordable and accessible in the U.S. In Mexico, similar treatment would be too expensive for Carmela to afford, and the quality of care would not match that of the U.S. Because Carmela must aggressively treat her uterine cancer through intensive therapies, she cannot put her life at risk by leaving the U.S. and discontinuing her treatment.

This case originated in Texas.

LINDA

Linda is originally from Mexico. She met her husband, Tom, a United States citizen, while she was living in Texas. At the time, Linda had a four-year-old daughter from a previous relationship named Jan. When Linda and Tom started dating, she was pleased to see that he was very thoughtful and considerate toward her and her daughter. In time, Linda fell in love with Tom, and she accepted his proposal of marriage.

Once Linda and Jan moved in with Tom, his behavior began to change. He controlled Linda's movements and restricted her phone calls. He made up a schedule of foods that could only be eaten at certain times and on certain days, and he refused to buy fruit, saying it was "not food." He also refused to give Linda money to buy groceries, telling her that she did not know how to shop properly. He enjoyed making her cry and insulting her in public, using foul language and calling her names like "dummy," "garbage," and "bitch." After only a few months of marriage, Linda became depressed and lacking in self-esteem. She felt powerless in her marriage and was very upset when Tom told her that he was "the king" and that she must "always obey him."

Linda also suffered sexual abuse at her husband's hands. He would hurt her when they were having sex, pulling her hair and forcing her to perform acts that she did not want to perform. He would get angry if she refused to perform these acts, and then he would rape her with much force and violence. This sexual abuse continued while Linda was pregnant with their child. He raped her several times in the few weeks before the baby was born, causing her great pain and concern for her unborn baby's health.

Tom was drinking alcohol and getting drunk every day, which only made him more violent. On one occasion after their daughter, Jodie, was born, he refused to buy milk for the baby and told Linda that she should give her water instead. When Linda protested, he told her that she should become a prostitute if she wanted to make money of her own. He then demanded that she have sex with him, although she had given birth only a few days before. When she declined, he forced himself upon her, hurting her because she had not yet healed from the child's birth. On another occasion, he got angry and hit the bathroom wall with his fist, making a hole in the wall. His growing violence frightened Linda, and she considered leaving him.

She separated from him after an incident in March of 1998. He had told little Jan to tie her tennis shoes, and when she was slow to react, he pulled her by the legs and dropped her on the floor. Linda told him not to treat her that way, and in response, Tom grabbed Linda and pinned her arms to the door. Linda told her daughter to call the police, but Tom pushed Jan out of the way and pulled the phone cord from the wall. Once Tom let Linda go, she raced upstairs to baby Jodie's room and attempted to pick her up from the crib. Tom followed her and shoved her against the crib, then he yanked the baby blanket out of Linda's hands, almost causing her to

drop the baby. He put his face close to Linda's and shouted that he was the one to give the orders in their house. Just then, the police arrived and arrested Tom. Linda obtained a restraining order against him, and the court ordered him to vacate the family home immediately.

Since then, Linda has filed a VAWA self-petition for residency. She remains extremely afraid that Tom will return to her home and try to abuse her or kill her. He is very angry at her for having left him, getting a restraining order and calling the police. Considering Tom's violent, unpredictable nature, Linda must rely exclusively on her restraining order to keep her and her children safe from Tom.

Since Tom is a U.S. citizen, he can cross borders easily, and he is familiar with where Linda's family lives in Mexico. If Linda were forced to return to Mexico to get her green card under VAWA, she believes Tom would follow her there and try to hurt or kill her. Linda knows that in Mexico her restraining order would not protect her, and the Mexican police would not stop Tom from abusing her. She is also fearful that Tom would try to kidnap her daughters while she was in Mexico. Because Tom has threatened to take Linda's daughters from her in the past, she believes he will act on these threats. In order for Linda and her children to be safe, she cannot return to Mexico to get her green card.

This case originated in Texas.

ESTRELLA

Estrella is a citizen of Mexico. She met Báltazar, a lawful permanent resident of the United States, while she was in Mexico. They dated for a short while, and Báltazar proposed to her. Estrella is deaf-mute, and at the time that she married Báltazar, she was only 18 years old. Nevertheless, her parents approved of the marriage, and Estrella also believed that Báltazar loved her and would be good to her. The couple immediately moved to Texas, where most of Báltazar's family lived.

Estrella and Báltazar moved in with his mother and sisters. At first, all went well in the marriage, but little by little, problems arose. Báltazar would leave Estrella alone with his family for days at a time, and no one would speak or sign to her during those days. She felt very isolated. When her husband would come home, he would argue with her and become frustrated with her inability to hear or talk. He would shout at her and shake her violently, then he would slap and punch her. His family knew that he was abusing her, but they did nothing to stop him.

On other occasions, Báltazar would abuse Estrella outside, where the neighbors could see. He would push her and slap her repeatedly across the face until a neighbor would step in and calm him down. Because Estrella was deaf and unable to use the telephone, she could not call the police, nor could she rely on Báltazar's family to help her. Her own family lived far away in Mexico and could not protect her.

Estrella gave birth to three daughters during her marriage to Báltazar. He continued to either ignore her completely or physically abuse her at every opportunity. On top of that, he ordered Estrella to give the babies to his mother and sisters to raise, since he thought she would not be a good mother. After all of her children's births, Estrella was kept from having too much contact with her them, despite her protests. Her mother-in-law refused to let her feed them or play with them except on rare occasions. Also, Estrella was not permitted to leave the house, even to buy groceries. Báltazar's family used the fact that they kept the children from her to qualify to receive government assistance, food stamps, and WIC.

One evening, Báltazar came home and told Estrella that he had a girlfriend in Mexico whom he wanted to marry. He told Estrella that he did not love her anymore, and that he wanted her to leave his home and go back to Mexico. If she refused to leave, he would call the police and the INS and have her deported. Finally, he informed her that when she was deported, he would keep all three of the children and let his mother raise them. Estrella was horrified. She pleaded with Báltazar to reconsider, but he just got angry and started beating her. Their three girls watched as Báltazar punched their mother repeatedly in the stomach with his closed fists. Then he kicked her with all his strength, grabbed her by the neck, and told her he wanted her to die. He dragged her by her hair to their bed and smothered her face with a pillow until she passed out from lack of oxygen. After he left the house, one of the children ran to a neighbor's

house to get help. The neighbor called Estrella's mother-in-law.

No one took Estrella to the hospital for treatment of her injuries, even though she was vomiting blood. Eventually, Estrella's mother contacted Báltazar's family and came to Texas when she learned that Báltazar had beaten her daughter. It was Estrella's mother who called the police after seeing the extent of her daughter's injuries. Estrella had been vomiting blood from the internal stomach injuries, was yellow in color, and had difficulty walking. The police arrived and helped Estrella obtain a restraining order and get help at a battered women's shelter. The judge in the restraining order case found that Báltazar had abused Estrella and that he and his family had also harmed their oldest daughter. The protection order Estrella custody of the children. Since leaving Báltazar, Estrella has also sought assistance in filing a VAWA self-petition for residency.

If Estrella is forced to return to Mexico as the only way of getting her green card under VAWA, Báltazar would go to court as soon as she left to get custody of their three children, telling the judge that she had abandoned them. she could lose custody of her three children. Even before Estrella left Báltazar, he had been trying to have her deported so that he could marry his new girlfriend. It was his plan to take custody of Estrella's three girls and get rid of Estrella--either by having her deported or by beating her to death. Now Estrella faces a bitter custody battle for the three children. She does not want them to grow up with Báltazar or his family, since they all have mistreated her and would likely mistreat her children. Estrella is a good mother to her children and believes that only she can protect them.

She cannot afford to make the trip to Mexico because she is currently living in a shelter and does not have the funds to pay for the trip. Even if she were able to travel to Mexico, she would not be able to leave her children with Báltazar's family without risking losing custody of the children to them. Leaving the U.S. for any period of time would increase her chances of losing custody, since she would miss important court dates while she was out of the country. Therefore, in order to keep her children safe from her husband's violence, she must be allowed to obtain her green card in the U.S.

This case originated in Texas.

DOLORES

Dolores was born in Mexico. Her boyfriend, César, lived in the same small Mexican town. When Dolores and César were both 16 years old, they got married. A little while after their marriage, César found work in the United States, and he eventually became a lawful permanent resident of the U.S. Dolores was happy in her marriage to César until their first child was born. It was at that time that César began abusing Dolores.

When their baby was only eight days old, Dolores came home from work one evening and found her husband smoking marijuana and drinking. She said nothing to him and went straight to bed. He came into the bedroom and started yelling at her, then he slapped and kicked her and pulled her hair. Next, he demanded that she give him his gun, which she had previously hidden from him. She refused and ran to hide behind some furniture. She did not call the Mexican police because they were located two hours from her house, and she knew that they would not help a woman who was being abused by her husband. Dolores knew that the police would not help because she had witnessed her own father beating her mother when Dolores was a little girl. When the police had been called, they never did anything to stop the abuse.

César left the following day for the U.S., where he had been working for the past several months. He moved Dolores and the baby to Texas that same year, and the abuse began again. One evening, he locked her in their bedroom and started to hit her repeatedly on her head and body until she was knocked unconscious. Dolores' mother, who was staying with them at the time, got Dolores' son to call the police and ambulance. On another occasion, César smacked Dolores repeatedly across the face as punishment for not going to work when she was sick. He never needed an excuse to beat her.

Dolores left César several times, but each time she would return to him out of fear. He often threatened to kill her if she left him. When she finally separated from him permanently, the separation followed a horrifying incident involving her young daughter, Amy. One morning, little Amy woke up with a fever, so Dolores decided not to send her to school for the day. Later that same afternoon, Dolores had to leave for work, and she left Amy in her father's care. Two or three days later, Dolores noticed that Amy was very sad. She asked Amy what was wrong, but she did not get an answer. The school called to tell Dolores that Amy was very upset and was scheduled to speak to a counselor. Dolores later discovered that Amy told the counselor that César had done something very bad to her. That same day, Amy confessed to Dolores that her father had sexually molested her, and that he had told her that if she told anyone about it, he would kill her mother.

Dolores was sick with the news that César had sexually abused their daughter. She called Child Protective Services, and they conducted an investigation. Now César is serving time in jail for pleading guilty to the charge of indecency with a minor. Dolores moved out of the house

with her children and sought counseling for herself and her daughter. She also filed a VAWA self-petition for residency.

If Dolores is forced to return to Mexico as the only way of getting her green card, she and her children would face many hardships. She has no family in the U.S., so she would have to remove her two children from school and take them with her to Mexico. Her daughter is currently receiving counseling to help her cope with the trauma of being sexually abused by her father. Stopping this counseling would be detrimental to the little girl's mental health. In addition, Dolores is afraid that César would hurt or kill her and the children while in Mexico. Dolores and César are from the same town, so he would know if she were staying in Mexico with her family. Since he will be released from jail on probation and possibly deported back to Mexico for his crime, he will be in a position to find Dolores in Mexico and take revenge on her for reporting him to the police. Dolores knows that she cannot be safe from his abuse in Mexico.

This case originated in Texas, moved to California, and is currently in Texas.

VICTORIA

Victoria is 39 years old. She is originally from Mexico, where she studied theology and worked in a church. She met her husband, Beto, a lawful permanent resident of the United States, while he was visiting family and friends in Mexico near Victoria's home. The two became friends and began dating. After an eight-month courtship, Victoria and Beto were married in Texas. Victoria was in love with Beto and was very happy about beginning a new life with him in Texas.

The couple moved in with Beto's mother, and had their first child in 1987. The next year, Beto's mother died. After this, Beto began physically abusing Victoria. At the time of the first incident of abuse, Victoria was eight months pregnant with their second child. That day, Victoria had discovered she was not eligible for assistance from WIC because she was missing a document from Beto. When she told Beto this, he began to hit her. He proceeded to kick her in the stomach, pull her hair, and slap her. Beto then kicked Victoria out of the house, and she had no choice but to return to Mexico to stay with her mother. After a few weeks, Beto followed Victoria to Mexico and insisted she return to Texas with him. She was about to give birth, and felt she had no choice. She had the baby in Texas that night.

Another serious incident of abuse occurred in 1990, shortly after the birth of their third son. Beto was injured and told Victoria to clean up his wound. She did, but it was not to his liking. He became angry with Victoria and started hitting her. Then their infant began to cry, and Victoria went to pick him up. Beto tried to hit her again, but missed and hit the baby in the lip instead. Victoria and the two children entered a shelter, and the police arrested Beto. Once Beto was in jail, Victoria felt it was safe to return to the house. However, Beto's sister bailed him out of jail and he immediately returned home. Enraged, he ripped out the heating and air conditioning units and then reported Victoria to INS. But Victoria was not deported, and she decided to divorce Beto to get away from his abuse.

In 1991, Victoria and the children moved to California because one of her sons had serious heart problems and needed a heart transplant. Beto came to visit and reconciled with Victoria. During his visit, the couple conceived another child. After her son's operation, Victoria took the children back to Texas and moved into an apartment. Beto visited often and put pressure on Victoria to abort her baby since it was conceived out of wedlock. Victoria insisted upon having the baby, and he was born in 1992. This child also had heart problems. In 1993, Victoria had to move with the children to a different city in Texas to obtain a heart transplant for her youngest son.

In 1994, Victoria decided to remarry Beto. She thought he had changed, and needed his support in raising the children. A few months later, they had a fifth son together. A week after this, their fourth son died of cancer due to his heart medication. This was an extremely difficult

time for Victoria, but she forced herself to keep going for her four other children. Beto only worsened things for Victoria by abusing her verbally, often in front of the children. He accused her of sleeping with other men and lied to her to make her angry. When his anger escalated, he would pull her hair, throw things at her, and throw her against the wall. Beto also often forced Victoria out of the house without any money or clothes.

The beatings continued as well. Beto often beat her in places where her bruises could not be seen by others, so as to hide the fact of his abuse. On one occasion, however, Beto beat Victoria so brutally that she had a severe cut under her left eye and her blood pressure dropped dramatically. Yet Beto refused to take Victoria to the hospital, and ripped out the phone cord so she could not call the police.

Beto increasingly treated Victoria as a slave. He would become livid if his dinner was not ready when he arrived home, or if it was cold. He also forced Victoria to have sex with him. If she refused, he would get angry and call her names or beat her. Beto made Victoria do virtually everything for him, and became enraged when she stopped attending to him to help the children. He would not let her watch television or sleep late, leaving Victoria little personal freedom. The telephone was also restricted from Victoria, preventing her to keep in touch with her family. Victoria's and Beto's oldest son began treating Victoria as his father did, demeaning her and ordering her around. When Victoria tried to punish the son, Beto would beat her. Beto also beat the children when they did not obey him. The spankings would become beatings, and Victoria would intervene to protect the children, and be further beaten herself.

The last incident of abuse occurred when Victoria complimented their pastor on his new suit. A jealous Beto became furious and beat Victoria brutally. She wanted to call the police, but they were in a hotel room and did not have access to a phone. That night, Beto made Victoria sleep on the floor and would not even give her a blanket. The next day, Victoria decided she had suffered enough abuse, and called the police to take her and her children to a shelter. She then obtained a restraining order, began learning English, and filed a VAWA self-petition for residency. Victoria and her children are receiving counseling to help them overcome the effects of the violence.

Law requires that Victoria return to Mexico to obtain her green card based on her VAWA self-petition. If she is forced to return, Victoria will face the fear and danger of being stalked by her abusive husband in Mexico. Beto has already followed Victoria to Mexico once before. He knows exactly where she would be staying in Mexico while getting her green card, and he would take advantage of the fact that her restraining order would not be valid in Mexico and would offer her no protection from his abusive attacks. Further interrupting ongoing therapy sessions for Victoria and especially for her boys when they travel to Mexico would have severe consequences.

In addition, Victoria would be unable to return to Mexico to get her green card because it would put her child at serious medical risk. Her six-year-old son Bobby has a heart condition

which is life-threatening and requires constant, specialized medical attention. If Victoria is forced to go to Mexico to get her green card, she would have to take Bobby and her other four children with her, since she has no family or friends in the U.S. whom she trusts to care for her children, and who can keep the children safe from Beto's violence. Taking Bobby with her to Mexico may worsen the child's heart condition and put him at risk of illness and death, according to doctors. Mexico does not have the facilities, specialized medical care, and resources to adequately treat Bobby's heart condition. Consequently, Victoria must be allowed to remain in the United States to get her green card. Forcing her to return to Mexico will put her and her children at risk of abuse at the hands of her husband, and discontinuing her son's medical care in the U.S. will jeopardize his health.

This case originated in Texas.

LISA

Lisa is a 37-year-old woman from Mexico. She met her husband Manrique in Mexico, and they got married in 1982. The couple had three children together while living in Mexico. In 1992, the family moved to the United States when Manrique became a lawful permanent resident. However, he never petitioned for the residency of his family.

Lisa's marriage to Manrique was plagued from the outset. Manrique began verbally and physically abusing Lisa shortly after their wedding. Sometimes he would abuse her every day for a week, and sometimes he would go for weeks without abusing her. Manrique's unpredictable nature caused Lisa to live in constant fear. She had to go to a clinic in Mexico three times because of the severe beatings and mental cruelty inflicted upon her. She developed symptoms of anxiety and mental distress and had to take medication to calm her nerves.

One incident of abuse occurred when their oldest child was ill. Lisa was quite concerned and knew the child needed medical attention. However, Manrique refused to take their daughter to the doctor. He instead began to scream at Lisa, blaming her for the illness of the child. He then began to beat Lisa. When he delivered a hard blow to her face, it knocked her unconscious. She also suffered a large cut on her eye as a result.

Once, when the beatings became especially severe, Lisa tried to go to the Mexican police for help. However, she discovered that no one would take her seriously. She said that they refused to prosecute her claim because she could not provide them with a large sum of money. Domestic violence reports are ignored in Mexico, because it is socially accepted for men to beat women. Lisa's mother-in-law had no sympathy for Lisa, telling her that real women can take the abuse.

When the family moved to Texas in 1992, the beatings continued. Manrique also started beating the children. However, he knew he could be punished for abuse more easily in this country. He began hitting his family in less obvious places and in ways that would not leave a mark. For example, he would hit their son in the back and drag Lisa across the floor by her hair.

Manrique would not let Lisa talk to anyone or have any friends. He said they would only put ideas in her head. If anyone visited the house, he would yell and throw them out. He wanted absolute control over Lisa's life, and was able to use her residency status as a way to control her. He threatened never to file papers for her if she did not do as he said, or if she did not forgive him for abusing her. Manrique also refused to support his family. He worked, but said that whatever money he made was his to keep. There was never any money for food or clothing, and the children did not even have shoes. Lisa tried to make some money by selling cold drinks and sewing. Sometimes Manrique would forcefully take what little money Lisa made. He said she was responsible for paying for his expenses. As far as the children were concerned, Manrique

insisted that they should get jobs to support themselves. Of course, they were much too young to work.

In the spring of 1998, Manrique again beat Lisa, causing her nose and lip to bleed. However, she was too afraid to call the police. A few weeks later, Manrique again abused Lisa. He saw her on the street near their house, forced her into the car, and started beating her. Lisa jumped out of the car and ran into a restaurant, where the police were called. Manrique was arrested and served a few days in jail.

Manrique had always been unfaithful to Lisa throughout their marriage, but his infidelities have recently become more flagrant. On one occasion, he and a girlfriend tried to take the children with them to Chicago so that Lisa could not find them. Another time, he brought a different girlfriend home with him. This one was pregnant with his baby. Manrique tried to make Lisa lick this woman's dirty shoes, telling Lisa she had to because his girlfriend was a "real woman."

Lisa grew most concerned about the welfare of her children. Manrique was cruel to them, especially their son. He beat and screamed at his son frequently. Lisa has tried to shield her children with her body to protect them from getting hurt. One day, when the entire family was in the car, Manrique kept swerving off the road threatening to kill them all. The children were terrified and begged him to stop. Lisa is quite worried about the way Manrique has affected the children. They are all afraid of their father, and the boy suffers from some behavioral and learning problems as a result of the abuse he has suffered at home. The two girls are also afraid and angry and often act out. They feel powerless to stop the violence. The eight-year-old was so scared that she asked her teacher to help them find counseling. The older of the two daughters is afraid of men.

Lisa ultimately decided to free herself and her children from Manrique's torment and abuse, and they have entered a shelter. She has filed a self-petition for residency under VAWA, but is terrified of returning to Mexico for consular processing. Lisa believes that Manrique "would definitely come and find us and seek retribution against us for leaving him." He has already located the shelter and gone there to harass Lisa, and could easily travel to Mexico to find her.

As recently as January 1, 1998, Manrique traveled to Mexico to threaten Lisa's parents. He said that once Lisa returned to Mexico, she would never receive her immigration papers, and he would take the children away from them forever. As Lisa has discovered previously, Mexican law enforcement will not protect her against Manrique's abuse. She also fears Manrique's parents in Mexico, who are abusive as well. She refuses to take the children into this dangerous situation, but has no one with whom she can safely leave them behind. Additionally, Lisa cannot afford a journey for four to Mexico, and does not want to uproot her children from school and therapy for a period of weeks or months. Lisa and her children would have no help or support in Mexico, and would be isolated and endangered. It is therefore imperative that Lisa be permitted

to remain in the United States to receive her green card, and not be required to return to Mexico for any reason.

This case originated in Texas, moved to Arizona and California, and is currently in Texas.

DORIS

Doris is a 33-year-old citizen of Mexico. She moved to the United States in 1985, living briefly in Texas, and then moving to Arizona. In Arizona, Doris worked as an aide to the elderly. There she met Nelson, an American citizen who lived nearby. Doris and Nelson met in 1988, dated for two months, and then moved in together when Doris became pregnant. She did not realize until a year later that Nelson was already married. Nelson finally obtained a divorce in 1992. Although Doris and Nelson were together for many years, they did not marry until 1997. Together they have three children, a nine-year-old son, an eight-year-old son, and a seven-year-old daughter.

After four years in Arizona, Doris and Nelson moved to California for a six months, and then settled in Texas in 1992. The relationship was plagued with abuse from the beginning. Nelson verbally abuses Doris every day, beginning as soon as he awakes in the morning. He curses at her and calls her obscene names, telling her she is better off dead than alive because she is worthless. Nelson says that because he is a citizen and Doris is not, he can do whatever he wants with her. He makes these remarks in front of the children, and often directs such remarks to them. Nelson's actions are also extremely cruel. When Doris was pregnant with their youngest child, she became violently sick one night. She was on the floor of their bedroom, doubled over in pain, begging for Nelson to help her and to call an ambulance. Nelson simply ignored her. Eventually, the apartment manager heard Doris's cries and called an ambulance. Doris was hospitalized for three days, but not once did Nelson visit her or even acknowledge she was ill.

Nelson has subjected Doris to constant physical and emotional abuse for the past eight years. The first time Nelson abused Doris was in 1990, during her pregnancy with their youngest child. Nelson came home and told Doris that the house was not clean enough, and proceeded to hit her in the head with his fists. On another occasion, Nelson lashed out at Doris because she had taken the car to buy groceries. He had forbidden her from driving, saying she was too stupid, but the children needed food. When she came back from the store, Nelson was waiting for her. He grabbed her by the hair and pulled her out of the car. She landed on the ground, and Nelson got in the car and tried to run her over. This was Nelson's first attempt to run her over with a car. Again, in 1998, Nelson pushed Doris out of their moving truck in front of the children, saying he did not love Doris or the children enough to give them money to eat. Nelson also frequently grabs Doris by the shoulders, shaking and pushing her, pulls her hair, kicks her in the legs, and hits her in the head.

Nelson often takes Doris's personal belongings and throws them away or hides them. For example, Nelson did not like the fact that Doris went to church on Sundays. To prevent her from going, he took away her only pair of nice shoes, knowing she would be uncomfortable going to church in tennis shoes. Another time, Doris had borrowed some books from a friend, but Nelson

disapproved of her reading. He found the books and threw them at her when she arrived home one day.

When Nelson was working, he would make Doris perform humiliating acts in order to receive money from him to buy food and clothes for the children. He would make her get down on her knees to put his shoes on for him, and to take them off when he arrived home. Once when the couple was in a restaurant, he demanded that Doris tie his shoes for him in front of everyone. Doris had no choice but to get down on the floor and do this for him, and she recalls it as one of the most embarrassing moments of her life.

Nelson would also demand sexual acts from Doris, especially acts with which she was uncomfortable. Doris preferred to sleep with the children, but Nelson would frequently drag her into his room and demand that she perform all types of sexual acts. Doris would cry and fight him off, but Nelson said that it was her duty as his wife, and that it was the only way he would give her money for the children. Sometimes he would take the children's food stamp card away from Doris, only giving it back in exchange for sex. Once when Doris was taking a bath, Nelson broke the lock on the bathroom door and raped her. Since that time, Doris has had no choice but to give in to Nelson's sexual demands, because he constantly threatens to kill her if she does not do what he says. He tells her that he will break her neck and put her in the dumpster where no one will find her. On one occasion Nelson put a knife to her throat and told her that if she divorces him, he will send her back to Mexico in a coffin. Doris has no doubt that Nelson's threats are in earnest. He once told her that he beat his ex-girlfriend so badly that she was in the hospital for several weeks.

In early 1994, an especially violent incident prompted Doris to enter a shelter. Nelson came home and saw that Doris and the children were eating dinner. Nelson was furious, saying he should be the first to eat. Doris tried to explain to him that it would be better to eat after the children finished, when it would be quieter. He then became enraged, and began to punch and kick the walls. He overturned the table, sending dishes and food all over the kitchen. A piece of glass ricocheted off the floor and became lodged in one of the children's legs. Then Nelson left, and came home drunk much later. He tried to force Doris to have sex with him, but she was able to fight him off. The next morning, Doris took the children and entered a shelter.

Doris and the children eventually returned home to Nelson, because Nelson was working at the time. Doris could not support herself and the children on her own and she saw no other options. Although Nelson was a U.S. citizen, he never filed papers for Doris to obtain lawful permanent residency and a work permit, and he threatened to take the children from her. On this occasion and others when she sought to leave him, Nelson threatened to turn her in to INS.

In November of 1994, another violent incident caused Doris to return to a shelter. Nelson had been drinking at home and ran out of beer. He asked Doris where she had put the money he had given her earlier. Doris explained that she needed the money to pay bills and buy food, but he did not care. Doris gave him half the money, hoping he would believe that was all there was,

and he left to buy beer. He returned home to drink the beer, and then left for a bar. He then returned home again looking for the rest of the money. Doris and the children were eating lunch when he stormed home, tore off the door to the closet, and threw its contents all over the floor. Nelson then took Doris's purse and emptied it on the floor. He grabbed Doris by the hair and punched her in the face, giving her a black eye and bloody lips. Next he picked Doris up by the shirt and dragged her into the backyard, where he kicked her in the ribs with his boots on. Three days later, Doris took the children and again entered a shelter. While there, she became extremely ill and was taken to the hospital twice, but she was not properly treated because she lacked insurance. Nelson began to call the shelter and threaten its staff, saying he would burn the entire building down. The shelter asked Doris to leave because of Nelson's threats, and offered to move her to a shelter in another community. But Doris felt she had to return to Nelson at this point, for the safety of those helping her was compromised, and Nelson promised her things would be different.

However, nothing changed between the two. Doris had begun counseling through the shelter, but Nelson forced her to stop going. In 1996, Nelson woke Doris up in the middle of the night and pulled her by the hair into the living room. He started to argue with her, and then threw an iron at her. Doris put her hands up to prevent the iron from hitting her face. Her fingers were injured and badly bleeding. She ran out of the house and someone called the police, but Nelson begged Doris not to press charges. He said it would ruin his chances for a job, which Doris knew he needed to support the family. He spent less than 24 hours in jail.

Beginning in 1996 or 1997, Nelson began working only intermittently. In 1997, Doris began working as a housekeeper. One day, she was outside hanging clothes up to dry when Nelson demanded money to buy beer. When she told Nelson they needed the money to buy groceries, he picked up a brick and threw it at her. After this, Doris again entered a shelter and again felt compelled to return to Nelson after a few weeks.

Nelson promised to change, and they moved to a different city so he could get a job. Once they arrived, they moved into a homeless shelter because Nelson was not working. Nelson refused to do his chores at the shelter, and verbally and physically abused Doris and others at the shelter. When he did work, he spent all his money on alcohol. He was asked to leave, but Doris joined up with him again when he found a job. However, Nelson lost the job before long, and Doris had to begin work at a restaurant to have money to buy food and clothing for the children, and to pay rent.

In July of 1998, Doris wanted to see a movie with some friends. Nelson refused to let her go, threatening her with a wire hanger in front of her friends. Later that night, Doris awoke to find Nelson standing over her bed with the hanger, telling her he was going to kill her. He put the hanger around her neck and tried to strangle her. Doris ultimately fought him off, but he threatened that next time she would not be so lucky. The next month, Nelson began to argue with Doris, and kicked her twice in the leg. He told her she had until 6:00 the next morning to get out of the house, because he had called INS.

Doris again fled to a shelter, this time filing a self-petition under VAWA, because she has found a lawyer to help her file. She also applied for a protective order against Nelson, and filled out a police report to have Nelson prosecuted for the incidents with the wire hanger and the knife. Nelson continues to follow her everywhere, so once again, prior to receiving her protective order, Doris returned to live with him for the time. When the protective order was delivered to their home, Nelson became livid. He yelled at Doris and kicked her while she was in bed. He then jumped on top of her and beat her head with his fists. Calling her a prostitute, he said he was going to buy a gun and kill her. He said he would put her dead body in the creek behind their apartment. Their seven-year-old daughter awoke and jumped on Nelson's back, trying to stop him. Doris put her daughter back to bed, at which point Nelson began to chase Doris around the house. When she went into the kitchen, Nelson broke dishes and glasses in front of her. Doris tried to run out, but Nelson blocked the door. There was no phone in the apartment to call for help. He kicked Doris several times, until she was finally able to lock herself in the bathroom. He then threatened to shoot Doris and hurt her lawyer, saying that if he shot Doris nothing would happen to him because he was a U.S. citizen and she was illegal. The next morning, as Doris was leaving to take the children to school, Nelson tried to push her down the concrete stairs to the sidewalk. Doris again entered the shelter for a few days, but returned to Nelson out of fear and desperation.

Doris's self-petition has been approved and she is now ready to become a lawful permanent resident, which would empower her to leave Nelson and his abuses behind. However, because she did not learn about self-petitioning until 1998, she will now be required to leave the country to get her green card. Returning to Mexico for consular processing would pose severe hardship for Doris and her children. Every time Doris has tried to leave Nelson, he has stalked her and forced her to return to him. She will only be able to fully free herself and her children from his abuses if she can obtain her green card and work legally. Doris knows that Nelson would follow her to Mexico so that he could harm her without legal consequences. Her protective order against him would not be valid in Mexico, and the Mexican police would be of no assistance to her. In addition, Doris feels her U.S. citizen children would suffer hardship if forced to travel to Mexico for an indeterminate period. Of course, she cannot leave them safely behind. None of her children speak Spanish or are familiar with Mexican culture. One child is extremely developmentally delayed and could not receive proper care in Mexico. Being uprooted from school and routines would be detrimental to the fragile emotional states of all of Doris's children, who have suffered tremendously by being raised with such abuse. Finally, Doris has no place to stay in Mexico, and no one there will support her. Her abusive father does not approve of Doris or her lack of tolerance for her husband's abuses. Doris's mother has also suffered years of physical abuse at the hands of Doris's father, who abused Doris and all of her siblings as well. Her parents still live together because Mexico had no shelters her mother could go to, and when called the Mexican authorities would do nothing to help her. Doris's mother works and her abusive father is always home. Doris cannot return to that home with her children where all would fall victim to abuse by her father. It is essential to the well-being of Doris and her children that she be allowed to remain in the United States to become a lawful permanent resident.

This case originated in Texas.

INA

Ina is originally from Mexico. She came to the United States in April of 1996 in order to visit relatives. While in Texas, she was introduced by her brother-in-law to a U.S. citizen named Seth. Ina found Seth to be educated, polite, and always smiling. She started dating him, and eventually they fell in love. After two months of dating, they became engaged. Ina suggested they postpone the wedding for a while so that they could continue getting to know one another.

A couple of months later, Ina became pregnant with Seth's child. After that, Seth's behavior began to change. Even though he said he wanted to support Ina and the baby, he stopped visiting Ina and taking her to the doctor for pre-natal visits. Ina felt very sad and confused at his sudden lack of attention. She wondered whether he still wanted to marry her, and he said that he did. On their wedding day, he showed up at the church two hours late and drunk. Ina was upset, but she figured he was just nervous about the wedding.

After their marriage, Ina moved in with Seth. She continued to feel depressed and lonely, since Seth would leave her in the house all day, and then he would go out with his friends at night and not return until the following morning. He began drinking quite heavily, which he had never done while he and Ina were dating. After weeks of being ignored and abandoned, Ina finally left the house one afternoon to go shopping with her sister. While Ina and her sister were at Wal-mart, Ina saw Seth standing in the aisle and holding hands with another woman. Ina felt humiliated. She felt a pain in her stomach that she had never felt before. She went home and cried all night, suffering from all the emotional abuse that Seth had put her through. She eventually decided to continue living despite the pain and humiliation, telling herself that needed to be strong for her unborn baby.

The baby was born premature. Ina tried to reach Seth because he had told her he wanted to be at the hospital when the baby was born. When he answered the phone, he said he was busy and would not come to the hospital until the following day. This hurt Ina immensely and made her feel depressed. He eventually visited that very afternoon, but he said that the only reason he came was because his boss ordered him to visit.

After the baby's birth, Seth promised Ina that he would come to visit their son and would bring clothes, food, and money to help support the baby. Ina waited for him to come, and despite his repeated promises, he rarely came to visit the baby, and he did not provide any support for the baby's care. When Ina asked him to be more involved in the baby's life and provide for some of the baby's necessities, Seth shouted at her and insulted her, calling her "stupid" and blaming her for everything that had gone wrong in his life.

The last time Seth had contact with Ina was when he served her with divorce papers and asked her for the baby's social security number so that he could claim the baby on his own tax

return. Ina felt so abandoned and emotionally and verbally abused by her husband that she sought help and counseling at a legal aid clinic for battered women. With the help of an attorney, she filed a VAWA self-petition for residency, which was approved.

To obtain lawful permanent residency based on her VAWA self-petition, Ina must return to Mexico. Her U.S. citizen son is only a year old, and he relies exclusively on Ina for his care. He frequently becomes ill, due to complications that arose from his premature birth. If Ina were forced to return to Mexico to get her green card, she would have to take her baby with her, and this would jeopardize her son's health and safety. He cannot get the necessary level of care in Mexico. Furthermore, his medical care in the U.S. is covered by Medicare, since he is a U.S. citizen. By contrast, if he were to require pediatric care while in Mexico, even in the event of an emergency, this care would be too expensive for Ina to afford, and he could risk developing a severe illness or dying. Since Seth has never paid child support to Ina for his son's upbringing, Ina is barely able to support her son, let alone find extra money to pay for the constant medical care her baby would require in Mexico. For these reasons, Ina must be allowed to stay in the U.S. to get her green card.

This case originated in North Carolina and is currently in Texas.

LOLA

Lola was born in Mexico. She first came to the United States in 1993, when she visited her relatives in North Carolina using a visitor's visa. While in North Carolina, she attended a dance at which she met Larry, a U.S. citizen. Lola returned to Mexico later that same month, but she and Larry continued to communicate with one another over the phone and through letter-writing. She came back to North Carolina to visit him the following year, and they continued to date long-distance until December of 1997, when they were married.

Lola came to live with Larry in North Carolina. They did not see one another for the first seven months of their marriage, since Larry was in the U.S. Navy on a seven-month tour of duty. When he returned home, he and Lola began having disagreements. On one occasion, Lola locked herself in a room, but Larry kicked the door open and went to the closet, throwing all of Lola's clothes on the floor in his fury. He ordered her to give him the \$1400 she had earned while working over the past seven months, saying he needed it to pay for their church wedding. When Lola told him that she did not want to marry him in the church, he grabbed a knife and told her he would kill himself if she did not marry him. After he cried and begged for the next few hours, Lola calmed him down and agreed to marry him in the church. They had a church wedding the next day.

Two months later, Larry began physically abusing Lola. He began yelling at her, and when she tried to leave the room, he pushed her to the floor and dragged her by her arms back inside the room. He then locked her in the room for hours. On other occasions, he verbally abused her, insulting her and telling her that she wasn't good for anything and was stupid. More abuse followed after Lola started working and Larry demanded that she hand over to him her paychecks. He would beat her with his fists until she would beg him to stop and would hand over her checks. One evening, when he took her out to get ice cream, he punched her in the nose after she told him that she was not hungry. Her nose turned blue and bruised from the blow, and her mouth bled.

Lola considered leaving Larry, but then she became pregnant with their child and felt that she should try to keep the family together. Larry continued to hit her during her pregnancy, usually in the head. A few months into her pregnancy, he pushed her off the bed, pulled her hair, and kicked her in the head. He also did humiliating things to her while she was pregnant, such as push her into the shower when she was fully clothed and soak her with cold water. When she was a couple of months away from having the baby, he got angry with her and pushed her outside into the snow. Another time, he pushed her into the metal corner of the air conditioning unit, creating a large, bloody cut on her lower back. She still bears the scar on her back.

After Lola gave birth to their baby, Larry told her he wanted to take the baby to Texas to introduce him to his parents. Lola wanted to come along, especially since she was breast-feeding

the baby, but Larry told her to stay home. She always followed his orders because she feared that he would hurt her or kill her if she did not. Larry told her that he and the baby would only be gone for a week, but when they arrived in Texas, Larry did not call. Finally, Lola got in contact with Larry's father, and he assured her that the baby was all right. A week later, Larry convinced her to move to Texas with him.

In Texas, Lola moved in with Larry's parents. Larry continued to abuse her, refusing to let her leave the house or give her money to do laundry. He beat Lola on the head with a sandal one afternoon when the baby was sleeping comfortably in her lap. On another afternoon, Larry came home from work as Lola was bathing the baby. He told her that he preferred that his father bathe the baby and told her to stop. When Lola insisted on bathing the baby herself, Larry slapped her and pulled her hair. He picked up the baby and put him in the next room, then he returned and grabbed Lola by the arms with such force that they became streaked with bruises. He pushed her into their bedroom and threw her to the floor. He kicked her in the left knee, and when she raised her hands to protect herself, he kicked her hands. When she tried to leave the room, he told his brother to stand at the door and prevent her from leaving. She could not get to a phone to call the police.

Lola gathered her courage and left her husband after she discovered that he was abusing their baby. First she noticed her father-in-law hitting the baby when he thought she was not looking. Next she saw Larry hit the baby twice to try to make him stop crying. She decided she had to escape before Larry killed her and the baby. One evening, she told Larry she was going to the store with the baby. To her surprise, he let her leave the house alone. She fled to a battered women's shelter and has been in hiding ever since.

Since leaving Larry, Lola has filed a VAWA self-petition for residency. If Lola is forced to return to Mexico as the only way of getting her green card, she would have no family to support or help her there. Lola's parents and siblings all live in the U.S. In addition, she is afraid that Larry would find her in Mexico and abuse her there. He has family in Mexico and has visited several times in the past. He would be able to travel to and from Mexico very easily, since he is a U.S. citizen. Lola knows that the Mexican police would not protect her from Larry's abuse, and that without her own family to protect her, Larry would probably kill her in Mexico.

In addition, Lola is worried that Larry will kidnap their child while she is in Mexico getting her green card. Lola would have to leave her baby with her family in the U.S. if she were forced to return to Mexico. Larry knows where her family in the U.S. live, and he would not hesitate to hurt or kill her family members in order to kidnap the baby. For these reasons, Lola needs to remain in hiding. She cannot risk placing her family and baby in danger by asking them to care for her baby while she goes to Mexico. Lola must remain in the United States to get her green card in order to be safe.

This case originated in Texas.

PAMELA

Pamela is originally from Mexico. She is college-educated and comes from an upper-middle class family. At the time that she met Tobias, a lawful permanent resident of the United States, Pamela was working as the administrative manager of her father's company. Tobias was a Mexican police officer, assigned to the narcotics division of the force. He told Pamela when they began dating that he was also working for the U.S. Drug Enforcement Agency, a story which later proved to be false. Pamela found Tobias to be a good, hardworking man, but she was often disturbed by how easily he would become angry and shout or throw things. She assumed that his difficult and dangerous job caused him stress and led to these angry outbursts.

Tobias and Pamela were married in Mexico and lived in Mexico City as husband and wife. While in Mexico, Tobias continued to lose his temper in front of Pamela, and over time, he began directing his anger at her. He would throw objects at her, scream at her, and insult her viciously. At that time, Tobias also began using marijuana and cocaine in front of Pamela, and his behavior grew more violent. He ended arguments by kicking her, punching her, and pulling her hair. Once he took his gun and placed it on Pamela's temple, threatening to kill her. After enduring several of Tobias's attacks, Pamela tried to report Tobias's abuse to the police. To her dismay, the police told her that they could do nothing to help her because Tobias was a police officer himself.

A little more than a year after their marriage, Tobias informed Pamela that they were moving to Texas. He told her that the move was job-related, so she believed him and agreed to move. She only discovered later that Tobias had wanted to leave Mexico because he had been fired from the Mexican police force and was being investigated for his role in murdering a drug trafficker.

By the time Pamela moved to the United States, Tobias's abuse of her had become a regular occurrence. She contemplated leaving him, but because of her negative experience with the unresponsive police force in Mexico, Pamela assumed that the U.S. police would not protect her either. One evening, Tobias beat Pamela on her face and body, leaving her bruised and lying in a heap on the floor. Pamela went to the hospital to be treated for her injuries, and there she learned of the services available to battered women in the U.S. She obtained a restraining order against Tobias and separated from him, despite the fact that she was pregnant with her second child and without family in the U.S. to rely on for support.

Since her separation, Pamela has been the sole caretaker of both of her children. Even though she has obtained a court order which obligates Tobias to pay child support, Tobias has not paid a penny toward his children's expenses. Without any financial assistance from Tobias, Pamela has supported herself and her children on the funds she saved while working as a professional in Mexico. She is currently enrolled in a community college in El Paso and is trying

to enhance her academic qualifications so that she may obtain a professional job in the United States. Both of her children are enrolled in school and are completely integrated into American culture.

Pamela has filed a VAWA self-petition for residency, which has been approved. If she is forced to return to Mexico as the only way of getting her green card under VAWA, she will suffer many dangers and hardships. First of all, Pamela has no family in the U.S. with whom to leave her two children. In order to make the trip to Mexico, Pamela would have to remove the children from their courses of study in their public schools and take them with her to Mexico. This would jeopardize the children's educational opportunities dramatically. Second of all, Pamela fears that Tobias will discover that she is in Mexico and follow her there. Tobias's family members in Mexico are very supportive of him, and Pamela fears that they will keep him informed of her movements and help him track her down. She knows that Tobias still has friends on the Mexican police force and that the police would not help her if she reported Tobias's abuse. Tobias has threatened to kill her in the past, and he would have the perfect opportunity to do so if she were in Mexico, away from the protection of her restraining order. Furthermore, Pamela continues to be afraid that Tobias or his family will hurt or kill her own family in Mexico, as a way of seeking revenge on Pamela for reporting Tobias's abuse. Finally, Pamela believes that Tobias is capable of kidnaping the children in Mexico, especially if he has his family and friends on the police force to help him. She knows that the only way to ensure that she and her children remain safe is by allowing her to obtain her green card in the U.S.

This case originated in Illinois.

PAULINA

Paulina was born in Mexico. While living there, she met Ernesto, who was working as a security guard in the same department store as Paulina. Ernesto is a lawful permanent resident of the United States. Paulina and Ernesto soon began to date and quickly fell in love. They were married a few months later in Mexico.

Just after Paulina got pregnant with their first child, Ernesto began to hit her. He would slap her across the face without warning, even doing so in front of his mother. On one occasion, he kidnaped their child for three days, not telling Paulina where the child was or if she would ever see her baby again. Eventually Ernesto returned home with the child, and Paulina began to fear his irrational anger. She believed him capable of taking her child away from her if she ever displeased him.

Soon after this incident, Ernesto announced to Paulina that he was going to look for work in the United States. He left soon after and did not contact Paulina again for two years. He never sent her money or inquired after his child. It was only after two years had passed that he sent for Paulina. They all moved in together in an apartment in Illinois.

Paulina and Ernest had six children throughout the course of their marriage. Paulina always wanted to use birth control, but Ernest never allowed her to do so. He would make her have sex with him against her will, and he told her that having sex with him was her only useful function. Meanwhile, Ernest continued his physical and verbal abuse of Paulina. He would often beat Paulina on her face and body, then he would take off with the children for several hours. Each time he did this, Paulina feared she would never see her children again. Ernest used the threat of kidnaping the children as a way to make Paulina stay with him. He would also threaten to have her deported to Mexico so she would be separated from her children forever.

Ernest's violence became worse. He began abusing the children, and he purchased a gun, which he would wave in Paulina's face as he threatened to kill her. He would disappear for weeks at a time, not leaving Paulina money for food or rent. Eventually, Paulina and the children were evicted from their apartment, and they sought refuge at a church member's home. Ernest somehow tracked them down and parked his car outside the church member's house, waiting. Paulina feared that he would use his gun to shoot her or the children.

Recently, Paulina has received assistance in filing her VAWA petition for residency. She would be unable to return to Mexico to get her green card under VAWA because she cannot afford the trip for herself and her six children. She is supporting all her children on her own in the U.S., and she cannot leave them with anyone here. If she somehow managed to take them all with her to Mexico while she was obtaining her green card, she would have no one in Mexico to rely on for support and money during her stay. In addition, she is very afraid that Ernest's

parents will help him kidnap her children while she is in Mexico. Ernest has threatened on several occasions to kidnap the children when Paulina “least expects it,” and he has often said that he wants the children to live with his mother in Mexico. Paulina believes his threat, especially since he has kidnaped the children before. For all of these reasons, Paulina cannot return to Mexico to obtain her green card under VAWA.

This case originated in Illinois.

VALERIAN

Valerian is a 22-year-old Mexican native. She moved with her parents to Chicago and began work at a restaurant. There, she met Randall, a United States citizen, and the two started dating. Three months later, in February of 1997, they were married. Valerian was 20 years old.

Randall was respectful toward Valerian and treated her well throughout their courtship, and during the first two months of their marriage, when they lived with her parents. However, once the couple got an apartment of their own, problems began.

Randall began pestering Valerian to ask her parents for money so that he could buy a car. He said he wanted a car so that he could find better work. Randall was concerned about finances because Valerian was a high school student and could not work full time. Valerian had missed three years of school due to a kidney transplant, but had a strong desire to graduate. She was not comfortable asking her parents for money, because she knew they did not have any to spare. She gently declined Randall's requests, but each time this happened he became more and more angry.

The abuse escalated when Valerian and Randall were visiting his parents. When it was time for dinner, everyone was called into the dining room to eat except Valerian. Randall went in to eat, but did not invite Valerian to join them. When Randall finished eating, Valerian remarked to him that it was impolite that she was not invited to dine with everyone. Randall became enraged at this, and began poking Valerian hard in the face and swearing at her. Valerian slapped Randall in self-defense, which only increased his anger. He grabbed her by the neck and pushed her onto the sofa, choking her. He then started kicking her, and threw her school bookbag at her. No one in the house attempted to stop Randall, and Valerian became fearful and ran out of the house. Randall followed her and chased her down the street. A woman in a car saw Valerian was in danger and stopped for her, giving her a ride to the subway.

After this incident, Valerian moved back in with her parents, and Randall moved in with his. Before long, Randall began asking Valerian for another chance. She finally relented, upon the condition that he find them their own apartment. She did not feel comfortable returning to Randall's parents' house.

Randall never found an apartment, but he continued to pursue Valerian. In July of 1997, he found Valerian and her mother on the street on their way to the supermarket. Valerian's mother went into the store, while Valerian and Randall talked outside in the car. Valerian told Randall she would prefer that he come to her house to speak with her, rather than follow her around town. Randall grew angry and said "you're going to listen to me, bitch," slapping her hard on the face twice. Valerian got out of the car, but Randall ran after her. He grabbed her arms and pushed her against the car, and she fell down. Bystanders witnessed this take place and came over to help, and the store's security called the police. Before the police arrived, Randall

became even more violent, holding Valerian back. The police ordered Randall to let go of her, but he would not. Three squad cars arrived, and eventually Randall surrendered. An ambulance then arrived to take Valerian to the hospital.

Randall was convicted of domestic battery, and Valerian received a protective order. The protective order has worked and Valerian has had no recent contact with Randall. She is in the process of obtaining a divorce. Valerian wishes to remain in the United States with her family, but cannot return to Mexico to obtain status as a lawful permanent resident. First, her order of protection against Randall would be invalid in Mexico, giving him license to seek revenge upon her without legal repercussions. Moreover, as a result of her kidney transplant, Valerian needs consistent medical treatment for the rest of her life. She would not be able to receive this in Mexico, and her health would be gravely endangered even if she were only there temporarily. There is no indication of how long she would have to remain in Mexico for consular processing. In addition, all of her family are in America, and she would have no support system in Mexico to assist her financially, medically, or emotionally. Finally, traveling to Mexico for an indeterminate amount of time would be too great a financial hardship for Valerian, who would have no means of sufficiently providing for herself while there. In this light, it is imperative Valerian be allowed to obtain legal immigration status without leaving this country and the security it provides.

This case originated in Illinois.

JULIA

Julia, a Mexican citizen, met Luis in Mexico in 1985. They dated, and were married in February of 1986. They lived in Mexico and went on to have two children. Shortly after the birth of their second child, Luis told Julia that he wanted to move to Chicago, where his parents live. Julia did not want to move because she had a good job in Mexico. Luis traveled back and forth between Chicago and Mexico until he finally persuaded Julia that living in Chicago would be best for the family.

Luis became a lawful permanent resident of the United States in August 1995, through his parents. Julia and her daughters joined Luis in Chicago in 1996. Julia always intended to return to Mexico eventually, but once she got to Chicago, Luis said he would not let her leave and take the children. He threatened to have her deported.

Julia had been trying to separate from Luis since before they moved to Chicago. He ignored and mistreated his family and behaved irresponsibly. He was also violent toward Julia since the beginning of their relationship. Whenever Julia and Luis got into an argument, Luis would become enraged and hit Julia. She was afraid of Luis, but wanted to remain in the relationship because she believed it would benefit the children.

Julia ultimately separated from Luis in December 1997 when she could no longer stand his violent physical abuse. She rented an apartment in Chicago for herself and her daughters. However, Luis continued to threaten and harass Julia, constantly appearing at her apartment to say he would take the children and have her deported. In May of 1998, when Julia was dropping off the children at Luis's house, he came out to her car and started arguing with her. Grabbing Julia out of the car, he punched her in the chest and threw her down into the street, all in front of the children. After this incident, Julia received an order of protection against Luis. She is now pursuing a divorce.

There are several reasons why Julia now needs to remain in the United States, instead of returning to Mexico as she once planned. First of all, her order of protection against Luis would not be valid in Mexico, and once she left this country she would have no way to protect herself against him. Also, Luis is attempting to receive full custody of their daughters. Julia needs to stay here for lengthy court proceedings to ensure her children are not taken from her by an abusive man. Finally, Julia and her daughters are currently benefitting from therapy in Chicago, learning about domestic violence issues and how to break the cycle of abuse.

Julia wishes to become a lawful permanent resident, but cannot return to Mexico to receive this status. Luis could easily follow her to Mexico, where there would be no consequences for his abuses. She is afraid to leave the country and the security of the protective order which has kept Luis away from her. In addition, Julia cannot afford to take her children

with her to Mexico, nor does she want to take them away from their schooling and therapy for an indeterminate amount of time. However, leaving them in the country would jeopardize their safety. Luis has made it clear that he wants sole custody of the children, and has taken them from her before in violation of court orders. If Julia leaves, she will most likely be detained for a lengthy period for the processing of her paperwork. In this time, Luis could claim that Julia has abandoned the children and receive full custody. Julia needs to be able to receive her lawful permanent resident status without facing the dangers involved in returning to Mexico.

This case originated in California and is currently in Illinois.

CAROLINA

Carolina is 35 years old, and is originally from Mexico. She met her husband Rico in Mexico through friends in 1980, when she was 16. Soon after meeting, they ran off together to live together, and then got married. Carolina came from an unhappy home and wished to escape from her parents' fighting. The couple had two children in Mexico, in 1981 and 1985.

In 1986, Rico decided to go work in the United States until he had acquired enough money to buy a house in Mexico. Carolina was bored and lonely after Rico left, and her parents would not let her work, claiming it inappropriate for a married woman. She took the children and left for California to live with Rico in 1988. They lived in California for four years, both working as migrant farm workers. They had two more children during this time. In 1991, the family moved to Chicago so Rico and Carolina could find better jobs.

Rico had received status as a lawful permanent resident in 1990 through an amnesty program for agricultural workers. Although Carolina also qualified, Rico told her she did not need to file on her own because he would file a petition to get the same status for Carolina and their first two children. However, this never happened.

The couple found good work in Chicago; Carolina babysat and Rico worked in a factory. The couple bought a house and were able to live comfortably. However, the extra money led Rico to drink more frequently and excessively. When he came home drunk he would shout at and insult Carolina, and often he would hit her. When Carolina threatened to call the police, Rico said they could not do anything to him because she was not a legal resident and he was. He believed that because of this he could abuse Carolina without consequences.

Over time, Rico's drinking worsened, and the couple fought about it constantly. Rico always promised to quit drinking, and this made Carolina stay in the relationship. However, he never quit.

In March of 1998, Rico came home drunk in the middle of the night. He unplugged and hid the phones, and then entered the room where Carolina was sleeping with her daughters. He began shouting at Carolina, and then pushing her. He punched her in the arm and in the face. He refused to leave and continued arguing until he finally passed out. A few days later, when Carolina found the phones, she reported the incident to the police and received an order of protection. Carolina then separated from Rico.

Rico soon came back in violation of the protective order, furious with Carolina for having him arrested. He again said that nothing would happen to him because he was a legal resident and Carolina was not. Carolina called the police again, and Rico was arrested and convicted of domestic battery.

It would be dangerous for Carolina to have to return to Mexico to obtain status as a lawful permanent resident of the United States. For now at least, Carolina's protection order and the criminal case of domestic battery seem to be offering her and the children some protection from ongoing abuse. Rico has demonstrated, however, his willingness to violate those court orders. Carolina fears that if she is forced to return to Mexico for any period of time to get her green card, she will be in grave danger. Rico can follow her there and Mexican law will offer her no protection. Further, much of the hardship revolves around the safety of the children. There is no indication of how long Carolina will be forced to remain in Mexico for consular processing. If she leaves the children behind when she travels to Mexico, Rico could claim she has abandoned them and obtain full custody of them. However, if she takes them, she will be violating Rico's court-ordered right to see the children every other weekend. Carolina's children are thriving in American schools and benefitting from domestic violence counseling which they would not be able to receive in Mexico. Carolina must be able to achieve lawful immigration status without leaving this country to ensure the safety of her children and her rights to protect them.

This case originated in Illinois.

MELANIE

Melanie was born in Jamaica, and moved to Chicago in 1980. Her mother had died at age 36 two years earlier, and Melanie had no other family left in Jamaica. Shortly after she moved to Chicago, she met Rodney, a lawful permanent resident also from Jamaica. Melanie was alone and grieving, and it was comforting for her to meet someone from her country. After a year of dating, the couple was married.

Melanie worked as a live-in employee, and could only stay with Rodney on the weekends. However, in 1985, Melanie became pregnant and had to stop working. In this extra time she had at home, she began to realize that Rodney was seeing other women. When she confronted him about this, he became violently angry.

As the baby's due date approached, Rodney spent less and less time at home. When Melanie went into labor, Rodney was nowhere to be found. He had not come home the night before and left no indication of where he was. Melanie had no one to help her, and was forced to deliver her baby herself at home in the early morning.

Rodney's anger and violence only increased during the years following the birth of their son Ezekiel, and he spent more and more time away from home with other women. Finally, Melanie decided that she and her son deserved better, and they went to stay in a shelter. However, Rodney fought to have Ezekiel live with him, and Melanie was forced to relent. She still has weekly contact with her son, and hopes have him live with her soon. She feels Rodney's affairs and violent temper make him a poor example for her son.

Melanie wishes to become a lawful permanent resident of this country where she has lived for 18 years. Rodney refused to petition Melanie during all that time, but now she plans to self-petition for residency under VAWA. However, returning to Jamaica for consular processing would present hardship for Melanie. Rodney could follow her there, where he could again violently abuse her without consequences from American law enforcement. Also, leaving the country for an indeterminate length of time could adversely affect her custodial rights to Ezekiel. Melanie therefore must be allowed to remain in the United States to receive her green card.

This case originated in Illinois.

CELESTE

Celeste was born in Mexico. She met her husband, Ronaldo, a lawful permanent resident of the United States at a party in 1991. They immediately began dating and fell in love. Four months later they decided to get married, and Celeste moved with her husband to Chicago.

For the first five months things went well. Celeste became pregnant and soon after things began to change. Ronaldo seemed to change for no apparent reason and without warning. He suddenly became unpredictable and controlling. A year later, Celeste discovered that at this time Ronaldo had begun having an affair with another woman. He began screaming at Celeste in front of other people, embarrassing her and making her feel ashamed. When she tried to discuss things with Ronaldo he would just tell her that if she wasn't happy she should leave.

During an argument, when she was eight months pregnant, he hit her for the first time. Celeste ran into another room crying. Ronaldo came in apologizing and promised to never hurt her again. Soon after the baby was born, Ronaldo came home drunk one night and became violent. Celeste was holding the baby and Ronaldo pushed them both into the wall causing her to fall with the baby. Ronaldo left them both on the floor crying. Celeste thought about leaving but was afraid to because she was not in the country legally and feared for her son's safety. Ronaldo had promised to file a visa petition for Celeste when she came to the U.S. but then refused to unless she paid him a lot of money.

After her son was born, Celeste began working in a factory to support her child. This made her husband angry and jealous. The insulting and verbal abusing continued, as did the physical violence. When their son was about a year old, they went to visit friends. Ronaldo became drunk and began screaming vulgarities and insults at Celeste in front of everyone. He then tried to hit her, but one of his friends grabbed him and stopped him. Another time on the way to her sister-in-law's house, Celeste asked Ronaldo to go to the doctor's office because the baby was sick.. He became angry and began hitting her in the car. She ran out of the car into her sister-in-law's house with Ronaldo chasing her. Her sister-in-law put her in a room so that Ronaldo could not get to her. After that Celeste decided to leave Ronaldo. With the help of her sister-in-law Ronaldo was persuaded to move out of the apartment and stay with his brother. While they were separated, Ronaldo would often call threatening both physical harm and telling Celeste he would turn her over to INS and she would lose her son. He would appear without warning and take their son at times other than what they had agreed upon.

About seven months after the incident at the sister-in-law's house, Ronaldo began to change. He began attending meetings at Alcoholics Anonymous regularly and his behavior toward Celeste improved. He wanted to move back with Celeste. After four months of improvement and sobriety, Celeste was convinced that Ronaldo wasn't drinking. She decided to try again and Ronaldo moved back in. Soon Celeste became pregnant. As before, once she

became pregnant, Ronaldo began verbally abusing her again. Ronaldo decided to go to Mexico for a couple of months. While he was gone, their son became very ill. Celeste called Ronaldo many times asking him to return to help care for their son. He responded by telling her to stop bothering him. He ended up staying in Mexico for five months. Later, Celeste discovered he had been vacationing with another woman.

When Ronaldo returned from Mexico, he was drinking again, and the abuse continued. When Celeste would try to call the police, Ronaldo would disconnect the phone. One night, Ronaldo returned home when Celeste was sleeping, and Ronaldo poured a can of soda on her to wake her up. Celeste wanted to leave, but didn't know how to with two small children and without immigration papers. Several months later, Celeste learned that the woman Ronaldo had gone to Mexico with was pregnant. Celeste confronted him with this information and asked him to leave. He lost control and began beating her. He punched her in the face and began beating her all over. Her body was covered with bruises. She left Ronaldo and moved into an apartment with her two small children.

Following this incident, Celeste obtained a protective order and learned that she can call the police if Ronaldo threatens her or the children. Celeste wants to get a divorce and demand the child support that she feels her children deserve. She is afraid she would lose custody of her American born children if she had to return to Mexico. She also fears for her safety and their welfare if she were to return to Mexico for any period of time. Her husband has threatened to follow her to Mexico and harass her and even take the children from her because he knows Mexican laws and authorities will not protect her. Her children were born in this country and she wants to be able to raise them here, and to be able to receive child support that they would not be able to receive in Mexico.

This case originated in Illinois.

TAMARA

Tamara was born in Mexico in 1951. She and her husband, David, grew up in neighboring towns. When she was sixteen they became engaged. The following year, they married and moved in with his parents. A year later, in 1969, David decided he wanted to go to the United States. David did not want Tamara to go with him because he wanted her to stay and care for his parents. Tamara was pregnant and David was not with her when their son was born. David became a lawful permanent resident and would live in the United States most of the year, returning to Mexico at Christmas for two or three months. During the first few years, David would send money to help support Tamara and the three children they now had. Then he began sending less. In order to support her family, Tamara sold things she had such as shoes and clothes. When David learned of this he became angry and stopped sending money altogether.

When Tamara became pregnant with their fourth child she did not want to have any more children, but her husband did. At the time in Mexico, Tamara could not get birth control pills without her husband's consent so they continued to have children.

Tamara first visited David in the United States in 1986. She was pregnant again and she came to the U.S. hoping to persuade David to support her and her son during her pregnancy. Tamara wanted to stay with her husband but he told her she had to return to Mexico to care for his parents. Tamara visited David in 1990, 1993, and 1994. Each time he insisted she return to Mexico to care for his parents. In 1995, when Tamara came again, David was even more abusive toward Tamara and the children. One evening one of the children did not want to take his medicine. David got angry and grabbed a large metal spoon intending to hit his son. Tamara intervened and David hit her in the face with the spoon knocking her into the wall. Their son was so scared that he hid under a chair in the kitchen. Tamara went to the phone to call the police but was afraid what would happen if she did. Tamara continued to stay in the house with David and the children because she had nowhere else to go, but would not sleep with him. Several weeks later David dragged Tamara into the bedroom and raped her. This is how Tamara became pregnant with their youngest child.

Tamara continued to live in the United States with her children. David stopped supporting Tamara or the children. He would leave for long periods. Several months ago he just left and has not returned nor contacted anyone. The oldest sons help support Tamara and the younger children. The youngest child, who is an American citizen, was born with Down's Syndrome. He requires physical therapy every week and is being treated for developmental problems and hearing concerns. Tamara and two of her daughters provide continual care for him at home.

All of Tamara's children are living in the United States except for the oldest daughter who moved back to Mexico to get away from her father after he physically abused her. Three of

the eight children are United States citizens living in this country. The two oldest boys have approved visa petitions—the only family members David would petition for—and plan to immigrate to the United States.

Tamara and her two daughters would suffer extreme hardship if they had to return to Mexico for consular processing. The family would be split apart. They have no place to live in Mexico nor any way to support themselves for the period of time they would be required to remain in Mexico to get their lawful permanent residency status under VAWA. There no family members who can help assist them. The only people who would help them are family members of David, on whom she cannot rely. Her youngest child, who has Downs Syndrome would also suffer. His mother and sisters are his primary care givers. If he returned with them, he would not be able to get the care and services he needs which are not available for him in Mexico. All the progress he has made through the efforts of his mother and sisters and the doctors and rehabilitation specialists would be lost. If he remained in the United States while his mother and sisters were forced to leave the country for visa processing, his only source of care would be from public agencies.

This case originated in Illinois.

NANCY

Nancy is the wife of Jesus, a lawful permanent resident of the United States. They have five children together. They met in Mexico in 1969 and were married two years later. Eight days after they were married Jesus began physically abusing Nancy. He would become angry and start punching her. When she told her family of the abuse, her father responded that it was the man who lays down the law and she had to stay in the marriage.

She continued to live with Jesus until he went to the United States to work. Nancy was three months pregnant at the time. Jesus returned when he learned that Nancy was having a difficult pregnancy and stayed with her until their daughter was born. He then returned to the U.S. to work. Jesus would stay in the United States most of the year returning to visit once a year for a month or so. For the first few days he would be happy, but then he would get angry and begin beating Nancy. Nancy had another child.

When their son was about one-and-a-half years old, Jesus beat Nancy so severely that she lost feeling in her face. She went to the Red Cross for x-rays and treatment. The Red Cross provided her with documentation to take to court, but the court in Mexico refused to provide any protection for Nancy or to impose any type of penalty on her husband. Nancy had tried to protect herself on this occasion. When Nancy's family heard of this incident, Nancy's father reacted with anger when he learned she had tried to protect herself.

They continued to live in this manner for years. Nancy cared for the children in Mexico while Jesus lived in the U.S. When Jesus was in the U.S., he rarely sent money to help support the children. In order to support her family, Nancy took a job as a house cleaner and her oldest daughter got a job at a taco stand.

Nancy asked Jesus to submit petitions for herself and the children so they could join him in the U.S. He responded that she should not tell him what to do. Finally in 1994, he submitted petitions for Nancy and their five children. In 1995, Nancy decided that either Jesus should live with the family or that they should separate. The family moved in with Jesus in Illinois. Jesus continued to beat Nancy, often punching her in the face. In September 1997, Nancy obtained an emergency protective order. The next month she had to call the police because Jesus was threatening her and the children. Three months later, Nancy again had to call the police because Jesus was again harassing and threatening herself and the children.

Nancy's oldest son is now in high school. He suffers from severe depression as a result of the constant violence that has taken place in his home. His father continues to abuse and harass him on the phone in violation of the court order. His father had always forbidden him from having any friends or even leaving the home. He also feels the pressure to assist his mother in paying the bills because his father refuses to support the children. He has been diagnosed as

being in need of long term counseling for his depression. The other children have also been severely effected by their father's long term abusive behavior. They exhibit behavioral problems and are also in need of long term counseling.

Nancy and her children would suffer extreme hardship if she had to return to Mexico. She currently lives near her sister, a lawful permanent resident and her brother-in-law. They have supported Nancy and her children both emotionally and financially throughout Nancy's ordeal with Jesus. Most of Nancy's relatives live in this country. Her father and seven brothers and sisters are all lawful permanent residents. Her mother is in the process of immigrating to this country. Nancy has no relatives in Mexico who can support her.

If they were forced to move to Mexico, Jesus could continue to harass and abuse Nancy and the children with impunity. Nancy has already tried to obtain protection from Jesus through the courts in Mexico, but to no avail. In this country, he consistently violates the protective order by making harassing phone calls, but at least the physical violence has abated. In Mexico, Nancy's children would not have access to the counseling services they desperately need as a result of their fathers abusive behavior. Additionally, Nancy would be unable to get the court-ordered child support that her children deserve from their father.

This case originated in California.

MARINA

Marina is a 33-year-old woman from Mexico. She became a single mother of two small children when she was widowed in 1986. In 1992 she came to the United States seeking a better life for herself and her children. She began dating Gerardo, a lawful permanent resident of the United States, and the two moved in together and eventually married in early 1997. Marina and Gerardo went on to have two children together.

When Gerardo first asked Marina and her children to live with him, she was surprised and told him she needed some time to think. Gerardo demanded an answer on the spot. Marina relented because he insisted that he would provide for her and her children so that she could stay home and take care of them. They moved into Gerardo's brother's house and lived under very poor conditions. Marina thought it would only be for a few days while they looked for a house of their own, but they stayed for three years. Marina and the children slept in the living room. There was no privacy, and Gerardo's five nephews did not treat Marina's children well.

About one week after they moved in together, Marina went to the store with her children to buy detergent. Gerardo found out and became enraged, saying Marina must never leave the house without him. He threatened to beat her and her children if they ever did it again. He also kept complete control of the finances, and never let Marina have any money. Gerardo purchased food, but refused to buy the children clothing or other items they needed. He prevented Marina from having friends and being a part of the community. She was forced to stay in the house all day, constantly facing criticism from Gerardo's nephews. They did not like Marina and told her they preferred another woman with whom Gerardo had previously lived. However, Marina did not leave because she had become more and more frightened of Gerardo.

Gerardo took Marina out to his car when he wanted to have sexual relations, because they did not have their own room. Marina hated this indignity. He also forced her to have oral sex with him, and to be intimate with him in ways she did not like. He told her it was her responsibility because she was his woman. Sometimes Gerardo would want to have sexual contact while in the same room with the children, which made Marina extremely uncomfortable.

They finally moved out of Gerardo's brother's house when his eighteen-year-old nephew beat up Marina's thirteen-year-old son. Marina's problems with Gerardo worsened when they moved into their own apartment. Marina was not permitted to leave the apartment, even to walk her daughter to school. The children had instructions to come directly home after school. Moreover, Gerardo began drinking heavily, and was abusive on a daily basis. He insulted Marina and the children using foul language, threatened to beat them, and ran them out of the house. He beat Marina and her children on several occasions. Gerardo first beat Marina when she intercepted a blow intended for her son. He hit her twice in the face with a closed fist. He frequently used his fists to beat Marina and the children, and he also kicked them.

Marina's children were miserable and pleaded with Marina to take them away from Gerardo. The children did not have legal immigration papers because Gerardo never filed for them. In October of 1998, Marina's twelve-year-old daughter Consuela confessed to her mother that her stepfather Gerardo had been sexually molesting her. He began by spying on her in the bathroom through a hole in the wall. This escalated when he grabbed her from behind and pulled her shorts down. He did this many times, instructing her not to tell anyone and threatening to beat her if she did. Consuela said Gerardo attacked her every time Marina left to do laundry. On one occasion, Gerardo hit Consuela with a closed fist on the lip and shoulder. He then pulled her by her hair into the bedroom, threw her on the bed, and covered her mouth. Consuela tried to fight him off, but she was only eleven years old and her strength did not match Gerardo's.

After hearing this, Marina immediately reported her husband to the police and cooperated with the investigation and court process. In December, her husband was sentenced to sixteen years in prison for committing two counts of forcible lewd acts on a child. Marina and her children have taken important steps to regain control of their lives. Marina and Consuela are now in therapy, which is crucial to their emotional well-being and ability to regain self-esteem and healing following the physical and sexual abuse they suffered. Consuela in particular cannot be separated from her therapist for any period of time without suffering additional unnecessary harm.

Marina has self-petitioned for permanent residence pursuant to VAWA, and has included both of her children born in Mexico in her application. Marina and her children would suffer great hardship if forced to endure consular processing as the only means of obtaining lawful permanent residency under VAWA. Marina is the sole protector and provider for her four children. If she must return to Mexico to obtain lawful permanent resident status, her family will face hardship. If she takes the children with her, she must uproot them from their schools, activities, and therapy for an indeterminate amount of time. If the process is slow, Marina may lose her job while she is away. Yet leaving the children behind is not a viable option, as she is solely responsible for their care and well-being. The support and security that Marina and her family have established in the United States should not be jeopardized by requiring her return to Mexico.

This case originated in California.

FATMA

Fatma, a citizen of Bangladesh, met her husband Mohammed while visiting her sister in California in June of 1997. Mohammed is a lawful permanent resident of the United States, also originally from Bangladesh. Fatma grew to like Mohammed, and she found him polite, charming, and quiet. They were engaged by the end of the month, just before she had to return to Bangladesh. In September, Fatma resigned from her job as a flight attendant, and came to the United States to be married.

Soon after they were married, Mohammed's attitude toward Fatma changed completely. He became possessive, controlling, and abusive. He informed Fatma that she must do as he told her and never question him, or else she would not be allowed to leave the house, and he would make life very difficult for her. He frequently called her obscene names, referred to her as "crazy" or a "mental patient" and made degrading remarks about women.

Mohammed then stopped Fatma from visiting her ill sister unless he was present, and would not allow her to work or go anywhere on her own. She was forbidden from talking to the neighbors, using the phone, driving, and even knowing how to get to their apartment. Fatma only left the house when Mohammed took her to the grocery store. A college graduate, when Fatma indicated she wanted to work, Mohammed told her she could only work as a maid. He said that once he started a business, she could work for him for \$4 per hour.

The abuse escalated when Mohammed refused to allow Fatma to religiously observe the anniversary of her father's death. When she protested, he pushed her down in the bathroom, where she hurt her arm. On at least three other occasions, he grabbed her hair, lifted her up by her neck and choked her, and threw her against the wall or to the corners of the room. Often he would attack her sexually, forcing her to participate in acts with which she was uncomfortable. Once he squeezed her breast so hard that she could not lift her arm or sleep on her side for over a week.

One morning, Mohammed complained Fatma was disturbing his sleep, and he got up and threw her across the room. Fatma screamed for Mohammed's mother who was nearby, and when she arrived, she encouraged Mohammed to beat Fatma more. He grabbed Fatma by the neck and slammed her against the wall. Then he threw her across the room again and threw a chair on top of her. Fatma suffered injury and bruising to her shoulder and ankle and had trouble walking for several days. When Fatma threatened to call the police, Mohammed laughed and said if she even tried to touch the phone she would be dead, because he would "cut her into little pieces." He said if she called the police they would take her away because she was not a citizen, and he repeatedly threatened to kill her. Fatma was not aware that Mohammed's abuses against her were illegal. Fatma stayed with Mohammed both because she feared his violence and for the sake of the marriage. Furthermore, due to the strict socio-cultural and religious practices that Fatma was

accustomed to, it was very hard for her to decide to leave him or report him to the police. Fatma's family also expected her to stay with her husband and try to make the marriage work because it was expected of her as the wife.

Eventually, Fatma left the house and fled to her sister's house. Mohammed found her there and threatened to harm not only Fatma, but also her sister and her sister's husband. Fatma's sister helped her enter a battered women's shelter. Fatma obtained a protection order and Mohammed was arrested on three felony counts. Fatma filed for relief under VAWA, and the couple is now divorced. She obtained equal work authorization through VAWA, now has a full time job, and is continuing her education in the United States.

If Fatma is required to return to Bangladesh to obtain her lawful permanent residency under VAWA, the safety she has found will be jeopardized. In Bangladesh, the police are not called for domestic violence situations, and a man is never punished for beating up his wife, whereas a woman is severely ostracized by the society for leaving her husband or taking any actions against him. According to the Islamic law that co-exists with the government laws, a woman is nothing but a property of her husband. In a male-dominated, gender-biased, and religiously sensitive society, there is no place for a woman who dares to leave her husband's house. Even her own family members hesitate to give her shelter or help her in any way. Such a woman is seen as an embarrassment to her family and friends and is treated more poorly than a prostitute. Mohammed's family members continue to threaten Fatma's family members in Bangladesh, and they plan to seek revenge on Fatma for getting Mohammed arrested. Mohammed has applied for dual citizenship in Bangladesh to have greater accessibility there, so that he could follow Fatma to Bangladesh where she would not be protected by her restraining order or by the law. In addition, Mohammed's family is very powerful and influential in their country and can manipulate government officials to act against Fatma. His family members are in high ranking positions in the police department, they are rich, own industries, and use the laborers to do "anything and get away with it," according to Mohammed. Fatma's family in Bangladesh consists of her widowed mother, a very ill sister, and two younger brothers, so they could never afford a clash with Mohammed's powerful family. Finally, because of the country's male-dominated culture, the society of Bangladesh condemns Fatma for taking action against Mohammed, and not even her own family will protect her or provide her with shelter. For these reasons, it is extremely dangerous for Fatma to be required to return to Bangladesh as the only way to obtain lawful permanent resident status based on her approved VAWA self-petition.

This case originated in California.

MELISSA

Melissa and Javier met at a business school in Mexico. After dating for a time, they decided to marry in 1983. Even in the beginning of their relationship, Javier caused unhappiness for Melissa. Twice Melissa became pregnant. Despite her pleas to keep the child, each time Javier forced her to have an abortion. The second time almost cost Melissa her life.

Finally, Melissa gave birth to a son. Soon after, she became pregnant with a daughter. It was then that Javier migrated to America and became a lawful permanent resident. Two years later, he sent for Melissa. Almost immediately, she became pregnant with another daughter. Javier was angry. He tormented Melissa, blaming her and berating her bad judgment. Javier drank a lot. This was the source of most of the problems in their relationship. When he was drunk, Javier would hit Melissa, even in front of her cousins. He also had affairs with other women. One woman whom Javier impregnated suffered a miscarriage. Javier's philandering left Melissa feeling alone and humiliated.

Melissa's sense of entrapment and loneliness grew worse as Javier began to exercise more control over her. He isolated her from her family. He threatened to take the children because Melissa's brother is gay. He forbade Melissa and the children to leave the house unless it was with him. Since Javier worked two jobs, these times were rare.

The psychological abuse escalated and Javier began to hit Melissa more frequently. Then Javier threatened to divorce Melissa. He threw her out of the house and furiously vandalized the interior, breaking dishes and destroying the TV. It was then that Melissa left.

If she believed she would be free of Javier, her hopes were in vain. First he tried to coerce her into coming back by giving her money. When this failed, he came to see Melissa at her brother's house. Unaware that he was in a drunken rage, Melissa opened the door. Javier demanded that she come home with him. When she refused, he unleashed a furious barrage of blows upon her. While her terrified children called the police, Javier physically hoisted her and threw her from the porch.

Javier is now in jail for domestic violence. But Melissa knows that she and her children are not yet safe. If his past actions of anger and vindictiveness are any indication, he will certainly come after Melissa when he is released.

In America, Melissa has the advantage of shelters, police protection, and restraining orders. If she is forced to return to Mexico to get her green card, she will have no such reassurance. Then Javier will once again have the upper hand. Melissa knows there is no police protection in her hometown. Here she has relatives to help her. Only her elderly parents are in Mexico--she has nobody else to turn to there. If she goes back, it will be much easier for Javier

to have his way with her. Worse yet, Melissa fears that he will try to take her children away.

Melissa and the children have been living in America for nine years. She has a restraining order and legal custody of the children. The family's life, school, and church will be disrupted and traumatized for an unknown period of time if Melissa must leave to get her green card without her children. Further, she fears that if she leaves without the children, their safety could be jeopardized by their abusive father if she is not here to protect them. If she is forced to take the children with her, two of them will have a very difficult time because they barely speak any Spanish. Javier is a Mexican citizen who is very familiar with Melissa's hometown and family in Mexico. Melissa is afraid he will follow her to Mexico where he can harm her and take the children without being subject to U.S. protection orders and custody orders. In short, if Melissa has to go back to Mexico, their safety in Mexico will be jeopardized, and they will likely have to face an alcoholic, violent father with no protection.

This case originated in California.

PHILIPPA

Philippa is ethnically Hungarian, but a citizen of Romania. She met her husband William in Los Angeles in April 1997. William is a lawful permanent resident of the United States, also originally from Romania.

Less than two weeks after they met, Philippa and William moved in together and planned to get married. William had almost \$15,000 in credit card debts, so they began work in their apartment complex, Philippa as the manager and William as the maintenance man.

A week later they were married, and soon the nature of their relationship began to change. William ignored Philippa's daughter, Martina, and acted cold and distant toward his new family. When Philippa considered leaving him and moving back to Romania, William apologized and asked her to stay and try to make the marriage work. Philippa agreed, and they soon moved to a different apartment complex where Philippa could have a larger apartment management position. The couple was still deep in debt.

In August, William began an affair with his friend's ex-girlfriend, who came to visit from Romania. He took his girlfriend to the beach, the opera, and restaurants, while he ignored Philippa and Martina. He became very secretive and never told Philippa when he was going out or coming home. He began to berate Philippa constantly, and forbade her to answer the phone.

In September, William came home with a prescription to treat crab lice, evidence that proved his affair to Philippa. Philippa moved out of their bedroom and began to sleep on the sofa. Soon William began to come to her in the night and force her to have sex with him. She told him "No, I don't want to do this!" but he forced himself on her every week. He told her "This is part of the marriage contract."

In November, the physical abuse began. When William was preparing dinner, Philippa attempted to discuss apartment complex repairs with him. He suddenly became angry and threatened her with a knife, pointing it at her head. Philippa did not call the police because she was ashamed of what those in her apartment complex would think.

In December, after William returned from a trip to Romania with his girlfriend, he informed Philippa he wanted a divorce, so he could marry his girlfriend. He became verbally abusive, and threatened to have Philippa deported.

During the preceding months, Philippa noticed that William had begun to drink excessively with friends, and drive drunk. In December, he began to drink alone, and during these times he would become violent. One night at the end of December, William came home drunk and was angry because the door was locked. Once Philippa opened the door, he grabbed

her by the neck of her shirt and scratched her throat, leaving bruises on her hands and neck. Martina rushed in and tried to protect her mother. When Philippa told Martina to call 911, William shoved Martina violently on the sofa, sending the phone flying. He yelled at Martina "I am going to kill you and your mother!" When William tried to attack Philippa again, Martina began to call the police, but he slapped her and threw the phone out of her hand.

William left the house, and later the police arrived. They asked Philippa if they wanted him arrested, but she said no for fear that he would lose his job. She said she felt sorry for him. Philippa and Martina hid in Martina's room that night, in fear of William and the rifle he kept behind his pillow.

William soon moved out, taking everything from the apartment, including all the furniture, amenities, and food. Philippa filed for a restraining order, but never followed through because of scheduling confusion, and for fear of a confrontation with William.

If Philippa is required to return to Romania to obtain her lawful permanent residency under VAWA, the law in Romania will not protect her. Romanian police rarely intervene in situations of domestic violence, and prosecution of spousal rape is practically impossible. William has recently traveled to Romania and has threatened to follow Philippa and Martina to Romania and kill them. He said, "With these two hands I will kill you; wherever in the world you go, I will find you!" In addition, as a member of the Hungarian minority in Romania, Philippa and Martina would be subject to ethnic discrimination and oppression and denied such things as rights to equal education and employment. Philippa wishes to remain in the United States with her daughter for the protection against ongoing abuse and opportunities she could not receive elsewhere. To assure her safety, she must be able to obtain her lawful permanent resident status in the United States and must not be required to return to Romania for any reason.

This case originated in the California.

ANITA

Anita is a citizen of the Philippines whose U.S. citizen parents brought her to the United States to escape her abusive first husband. She met her current husband Ricardo in February of 1994 while in California. Ricardo is a lawful permanent resident of the United States. The couple dated and finally married in April of 1995.

Throughout their courtship and their first month of marriage, Ricardo was good to Anita. Then he started abusing her physically. In May, he threw a glass at her, calling her obscene names. Anita's daughter called the police, but Anita refused to have Ricardo arrested for fear that he would become more angry. Ricardo began drinking excessively and smoking drugs.

In June, Ricardo hit Anita in the face, knocking her down. As she tried to escape, he attacked her car with a metal bar. Although Ricardo served seven days in jail for this incident, he pressured Anita into refusing to testify against him.

When Anita was 2 ½ months pregnant, Ricardo hit Anita in the face and she fell into the street. When she tried to leave and remove her things from the car, he started the car and dragged her down the street. Too scared to call the police, Anita ran away to San Francisco.

Each time he would hurt Anita, Ricardo would cry afterwards and beg her forgiveness. He promised to stop the violence, and to stop drinking and using drugs. Ricardo found Anita in San Francisco, and things were calm for a few months.

In May of 1996, when their son was 2 months old, Ricardo began pushing and shoving Anita again. He also forced her to take drugs, after which she usually passed out. She does not know what was done with her during these times, but once she woke up in different clothes.

In the next few months, when Ricardo would hit her, Anita would call the police. In April of 1997, he was arrested and served over a year for prior domestic violence and violation of his probation.

Anita began to believe the terrible things Ricardo would say about her and thought about suicide. She is now benefitting from therapy, where she is learning how to break the cycle of abuse. Anita fears having to return to the Philippines to obtain lawful permanent residency of the United States. All of her family members are in the United States. She has no support system in the Philippines. Further, Anita is afraid that if she is forced to return to the Philippines to get her green card, she will risk being harmed again by her first abusive husband who still lives there. She believes Ricardo will find her there and harm her and her son, and the laws there will not protect her. Anita must not be required to leave the protection of the United States in order to become a permanent resident.

This case originated in California.

PAOLA

Paola is a citizen of Peru, who came to the United States in 1995 as a church volunteer. A mutual friend introduced her to a lawful permanent resident named Esteban in October of 1995, and the two dated and fell in love. After two months, they agreed to marry and Paola decided not to return to Peru. Paola and Esteban were married in January of 1996, and Paola soon discovered she was pregnant.

Esteban's teenage daughter was unhappy about the marriage and jealous of Paola's pregnancy. She tried to cause problems between Esteban and Paola, and she assaulted Paola while she was pregnant. Esteban did nothing about the behavior of his daughter and considered leaving Paola because of his daughter's unhappiness. Their baby was born in April of 1997, and things were calm for a few months.

When Paola found out she was pregnant again, Esteban demanded she get an abortion. When she refused, Esteban became verbally abusive and threatened to leave her. Esteban's daughter also became physically and verbally abusive once again. Paola made several trips to the emergency room during her second pregnancy because Esteban and his daughter tried to hurt her so she would lose the baby. Paola called the police but did not press charges.

One day, Esteban and his daughter began to insult Paola and beat, pushed, and pulled her until she lost consciousness. Then they left the house, leaving her unconscious with her eleven month old daughter.

Paola entered a shelter for a time, and then returned home. In May of 1998, Esteban and his brother attacked her and tried to take away her immigration papers. Esteban then filed for divorce in hopes that Paola would be deported.

Paola now faces eviction because Esteban refuses to pay child support for their two young children. If Paola were forced to return to Peru to obtain lawful permanent resident status for the United States, there is no indication of how long the Peruvian government would detain her in Peru. This creates a difficult situation for Paola, because if she leaves her children in the United States, Esteban may be able to obtain sole custody of them while she is gone. However, taking them with her poses severe financial hardship, especially in light of the fact that Esteban is not paying child support. Paola should not be made to return to Peru for any reason, and should be allowed to become a permanent resident of this country without leaving it.

This case originated in California.

MARTA

Marta came to the United States ten years ago to support her starving parents and younger siblings who live in a rural village in Mexico. In February of 1993, after a long courtship, Marta married Carlos, a lawful permanent resident originally from Nicaragua.

Almost immediately after their marriage, Carlos began treating Marta abusively. He kept her isolated from her family and friends, took all her savings, ran up her phone bill, and treated her like a servant. He constantly yelled at her and threatened to turn her in to the INS if she complained about the abuse. Within weeks of their marriage, Carlos began living with another woman, but he continued to bring his dirty laundry home to Marta and required that she wash it for him. Finally, he ordered Marta to leave their apartment. He forced her into the car, drove her to her brother's house, and dumped her on the doorstep.

The abuse Marta suffered at the hands of Carlos so devastated and humiliated her that she attempted suicide. She has needed psychological counseling to help her recover from the trauma of the abuse ever since the suicide attempt. To make matters worse, for more than two years following Carlos and Marta's separation, Carlos continued to stalk Marta and harass her by phone. He also threatened to call the INS and turn her in if she refused to sign summary divorce papers.

Marta filed a VAWA self-petition in August of 1995, just before her divorce from Carlos became final. The INS approved the petition in July of 1996 and agreed to extend Marta's voluntary departure and employment authorization each year until her priority date became current, at which time Marta would be eligible to apply for adjustment of status. When the VAWA regulations were originally issued, INS offices could provide work authorization for VAWA self-petitioners with approved petitions by granting them either deferred action status or voluntary departure. However, the new Immigration Reform and Immigrant Responsibility Act (IRIRA), which passed on September 30, 1996, harmed battered immigrants like Marta who had received voluntary departure status. The new law reduced the amount of time this status could last and made it non-renewable. To address this issue, in cases like Marta's, the INS district office was supposed to grant Marta deferred action status before her voluntary departure expired. Instead, the INS district office incorrectly instructed Marta to overstay her voluntary departure. As a result, if Marta is forced to return to Mexico to obtain her green card under VAWA, the fact that she has overstayed her voluntary departure could bar Marta from reentering the United States for 10 years.

When the INS approved Marta's petition, it determined that Marta would suffer severe hardship if she were forced to return to Mexico. Marta would endure humiliation and ostracism by her family as a result of her failed marriage and suicide attempt. In addition, because of the lack of affordable mental health care in Mexico, Marta would not have access to the

psychological counseling she has needed ever since her suicide attempt following her abusive marriage. Marta would risk losing her home, her job, her access to mental health counseling, and the life she is building in the U.S. if she were forced to return to Mexico as her only way to obtain her green card under VAWA.

This case originated in California.

VAL

Val came wide-eyed and hopeful to America from Thailand on a tourist visa. Eager to learn about American culture, she took a job as a bartender at a local bar. There she met Ferdinand, a lawful permanent resident. He was funny and charming, and he was willing to answer Val's eager questions about American lifestyles.

One day Val got into an automobile accident. She was badly injured. Not knowing what to do, she called Ferdinand because he worked at a hospital. Ferdinand responded immediately. He took her to his hospital, where he saw to it that Val received a complete and proper examination. He also helped her deal with the problem of the damaged car. Ferdinand went on to care for Val, too, giving her door-to-door service to the grocery store and wherever she needed to go while she was recovering from her injuries. Val was so impressed with his kindness, she fell in love.

Ferdinand continued to be gentle and kind as their relationship grew. Val decided to move in with him and soon discovered that she was pregnant. Val was torn--her tourist visa was soon to expire, yet she didn't want to raise her daughter apart from her father. Ferdinand came to the rescue. He wanted Val and the baby to stay, and sincerely proposed marriage to Val.

After the marriage, Ferdinand began to change. Beforehand, he would take her out when he went out. Now that she was well into pregnancy, he would leave her home and not return until 4:00 or 5:00 in the morning. After she had the baby, this pattern continued. Usually, he would come home wanting sex. If she did not want to have intercourse with Ferdinand, he would push her, slap her in the face, pull her hair, and kick her in the chest.

As Ferdinand's lifestyle deteriorated, his attacks upon Val became more frequent and unpredictable. He would have friends over to their house, smoking, drinking, and using illegal drugs. When Val complained that the smoke might be dangerous to their baby, Ferdinand told her to leave the house. More and more often, he would push and strike her in front of his friends. Val wanted to call the police, but was scared to for fear of what Ferdinand might do.

When Val's mother came over, Ferdinand got violent with Val again. During the argument, he slapped her in the face. When the mother pleaded with him to stop, he forced her to leave, saying that it was none of her business and that she had no right to tell him what to do. In another incident, he came into the bar and struck Val in front of her customers. Ferdinand also began hitting Val in front of the baby. In addition to the pain and injury to Val, the baby would cry and shake whenever she saw her mother being abused.

One night when Ferdinand's friends were over, the party became so raucous that Val called the police. Ferdinand fled that night. He later returned, but his behavior became even

more frightening. Not only did the beatings continue, but now he threatened to kill Val. Val knew he owned a gun. She feared for her life every single time he came home drunk.

Over all of this time, Ferdinand never gave Val and the baby any financial support. He often left them alone for long periods of time. One night, Val thought she heard somebody trying to break in. Scared, she called Ferdinand. He did not return for several hours, but when he did, he was drunk. He beat her so violently that she called the police. He was arrested for battery.

Val moved out with her daughter, but Ferdinand continued to stalk her. She moved into an apartment building. One night, Ferdinand buzzed her room, but she refused to let him in. In fear, she took the baby to her neighbor's room. Ferdinand got past the building security and pounded on her door, screaming. Val had to call the police from her neighbor's apartment.

Val has since filed for divorce. Because of the domestic violence, Val was granted sole custody of the child, but Ferdinand was given visitation rights. He has already violated his court order once by drinking while visiting with his daughter. Then he refused to return her to Val.

If Val has to return to Thailand to get her green card, she will not have anybody with whom she can leave her two-year-old U.S. citizen daughter. Even if Val could find somebody with whom to leave her daughter, the separation could be devastating to such a young child. More importantly, Val is worried that Ferdinand will snatch her daughter again during visitation.

Worse yet, if Val has to travel back to Thailand, she (and her daughter if Val must take her) will be exposed and defenseless there, especially if Ferdinand follows her. The Thailand Report on Human Rights Practices states that legal and societal discrimination against women, violence against children, and illegal child labor persist in that country. It reports that domestic abuse is a serious problem and that police do not enforce laws seriously. Furthermore, court rules and procedures are severely slanted in favor of men in domestic law. Val fears that she will become yet another one of these reported statistics if she is forced to pursue her green card in Thailand.

This case originated in California.

ROSA

Rosa is a twenty-year-old woman from Mexico, who was brought to the U.S. by her mother. Prior to coming to the United States, Rosa lived with her father and her father's second family in Mexico, where her stepmother and her stepmother's brother subjected her to three years of both physical and sexual abuse. Her step uncle sexually assaulted and raped Rosa on a regular basis when she was between the ages of seven and nine, until her mother's sister found out about the conditions Rosa was subjected to in her father's house and rescued her from this situation so that Rosa's mother Carmen could bring her to California. Carmen had remarried John, who was a lawful permanent resident of the United States and John brought Carmen and Rosa to live with him. Since 1993, Rosa has lived with her mother, Carmen, her abusive stepfather, John, and her younger half-sister, Ana. During this time, she has suffered verbal abuse and has lived in continual fear of physical abuse.

John is an alcoholic, and when he comes home drunk and angry, he insults and demeans Rosa and her mother, calling them sluts and prostitutes, and telling them they are lazy because Carmen does not work. He is controlling in the home, does not allow Rosa or her mother to speak on the phone or to have people over to the house, and requires that they ask permission to leave the house.

John is a very violent man, and Rosa has witnessed his violent behavior on many occasions. Once he found Carmen talking on the phone and he proceeded to yell at her, grabbed the phone from her, and threw her violently against the door. Rosa's mother had a large bruise on her shoulder after this incident, but she did not call the police because she believed that John would have her deported.

Another time, he pulled a knife on one of Rosa's cousins, threatening to kill him. John followed the cousin out into the street, chasing him with a switch blade. When John returned to the house, he slept with the switch blade under his pillow. A month after this incident, Rosa was cleaning the house and discovered her step-father's knife under the mattress where John and Carmen sleep. Rosa fears that when John is drinking and becomes violent, he will use the knife on her mother or her.

John's threats are constant, causing Rosa to live in uncertainty and fear. John's abuse of Carmen makes Rosa feel angry, but also makes her feel hopeless, because she cannot do anything to help her mother. She can only watch the ongoing abuse.

John, a lawful permanent resident, refused to help legalize Rosa or Carmen's status in the U.S., so that they could work. Instead, he threatens that he can call immigration and have them deported. He says that he can get rid of them any time he wants, so they had better obey him. He also threatens that by having Rosa and Carmen deported, he will separate their family by keeping

Rosa's half-sister, Ana, who is a U.S. citizen, with him.

Despite the abuse that Rosa has experienced, she believes that her life in the U.S. holds more for her than her native country. She has learned English, graduated from high school, and hopes to go to college. She has also begun therapy to overcome the years of severe physical and mental abuse by John and by her step family in Mexico. This type of counseling for victims of rape and domestic violence would not be available to Rosa if she were to return to Mexico, where there are also not the same protections of women's rights.

Rosa needs to obtain her lawful permanent resident status without being forced to return to Mexico, where she would be separated from her mother and her younger sister, her only close family who have been her support system. The family she does have in Mexico, her father's second family, physically and sexually abused Rosa during the years she lived with them as a child. Contact with these family members upon return to Mexico would present very real dangers to Rosa.

This case originated in California.

PAMINA

Pamina is a 40-year-old woman from Mexico who has been married to Jorge, a lawful permanent resident, since 1995. Pamina had one daughter by him, Jessica, who was born in 1992, and has two previous children, Evelyn and Manuel, who also live with them.

Jorge's abuse began in 1992, when Pamina became pregnant with their daughter, Jessica, a few months after they began living together. Jorge drank more and verbally abused Pamina when he came home intoxicated, calling her a slut and telling her she was trash and worthless. The almost daily abuse ate away at Pamina's self-confidence and caused her to become nervous around Jorge. He was also very controlling, forbidding her to go out, prohibiting her from seeing her family, interrogating her when she did leave, and asking the neighbors to inform him when she left the house. Fearing yelling and threats, Pamina never left the house except to buy food. Jorge did not allow Pamina to speak on the phone, and soon, she lost almost all contact with her family and old friends.

Pamina stayed with Jorge because she still loved him and hoped that their relationship would still work out. Jorge's abuse mainly occurred when he was drunk, and the next day he would apologize and promise to change. Pamina forgave him and stayed with him, as she did not want her daughter to grow up without a father. In 1995, Pamina and Jorge were married.

After their marriage, the abuse worsened as Jorge's drinking and drug use increased. Jorge brought two switchblades home, and put one into a drawer in the kitchen and the other under the mattress of the bed. He said that they were for protection, but since that day, Pamina did not feel safe in her own house. Once, he used a switchblade to threaten his brother's wife who was staying with them, shouting that she had to get out of the house or he would have her taken out in a box. Pamina had never expected that Jorge would use the knife to threaten one of his own family members. His loss of control terrified Pamina and she could not sleep that night. On another occasion, he pulled the knife on Pamina, ordering her to tell the guests at their daughter's birthday party to leave the house.

One time Jorge came home reeking of alcohol when Pamina was talking on the phone. He became angry and began shouting, and he took the phone and threw it at Pamina. Then he brutally pushed her into the door, causing bad bruising on her shoulder. Pamina was terrified that Jorge was going to beat her, or that he would go and get his knife. Another time, Jorge came home drunk while Pamina was listening to the radio. He ripped it out of the wall and threw it, shouting that he was going to destroy the radio and that he would destroy Pamina along with it. He began throwing her things around the room, calling her a slut and shouting at her to get out of his house.

For years now, Pamina has lived in constant fear of Jorge's violent temper, which is

worsened by alcoholism and drug abuse. His controlling behavior has isolated Pamina from her family and friends, and Jorge has used violence to control her. He has done things to her such as throwing a telephone at her, badly bruising her by slamming her into a doorway, and threatening her with the switchblade he keeps in the kitchen drawer. Since Pamina and Jorge got married, Jorge has steadily become more paranoid and violent. Pamina fears for her life and the lives of her daughters.

Pamina has been trapped in this relationship of verbal and physical abuse, knowing that, without legal papers, she can not work to support herself and her family alone. Jorge has continually used the threat of deportation and of taking their daughter, to frighten and control Pamina.

If she were to return to Mexico as the only avenue to obtain her green card based on her approved self-petition, Pamina cannot leave her U.S. citizen daughter Jessica with her abusive father. Pamina also does not want to subject Jessica to the traumas of uprooting her from her school and community for an unknown period of time. Jessica speaks Spanish but has never been to Mexico. Further, Pamina is in counseling for abused women. This program provides her tremendous psychological support which she will be severed from if forced to return to Mexico to obtain her green card. The family Pamina has in Mexico will not support her because they believe it is a married woman's duty to stay with her husband. Pamina cannot be assured of how long she will have to remain in Mexico to get her visa, and fears that her children will not be safe from Jorge if she leaves them in the United States alone for an indeterminate amount of time.

This story originated in California.

PATRICIA

Patricia is an 18-year-old woman from Mexico, who came to the U.S. in 1988 with her mother, Eugenia, and her younger brother, Marcos, to join their father. After their father's death, in 1992, Patricia's mother remarried Martino, a U.S. citizen, in 1993.

Martino's abuse toward the family began after Eugenia and Martino's baby, Carlos, was born in 1993. Often, Martino struck Carlos, sometimes with his open hand, other times with a belt, a sandal, or a shoe. Once, Martino flew into a fit of rage, and he hurled a shoe at the baby. On another occasion, Patricia tried to intervene to protect the baby, and Martino yelled at her and struck her on the hand.

Martino would also get irrationally angry at Patricia for minor things like making too much noise when she washed the dishes, or not keeping the baby quiet. Martino verbally abused Patricia, calling her a bitch, a slut, and a prostitute. He controlled Patricia's life, making her come home right after school to do housework and to sell tamales on the street that Martino had forced Eugenia to make. Patricia was not allowed time to do her homework or to see her friends. Patricia's brother, Marcos, suffered the same abuse.

Patricia watched her mother, Eugenia, suffering physical and emotional abuse continuously. In August of 1997, Martino used violence in an argument with Eugenia. He ordered Eugenia to take the children and leave the apartment. Eugenia refused to leave until she could talk with the landlord and get her name off the lease so that the landlord would not come after her if Martino did not pay the rent. Eugenia's refusal angered Martino, and he raised his fist as if to punch her in the face. Instead, he brutally kicked her in the stomach. The bruises were so severe that they lasted for two weeks. He then threatened to kill them all with his machete. Eugenia told Patricia to hide the machete and all the other big knives in the house. Patricia hid the knives that night, and when Martino found that the machete was missing, he went out of control and ransacked Patricia's bedroom, searching for the machete and destroying the room. At that point, Patricia began to realize that Martino might actually carry out his threat of killing them.

A week later, Eugenia and Martino got in another argument over the rent money, which she had hidden so that he would not spend it before the rent was due. Martino threatened to call the police, who he said would have Eugenia and her older children deported. He said he would take their American born baby away from them. Then he screamed that once he found his machete, he would chop Eugenia into little pieces and send her into the dirt to lie with her dead husband. Eugenia threatened to call the police, but Martino said that he would be released in three days and come back and kill them. Eugenia called nonetheless. Martino then began to panic, apologizing and begging Eugenia to tell the police it was a mistake. But the police did not come right away, and Martino began to think they would never come. He got angry again and

taunted Eugenia. He grabbed her by the arm and was about to hit her when the police pulled up. The police took photographs of the bruises still on her stomach from the previous beating and arrested Martino.

After Martino's arrest, Patricia moved with her mother and brother into hiding, fearing that he would find them and carry out his threats to kill them. They obtained a restraining order protecting them against Martino. Martino was criminally tried, convicted, and sentenced to jail for the abuse he inflicted on them.

Martino has since been released from prison. Patricia must return to Mexico to obtain her lawful permanent residency under VAWA, but her protection order will not protect her from him once she crosses the Mexican border. Patricia has grown up in Southern California since she was eight years old, and considers the U.S. her home. Her entire support system, her close family, including her grandparents, and friends, live in the U.S. as well. If she were forced to return to Mexico, she would leave this support network and have to leave her baby brother with her mother, who, alone, may not be able to protect him from Martino. Here, Patricia is in counseling for abuse, an opportunity she would not have in Mexico. She plans to continue her studies and hopes to be a photographer. After all that she has gone through, she should be able to obtain relief under VAWA without having to return to Mexico.

This story originated in California, moved to Utah, and is currently in California.

LINA

Lina, a 22-year-old native of El Salvador, came to the U.S. when she was 14 years old. In April of 1995, she met Juan, a U.S. citizen. In the beginning, they were happy together. One night, Juan proposed marriage to Lina. She was very happy and accepted. She looked forward to their coming marriage. Juan got a job, and Lina stayed home and took care of the house. Both Juan and Lina were very excited about getting married and having a baby. In 1996, they were married in a civil ceremony in Utah which was attended by some of their close friends. Juan's abuse began later that year, after the birth of their son, Enrique. He would act violently towards both Lina and Enrique, later promising to her that he would change his behavior.

In 1997, Lina and Juan returned to California seeking better job opportunities for Juan. There, the violence escalated. One particularly violent outburst occurred one night in September of 1997, when Juan became irrationally angry at the baby for crying. He tried to take Enrique from Lina's arms, but she didn't let him, fearing that he would hurt the baby. Juan tried to grab the baby again, hitting the baby very hard when he ripped him from Lina's arms. He threw the screaming baby into his crib and hit him several times in the face and head to make him stop crying.

Juan's anger then turned toward Lina. He grabbed her and pushed her down on the bed. Lina could not move because Juan had pinned her down underneath him. Juan started punching her with a closed fist, punching her in the left eye several times. Lina struggled to get Juan off of her, and he beat her even harder, hitting her on the back of her head, in her chest, and in her ribs. He gave her a black eye, and the beatings caused bumps on her head and several bruises.

On the following day, after seeing the black eye and hearing the story of the beating, Lina's mother called the police. Juan was arrested and served three months in prison for child abuse. Since Juan was released from jail, Lina has had very little contact with him. She is still afraid of Juan, and she does not want Juan to hurt her or their baby. Juan comes to visit a few times a month, but Lina does not let him being alone with the baby because she is afraid that he might hurt him or take him away from her.

Lina has lived in the U.S. for nine years and has the support of family and friends living in this country who provide the support she now needs to keep herself and Enrique safe from Juan's ongoing abuse. Lina is afraid to return to El Salvador to obtain her green card under VAWA because she fears that if Juan finds out she has left the U.S. he will follow her there, where she would have no protection against his violence.

This case originated in Maryland.

ELISE

Elise is a 29-year-old woman from Nigeria. In 1995, while working in Lagos, Nigeria, a friend of Elise mentioned he knew an American man named Raymond who was hoping to settle down and wanted to meet her. The friend gave Raymond Elise's address, and he began writing to her. He requested her phone number, and soon began calling her every day at work. He then traveled to Nigeria for a three week visit, and the two enjoyed meeting and spending time together. Three months later, Raymond visited again.

He continued to call Elise at work almost every day, telling her to go straight home after work and not to talk to anyone. Elise believed Raymond's interest in everything she was doing was a sign of love. In the summer of 1996, Elise and Raymond were married in Nigeria, and shortly thereafter Elise realized she was pregnant.

Later that year, Elise moved to America to live with Raymond. Elise worked with Raymond at his business, and things went well for the first few weeks. Elise then began to experience hostility from an office manager at the business, and at first thought little of it. Then one morning this woman called their home and hung up upon hearing Elise's voice. When Elise mentioned to Raymond she thought this was odd, he flew into a rage, screaming that anyone could call him any time about anything. Elise tried to clarify what she said, but Raymond would hear nothing of it, and continued to curse, slam doors, and accuse Elise of trying to ruin his business. Elise was saddened and depressed when Raymond became angry, but this only made him angrier. He said she had no right to be depressed and that he did not care about her feelings. He would not permit Elise to look sad or to frown. After this incident, Raymond forbade Elise to pick up the phone.

Raymond frequently forced sex upon Elise, and consistently wanted to have sex in positions with which Elise was uncomfortable. When she mentioned that he was hurting her, he would get angry and curse at her. He would also yank her head down and force her to give him oral sex. She was never allowed to say no.

Elise learned that Raymond was in relationships with several other women. Often these women would call during the day and she would speak with them. When Raymond came home and found out that Elise had answered the phone and had learned of his affairs, he hit her hard on her face with the back of his hand. He said one of the women would kill Elise, and he would get in trouble for it. Elise began to cry, but this only made Raymond more angry.

Throughout her pregnancy and afterwards, Raymond discouraged Elise from making friends and talking to anyone, even his family. He accused her of trying to get people to like her more than they liked him. Raymond also stopped bringing Elise to work; because her pregnancy often made her tired and sick, he claimed she was no good and useless. She was not allowed to go

anywhere without Raymond, and was forbidden to find a job of her own. Elise was a lawyer in Nigeria, but Raymond would not let her take the bar exam in America. He also disparaged her pregnancy by saying he could not sleep at night because it was disgusting to sleep with a pregnant woman. He had demanded Elise have an abortion, but she refused. When she suffered from morning sickness, he would yell at her, saying she made him sick.

During a routine prenatal exam, Elise received a precautionary HIV test and was horrified to discover it was positive. When Raymond arrived, he refused to be tested. When he took Elise home, he acted sweet and tender to her, explaining that a former girlfriend claimed she was HIV positive, but he had not believed her. He told Elise not to worry, and that he would take care of her.

Their daughter was born in 1997, in a C-section procedure. When Elise's stitches became infected, Raymond would not take her to the hospital, claiming he had better things to do. Often, Raymond would not pick up Elise's HIV medication in order to punish her for not obeying him.

In July of 1997 they moved to Maryland, where Raymond started a new branch of his business. When Elise began to become concerned about her immigration status, Raymond lashed out at her. He hit her repeatedly with a closed fist, and then began kicking her, knocking her onto the bed on top of the baby. Elise picked up the baby to protect her, hoping Raymond would not attack her while she was holding the baby. He tried to grab the baby back, and Elise gave her to him because she did not want him to pull on the baby's body. Raymond accused Elise of marrying him for her green card. He then put the baby on the bed and yanked Elise by the hair into the bathroom. When Elise accidentally scratched his face in self defense, he made her kneel on the floor. After this incident, Elise was in so much pain that she could not get out of bed for two days.

By January of 1998, Elise began to become desperate for the HIV medication Raymond was withholding. She was also concerned about her immigration status, and mentioned to Raymond that she heard an immigration law was changing that month. Raymond became angry and violent, hitting Elise with the back of his hand and pushing at her face. He said he would have her deported and maybe kill her. He said one night that he was going to shoot Elise in her sleep. She was afraid to mention immigration papers again. She considered calling the police, because Raymond's family had warned her that he had been jailed for beating a girlfriend before. However, Raymond told Elise she was stupid, and that his family was just manipulating her to get his money.

Raymond began traveling for extended periods, meeting with other women around the world. When Elise dared to confront him about this, he became enraged. He left, and soon after Elise began to receive threatening phone calls from his family. Later he and a few family members showed up to force Elise to apologize for her indignance. Intimidated, depressed, and trying to placate Raymond for the sake of the baby, Elise apologized. Later that night, Raymond came upstairs and began yelling for Elise to take her clothes off. He yelled that she was an idiot,

and grabbed her mouth and twisted it. When he started pulling and punching Elise, the baby started to cry. Elise tried to lay down with the baby to comfort her, but Raymond continued to pull off her clothes. Elise got up and ran to the door, but Raymond grabbed her and pulled her panties down, trying to assault her from behind. He then yanked her into the bedroom and started to hit her. Neighbors heard the commotion and called the police, but Raymond assured the police it was only a small domestic matter. The police informed Elise that she could take Raymond to court, and the next day she went to court and obtained a protective order.

Elise wishes to remain in the United States to raise her daughter, who is an American Citizen. If she were forced to return to Nigeria to become a lawful permanent resident, she would face extreme hardship. Raymond, who has significant contacts in Nigeria, could easily follow her to there, where her U.S. protective order would not protect her. Under Nigerian law, since Elise is Raymond's wife, he would be able to control her in any way he saw fit including perpetration and abuse, and there would be no one she could turn to for protection. Raymond is also bound by court order to stay away from Elise, to obey the order granting her custody of the child, and to financially support Elise and their daughter. During the time Elise and their daughter are detained in Nigeria, her protection order is not enforceable.

Further, Elise is now receiving ongoing treatment for her HIV infection here in the United States. Raymond transmitted this HIV infection to her. While her daughter shows no signs of being infected yet, she must continue to be monitored medically. Neither Elise nor her daughter would be able to receive the medical care they require while in Nigeria. It is necessary for Elise to obtain her green card without leaving this country, as this is the only way to ensure her the rights and safety.