

I, Svetlana, being duly sworn, depose and say:

1. I was born on June 1, 19.., in the city of Djalal-Abad, Kyrgistan (part of the former Soviet Union). Two months after my birth, my immediate family (consisting of my parents, my 5 year old brother Ivan, and myself) moved from Djalal-Abad to the city of Surgut, in West Siberia, Russia; within a couple of years, other relatives of ours moved to this fast-growing city. I thus grew up in a large, loving extended family. My brother and I were happy and secure; looking back, I see that we led sheltered lives, protected from struggle. Living this kind of carefree life, not exposed to harsh realities, I learned to routinely trust people, assuming everyone would treat me well, just as my parents did. My parents raised us with love and attention; taught us to believe in the value of honesty, hard work, and a good education; and imbued us with the hope of a bright future. Thanks to my parents' hard work, our family was prosperous enough to afford to send me to college in the United States of America after I finished high school in June of 1997.

2. I began attending Keystone College, in La Plume, Pennsylvania, in July of

An international student, I studied the travel industry and hospitality. After completing my first year, and while on summer break, in May of 1998 I flew to Russia to see my family; within two months, in July of 1998, I returned to the United States to resume my studies at Keystone. In the following month, my family informed me that my brother had become ill and needed expensive medical treatment. Since my

parents' obligation to pay for my brother's medical needs obviously took priority over their commitment to paying for my overseas education, my original plans to complete my education at a United States college were thrown into serious doubt. After much deliberation, I made a decision to try to fulfill my dreams: I would find a way, no matter how difficult, to support myself financially while I continued my course of studies. My plan was to work hard, complete my education, and find a position related to the travel industry. Furthermore, since I was dreaming up plans, I thought I might as well make these plans complete; accordingly, I included in my goals the dream of buying a house and raising a family. It was in this state of hope that I went to live in the city that most represented opportunity to me, the "dream city" of New York, in August of 1998.

3. This was the first time in my life that I was living on my own and I had to struggle a lot. I was living in the borough of Queens and within the first year of living in that borough I had to change my roommates, apartments, and jobs several times. My roommates were people I had never met before, while the only jobs I could get were low-paying yet demanding and/or tedious (babysitting, bagel shop cashier, housecleaning). Anyhow, I managed to rent a room in a quiet neighborhood, and even saved some money. In June of 1999, with a bit of financial help that my parents were able to give me, I enrolled at the Business Institute, in Manhattan, New York. I resumed my studies relating to the travel industry and hospitality, with the ultimate intention of getting a job in that field, a job that would be both more interesting and better paying. I am happy to report that I was successful in this goal, and have been working for the past year as a customer service

representative at, the official International Airline of, in Manhattan, New York.

4. In June of 1999, at the same time as I began fulfilling one of my dreams by obtaining a good education, I began (or so I thought) fulfilling another one of my dreams, which was to get married and raise a family. At the end of June I met my future spouse, Jerry, in a nightclub in Manhattan, being introduced to him by my friend Luda, who knew him. Jerry made a very favorable first impression on me. He was polite, handsome and, I naively thought, sincere. We liked each other right away and started to date; in fact, I began to spend most of my time with him. I felt very glad I had met that “special someone” who understood and supported me. A few months later, we decided to get married. On October .., 1999, we got married at City Hall in downtown Brooklyn, N.Y., bringing with us the two witnesses required by law: Jerry’s friend Michael and Michael’s girlfriend Mary. Later that day, Jerry and I, accompanied by Michael and Mary, celebrated our wedding at a local restaurant.

5. Although our marriage began happily enough happy, there were already tensions in the air even before we got married, which I choose to ignore because I loved Jerry and wanted our marriage to work. For example, my parents did not approve of my marriage to Jerry and did not like him: they had very much wanted to attend our wedding but Jerry made no effort to help them obtain the visas that would enable them to come to the United States.

6. At the beginning of December, 1999, Jerry and I moved into a new apartment, Apt. C1 at East 18th Street (near Avenue U)¹ in Brooklyn, New York. During the first three months of our marriage, Jerry and I were happy enough and we got along okay. But conflicts and other tensions arose and became harder and harder to ignore. For example, I realized that Jerry did not communicate at all with his mother, Arleen, who was divorced from his father, Vito However, Jerry and Vito liked to go out and party together. Vito had a much younger wife, whom I never met, but this did not stop Vito from going to bars with Jerry and flirting with the women there. Vito and I argued a lot because I would protest against his and Jerry's incessant partying and excessive drinking. Another problem that arose in my relationship with Jerry concerned the fact that my native language, and the native language of most of my friends and all of my relatives, is Russian (strangely enough, this fact did not seem to bother Jerry at all before our marriage). Whenever I would receive telephone calls from, or make telephone calls to, my girlfriends or relatives in Russia, I would naturally speak to them in Russian. Without any basis in reality, Jerry began to get suspicious, thinking that I had a secret Russian boyfriend. Many times Jerry would get angry with me when I was speaking my native language on the phone. This unfounded and unreasonable suspicion became comprehensive: Jerry

¹ One of the affidavits we are submitting in support of my I-360 self-petition is from my friend, Elona Elona wrote in paragraph 7 of her affidavit that this new apartment was on Avenue U and I did not notice this mistake until now. Actually, the apartment building was close to Avenue U and that is why I believe Elona thought of it as actually being on Avenue U. This mistake is easily understood as a trick of memory to anyone familiar with E. 18th St. and with Avenue U: while E. 18th St. is a quiet, and unmemorable, residential street, Avenue U is a bustling, thriving commercial thoroughfare, easily remembered.

started questioning me about my movements, about the purpose of all my comings and goings, about what I had to do and whom I had to see. He treated me as if I were a dog in need of a leash instead of a wife in need of his trust and affection.

7. I then discovered that Jerry had a history of drug abuse that he had never confided to me while we were dating or in the first three months of our marriage. I found out about this history in late January of 2001, when I discovered white powder and a blade on our dining room table: I then realized that Jerry was using cocaine. Jerry admitted to me that he did use drugs sometimes and that he had been in drug rehab before we met. He also told me that he had previously been arrested for drug possession. But he tried to assure me that, now that he had me in his life, he had changed, so that he could use drugs for occasional fun without abusing them. I was still so much in love with him, that I wanted to, and did, believe him.

8. No matter what I wanted to believe, I could not maintain a state of complete denial when I kept being confronted with the reality of Jerry's abuse of drugs. I began to see that this drug problem contributed to Jerry's irrational, and sometimes even violent, behavior towards me. We began fighting a lot. Jerry was no longer ashamed to smoke pot in our apartment; several times he sniffed cocaine when I was in the room. At times he even tried to pressure me to smoke pot with him or get drunk with him; seeing the harmful effects his drug and alcohol abuse was having on him, I always refused to follow his example. When I would ask

him to get help he would cry, act sorry for himself, and plead with me to forgive him. For some time, I did forgive him. When I would talk with him about one or another drug rehab program that I would see advertised in newspapers, Jerry would at least listen; this apparent openness made me feel hopeful that we would be able to resolve our problems. I had been raised in the belief that nobody is perfect, and that when we encounter a problem we should be patient and kind enough to give people a chance.

9. There is such a thing, I eventually learned from being with Jerry, as misguided patience and unhelpful kindness. No matter his promises, Jerry would not abandon his drug use. Meanwhile, Jerry's characteristic mood changed: he went from being usually carefree and nice to me to being usually angry and irritated by me. Sometimes he would still be the nice person that I had married; but the next minute he would be unpredictably aggressive over any small thing that annoyed him. For example, we would agree to go out somewhere, sometimes by ourselves, sometimes meeting with other people; but when we were about to leave our apartment, Jerry would suddenly decide to stay home. This behavior was disappointing when it involved only ourselves; when it involved other people, it put a serious strain on my friendships with them: some people just refused to stay friends with Jerry after such experiences, but some friends of mine gave up on me as well. And if I would try to argue with Jerry, for example if I tried to convince him to stick to our original plans, he would get very aggressive with me, even to the point of shoving or slapping me in the face. Thus, what started out as verbal fights, which were bad enough, escalated to physical abuse: since Jerry was much stronger than me, the result of our fighting was totally

predictable: bruises on my body and none on his, after Jerry, typically under the influence of drugs, would hit or kick me. At least at this point in our marriage Jerry would usually restrain himself enough so as not to physically assault me, and thereby totally humiliate both of us, in front of other people. Even this changed (see, for example, paragraph 17 below). Still, at this time, even in the face of this bad treatment, I was not ready to give up on my husband. I still believed with all my heart that, as his wife, I was obliged to love Jerry and help him through these difficulties; I naively believed that if I just continued to love him he would inevitably overcome his problems. Therefore, I continued to give Jerry my help and moral support when he was depressed or otherwise upset or unhappy about something.

10. One behavior of Jerry that I have not mentioned, and which added to the strains in our marriage, is that after we had been married a few months Jerry began talking to me about his desire to participate in certain sexual activities that did not appeal to me. He persisted in such talk even after I made it clear to him that I did not share his interest. For example, Jerry would frequently try to convince me to participate in a sex orgy with one or two other women. I was not interested in this and just wanted to settle down and have a family, especially because I had no family in the United States. Furthermore, Jerry would sometimes be sexually abusive with me, and force me to have sex with him when I was not in the mood to do so.

11. By April 2001, the problems between us became so intense that Jerry left our home. To this day I still do not know where and with

whom he was living when he moved out; at the time, whenever I asked him about it, he just gave me vague answers, like “I’m staying with friends.” After that, he called me sometimes, and even visited our apartment on a few occasions. I still had feelings for my husband and naively kept believing that I could help Jerry get out of the “pit” he had got himself into.

12. My faith in Jerry and in our future together ended after an incident occurred between us on June 3, 2001, on one of his visits to our apartment. This incident occurred just before we were supposed to leave our apartment to celebrate my 21st birthday at a local restaurant. When my husband came home to our apartment that day, three friends of mine – Larisa, Andrew and Beata – were in the apartment with me, waiting for all of us to go out to the restaurant. I was in the kitchen and my friends were in the living room. In the kitchen I presented my husband with a suit that I had bought for him to wear to the party. When Jerry tried on the suit he did not like it, and started to scream that I had given him a “second-hand” suit and that I never treated him right. Then he slapped me hard and punched me in the head. My friends in the other room heard what was happening and came into the kitchen, to help me and also to try to calm my husband down. Larisa gave me some ice to stop my nose bleeding. I was mortified, struggling with tears. All of us finally did go to the restaurant, but my husband became very drunk there and started to yell crazy things at me in front of everyone at the restaurant, such as asking me, “So who do you sleep with now?”

13. After my birthday party, I did not want to see Jerry because of what he had done to me. Then I found out that I was five weeks pregnant. Having been depressed by my marriage for a long time (feeling it but not even knowing what it was for most of that time), I now became emotionally devastated and felt very lonely; I almost had a nervous breakdown. After many thoughts I came to the conclusion that I was not able to handle the situation and raise a baby on my own. With great reluctance, but feeling I had no other recourse, I took steps to terminate my pregnancy. I went to a medical clinic in Brooklyn, where I received a combination of treatments (an injection plus suppositories that I had to insert in the course of the next 4 days) that turned out to be effective. During this period of time I felt completely bereft; I was crying all the time and even considered suicide as an escape.

14. I was told by the physicians at the clinic that the termination of my pregnancy would be accompanied by some loss of blood, which did indeed occur. What I was not expecting was the unusual and delayed reaction that occurred several weeks later. On the night of July .., 2001, after I had gone to sleep, I woke up feeling pain and found myself in a puddle of blood. I telephoned Levan and he instantly called 911. Two emergency medical technicians came to my apartment and took me in an ambulance to the emergency room of Coney Island Hospital, at 2601 Ocean Parkway in Brooklyn, N.Y. 11235. Levan went straight to the hospital and met me in the emergency room where I was already receiving an intravenous transfusion of blood. I had been bleeding heavily and was feeling dizzy; looking back, I see now that I was probably in a state of

clinical shock.² Hospital staff took appropriate measures to stop the bleeding and gave me plenty of blood and other fluids to compensate for the blood I had lost. As my condition improved, I was discharged from the hospital in the morning, with instructions to rest and to drink a lot of water, and Levan then took me home.

² Attorney Oscar Jaeger received today, by certified mail, a certified record from Coney Island Hospital of my emergency room admission and treatment at that facility. The original of the top of the envelope in which that certified record arrived, to which is appended the original certified record itself, is attached to this affidavit as Exhibit 1 and made a part hereof. I need to explain a questionable notation that appears on the first page of the hospital record, the emergency room intake sheet. This notation was made by the triage nurse in charge of emergency room admissions. Anybody who has ever been in a busy emergency room such as that of Coney Island Hospital, and who has been interviewed by an emergency room triage nurse, can confirm my experience: such an interview is taking place under far from ideal conditions. The patient is typically under a lot of stress from his or her medical problems while the nurse is typically working in a hectic, almost chaotic environment, with lots of noise, time pressures, etc. I believe these less than ideal conditions are responsible for one less than accurate notation that appears on this intake sheet. I refer to the word “none” that was written by the triage nurse by way of a summary response to the questions in the category of my medical history. Someone reading this intake sheet alone, without knowing the condition I was in or the conditions under which this interview took place, might assume that the nurse had carefully and slowly questioned me on every point of my medical history and then had written “none” because I had thoughtfully pondered every one of her questions and had replied in the negative to every question. I can assure the reader of this affidavit that it is very doubtful that such a thing happened in my case. Although I was in a state of shock, I was not delirious (note that the nurse had characterized my mental state as “alert”). My recollection of that interview was that it was quite hurried and not all that specific. In questioning me about my medical history, I do not believe the nurse took the time to ask me about every sub-category. But even if she had taken the time and had specifically asked me about the sub-category of domestic violence, and even if I had carefully considered the question and had answered in the negative, I would still ask the reader to consider the state I was in, and whether any significance should be attached to my supposed reply. After all, I was bleeding because of an abortion, and not as a result of a physical assault upon me by my husband. Considerations of privacy and notions of irrelevance might have led me to answer no, regardless of how serious a history of domestic violence I had actually experienced.

15. After this traumatic incident, which left me feeling physically and emotionally drained, I felt like giving up on life, but knew that this was not the right attitude: with much effort, I returned to work at International, an upscale travel agency on Madison Avenue in Manhattan, N.Y., where I had begun working as a travel agent in March of 2001. My goal was to keep myself so busy that I would not have time to think about how miserable I was feeling. To make matters worse, Jerry would call me on my cell phone, threatening me and calling me names. He knew about my pregnancy and the termination of my pregnancy, and he must have had some idea of how devastating those experiences were to me, but he showed no compassion at all, only cruelty. Due to Jerry's threatening behavior, I became really scared that he would come and do something violent to me. I had to go to Family Court in Brooklyn and obtain a series of orders of protection from. The first of these orders of protection was issued on October 16, 2001 and was effective until February 6, 2002; that initial order was then twice extended, the first time to April 9, 2002 and the second time to July 10, 2002. Copies of these orders are attached to this affidavit as Exhibit 2 and are made a part of this affidavit. Also attached to this affidavit and made a part hereof, as Exhibit 3, is a copy of an NYPD Domestic Incident Report dated October 3, 2001, in which I charged my husband with aggravated harassment.

16. To feel more secure, I changed my place of living in November of 2001: when Levan moved into a new apartment, at Street, Apt

....., Brooklyn, N.Y. 11214, I moved into the apartment with him, where I continue to live at the present time.

17. Now that a year has passed since I was last harassed by my husband, I am finally starting to be less afraid of him. Through friends we both used to know I am even making attempts to find him, not so that we can be reconciled – it took a lot of abuse on Jerry’s part for me to lose my illusions about him, but for his efforts he can now claim complete success – but so that I could be divorced from him and completely move on with my life. Even after such a long time, I still cry when I think about my unfortunate marriage, the termination of my pregnancy, and all the suffering I went through because of Jerry and his broken promises. But I have the consolation of knowing that I learned a lot from my unhappy experiences, and that I know now, much better than I ever did before, who is and who is not a true friend, who loves me and who does not.

Svetlana

Sworn to before me this
day of October, 2002

Notary Public