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To: John Brown

From: John N. Sampson, CSI Consulting and Investigations LLC

Date: October 24, 2013

Re: In re: Marriage of John BROWN and Jane BROWN-ALI (Aliases)

Memorandum of Findings

This memorandum of findings is predicated upon the request of: John BROWN, a United States citizen who married Jane BROWN-Ali, a foreign national and petitioned for Jane BROWN-Ali to obtain permanent residence. Events occurred during the relationship that has given rise to a suspicion that Jane BROWN-Ali may have fraudulently induced John Brown into marrying them for the sole purpose of Jane BROWN-Ali obtaining permanent resident status in the United States.

Throughout this report, John BROWN is referred to as SOURCE and Jane BROWN-Ali is referred to as SUBJECT.

This report is broken down into three parts: Timeline, Analysis, and Conclusions. Timeline information was supplied by SOURCE.

TIME LINE

May 14, 2011	SUBJECT and SOURCE meet in the US. SUBJECT is here on a J-1 Exchange Visitor Visa and subject to a two year foreign residency requirement.
June 2011/July 11	SUBJECT and SOURCE meet again.
July 2011	SUBJECT and SOURCE go on a trip to Hawaii.
October 2011	SUBJECT and SOURCE separate.
October 2011	SUBJECT and SOURCE reunite.
December 15, 2011	SUBJECT and SOURCE go to Jamaica.
December 16, 2011	SUBJECT, per her passport, enters Houston, TX and is admitted as a J1 D/S.
January 2012	SUBJECT advises SOURCE she is pregnant.

January 5, 2012	SUBJECT contacts the Christiansen Law Firm, which specializes in immigration matters and seeks their advice on her immigration issue. She sets an appointment for the next day, January 6, 2012 at 3:00 PM. (See below)
January 6, 2012	SUBJECT presumably meets with the Christiansen Law Firm. Source does not go.
February 2012	SUBJECT and SOURCE go to see immigration lawyer at the Foster Quinn Law Firm.
February 15, 2012	SUBJECT sends SOURCE an email instructing him on what to say in a letter to USCIS seeking a waiver of the two-year foreign residency requirement listing numerous reasons why a separation for two years would be a hardship. (See below)
March 11, 2012	SUBJECT and SOURCE are married in a civil ceremony.
March 24, 2012	SUBJECT AND SOURCE shop for wedding rings but none are bought.
April 2012	SUBJECT changes her contact information and does not disclose it to SOURCE.
April 12, 2012	SUBJECT sends SOURCE email from Exxon Mobil account claiming she does not want to see or speak to SOURCE until the birth of their child, and, states she has an alternative method to get her permanent residence. (See below)
April 16, 2012	SUBJECT sends SOURCE email from Exxon Mobil account stating SOURCE is free to file for divorce either then or after child is born.
May 19, 2012	SUBJECT and SOURCE attend marriage counseling.
May 24, 2012	SOURCE and SUBJECT sign immigration documents to include I-130, I-864, I-485, G-325A and supporting documents.
May 31, 2012	SUBJECT's apartment lease ends and she moves elsewhere until she obtains a new apartment on her own despite being married to SOURCE.
June 18, 2012	SOURCE's first email to immigration attorney regarding lack of cohabitation issue.
June 20, 2012	SUBJECT leases her own apartment despite being married to SOURCE. SOURCE reports that SUBJECT fails to disclose to him her location.
June 30, 2012	SOURCE AND SUBJECT attended marriage counseling.
August 30, 2012	I-130 / I-485 filed on behalf of SUBJECT. Attorney of Record is Alexandre AFANASSIEV.
September 8, 2012	SUBJECT moved out of her apartment and into marital home.
September 14, 2012	Daughter born; also SOURCE's first consultation with family law attorney.

October 7, 2012 SUBJECT phones police. SOURCE went to stay at his parent's home, no arrest made.

November 4, 2012 – SUBJECT phones police, SUBJECT leaves house, no arrest made.

November 5, 2012 – SUBJECT goes to the marital home to get some things with a police escort.

November 7, 2012 – SUBJECT flies to California.

November 13, 2012 SUBJECT emails SOURCE's sister Susan seeking information. (See below)

December 6, 2012 SOURCE files for divorce in Harris County Court.

December 13, 2012 USCIS sends I-797C Notice of Action setting the I-485 interview for January 22, 2013.

December 16, 2012 SOURCE contacts Sheriff's Office and advises that SUBJECT and his daughter left the home and were most likely in CA.

December 17, 2012 SOURCE receives email from immigration attorney stating that SOURCE and SUBJECT have an interview with immigration officers on January 22, 2013. SUBJECT begins making plans to return to Houston. (See below)

December 18, 2012 SUBJECT sends SOURCE an email in which she asks SOURCE to go to the USCIS adjustment of status interview and pretend they are not separated. (See below)

December 19, 2012 SUBJECT served divorce papers in California.

December 22, 2012 SUBJECT returns to Texas.

December 23, 2012 SOURCE contacts Sheriff's Office and wanted call back only. Apparently SUBJECT and daughter were at home and SOURCE was concerned about SUBJECT driving with expired license.

January 19, 2013 SOURCE withdraws divorce petition.

January 22, 2013 Date of I-485 Adjustment interview.

February 5, 2013 SUBJECT tells SOURCE to stay out of her way and she would stay in the house as long as it was their daughter's address.

March 8, 2013 SUBJECT phones police no arrest is made. Report generated. (See below)

March 12, 2013 SOURCE files for divorce again.

March 29, 2013 SOURCE contacts Sheriff's Office advising SUBJECT preventing him from pulling his car into the garage. No arrests made.

March 31, 2013 SUBJECT moves out of the house while SOURCE was at Church.

April 2013	SUBJECT was served with second divorce papers through her attorney of record.
April 11, 2013	SOURCE withdraws I-130 and I-485 and I-864.
April 30, 2013	SUBJECT and SOURCE undergo mediation for temporary orders.
September 17, 2013	SUBJECT amends her counter claim in the divorce petition to include sexual assault allegations.

ANALYSIS

A strong motive for SUBJECT to marry a US citizen existed in that she could obtain permanent residence and then US citizenship in a relatively short period of time through such a marriage. Assuming arguendo that she has an advanced degree, is a professional, or has a particular skill that is not available in the United States, which would make it possible for her to obtain some other form of immigration status, either as a NON-Immigrant, such as an H1B, L-1, or O non immigrant, or ultimately obtain permanent residence through a prospective employer by way of an employment based immigrant visa, it would take longer to achieve and would not be as assured as one based upon a marriage to a United States citizen.

Without going through the laborious procedure one would encounter while attempting to obtain an employment based IMMIGRANT visa, it should suffice to say that the time frame is longer due to the extra steps that are required by obtaining both a State labor certification and a Federal labor certification before one begins the visa application process.

H1B's, L-1's, and O's, are NON IMMIGRANT visa classifications, and although they offer the alien the opportunity to remain in the United States and be gainfully employed, there are limitations and drawbacks. First, as stated previously, they are non-immigrant visas and do not confer upon the alien permanent residence. As such, time spent in one of these visa classifications does not count towards time accrued in order to apply for naturalization as a United States citizen. Secondly, they are employer specific. In other words, the authorization to be employed only is valid for the petitioning employer. If the alien loses their job regardless of the reasoning, he or she cannot find other employment without first obtaining authorization from USCIS which necessitates the alien going through the entire application process again.

Although the aforementioned non-immigrant classifications, and others, can ultimately lead to permanent residence, the time required to obtain permanent residency is delayed due to the incremental steps needed to achieve that goal.

Consequently, arguments to the contrary notwithstanding, the quickest and easiest way to obtain permanent residence is through marriage to a US citizen. However, an alien who is gaming the system, and who marries a US citizen solely to obtain residency, with no intention of remaining in the marital relationship once the goal of conditional or permanent residence is achieved, seeks to abandon and terminate the relationship as quickly as possible.

Oftentimes, the alien will obtain an advance parole document, authorizing the alien to travel outside the United States while their application for adjustment of status is pending. This allows the alien some "breathing room" or time away from the US citizen spouse, making it easier to perpetuate the sham since the alien does not have to spend the entire amount of time that it takes to obtain conditional permanent residence with the US citizen spouse.

In the instant case, SUBJECT appears to have applied for an Advance Parole Document, but there is no indication on the USCIS website indicating that the I-131 was approved, only that it had been received.

In 1986, Congress enacted the Marriage Fraud Amendment Act, in which the previous procedure for obtaining an immigrant visa based upon a marriage to a US citizen was amended to require a two-step process. Prior to 1986, the now defunct USINS would issue an immigrant visa to the spouse of a US citizen, which conferred upon the alien Permanent Residence. There was no second interview, no secondary process to remove any conditions placed upon that permanent residence. In response to ever escalating complaints from US citizens that their alien spouses were abandoning the marital relationship once permanent residence was conferred upon them, Congress enacted the aforementioned Marriage Fraud Amendment Act, creating a new immigrant classification of Conditional Permanent Residence (CPR).

This status of CPR would be valid for two years. 90 days prior to the second anniversary of CPR status being granted, both the US citizen and alien would have to file Form I-751, Joint Petition to Remove Conditions of Permanent Residence. If no petition was jointly filed, CPR would end, and the alien would be in an unlawful status subject to being placed in removal proceedings.

As CPR evolved, there came to be three waivers available to alien spouses of US citizens who had CPR and who could not file a joint petition. The first waiver allowed for the alien to file a self-petition if the alien's US citizen spouse had died during the two year period of CPR.

Then a waiver was added to accommodate a situation in which the marriage between the US citizen and the alien ended in either divorce or annulment, through no fault of the alien and that the alien had entered into the marital relationship in good faith.

Lastly, a waiver was added to allow for the alien to self petition to remove the conditions of their residency if the alien could, through clear and convincing evidence, show that they were the victim of domestic violence / abuse, or extreme cruelty at the hands of their US citizen spouse.

It should be noted that in the second instance, the divorce or annulment must be final prior to the filing of the I-751 seeking a waiver based upon the marriage ending. If the divorce or annulment is pending, USCIS, the agency that has succeeded the former USINS, could either hold the petition in abeyance or deny the petition, which could result in the institution of removal proceedings against the alien.

It had been the policy of USCIS to conduct an interview of the alien, in any and all instances of aliens filing self-petitions to remove conditions of permanent residence. In the event the self-petition is denied, the alien will be placed in removal proceedings consistent with USCIS protocol. However, it is unclear if this is currently the policy of USCIS.

As such, for someone who was seeking to abandon the "marriage" as quickly as possible, alleging domestic violence or abuse or extreme cruelty would deflect any suspicion from the alien. In an effort to shift the application process to a more "hospitable" location for adjudication, immigration law practitioners have begun filing I-360 Self Petitions alleging domestic violence, abuse, and/or extreme cruelty suffered by the alien at the hands of their US citizen spouses.

This serves several purposes. First, it requires that the Vermont Service Center's VAWA unit, which does not conduct interviews, does not investigate, and does not accept any information supplied by the US citizen spouse of an alien alleging abuse or cruelty, adjudicate this petition.

Second, the Service Center Director, preventing the alien from being placed in removal proceedings while the I-360 is being adjudicated, oftentimes issues a Deferred Action Letter. Third, if granted, an alien who files an I-360 Self-Petition and who is afforded permanent residence status, does not have any conditions applied. It is full permanent residence status. Fourth, unlike other permanent residents who obtained their status in a manner other than through marriage to a US citizen, an alien who is granted Legal Permanent Resident (LPR) status through VAWA can apply to become a US citizen in three years, as opposed to the customary five year wait required of other LPR aliens.

By filing an I-360, even if one already has CPR status, the alien avoids that pesky second filing, is able to desert and abandon the marriage almost immediately upon being granted CPR status, and effectively prevents the US citizen spouse from contesting the allegations of domestic violence or abuse. In fact, allegations of abuse or cruelty can be placed in a US Government file accusing a United States citizen of domestic violence or abuse, or extreme cruelty, and the US citizen is not even notified that such allegations have been made, much less given the due process right of contesting those allegations.

All one has to do to succeed in getting full LPR status through the Violence Against Women Act (VAWA) provisions of the US Immigration and Nationality Act (INA) is to file the I-360 with sufficient documentation to show that they have been abused.

Lastly, unlike every other form of petition or application filed by aliens with USCIS, a denial of an I-360 Self-Petition under VAWA does not, to my knowledge, result in the issuance of a Notice to Appear in Removal Proceedings (NTA), nor is the alien placed in removal proceedings. If an alien's I-130 / I-485 application for adjustment of status is denied, if an alien's I-589 Application for Asylum in the United States, or any other application or petition is denied by USCIS, the alien is placed in removal proceedings and an NTA is issued. This is not the case with a failed I-360 Self-Petition under VAWA.

CONCLUSIONS

This is one of those rare cases where it is blatantly obvious that the foreign national's focus and concerns were with her immigration status. Several emails have been reviewed in which SUB JECT clearly sets forth her concerns about her immigration status in the US. They will be reviewed below.

In an email dated December 18, 2012, that SUBJECT wrote to SOURCE after they had separated, SUBJECT stated [quote is bolded and italicized and increased in size to easily differentiate it from the body of the report]:

"I plan to come to Houston on the 19th so we can go for the interview together. We need to be calm and collected in front of the interviewers to complete the process. Hope you can do that without showing that we are separated currently.

I suggest we meet before the interview. I know its your weekend with John Jr. but let me know if you can free up sometime before the interview. I will also collect the remain [sic] of my stuff when there."

The significance of this single email by itself, is huge. What SUBJECT was asking SOURCE to do was to commit a federal felony, to wit: 18 USC 1001, False Statements, by stating that they were living together as husband and wife when in fact they had separated and divorce proceedings had been filed. She was seeking to involve SOURCE in a criminal conspiracy to defraud USCIS into thinking that the marriage was viable, bona fide, and on going when in fact, it was not. A conviction under 18 USC 1001 can result in imprisonment for up to five years, up to a $10,000.00 fine, or both. This email was sent 24 hours after SUBJECT's immigration attorney, Alexandre AFANASSIEV, received an I-797C Notice of Action from USCIS, setting SUBJECT and SOURCE's I-130/I-485 interview for January 22, 2013, and within 24 hours of SUBJECT being notified of the upcoming USCIS interview.

This email, taken along with the email of January 5, 2012 from SUBJECT to the CHRISTIANSEN LAW FIRM, in which she outlines her "situation" seeking advice on how she can remain in the US beyond her authorized period of stay, shows a clear intent that SUBJECT did not wish to leave the US and was seeking a way by which to remain. In her email she states the following [text is bolded and italicized and the font increased to set it apart from the body of the report]:

"I am employed by a US International company and was sent to the US on J1 visa for training. On my passport J1 visa expires in Mar 2015. However my J1 visa document expires on 09/01/2012. This is confusing! My company currently plans to send me back home in May 2012. I just found out that I am pregnant by my USC boyfriend. We are thinking of getting married and having the baby. However I am interested to know if my company insiststs on sending me home. How can I change my status to be under myh boyfriend/husbands sponsorship? In addition I have a 2 year home country presence restriction on my J1 visa. How can I obtain a waiver for that to enable me to change my status?
I am from an Islamic country and my boyfriend is Christian which would make our marriage illegal in my home country and me and unborn child could face persecution in my country under Islamic law. Would that qualify for a waiver?
Or as I am working for an International Company is the restriction not applicable as per clause (e) of the J1 document? That is if my company agrees to extend my assignment in the US. Or give me a permanent job here. I am trying to seek the best logical way to proceed with having my baby without having to face separation from the father. Plus it would be excellent if I can also keep my job in the process.
Grateful for your advice."

The above quoted email sent to the CHRISTIANSEN LAW FIRM is a clear indication that SUBJECT did not want to return home, had done some preliminary research on J1 two year foreign residency

requirement she was subject to. The terminology she used to refer to SOURCE, namely "USC" is terminology that is normally used by those in the immigration field. USC is shorthand for United States Citizen.

This email was written prior to SUBJECT and SOURCE getting married and shows that SUBJECT was looking for a means by which to remain in the United States and avoid having to return to the United Arab Emirates.

The law firm responded to her email and an appointment was set for the next day at 3:00 PM. SOURCE did not attend that interview.

Another email written by SUBJECT to SOURCE outlines what SOURCE needed to write in a letter in support of the waiver for the two year foreign residency requirement. SUBJECT drafted the letter, SOURCE did not. In effect, SUBJECT was the moving force behind her immigration case, instructing SOURCE what do write, what to say, when to show up, etc. [The text of the letter is below and is italicized and bolded so as to set it apart from the body of this report.] The email states:

"SUBJECT: First draft to be sent to the lawyer
From: Jane Brown Ali
To: John Brown
Date: Wednesday February 15, 2012 10:37 AM

Hey babe:

Please read draft below to send to the lawyer to accompany with our application. Let me know if you think of anything else we can add or word it better. The lawyer in her last email said she wanted to know the history of our relationship that is why I added the first paragraphs. We can't submit the application before we are married but I wanted for us to start thinking of what we could add. The lawyer will then decide what is good to keep and take out of the letter.

After our talk yesterday I decided to go with the flow and do what is best for our baby. And that is for us to get married. I have parked my needs and desires a side and hope you can do the same. For now e need to make a sacrifice and give rather than take. Hopefully our feelings will be healed later.

The letter:

I John Brown a US citizen born and raised in Houston would like to request for a waiver for my wife Jane Brown-Ali who is a UAE national currently under a J1 visa in the US basis exceptional hardship to myself and her.

My wife moved to Houston on a work assignment with Exxonmobil [sic] on March 17th 2011. We met on May 15th 2011 at Monarch restaurant in Hotel Zaza where I was celebrating my birthday with my friends. She was with her sister who was visiting from Dubai. I approached her and we

started a conversation.I felt really drawn into her we exchanged telephone numbers at the end of the night and that is how our relationship started.

Early in the relationship we realized that we wanted to share the rest of our lives together and we planned to get married in the near future. During the dating period we travelled to Hawaii for her birthday and to Jamaica on vacation.

We now have gotten married as we are also epxecting our first baby together in September of 2012.

We would like to apply for a waiver basis exceptional hardship to me for the following reasons:

1) ***I have a 15 year old son from a previous relationship. It's a critical age to get separated from him He depends on me for guidance and support.***
2) ***My paretns are divorced and I am the only son from my mother. She depends on me and she is at an age where she needs my support.***
3) ***My father recently had a heart attack and his medical condition requires me to be neear to him. I am the closest son to him.***
4) ***My wife could suffer persecution if she was ever caught to be married to a Christian. As in the UAE it's not legal for a Muslimwoman to marry other than a Muslim man. This is considered a crime punishible by death penatly if found guilty that the action was due to her going against Islamic religion.***
5) ***If I ever visit my wife in the UAE I could face persecution as our marriage will never be acknowledged in the USA dur to me being a Christian.***
6) ***Our unborn child would not have any rights in the UAE or medical coverage as according to the law in the UAE only men can pass on their civil rights to their children. Women have to follow their husbands.***

Under these extreme circumstnaces and safety reisk to the wellbeing of our family we kindly reque3st [sic] to be granted the waiver.

Yours faithfully,"

This letter is remarkable in that it was written by SUBJECT, directing SOURCE on what to write in connection with applying for a waiver of the two year foreign residency requirement of her J1 visa. It also set the stage that should the waiver be denied, she could ostensibly file a claim for asylum in the United States based upon both religious and gender persecution if the assertions that were made in the waiver letter were in fact accurate.

However, at this juncture she is statutuorily precluded from filing asylum in the United States because Section 208 of the INA specifically requires that an alien file an application for asylum within on year of their arriving in the United States or within one year from when circumstances changed for the alien that give rise to a credible fear of persecution. In this case, once she was aware she was pregnant with SOURCE's child, she had one year in which to perfect an asylum claim. This, she did not do.

What is also of interest is that she dictated to SOURCE how the relationship started, how it progressed and what the intent of the relationship was. All of this was done almost one month before they were married. The parties were married on March 11, 2012 and the email was sent to SOURCE by SUBJECT on February 15, 2012. Yet the proposed letter was written as if they were already married.

To add to this, SOURCE never proposed marriage to SUBJECT, SUBJECT proposed to SOURCE, and SOURCE only agreed to marry SUBJECT on the actual day of their marriage. This is revealed in an email sent by SUBJECT to SOURCE's sister Susan dated November 13, 2012. In that email, SUBJECT states (the body of the email is bolded and italicized to set it apart from the text of the report):

"I am not sure how much deatil you know about our marriage but John never really wanted to marry me. I asked him to marry me because I was pregnant and wanted to keep the baby. Marriage was essential for me as my parents would have been really hurt if I had a child outside of marriage plus my legal status to remain in the US need to be changed and extended so I can give birth here to Nina. I will spare you the details as it's a long story but basically John feels I have used him and cornered him to marry me to be able to obtain the citizenship. He was not ready for another child and not ready to marry me and blames me fully for it." [emphasis added]

She goes on to say: ***"John has written to the lawyer requesting to cancel my sponsorship this means that if I can't find another way to renew my status in the US I could be deported. Also if I remain in the US stateless for a year I will get a ban for 10 years not being able to enter the US."***

One of the most telling statements SUBJECT has made on the subject of her marriage to SOURCE is the statement she made to SOURCE's sister: "***I asked him to marry me because I was pregnant and wanted to keep the baby. Marriage was essential for me as my parents would have been really hurt if I had a child outside of marriage plus my legal status to remain in the US need to be changed and extended so I can give birth here to Nina."*** [emphasis added]

She further states to SOURCE's sister that she did not want to return to the UAE nor be deported from the US. The statement that she wanted to give birth to Nina here in the US raises the entire issue of Nina being a citizen of the United States at birth pursuant to the 14th Amendment.

According to information supplied by SOURCE, SUBJECT was by all means, a NON practicing Muslim. As such, one must question why she would raise all of the issues surrounding her religion and the Islamic society in the UAE unless she no longer wished to live in such a society. However, one would think she could have filed for Asylum in the US citing religious and gender persecution. The problem with that is, had the application been denied, she would have been placed in removal proceedings and would be facing a possible repatriation to the UAE, which is something she did not wish to chance.

In her email that SUBJECT submitted to the CHRISTIANSEN FIRM, she stated that her company, Exxon Mobil, was planning on sending her home in May 2012. She also refers to a "J1 document" which presumably is the IAP 66 which is the program paperwork issued by Department of State in conjunction with the J1 Visa. It sets forth the duration of the program which may very well have been until September 1 of 2012. The fact that Exxon Mobil was planning to send her home early, in May of 2012 to resume her

employment in the UAE, causes some concern. A premature conclusion to her training program could have caused SUBJECT concern since it would require her to return to her employment with Exxon in the UAE and not continue her employment with Exxon in the United States.

If this is true, then SUBJECT, not wanting to return to the UAE, was seeking alternative ways in which to remain in the US. Marriage to a United States citizen, ANY US citizen, would solve her problems. The question that one must ask and answer is: "Was SUBJECT's marriage to SOURCE in March of 2012, conincidental?" "Or, was it timed to avoid the necessity of returning to the UAE?" And the companion question one must ask is: "Did SUBJECT become pregnant deliberately in order to avoid having to go home to the UAE, and did she become pregnant deliberately in order to compel SOURCE into marrying her?"

Another factor that has to be taken into consideration is that although SUBJECT and SOURCE married in March of 2012, SUBJECT did not come to live with SOURCE in the "marital home" until six days prior to the birth of their child. Yet all immigration paperwork filed with USCIS shows SUBJECT living with SOURCE and not apart from SOURCE. Again, I refer to 18 USC 1001, False Statements.

Within two months of moving into the marital home, SUBJECT takes her daughter and moves to California in order to live with her sister.

In an email SUBJECT wrote to SOURCE on April 12, 2012, she states:
"3) Between now and September when the baby is due I am not interested to see you or talk to you.

4) If you are not filling for divorce during pregnancy then I expect you to send me the marriage certificate copy to me by mail. If you want to be difficult you can, and I will go to the court to obtain a copy. I will wait till end of next week to conclude on your decision.

5) I am perusing a different option for my immigration proceedings that does not require your help so you can relax on that part. This option is valid even if you file for divorce before the birth of the child so it's your option of when to file."

Keeping in mind this email was written literally one month after SUBJECT and SOURCE are married, the email can only be described as "astounding". She is demanding he send her a copy of the marriage certificate by mail and that she is "perusing a different option for my immigration proceedings that does not require your help." Furthermore, she clearly indicates in that email that she had no intentions of living with SOURCE until Nina was born. The question must be asked and answered: "Why did you not want to live with John Brown until your daughter was born?"

As stated previously, SUBJECT was precluded from filing a timely asylum claim since she had been in the US for more than a year and had not done so within the one year from arriving in the US. She had no employment based immigrant visa immediately available, nor any other family based immigrant visa available to her. It is unknown if she was seeking a "diversity" visa (DV Visa) or not. In short, the only viable alternative to the traditional I-130/I-485 marriage based adjustment of status process, was to file as the battered spouse of a US citizen under the VAWA provisions of the INA. The problem is that SUBJECT didn't begin to live with SOURCE until September of 2012.

After that date and until she and Nina leave to go to California, SUBJECT calls police twice alleging some form of abuse on the part of SOURCE. In both instances, no arrest is made. The day after the second call, SUBJECT and daughter leave TX and go to SUBJECT's sister's home in CA.

SUBJECT and daughter return to TX on December 22, 2012 due to impending I-130/I-485 interview on January 22, 2013.

SUBJECT remains in the marital home through March of 2013, and on March 8, 2013, calls police and alleges that SOURCE was preventing her from leaving the home. This is the event in which SUBJECT admits to Deputy MEDINA that although she is married to SOURCE, he is "only" her "sponsor" for citizenship papers. On March 29, 2013, SOURCE calls the police stating that SUBJECT was preventing him from pulling his car into the garage by blocking his car with hers. Police respond. No arrests were made. On March 31, 2013, SUBJECT and her daughter clean out the marital home while SOURCE is at church, and leave for an undisclosed location without notifying SOURCE.

Given the content of the emails sent to the Christiansen Firm, SOURCE, and SOURCE's sister, as well as her affidavit, combined with the statement she made to Deputy Medina, combined with the fact that even though she married SOURCE in March of 2012 and was pregnant with his child, she did not begin to cohabitate with SOURCE until six days before the child was born, and then within a matter of a few weeks left SOURCE and went to live with her sister in Califonia, it is evident to me, and a reasonable person should conclude, that SUBJECT married SOURCE solely to obtain status in the US and then, not wishing to remain in the marital relationship for the requisite two years and then petition to remove the conditions of her residency, fabricated domestic violence allegations in order to perfect a self petition filing under VAWA.

When SOURCE withdrew his sponsorship of her, SUBJECT was left with no viable means by which to remain in the United States lawfully and no other means by which to seek permanent residence other than under the VAWA provisions of the Immigration and Nationality Act. By all indications, SUBJECT has in fact, filed an I-360 Self-Petition under VAWA and has been issued an Employment Authorization Document (EAD) by USCIS. Although evidence exists showing SUBJECT filed for Advance Parole, there is no credible evidence to show that Advance Parole was ever granted. This information was obtained from the USCIS website.

In fact, SUBJECT notified SOURCE one month after they were married that she had "perused" an alternative resolution to her immigration issue that did not require SOURCE's involvement. That alternative, of course, was filing an I-360 Self-Petition alleging that SOURCE was "abusive". The problem is that she did not live with SOURCE until September of 2012, yet had already determined that she had an alternative solution by filing a VAWA based abuse petition. The purpose of calling police was to generate reports that would be included in her VAWA filing.

In short, given the totality of the documented evidence obtained, it is my opinion that SUBJECT never intended to establish a life with SOURCE and used him simply to obtain status in the United States, a status she would otherwise not be eligible for. She used the marriage to SOURCE as a means by which to circumvent, evade, and avoid, the immigration laws of the United States. In order to do so, she had to have fraudulently induced SOURCE into marrying her. It is my opinion that she used her pregnancy as part of that inducement, and to try and establish the "bona fides" of the marriage.