

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

1. I am making this affidavit in support of the application of my wife, Veriko née, Alien Registration No. A.., for adjustment of her immigration status to that of permanent resident alien. More specifically, I am making this affidavit to support the I-601 Waiver that Veriko and I filed with the New York District Office of the U.S. Citizenship and Immigration Services (U.S.C.I.S.), on October 23, 2003, on the date of Veriko's adjustment interview.

2. I currently reside with Veriko at Ocean Avenue, Apt., Brooklyn, N.Y. 11230.

3. I am a naturalized U.S. citizen. My Certificate of Naturalization (No.) was issued on April .., 1972, in Manhattan, N.Y. City, by the U.S. District Court for the Southern District of N.Y.

4. An I-601 Waiver was filed in this case because Veriko left the United States in July of 2003, to visit her ailing mother in the Republic of Georgia. Veriko had received advance parole from U.S.C.I.S. and was paroled back into the U.S. upon her return, in August of 2003. However, since Veriko's immigration status was that of a visitor in overstay, who had accrued more than one year of overstay prior to leaving the U.S. and being paroled back in, she is subject to a 10-year bar of inadmissibility. The only waiver to this bar requires me to convince U.S.C.I.S. that Veriko's removal to Georgia would cause extreme hardship to me, and that is the purpose of this affidavit.

5. Because my life with Veriko has been tremendously complicated by my relationship with my sister, I would like to first explain that

relationship, before I focus more directly on Veriko and how much she means to me.

6. I first came to the United States in January of 1961, together with my sister, Dayanara, and my mother, Isabela née We came as political refugees from Cuba. Our mother died a few years later, on September 1, 1965, in a tragic swimming accident. She was just 55 years old. At the time of our mother's death, my sister was 28 years old, while I had just turned 12. Accordingly, my sister essentially raised me, from that time on. She never married. She has lived for many years at the same home that we grew up in, at St., in Richmond Hill, N.Y. 11418.

7. Around 20 years ago my sister started to go gradually blind, due to macular degeneration, a hereditary disorder that had also afflicted my mother. Within a few years my sister had become legally blind. In addition to being legally blind, my sister has suffered for a long time from rheumatoid arthritis, a condition aggravated by her obesity. Evidence of Dayanara's chronic infirmities is attached to an affidavit that I filed with U.S.C.I.S. on October 23, 2003, in order to supplement the Form I-864 Affidavit of Support that I had filed on Veriko's behalf as part of her adjustment application. As if Dayanara's chronic problems were not sufficient, on January 20, 2004, Dayanara was hospitalized at the Hospital in Queens, N.Y., after a fall caused by a mild stroke.

8. Due to her physical impairments, Dayanara benefits from my assistance in many ways, from shopping for food and other household necessities to cooking, cleaning, making needed repairs, etc. In addition, she thrives when I visit her and keep her company. Accordingly, I try to visit my sister as often as I can, given the time constraints of work and of wanting to have a normal life with Veriko. Because Dayanara is my sister, and because I am grateful to her for the many years she spent taking care of me, I am glad to return the favor as much as I reasonably can.

9. Unfortunately, some of my sister's psychological needs extend beyond the realm of reason. Since becoming physically incapacitated, she

has felt threatened by any close relationships that I have developed in my life, particularly with women. She feels, irrationally, that such relationships will result in my abandonment of her. My assurances do not effectively calm her down.

10. When I was fortunate enough to meet Veriko, some 3 years ago, I knew that I could not fully disclose my happiness to Dayanara. In fact, strange as it may seem, Veriko and Dayanara have met on several occasions, as I have sometimes taken Veriko with me when visiting Dayanara at her home, but to this day Dayanara does not know that Veriko and I are married. We have kept this a secret from her because I know my sister quite well, and I know she could not cope with that information.

11. The significance of this tangled, complicated relationship I have with Dayanara is that if, God forbid, Veriko were removed to Georgia, I could not do what another husband might be able to do, which is to follow my wife to Georgia and live with her there. My obligations to Dayanara, which are deeply personal and permanent, require me to remain in the U.S., to look after her. Hiring a home attendant to replace me is not a good option, because Dayanara would consider me as having abandoned her, and this would break her heart, and distress me greatly. Much as I love Veriko, how could I do this to my sister? On the other hand, Veriko's removal would also break my heart, absolutely.

12. I am a schoolteacher, as is Veriko, in the New York City Public School system. In fact, Veriko preceded me in this field of work. She had received her teacher training in Georgia, and had acquired years of experience teaching there, before coming to the United States and eventually going to work in the City's public schools. In September of 2002, I started to seriously consider making a significant career change, from the well-paid but not very satisfying jobs that I had held – as a Network Administrator and Office Manager in the field of computing – to another field that I was hoping would be more emotionally satisfying. It was Veriko's example, as a dedicated, inspired teacher, and her constant encouragement and painstaking assistance, that led to my having this new career, which I do indeed find more satisfying. But even though

schoolteachers do get extensive summer vacations, if Veriko were removed to Georgia, how could my visiting her in Georgia for a couple of months each year hope to substitute for the normal life together that we planned for and completely need? Is it fair to separate a husband, for ten years, from the wife he loves so much, as a punishment for the fact that, out of desperation, she left the country for one and a half months to visit her sick mother?

13. I would like to explain the circumstances that led to Veriko's decision to visit her mother. It was not only that her mother was sick; she was also a widow. When Veriko's father was sick, in 2002, Veriko was in the United States, and was afraid to visit him, for fear of the immigration consequences to herself. She decided not to visit, and her father died. In addition to the usual grief, Veriko never forgave herself for not visiting him when she had the chance. So when Veriko's mother became ill, Veriko was determined to see her, even though our attorney warned us of the potential adverse repercussions. I urged her to go and went with her to Georgia. Veriko and I have taken many trips together during the past 3 years, visiting a number of states on the East Coast of the U.S., but this trip was the most meaningful and memorable. I was able to meet Veriko's mother, a lovely, kind, and gracious person, as well as numerous other members of Veriko's family (her siblings, sister-in-law, and cousins). In meeting Veriko's family, I was fortunate enough to encounter a primary source of Veriko's generous, compassionate spirit.

14. Veriko and I are very close. We fell in love when we first met, in March of 2001, and our relationship has only deepened. We spend all of our free time together. When I consider how happy I have become because of Veriko's love and devotion, which I have done my best to reciprocate, I know how miserable I would be if she were abruptly torn out of my life, available to me only as a virtual companion, a partner through emails and telephone calls: a long-distance wife. An enforced separation would cause immeasurable grief to both of us.

15. Finally, for the past year, we have seriously pursued the goal of starting our own family. Inasmuch as Veriko cannot have children, we

decided to adopt a child from the Republic of Georgia. In addition to the nostalgic reasons for choosing a child from Veriko's native country, there are practical reasons for making this choice. The economic conditions in Georgia are very poor and birth control is not used to the extent it is here while abortion is a very expensive procedure, unaffordable to most pregnant women; as a result, there are many women giving birth to babies they can ill afford to raise. We have been in frequent contact with Veriko's childhood friend, a pediatrician named Dr., who practices medicine at the City of Poti Children's Hospital, in Poti, Georgia, where she routinely encounters mothers who are eager to put up their newborns for adoption by women who can provide these children with a materially better life. We had several meetings with Dr. during our visit to Georgia this past August, and even received several offers of adoption while we were there. But we had to reject those offers, just as we have rejected other offers before and since, because we were not certain of the decision that U.S.C.I.S. would make with respect to Veriko's application for permanent resident status. An original letter from Dr., entitled "Letter of Explanation" and dated January 22, 2004, is attached to this affidavit as Exhibit 1 and made a part hereof; an original certified translation of Dr.'s letter is attached to this affidavit as Exhibit 2 and made a part hereof.

16. If Veriko is removed to Georgia, I will not be able to visit her frequently, or for sustained periods of time, for the reasons stated above in paragraph 11. Furthermore, joining Veriko in Georgia on a permanent basis would mean giving up the good job as a teacher that I started here, for an uncertain, albeit certainly low-paying, career in Georgia. Veriko and I would both be losing our well-paid jobs in the U.S. and would lead a relatively impoverished life in Georgia. I state this, not because I could not possibly adapt to such a life; aside from the concerns expressed in paragraph 11, perhaps I could. I emphasize these facts because they directly impact our ability to adopt a child and raise that child together. If Veriko were deported and I somehow could follow her to live in Georgia, our chances of receiving offers of adoption would be slim, because our own economic circumstances would probably not be much better than the economic circumstances of the mothers giving birth. If Veriko were deported and I did not join her, but continued rather to live and work here, Veriko might be

slightly more likely to receive adoption offers, since I could send her U.S. dollars to bring up our adopted child in relative prosperity, but then what kind of family would I have, with my wife and adopted child separated from me for 10 years?

Ernesto

Sworn to before me this
day of February, 2004

Notary Public