

State of New York

Affidavit in Support of  
I-130 Petition and I-485 Application

County of Kings

I, Kharpe ..... (hereinafter, Kharpe), and I, Ashande ..... Alien Registration No. ... .. (hereinafter, Ashande), being duly sworn, depose and say:

1. We were married at City Hall, located at 1 Centre Street in Manhattan, N.Y., on November .., 2002.

2. We currently reside at ... ..... Avenue, Apartment #.., Brooklyn, N.Y. 112...

3. We are making this affidavit in support of the Form I-130 Petition for Alien Relative that I, Kharpe, filed with U.S. Citizenship and Immigration Services (hereinafter USCIS) on behalf of Ashande. At the same time, we are making this affidavit in support of the Form I-485 Application to Adjust Status that I, Ashande, later filed with USCIS.

4. On February 20, 2008, we appeared at the USCIS New York District Office, located at 26 Federal Plaza, in Manhattan, N.Y. We were interviewed by an Officer who never provided us with her name. By coincidence, we later discovered that her name was Officer N..... W..... As described below, this interview went badly. For this unfortunate turn of events, we blame ourselves, but we also blame Officer W..... We understand that the burden of proving a genuine marriage rests on us and that, accordingly, a degree of skepticism on the part of an interviewing Officer is proper. But Officer W....., almost from the very beginning of our interview, displayed an attitude towards us that went beyond skepticism. She interpreted the smallest omission in our knowledge of each other as irrefutable evidence that we were engaged in a fraudulent marriage. She regarded the smallest discrepancies in our descriptions of our lives in the same way. Furthermore, she did not give us an opportunity to explain to her how these minors omissions and discrepancies came to be, including some that arose out of the very ambiguity of the questions she posed to us. But the reader of this affidavit does not have to take our word for what occurred at the interview. The animus that we believe Officer W..... bore towards us is reflected in the very wording of the Notice of Intent to

Revoke (hereinafter, the Notice) that she issued to us. More precisely, the Notice is formally addressed to just one of us, namely Kharpe, but clearly concerns both of us. This explains why both of us are responding by way of this joint affidavit.

5. Turning to the Notice, a copy of which is attached to this Affidavit as Exhibit 1 and made a part hereof, the first and most obvious irregularity of it is the fact that it is undated. Since the Notice grants us “a period of 30 days from the date of this letter [i.e., this Notice] to offer evidence in opposition to the grounds stated for revocation,” we could not help but wonder when this period of 30 days is supposed to commence and when it is supposed to end. We knew better than to suppose that the time allowed for our response has been rendered indefinite, that is, of infinite duration. With the assistance of an attorney we consulted, Mr. Oscar Abraham Jaeger, who has an office located at 729 Kathleen Place, Brooklyn, N.Y. 11235, telephone 718/615-0393, we have endeavored to respond to the Notice as quickly as our schedules permitted.

6. The second irregularity of the Notice is less noticeable – in fact, it cannot be discerned from the words of the Notice itself, since it concerns an exchange of words that do not appear there. The only people who would know about this exchange, at least directly, were the interview participants, namely Officer W..... and ourselves. An extraordinarily significant misunderstanding between ourselves and Officer W..... took place at the very beginning of the interview, one which we believe impaired Officer W.....’s ability to fairly evaluate us and to correctly assess the true nature of our marriage. It does neither one of us any good, neither her nor ourselves, for this event to remain unexamined, as a kind of invisible aether that suffuses the words of the Notice. It does us no good, because we believe that this unmentioned part of the interview was the primary reason that Officer W..... developed such a profound animus towards us, one that ruined any chance we had for a fair interview. It does Officer W..... no good, because it informs her view of us without constituting a truly informed view. In the final analysis, it does neither one of us any good because what we are dealing with is a simple, yet potentially tragic, misunderstanding.

7. On the night before the interview, we were excited and happy. Finally, on the following morning, Ashande would have her green card! In

anticipation of success, we celebrated with a home-cooked meal and a bottle of good wine. We went to bed early, knowing that we had to be at our interview very early in the morning. When the long-awaited interview finally began, the first thing that Officer W..... asked us was whether we had been drinking. We answered that we had not. Initially, it did not even occur to us to mention that we had shared a bottle of wine the night before; it did not strike us as relevant. We thought that the alcohol we had consumed was entirely out of our system, so why even mention it? But Officer W..... persisted in this line of questioning, directed especially at Kharpe, even though we both insisted that we were completely sober. Finally, we mentioned that we each had had a couple of glasses of wine the night before, as part of a festive dinner. Officer W..... then stopped expressing any further concerns, so we thought that we had finally laid the matter to rest and could simply move on. Looking back now, we realize that Officer W.....'s concerns had not in fact been alleviated. It appears that she was not at all persuaded of our sobriety; on the contrary, it looks like she must have remained convinced that we were a couple of irresponsible, inconsiderate losers, who did not even have enough sense of purpose and respect for the process to refrain from getting drunk right before an important interview.

8. At the time, if we had better understood the basis of Officer W.....'s concern, we believe we could have much more effectively responded to it. As a result, this misunderstanding would have been stopped in its wayward tracks. We said before that we had assumed that any alcohol consumed the night before would be well out of our system long before the time of our interview. We were only slightly incorrect, but that is a consolation on the order of being only slightly pregnant. We had failed to remember, until long after the damage had been done, that alcohol has one persisting effect on Kharpe, due to his medical problems. I, Kharpe, was indeed completely sober at the time of our interview, as stated above, as was Ashande. But both of us, especially myself, suffer from allergies. I have had severe allergies as far back as I can remember. I suffer from sinusitis; my tonsils are enlarged and often inflamed; and I have other symptoms of chronic inflammation and hyperreactivity to allergens. The symptom that must have especially alarmed Officer W..... arises from the following physical condition: liquor, or even any strong-tasting food, stays on my breath much longer than it does on the breath of a normal person. So, while I was indeed sober, my breath may have reeked of alcohol. Ironically, because of our allergies, which impair the

ability to discern odors, neither Ashande nor I would have smelled any alcohol.

9. Had I, Kharpe, remembered this fact about my body, or had Ashande remembered to remind me, I would most certainly have refrained from drinking alcohol within days, let alone hours, of the interview. Had I or Ashande realized, during the course of the interview, that Officer W..... had good reason to be concerned about me, since she could smell the alcohol on my breath, we could have more effectively explained the situation. But we came to these realizations much later, and only in the course of having to deal with this highly distressing Notice. Now we realize that Officer W....., naturally trusting her own nose more than our unfocused reassurances, must have concluded from the start that we were not just a pair of clowns, but a pair of brazen liars as well.

10. We turn now from the invisible and unmentioned to the highly visible and articulated, namely the words of the Notice. In support of her “determination” that our marriage is not “bona fide,” Officer W..... begins by observing that I, Kharpe, was nervous at the beginning of the interview. She frames the situation as follows: “At the start of the interview, you began to display signs of extreme nervousness accompanied by heavy sweating and shaking which prompted the following questions by the interviewing officer.” Officer W..... then lists the first of these questions as follows: “During the interview you stated that you met your ‘wife’ fourteen years ago although when asked, you did not know either one of her parent’s names and said that was because you never met them.” Before addressing the issue of my supposed “extreme nervousness” as well as the issue concerning the names of Ashande’s parents, I, Kharpe, would like to correct Officer W.....’s reference to my having met Ashande fourteen years ago. We actually met 12 years ago. If I did say 14, I must have miscalculated the numbers in subtracting 1996 from 2008.

11. Just as Officer W..... misunderstood the real reason that I, Kharpe, appear to have had alcohol on my breath, here too she misunderstands the real reason for the symptoms she describes. What Officer W..... characterizes as “signs of extreme nervousness accompanied by heavy sweating and shaking” is an exaggerated description of my normal physical condition! I am taking medication for my allergies, and I have recently become convinced that I must take

further action as well to remove certain allergenic triggers from my immediate environment. In point of fact, even after getting off to a bad start with Officer W....., on account of her suspicion that I was inebriated, an accusation that I dismissed all too easily because I knew it was false, I was not feeling particularly nervous at the beginning of this interview, and had no reason to be (or, at least, I thought at the time that I had no reason to be: it is only in retrospect that I fully appreciate the consequences of my failure to convince Officer W..... of my sobriety). At the time, what first gave me reason to become nervous was my inability to fully answer the first question Officer W..... posed to me; and that nervousness was compounded when it became obvious that Officer W..... was dismissing the reasonable – and, in fact, true – explanation I offered for my lack of knowledge.

12. The fact is – and I, Kharpe, told this to Officer W..... at the time of the interview – I did not know the first names of Ashande’s parents because I had indeed never met them. They lived in Zambia and had never visited the United States, while I lived in the U.S. and had never visited Zambia. My communications with Ashande’s parents were limited to occasional telephone conversations; during the course of these conversations I would just call them “mom” and “dad.” If this is not an approach to her in-laws that Officer W..... herself would have taken in a similar situation – perhaps she would have addressed her in-laws by their first names – that is a matter of “different strokes for different folks” I believe, and not grounds for the utter disbelief that appeared on her face when I tried to explain myself. If I did become extremely nervous, it was in reaction to the look on her face: the face of a person who “knows” you are lying and is dismissive of any truths you are trying to offer. The disregard for my answers that Officer W..... showed me then is evident here too: referring to Ashande, she puts the word “wife” in quotation marks! Also showing her disrespect for my answers is that she does not even describe them properly. Omitted from her presentation is the fact that, while I did not know the first names of Ashande’s parents, I did know, and told Officer W....., that their last name was ....., which is correct. For the record, Ashande’s mother’s first name is ..... and her father’s first name is ..... I should rather say that ..... was her father’s first name. Very sadly, he died in the summer of last year, and I will never have the opportunity now to meet him.

13. In the next paragraph of the Notice, Officer W..... continues to misstate what actually occurred at the interview. According to Officer W....., “you were asked if you had any marital union documents and photos to substantiate your claim of marital union to which you responded no.” It is the impression of both of us, Ashande and Kharpe, that Officer W..... actually posed to this question to both of us, and not to Kharpe alone, but in structural terms, given the fact that the entire Notice is addressed to Kharpe, Officer W..... appears to be addressing Kharpe alone in writing “you.” We take issue with that limitation, but that is not the heart of our objection. No one answered “no” to this question, not I, Kharpe, and not I, Ashande. In fact, the absurdity of the supposed answer “no” is striking in light of the sentence that Officer W..... then articulates immediately thereafter: “Your file did, however, contain a hand written lease agreement dated 1999-2000, a Geico policy dated 9/14/07, a Citibank statement for statement period 11/1-1/31/2008 with a balance of \$2,058.60.”

14. Leaving aside for now certain errors and omissions in Officer W.....’s accounting of the documents “contained” in the USCIS file, we want to examine the primary thrust of these two juxtaposed sentences. Officer W..... appears to be making the following argument. We, Ashande and Kharpe, but in her version just Kharpe, was asked whether he had any documents that would substantiate his claim of having a genuine marriage. He answered that he did not. In fact, according to Officer W.....’s argument, he did have such documents: they were “contained” in Officer W.....’s file. Kharpe was unaware of the existence of these documents and so our marriage must be fake.

15. The absurdity of Officer W.....’s argument is striking. In the first place, the documents that Officer W..... notes as present in her file were handed to her by both of us at the interview. They were not filed with USCIS simultaneously with, and in support of, our filing of either the I-130 Petition or the I-485 Application. With the possible exception of the bank statements, which could have been filed, but in fact were not, in support of the I-864 Affidavit of Support, the documents to which Officer W..... refers are not documents ordinarily filed with USCIS at the time that the Form I-130 Petition and/or Form I-485 Application are filed, and these documents were not in fact filed by us when we filed those Forms. Instead, we handed these documents to Officer W..... at the interview and that is how they came to be “contained” in her file. In the second place,

and adding to the absurdity of her argument, Kharpe's name and/or signature appears on all of these documents that Officer W..... describes as "contained" in her file. How is it possible that I, Kharpe, could be unaware of the existence of these documents? Finally, how is it even possible that a couple would come to an adjustment of status interview without bringing any documentation at all? Even we were not that naïve.

16. To summarize this point, the only time Officer W..... credits me, Kharpe, with telling the truth is when I supposedly assert that I came to an interview completely bereft of evidence in support of my marriage. She then regards this "answer" that I never gave as further evidence that I am lying about my marriage, since unbeknownst to me there are documents on file, with my name and/or signature on them, of which I know nothing. These documents must then be forgeries? With logic such as this, I suppose it is possible for Officer W..... to "determine" that I accompanied Astronaut Neil Armstrong when he landed on the moon.

17. In point of fact, when Officer W..... asked us to provide her with documentation of our marriage, we provided her with documents in addition to the ones that she concedes were "contained" in her file. We had with us four of our favorite photographs, which we handed over to her. She looked at the photographs and kept at least one. Of course, it would have been more probative for us to have brought to the interview, and showed Officer W....., more of the many photographs that we possessed, but we had left most of them at home. In our naïveté, we did not realize how much proof of what we knew to be real we would best be advised to present. We did not anticipate the degree of skepticism that we would encounter at our interview. In any case, for Officer W..... to omit any reference to these photographs entirely is worse than careless, given how determined she is to make us out to be liars and frauds. Instead, careless is how we would describe her reference to our Citibank statements: she makes it sound as if the USCIS file contained just one statement, when in fact Citibank statements are issued monthly and so by her own reckoning of statement periods the file would contain three statements, not one. But this is obviously a relatively trivial point, and we would not even concern ourselves with it, were it not for the fact that we believe such carelessness to emanate from an underlying animus that was evident at the interview and that now pervades this Notice.

18. In the preceding paragraphs, we followed the chronology of events as presented by Officer W..... and attempted to refute her characterization of these events. Now we also want to take issue with her chronology itself. The actual chronology, the true sequence of events that occurred during the interview, does not correspond to Officer W.....'s presentation. A presentation of the actual chronology serves to explain the state of discouragement and demoralization in which we found ourselves by the time Officer W..... asked us to provide her with documentation of our marriage. Our profound discouragement did not arise just because, as Officer W.....'s chronology would make it appear, she had expressed disbelief in relation to Kharpe's lack of knowledge of the names of Ashande's parents. In actuality, what followed that disbelief was not an inquiry into the "marital union documents and photos" we did or did not possess. That inquiry came later.

19. What actually happened, right after Officer W..... asked Kharpe to name Ashande's parents and he failed to do so and failed to explain his ignorance to her satisfaction, is the following. Officer W..... directed us to move our chairs, and ourselves sitting in those chairs, as far away from each other as the configuration of her office would allow. She then printed out two sets of identical written questions and handed each of us one of those sets. We were told to answer her questions in writing, simultaneously and separately, and we did so, under her scrutiny. Thereafter, she reviewed and compared our answers and we could see her putting X's next to some of our answers, an action that both of us interpreted as her taking note of the discrepancies between our answers. At no point did Officer W..... even tell us that she was noting discrepancies, much less give us an opportunity to try to explain and, hopefully, to resolve them. She just launched into the next stage of her conducting of the interview, which was to ask us for documentation of our marriage: we described this stage in numbered paragraphs 13 through 17 above.

20. It is vital that the reader of this affidavit appreciate the uncomfortable position in which we were now finding ourselves. In the first place, we felt that the way the written examination had been administered was unfair. Both of us were in the same room with Officer W..... and so one of us would be bound to hear any questions that the other one of us posed to her. The written questions we were asked to answer were often ambiguous but, under the circumstances, asking for

clarification was out of the question, so to speak. We knew better than to even try. Instead, we tried desperately to answer the questions as best as we could, and obviously in some cases we did not provide identical answers. Now, having completed this examination, having done our best to precisely answer imprecisely worded or otherwise open-ended questions, we found ourselves being “graded” without even being told we were being graded and without being given (with one partial exception: see numbered paragraphs 36 and 37 below) the opportunity to rectify our “failings.” Our first official knowledge of the supposed discrepancies in our answers came by way of the Notice.

21. In what follows, we will serially address each supposed discrepancy between our answers. Our analysis should serve to establish that, contrary to the determination made by Officer W....., for whom the slightest discrepancy is evidence of the foregone conclusion that our marriage must be false, what appear to be contradictions can be easily reconciled, once the actual facts of our shared experiences and living conditions are taken into account. However, before individually addressing and resolving each discrepancy cited by Officer W..... in her Notice, we would like to explain the general nature of the resolution we intend to present, as this will help the reader to follow our analysis.

22. In general, once the facts are known, it becomes apparent that what appear to be contradictions in our answers are, in most instances, complementary observations. For the most part, this is not a situation where, in response to any given question, one of us gives a correct answer and the other gives an incorrect answer; if that were the case, skepticism of our claim to having a bona-fide marriage might indeed be justified. Instead, what the reader will see is that our answers are, almost always, partial and complementary, rather than right or wrong. In other words, both of us were always telling the truth, but sometimes we each told only a part of it, not because we had something to hide, but rather because we did not fully appreciate the necessity of answering certain open-ended questions as completely as possible. Had we been more sophisticated in our test-taking ability, we would have provided more complete answers and these answers would then have more closely approached identity. Also, as we noted in numbered paragraph 20 above, the provision of more accurate answers would have been facilitated by the opportunity to ask for clarification of unclear questions.

But the test-taking conditions imposed by Officer W..... precluded our asking any questions of her.

23. Our living room couch is a nondescript color that does not lend itself to easy definition. It is a greyish color with light brown undertones. The interviewer claims that Kharpe answered “Tan (clear brown).” I, Kharpe, believe that I did write “Tan (clear brown)” but this only proves that when I wrote those words I did not know what “tan” really means. The Funk & Wagnalls Standard Dictionary of the English Language, which I recently consulted, defines tan as “a yellowish-brown color tinged with red.” Tan is not the color I had in mind when I wrote clear brown. I was born and raised in the Caribbean, specifically on the island of ....., and everyone who comes from that region knows and uses the term “clear brown” to indicate a color that people in New York City commonly call light brown or beige. The same Funk & Wagnalls dictionary defines beige as “the color of natural, undyed, unbleached wool.” That color is a greyish/light brown. So in this instance, both of us correctly described the color of our living room couch – it is both grey and clear brown – and the apparent discrepancy was just due to a misunderstanding by Kharpe of the definition of “tan.”

24. Attached to this affidavit as Exhibits 2A, 2B, and 2C, and made a part hereof, is a set of three photographs that we recently took of our living room couch. In 2A, the couch alone is pictured. In 2B, Kharpe is sitting on the couch with ....., one of our cats. In 2C, Ashande is sitting on the couch.

25. In the Notice, Officer W..... states that we were asked to describe the color of our blankets. Actually, that was not the question on the questionnaire. We know this to be the case for two reasons: first, we both recall her actual question and, second, if that had actually been her question, we would never have given the answers that we did. We have many blankets, of many different colors, and it would have made no sense for either one of us to answer the question as if we only had one color of blanket. The question Officer W..... actually posed to us in the written questionnaire was, more or less verbatim: “What color are the blankets on the bed in your bedroom today?” In order to understand the answers we gave, and why they differed, we need to explain that, not only do we have many different blankets, of different colors, but we are always changing them. Both of us suffer from allergies. I, Kharpe, have a serious and

chronic sensitivity to many allergens, including cat dander, while I, Ashande, am allergic primarily to cat dander. When we got our first cat, ....., neither one of us reacted to his dander. It is only when we got our second cat, ....., that we became sensitive to the dander both cats naturally shed. We have become so fond of these cats, however, that we have found it painful even to consider the idea of giving them up, let alone actually doing so. Instead, we take measures to try to limit our allergic reactions to our cats. In addition to seeing allergists regularly and receiving medical treatments, we take steps in our apartment to limit our exposure to the cat dander. These steps include regular and frequent washing, and rotating, of the blankets in both of our bedrooms (we have a second, guest bedroom, which we ourselves also use from time to time). Despite taking these measures, our health has become so compromised that we realize we may have no choice but to let go of these wonderful friends and put them up for adoption. Attached to this affidavit as Exhibits 3A , 3B, and 3C is a set of three photographs that we took of our cats, ..... and ....., at three different stages of their development (and ours). 3A is a photo that we took of ..... sitting in the hallway of our current apartment, in February of 2002, when he was about six months old. 3B is a photo that we took of ..... playing with the Venetian blinds in the living room of our current apartment, in April of 2005, when he was about eight months old. 3C is a photo that we took today of ..... and ....., eating in the kitchen of our current apartment.

26. When asked on the questionnaire for the color of the blankets in our bedroom, both of us felt constrained to try to answer this question as best as we could. Unfortunately, only one of us remembered the color correctly. On our way home, we compared answers; when we got home, we saw that I, Ashande, had been correct, while I, Kharpe, had not. Does this lapse in memory prove, or even reasonably indicate, that we did not sleep together the night before, let alone that we have not been living together for the past 12 years? We think the more reasonable, and indeed the only accurate, explanation is that I, Kharpe, made a simple mistake. We wash and rotate our bedding often and I misrecalled the color from our last change of blankets.

27. Attached to this affidavit as Exhibits 4A and 4B, and made a part hereof, is a set of two photographs that we recently took of the two blankets to which we were referring when we answered this question. 4A pictures the clear blue and white blanket to which, I, Kharpe, referred

(note that by “clear” I meant what New Yorkers call “light”: see numbered paragraph 23 above). 4B pictures the black and white striped blanket to which I, Ashande, referred.

28. Officer W..... points out that our answers differed on the question of what we did asked right after our wedding ceremony. She correctly states that I, Kharpe, said that Ashande and I took a long walk while I, Ashande, said that Kharpe and I went out to eat. Both of our answers are true; it only the incompleteness of each that makes them appear to be contradictory. The fact is, we did take a long walk, from City Hall to the South Street Seaport. At the end of that long walk, we went to the restaurant called Gators Southern Seafood, in the Seaport at Pier 17, and enjoyed a fine meal. Of course, it would have been better if each of us had mentioned both aspects of this experience; but the fact that one of us referred only to the walking portion and the other only to the eating portion doesn’t prove anything, except perhaps that we are not as skilled as we should be at taking written examinations!

29. According to Officer W....., when we were asked what color our bathroom was, I, Kharpe, answered “cream with a light brown rug,” while I, Ashande, replied “white with a black and white rug.” We remind the reader of this affidavit that the question Officer W..... posed was in written form and that we provided our answers in writing, independent of each other. We believe that it is highly unlikely, not to say impossible, for these events to have happened in the way that Officer W..... presents them. If she had really just asked us for the color of our bathroom, is it plausible that each of us, independently, would respond by describing, not just the color of the bathroom walls, but also the color of any rugs on the floor? We think not. We believe that the ambiguous question posed in the Notice would be interpreted by most people as calling for a description limited to the color of paint on the bathroom walls. That we should respond otherwise and seek to further inventory the colors in our bathroom, and that we should independently do so by reference to our floor coverings, strikes us as absurd.

30. We believe that Officer W..... must be misstating the question that she actually posed to us. We do not recall her exact question, but from our answers, which we believe she has accurately stated, we have to conclude that she must have asked us to describe any floor coverings in the bathroom as of the day of our interview, in addition to asking us to

describe the color of our bathroom walls. The answers we then provided do appear to contradict each another, but the explanation of that is simple. With reference to the color of the walls, in sunlight they show as white or off-white, while at night, under the kind of incandescent lighting that we use, the same walls appear to be a yellowish white or cream color. In answering Officer W.....'s question, I, Ashande, remembered the color that the walls appear to be in the daytime while, I, Kharpe, recalled the color that the walls appear to be at night.

31. As for the bathroom floor coverings, we use the same allergy-mitigating procedures for them that we use for our bedroom blankets. Just as we have many blankets, of many different colors, which we wash and rotate frequently in order to minimize the accumulation of cat dander, so we have numerous bathroom rugs, of different colors, which we wash and rotate regularly. Given this feature of our lives, it is easy to see how one or both of us could make a mistake in trying to recall which rug happened to cover the bathroom floor on the day of our interview. As it turned out, when we got home from the interview, we saw that I, Ashande, had been correct on this point, and that the bathroom rug was indeed black and white. But we had changed it from light brown just two days before the interview! It would appear that I, Kharpe, pay less attention to our household furnishings than Ashande does, or else that her memory is better than mine. We believe that no other adverse inferences can fairly be drawn from these kinds of petty errors, when these errors arise as a result of the special living arrangements that we have had to adopt.

32. Attached to this affidavit as Exhibits 5A, 5B, 5C, and 5D, and made a part hereof, is a set of four photographs that we recently took of our bathroom walls and floor coverings. In 5A, Ashande is standing in the bathroom at night: the walls of the bathroom, lit by incandescence, have a pale yellow or cream-colored glow. In 5B, Kharpe is standing in the bathroom in the daytime, pointing to the bathroom walls: these walls, lit by sunlight, appear to be white or off-white in color. In 5C, Kharpe is standing in the bathroom on the light brown rug. In 5D, Ashande is standing in the bathroom on the black and white rug.

33. Officer W..... states that she then asked us if we had carpeting in our home and that I, Kharpe, answered that the only carpeting we had was the aforementioned bathroom rug while I, Ashande, first answered in

the negative and then changed my answer and stated that we had – in addition, it must be understood, to the aforementioned bathroom rug, which I had described as black and white – a multi-colored brown carpet in our dining room. It is impossible that we literally gave the answers that Officer W..... claims we did. When it comes to floor coverings, I, Kharpe, always distinguish between a carpet and a rug. I found a good discussion of this distinction on the Internet, when I searched the word “carpet” in Answers.com (the site is <http://www.answers.com/carpet>):

“Some use the words carpet and rug interchangeably. Historically, however, some have distinguished between carpet and rug based on size (the former being larger) or use (carpets on floors, rugs on beds or on the hearth). For the sake of clarity, some textile scholars also differentiate between carpets and carpeting. In this usage, the latter are wall-to-wall and are often woven or tufted as ‘roll goods’, most often in 12 foot widths but sometimes in up to 15 foot widths. In the real estate and home improvement industries a distinction is made between carpet (or carpeting) and rug. The former indicates a covering that is affixed to a floor and the latter a floor covering that is loose-laid, most often for decorative purposes.”

34. Because I, Kharpe, do not use the words “carpet” and “rug” interchangeably, I would never have said the words attributed to me by Officer W..... I would never have stated that we had a “clear brown carpet in the bathroom.” I would have referred to that floor covering as a rug, which is what Officer W..... correctly states I said in answer to the prior question concerning the color of the bathroom (see numbered paragraph 29). As for her assertion that I stated that this so-called “carpet” was, as she puts it, the “only” such object in our home, my answer is perfectly accurate once it is understood that I distinguish between carpets and rugs, as many people do. The question Officer W..... posed to us concerned “carpeting” and I do not consider the area rug in our living room, which I agree is multi-colored, to be a carpet.

35. As additional evidence that a distinction between carpets and rugs is commonly observed in our society, we offer the following illustration. We recently were walking past a certain store on Nostrand Avenue, near Avenue K, in Brooklyn, N.Y. In light of the work we are doing in relation to the Notice, the words on the store’s awning struck us as more than interesting. We were not in a position to photograph the

awning but we could, and did, obtain a business card from the store's proprietor. That original business card is attached to this affidavit as Exhibit 6 and made a part hereof.

36. I, Ashande, also typically maintain a distinction between carpets and rugs. The fact that I do maintain this distinction would account for the answer of "no" that I initially provided to this question. The fact that I do not maintain this distinction rigorously would account for the observation made by Officer W..... that I then "corrected" myself, as she puts it, and mentioned the multi-colored carpet in our dining room. But did I, Ashande, really "correct" myself? It seems to me that I was just willing to adopt Officer W.....'s terminology. But how did it come to be that Officer W..... was in a position to observe me "correct" myself at all? Was it not the case that all of these questions were, as we stated in numbered paragraph 21 above, posed to Kharpe and me in written form, with us having to provide answers in the same form?

37. The answer to this puzzle is that there occurred, in the case of this one question about carpeting in our home, an exception to the rule that a written format was the exclusive one employed by Officer W..... with respect to all of the questions she cites on page 2 of the Notice. In this one instance, after reviewing the answer of "no" that I, Ashande, had indeed written in response to the question, Officer W..... asked me the same question again, this time verbally. I took her re-questioning of me on this point as a cue that I had answered the question differently from the way Kharpe had answered it. So I revised the typical way that I think of the floor covering in our dining room, which I would ordinarily describe as a rug or area rug, to recognize that it could also be called a "carpet." For that reason, to try to match the answer that I supposed Kharpe must have given, I "corrected" myself and now answered the question in the affirmative and described the rug, now a "carpet," in our dining room. The irony of all this is that there was no discrepancy between Kharpe and myself in our written answers, because both of us had distinguished between rugs and carpets and so neither of us had mentioned the area rug in our dining room. Attached to this affidavit as Exhibit 7, and made a part hereof, is a photograph of the multi-colored area rug in our dining room.

38. Officer W..... states that she then asked us about the number of locks "on the entrance door" to our "home." I, Kharpe, interpreted this

question to refer only to the very door of our apartment, so I wrote “one,” while I, Ashande, interpreted this question to include the door to the entrance of our building, so I wrote “two.” Attached to this affidavit as Exhibits 8A, 8B, 8C, and 8D are a set of four photographs we recently took of our building’s entrance door and of our apartment door. In 8A, Kharpe is standing in front of the entrance door to our apartment building and holding the doorknob, while in 8B Ashande is standing in front of that same entrance door and holding the doorknob: in both photos the single lock is visible right above the doorknob. In 8C, Ashande is standing in front of the entrance door to our apartment and pointing to its single lock (the lock below is painted over and non-functional), while in 8D Kharpe is standing in front of that same entrance door and its single working lock is visible.

39. As additional evidence of the fact that our marriage is real, and not just a connivance to get a green card for Ashande, we are attaching a selection of 50 photographs of ourselves, many of them taken with family and friends, that span the period of time between October of 1996 and April of 2008. We are also attaching a document which describes each photograph. The document describing each photograph, entitled “Description of Photographs Filed in Support of Joint I-751 Petition of Ashande ....., beneficiary wife, and Kharpe ....., U.S. Citizen Petitioner husband,” is attached to this affidavit as Exhibit 9 and made a part hereof. The set of 50 photographs is attached to this affidavit as Exhibit 10 and made a part hereof.

40. Furthermore, as additional evidence of the authenticity of our marriage, we are attaching to this affidavit as Exhibit 11, and making a part hereof, a copy of our Empire Blue Cross Blue Shield health insurance Cards, which we have as a result of the health insurance coverage provided by Ashande’s employer, ....., located in Manhattan at ..... Street. Also, we are attaching to this affidavit as Exhibit 12, and making a part hereof, an original letter dated April 28, 2008, from Citibank Officer Ms. ...., showing that we have jointly “maintained in a satisfactory manner” a money market account with our local Citibank branch office since March .., 2004. Finally, we are attaching to this affidavit as Exhibit 13, and making a part hereof, an affidavit from Mr. ...., the landlord of the building in which we have been residing for the past seven years.

41. We hope that, after a careful review of our affidavit and of all the evidence we have submitted, Officer W..... (as well as any other USCIS Officer involved in making a judgment about our marriage) comes to understand and appreciate its genuineness. We would like to remind any reader of this affidavit that we were in an ongoing relationship and living together for five years before getting married and that, after getting married, we waited for one and a half years before we even began the process of filing immigration documents on Ashande's behalf. If our relationship and our marriage were a contrivance, if our primary purpose was to secure a green card for Ashande, would we have waited so long to implement our nefarious scheme? We think the answer is obvious but, as we have learned, in a very painful way, what is obvious to ourselves may not be obvious to others (and, to be sure, what is obvious to others may not be obvious to ourselves). So we feel compelled to state what is obvious to ourselves and to anyone who knows us intimately: our relationship, from the very beginning, was based on our love for each other. It has lasted all these years because of that love. It will continue in that way forever, regardless of the decision that USCIS makes in our immigration case. Officer W....., and USCIS generally, must now decide whether to allow our lives to go on normally and in peace or to take a wrecking ball to our lives. We can only hope and pray that the right decision is made.

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Kharpe .....

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Ashande .....

Sworn to before me this  
day of May, 2008

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Notary Public