

## **SAMPLE REQUEST FOR EVIDENCE IN I-751 PETITION CLAIMING PHYSICAL OR EMOTIONAL ABUSE OR CRUELTY**

The following information is needed in order to process the Form I-751, Petition to Remove Conditions on Residence. The petition requires supplementary supporting evidence in order to establish eligibility. Please submit as much of the following evidence as is available. Failure to respond to this request may result in the termination of your conditional status and subsequent removal proceedings from the United States. Please return the attached Form I-797 (blue form) with your response.

You indicated on your petition that you are seeking a waiver of the joint filing requirement for the Petition to Remove Conditions on Residence (Form I-751). The waiver is based on your claim of battery and/or extreme cruelty perpetrated by your U.S. citizen spouse. Further evidence is needed to establish this claim:

**PHYSICAL BATTERY:** If you are seeking a waiver based on **physical battery**, please submit evidence that will establish your eligibility for this waiver. This may include, but is not limited to:

- a. **Reports and affidavits from: police, judges, court officials, medical personnel, counselors, social workers, or other social service agency personnel, or school officials.**
- b. Evidence that you have sought refuge in a shelter for abused or battered women.
- c. Photographs of your injuries, and affidavits from witnesses, if possible.
- d. A statement, in **your own words describing the relationship with your abuser. Be as specific and detailed as possible regarding incidents and/ or frequency of the physical abuse.**
- e. **Copies of any protection orders you may have against your spouse.**
- f. If available, copies of any **final court dispositions for any domestic violence charges relating to your physical abuse.**

**EXTREME CRUELTY/ABUSE:** If, however you are seeking a waiver based on **extreme cruelty / abuse**, you will need to provide additional credible information. Such information may include a statement, in your own words detailing the extreme cruelty that you have been subjected to. **A finding of extreme cruelty involves the examination of the dynamics of the relationship, the victim's sense of well-being before the abuse, the specific acts during the period of abuse, and the victim's quality of life and ability to function after the abuse.** Your statement might involve an explanation of the type of abuse suffered and the after-effects of the abuse. The statement should include answers or descriptions of the following:

- a. **If verbal:** what were the words, names used; what tone of voice was used; how did the incident end, who left the room/residence, did things go back to "normal" or was there a need for apologies, appeasement or "walking on eggshells?"
- b. **Social isolation:** were you socially isolated? If so, please explain the manner and duration of the isolation. What specific actions did your spouse take? What did you do in response? How did you feel as a result of his/her actions?
- c. **Possessiveness:** was your spouse possessive? If so, please explain the manner of the possessiveness. What did your spouse do? What did you do in response? How did you feel as a result of his/her actions?
- d. **Quality of life:** how did your life change? How were you affected by the abuse? What do you feel caused the changes? What did you do to deal with the abuse?

It is important to understand the above factors in order to determine if the abuse qualifies as extreme cruelty. Any further explanations or descriptions you can provide or anything further you may wish to share would be of great assistance in making an informed determination. In addition to the above (or in lieu of the above), you may also submit police reports, psychological reports, and/or notarized affidavits from third parties which corroborate these claims. If affidavits are submitted, the affiants may be required to testify before a United States Citizenship and Immigration Services Officer. If you sought therapy and/or counseling, please submit an

evaluation from your counselor(s) or psychologist(s). The evaluation should include the following information:

- a. The number of individual sessions you have attended.
- b. The number of group sessions you have attended.
- c. The duration of each session.
- d. The dates of each session.
- e. The topics discussed.
- f. The purpose of any medication(s) you have been prescribed.
- g. An evaluation of your progress.
- h. An opinion on future counseling needs.

In addition, the evaluation must contain the following information:

- a. The evaluator's full name
- b. The evaluator's address
- c. The evaluator's license number
- d. The entity or authority who granted the license, certification, or registration

USCIS retains the right to verify the professional's license as well as request additional evaluations from expert witnesses chosen by USCIS. An evaluation which was obtained in the course of the divorce proceedings may be submitted if it was provided by a professional recognized by USCIS as an expert in the field.

Note: if the evaluation was conducted by a clinical social worker who is not licensed because the state in which he or she practices does not provide for licensing, you should provide evidence that: (1) he or she is included in the Register of Clinical Social Workers published by the National Association of Social Workers; or (2) is certified by the American Board of Examiners in Clinical Social Work.

**EVIDENCE OF GOOD FAITH MARRIAGE:** Please provide evidence of a good faith marriage with your spouse. Submit any or all of the following documents. **This documentation should reflect the names of both the conditional permanent resident and the U.S. citizen spouse.** This list is not all inclusive of the type of evidence that may be submitted for consideration.

- a. **Joint leases, mortgages or rental agreements**
- b. **Insurance policies listing a common address for you and your spouse.**
- c. Utility invoices (such as telephone, electric, gas and water bills) listing **a common address for you and your spouse.**
- d. **Bank statements, tax records with W -2 forms and financial documents listing a common address for you and your spouse.**
- e. Evidence of your courtship, wedding ceremony, residences, special events, etc.
- f. **Birth certificates of children born to you and your spouse.**
- g. Affidavits of friends and family. These people should have knowledge of your marriage and relationship. **The affidavits should provide specific information and should be supported, if possible by one or more of the types of documentary evidence listed above. The affidavits must contain complete information and details explaining how the person acquired his or her knowledge of the marriage.**
- h. Any other documentation which shows that the marriage was entered in good faith.

If you are unable to submit the documentation requested by USCIS, please submit a statement explaining why this documentation is unavailable to you.

**Foreign Language Documents:** Any document containing a language other than English must be submitted with a full English language translation. The translator must certify that the translation is complete and accurate and that he or she is competent to translate. **NOTE: the requested foreign language document must be submitted with the English translation.**