

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

1. I am making this affidavit in support of my appeal from a decision of the United States Citizenship and Immigration Services (USCIS) New York District Office, dated April 29, 2011, denying my application for naturalization. More specifically, I am making this affidavit to explain my answer to Section 4 of the attached USCIS Form N-336. A copy of the denial decision is attached to this affidavit as Exhibit 1 and made a part hereof.

2. I currently live at, Ossining New York. I've resided in New York State continuously since May 2005. Throughout this period of time, I have never resided in any other State of the United States.

3. Between February of 2005 and October of 2010, I was employed full time in New York State with the Life Insurance Company, first at its Manhattan location, at, Avenue New York, NY 10010, and subsequently at its Westchester location, at, Mt. Pleasant, NY 10591. A copy of a letter from the Life Insurance Company verifying this employment information is attached to this affidavit as Exhibit 2.

4. I obtained my permanent resident status on September 3, 2002. A copy of my green card is attached to this affidavit as Exhibit 3 and made a part hereof. At the date that I obtained this status, I was unmarried and had never been married.

5. I was married to Ringo on November 5, 2002 in Lian Jiang, Fujian, China. The marriage was dissolved on December 25, 2005 in Toronto, Ontario, Canada.

6. In Canada, the all-numerical date format follows "DD-MM-YYYY." This is the format used in Great Britain (and Europe); it is used in Canada because of the colonial relationship between Great Britain and Canada. In the United States, the all-numerical date format is "MM-DD-YYYY." For example, "05-11-2002" on a Canadian

official document refers to November 5, 2002; in the United States, that same date appearing on a U.S. document would be read as May 11, 2002. When the months are spelled out in letters, both styles are clear, free of the potential for confusion. For example, both “November 5, 2002” and “5 November, 2002” are clear. An illustration of the use of the Canadian all-numerical format is the student visa that was issued to me by the Canadian government on June 26, 1999. The date of issue is stated as “21/06/1999.” A copy of this official Canadian document is attached to this affidavit as Exhibit 4 and made a part hereof. When, as in this instance, the first number of the date exceeds 12, the date will universally be understood to be in the Canadian/British/European format, because the U.S. format would make no sense. A very serious problem can arise, however, and very much arose in my case, when the date in question is capable of being read in two different ways, depending on which format is being used. When, as in my case, a U.S. reader examining the all-numerical date on an official Canadian document fails to appreciate that the date was written using the Canadian format, and instead just assumes that the U.S. format applies, the result can be devastating; the result can be, as it was in my case, the denial of an application for naturalization that should have been approved, without further ado, a long time ago.

7. My initial filing of the Form N-336 was within the required timeframe and directed to the required USCIS office. It was received by the USCIS New York District Office on June 2, 2011. Attached to this affidavit as Exhibit 5 and made a part hereof is a copy of my initially filed N-336, bearing the USCIS stamp “Received Mail Room 2011 JUN 2 PM 12:16 DHS/USCIS New York, N.Y. 10278.” The N-400 denial letter mailed to me is dated April 29, 2011: see attached Exhibit 1. This denial letter was mailed to me in an envelope postmarked May 2, 2011. A copy of the postmarked envelope is attached to this affidavit as Exhibit 6 and made a part hereof. In the section of the Form N-336 Instructions that is entitled “What is the Purpose of Form N-336,” the following instruction is stated: “You must file your request for a hearing within 30 calendar days after the service of the decision (33 days if your decision was mailed) with the local office of the U.S. Citizenship and Immigration Services (USCIS) that made the

unfavorable decision.” A copy of the Form N-336 Instructions is attached to this affidavit as Exhibit 7 and made a part hereof.

8. My two previous N-336 filings were rejected by the New York District Office. The rejection letters contained the following statement: “Your application cannot be processed in our jurisdiction because you reside in another state. Please forward to USCIS Newark NJ.” The person or persons who rejected these filings did so on the basis of my having listed a New Jersey address on these N-336 Forms. I did so because my actual residence address, which is in New York State, was not a reliable address for me to receive mail. After leaving my job at the Life Insurance Company and thereafter filing my N-400 application, I began traveling extensively. I knew that, especially in my absence, I could not rely on mail to be kept for me at my residence address. Accordingly, I provided the New Jersey address of my parents as my own address, knowing their address to be more reliable for receiving mail than my own.

9. When I filed the first N-336, I had no idea that my listing of a New Jersey address on the first page of the Form could cause confusion and result in a denial on jurisdictional grounds. After receiving that denial, I was on notice, of course, about this possibility for confusion. When I filed the second N-336, I dealt with this possibility by resubmitting the identical N-336 that I had filed the first time, which had been returned to me as part of the rejection process, but this time I attached to that Form a letter with a clear statement concerning my actual place of residence and the reason that I had listed my parents’ address on the Form itself. A copy of my second Form N-336, bearing a double USCIS receipt stamp, is attached to this affidavit as Exhibit 8 and made a part hereof. A copy of the letter that I annexed to this Form is attached to this affidavit as Exhibit 9 and made a part hereof. Despite the inclusion of this letter, the person or persons who rejected my second filing did so on the same erroneous basis that my first filing had been rejected.

10. The N-336 Form that I employed when filing my two prior requests for a hearing was a form that was mailed to me by USCIS on May 2, 2011; it accompanied the N-400 denial letter. This form, with a revision date of May 5, 2004, was already outdated

by the time USCIS mailed it to me; a new Form, bearing a revision date of April 19, 2011, had already been generated by USCIS and was presumably available to USCIS at the time of its mailing the old Form to me. If this old Form were a well-constructed form, the fact that it was outdated would be of no concern. But the old form was defective; unlike the new form, it did not differentiate between a mailing address and a residence address. In retrospect, it would have been prudent of me to make that differentiation myself, by adding the words "mailing address" to the New Jersey address that I listed on the Form itself. Still, when all the facts are taken into account, I believe USCIS must bear the major portion of responsibility for the erroneous rejection of my prior N-336 filings. USCIS generated a defective Form N-336 in the first place and then it sent me that defective form even when a newer and better form had been generated and had presumably become available for distribution. I am employing this new form in my current N-336 filing.

11. On February 7, 2011, USCIS Officer interviewed and tested me on the 7th floor of the USCIS New York District Office, located at 26 Federal Plaza, New York, NY10278. I passed the English language and American history/government portions of my naturalization test.

12. On March 24, 2011, I had a second interview with another USCIS Officer, this time on the 3rd floor of 26 Federal Plaza. During the interview, I gave the interviewing officer the following documents: copies of the federal tax income returns that I had filed for the preceding five years; original bank account statements for the preceding five years; a copy of my W-2s for these preceding five years (I showed the Officer the original W-2s); and a copy of a letter from the Life Insurance Company verifying my full-time employment with them for the preceding 5 years (I showed the Officer the original letter).

13. On April 29, 2011, my N-400 was denied on the basis of a misinterpretation by USCIS of the marriage date that appears on the divorce certificate issued to me by the Canadian Family Court in 2005. A copy of this divorce certificate is attached to this affidavit as Exhibit 10 and made a part hereof. The marriage date on the certificate in

question is "05-11-2002." Should this date be incorrectly interpreted as May 11, 2002, the date of my marriage would indeed be before the date that I became a permanent resident, which was on September 3, 2002. However, on an official Canadian document such as a divorce certificate, "05-11-2002" must be read as November 5, 2002, not May 11, 2002. As I stated in numbered paragraph 6 above, the all-numerical date format in Canada follows that of Great Britain and Europe, which is DD-MM-YYYY.

14. On May 6, 2011, with the purpose of providing additional evidence of the true date of my marriage, I went to the USCIS New York District Office and submitted a copy of a certified copy of a divorce certificate newly issued by the same Canadian Court that had issued the initial certificate attached hereto as Exhibit 10. A copy of this new certificate is attached to this affidavit as Exhibit 11 and made a part hereof. On this new certificate, the months of dates are spelled out in letters. The marriage date is clearly shown as "November 5, 2002," not May 11, 2002. Both divorce certificates are essentially equivalent. The only difference between them, aside from the fact that the first one was issued in 2005 and the second one was issued in 2011, is that the marriage date indicated on the first one is in all-numerical format, whereas the second one puts the month in letters, thereby making it clear that my marriage date was November 5, 2002. Based on the proper reading of the marriage date indicated in Exhibit 10, and the incontrovertible reading of that date indicated in Exhibit 11, I was unmarried on the date I became a permanent resident, September 3, 2002.

15. Divorce certificates in Canada are publicly available to all inquirers upon request by mail or phone. Anyone can verify the authenticity of any certificate by either calling or writing the Canadian Family Court; in my case, an inquirer would use the file number 05-FD-308574 which appears on the divorce certificates attached hereto. A detailed instruction on how to obtain such information in writing is attached to this affidavit as Exhibit 12 and made a part hereof. The contact information for the Canadian Family Court where these divorce certificates were issued can be found on the website of the Ontario Ministry of the Attorney General, at www.attorneygeneral.jus.gov.on.ca/english/Courts/Court_addresses. In the middle of the page, the inquirer would click on "393 University Ave. – 10th Fl." He or she will see that

the phone number for the Family Court is 416/327-2064. Attached to this affidavit as Exhibit 13 and made a part hereof is a copy of contact information for this Family Court, including their phone number. Anyone can call the Court with the file number 05-FD-..... and thereby verify the marriage date in question.

16. On July 19, 2011, in Room 930 of 26 Federal Plaza, two USCIS officers conducted a third interview of me. One of the officers, whose name I do not recall but whose office number is 212/264-....., informed me that he had called the Canadian Court and confirmed that the marriage date on these divorce certificates was indeed November 5, 2002, not May 11, 2002.

17. During my interview with these two USCIS officers, I showed these officers a certified copy of my Chinese marriage certificate, with notarized English translation, declaring the marriage date to be November 5, 2002. I provided these officers with a copy of that certified copy. Another copy of this document is attached to this affidavit as Exhibit 14 and made a part hereof. Furthermore, I showed these officers the original Chinese passport that I used when I traveled from Canada to China in 2002 to get married. Within my passport I showed them the page bearing two Chinese custom stamps relating to my trip to China. One stamp shows that I entered China on October 25, 2002, and another stamp shows that I left China on November 18, 2002. These two stamps are consistent with my having being married in China on November 5, 2002. I gave these officers a copy of this passport page. Another copy of this passport page is attached to this affidavit as Exhibit 15 and made a part hereof.

Jessica

Sworn to before me this
8th day of August, 2011

Notary Public