

State of New York

County of Kings

Affidavit

I, Tatyana ....., being duly sworn, depose and say:

1. I am making this affidavit in support of the application for adjustment of status that I filed on June .., 2001, with the Bureau of Citizenship and Immigration Services, or BCIS (at the time of this filing, BCIS was called the Immigration and Naturalization Service, or INS), New York District Office at 26 Federal Plaza, New York, N.Y. 10278. Attorney Oscar Abraham Jaeger, with offices at 729 Kathleen Place, Brooklyn, N.Y. 11235, telephone number 718/615-0393, assisted me with the preparation of that adjustment application and continues to represent me and is the attorney of record concerning that application. On the basis of that application, BCIS has scheduled me for an adjustment of status interview, to be held at their New York District Office on June .., 2003. My alien registration number is A.. ... ..

2. At the same time, in the event the District Adjudications Officer who interviews me on June .., 2003 requires me to file an INS Form I-360 Petition, I am also making this affidavit in support of that Petition, as the self-petitioning spouse of a United States citizen abuser, namely my husband, Barry .....

3. Prior to filing the above adjustment application, and prior to retaining Mr. Jaeger, I filed an I-130 application with the INS Vermont Service Center, on January .., 2001. That I-130 application was approved on July .., 2001. A copy of the INS Form I-797 "Approval Notice" is attached to this affidavit as Exhibit 1 and made a part hereof.

4. I was born on ....., 1972 in the City of ....., Russia. I first came to the United States on June .., 2000, as a visitor. My tourist visa was originally set to expire on December .., 2000, I believe, but I timely filed an INS Form I-539 Application to extend my visitor's status, and that application was approved and extended the expiration date of my tourist visa to May .., 2001. A copy of that INS

Form I-797A "Approval Notice" is attached to this affidavit as Exhibit 2 and made a part hereof. I believe my current immigration status is that of a visitor in overstay with a pending application for adjustment of status based on marriage to a United States citizen.

5. I currently reside at ..... St., 2nd floor, Brooklyn, N.Y. 11204.

6. I came to the United States for the purpose of visiting my childhood friend, Ilana ..... My parents, Alexander ..... and Galina ..... (née .....), and Ilana's parents, Vladimir ..... and Mila ..... (née .....), knew each other from college and had remained close friends, so it was only natural that I grew up with Ilana and that we became best friends. Even though the ..... family immigrated to the United States in 1983, Ilana and I continued to stay in touch through frequent letters and phone calls. We were thereby able to maintain a close and warm friendship.

7. Though we maintained this friendship and looked forward to the day we would see each other again, no one could have foreseen, let alone expected, the wonderful development that has taken place in our lives, whereby we are living in the same city here in the United States. Growing up, I dreamed of coming to New York, but it was only a vague desire. While living in Russia, I had to keep my mind focused on the practicalities of survival: I studied to become a child psychologist and my career kept me very busy. A copy of my university diploma, in Russian with a copy of a certified translation into English, is attached to this affidavit as Exhibit 3 and made a part hereof. An original of my current resume, showing my career as a teacher and psychologist when I lived in Russia, is attached to this affidavit as Exhibit 4 and made a part hereof.

8. In May of 2000, Ilana had her second child, a daughter named ..... Ilana invited me to visit the United States to meet her and her family and to be present as her family celebrated the arrival of .....

9. Upon my own arrival in the United States, on June .., 2000, Ilana welcomed me and invited me to live with her and her family at their home in Staten Island, N.Y. I gladly accepted this invitation. Ilana and her husband, Stanley ....., had been planning a party to celebrate ..... birth; included would be a traditional baby-naming ceremony. The party took place at the ..... Restaurant on Brighton Beach Avenue, in Brooklyn, N.Y., on June .., 2000. It was at this party that I met my future husband, Barry .....

10. At the time I first met Barry, I hardly understood any English. I was therefore confused and embarrassed by all the attention Barry was showering on me. I was also quite flattered. Barry was charming and polite and he seemed to enjoy keeping me entertained.

11. On the day after this party Barry visited me at Ilana's home, bringing a beautiful bunch of yellow flowers (my favorite color). We started to see each other almost every evening. Barry was courteous, not just to me but to Ilana's family: whenever he picked me up he brought toys for her children and pastries for Stanley and Ilana. In this way Barry and I fell in love, despite the ongoing language barrier.

12. Ilana helped us overcome some communication obstacles by translating between us whenever she was around. In addition, Ilana taught me English informally, giving me lessons whenever she had the time. Barry insisted that I needed to learn English more effectively and comprehensively. As a result I enrolled at the Staten Island College, taking an English class twice a week.

13. While studying English was mostly beneficial, it had one unfortunate side effect, so to speak: the more I learned, the more I understood that Barry and I had a problem with his parents. They were Catholics and did not approve of my Russian Orthodox heritage.

14. Despite this difficulty, Barry and I wanted to stay together always and so we got married, on November .., 2000, at the City Hall in Brooklyn, N.Y., with

Ilana and Stanley as our witnesses and with their son, ....., as our ring boy. In the evening, we celebrated at the ..... Restaurant in Brooklyn, the same restaurant where Barry and I had originally met.

15. For a few months, Barry and I lived with Ilana's family in Staten Island. During this time, Barry worked while I studied English and helped Ilana with Rebecca and her other children. It was a bit crowded and Barry and I did not want to be a burden to Ilana and her family so we began searching for our own apartment. We wanted anyway to start a life together that was not so dependent on the lives of other people, a life that was more independent and private. Due to our limited income, however, we knew we could not afford to rent an apartment by ourselves, and that we would have to make some compromises in our independence and privacy by sharing an apartment with other people. We found a suitable apartment rented by a likeable couple, Paul ..... and Inna ....., and moved in with them at the beginning of March, 2001: Apt. .. at .... Bay Parkway, Brooklyn, N.Y. 11214. As part of a set of documents supporting my application for adjustment of status, I am submitting to BCIS an affidavit from Paul, notarized on May 28, 2003. Paul's affidavit helps to explain why I do not have a lot of the usual records that I would ordinarily be expected to have with respect to this period of time in my marriage to Barry.

16. For a brief period of time after moving into this new apartment, Barry and I were happy. We got along well with each other and we also got along well with Paul and Inna. Naturally, Barry and I had our small share of arguments, but these were mostly misunderstandings, which I chose to ignore because I loved Barry and wanted our marriage to work. During this period, I tried not only to be a good wife to Barry, but also to contribute financially to our marriage, out of a sense of fairness and also to bolster our stability. It was difficult to find work because my English was still very limited and I had no work experience or training in the United States. Accordingly, my contribution consisted primarily of selling my apartment in Russia, in either April or early May of 2001, and applying the proceeds towards our financial needs.

17. In addition to the financial stresses natural to any new marriage, other stresses began to emerge that were not so natural. Tensions between Barry and myself due to our different opinions began to flare up and to upset me very much. Our conflicts and arguments became more frequent and serious. The basis of most of these arguments was Barry's utter lack of belief in my native abilities and career aspirations. Because my growth in the English language was slow and faltering, Barry convinced himself that I was, essentially, an idiot, and he reminded me of this opinion as often as he could: whenever I disagreed with him about anything, whenever something did not go his way, he called me retarded and blamed me for his problems. The fact that I had trained myself in Russia to become a child psychologist, and that I'd gone on to work for seven years in the field of educational psychology, as both a teacher and therapist, did not impress him favorably. He just assumed that Russia must be a nation of idiots, if a moron like me could have a professional career there.

18. Because he dismissed as unrealistic my aspirations to eventually resume the professional life I had begun in Russia, the only kind of work Barry encouraged me to take was the kind of simple work that occasionally came my way, the kind of work that required little or no additional training or education: babysitting, for example, or housecleaning.

19. My limited knowledge of the English language strained my relationship to Barry in many ways, aside from convincing him of my stupidity. Most of my friends were Russian speakers and, naturally, I preferred to speak with them in our native language. Barry would become very angry whenever one of these Russian-speaking friends called me on the telephone. He would become paranoid, falsely suspecting that my friends and I were talking about him behind his back. Actually, whatever we were talking about – and we really were not talking about him – we did so openly, in front of him: had he cared enough to learn even a little bit of Russian, he would have known this.

20. Barry began to become suspicious of me generally, questioning my every move. He began to check on my whereabouts whenever I went out, even if it was just to pick up milk at a local grocery store. As time passed, he became more and more critical of me and of my poor knowledge of English. He picked fights at every opportunity. He began coming home very late at night, and sometimes not coming home at all. The only explanation he gave was “delayed at work.”

21. In general, Barry’s way of dealing with the difficulties that emerged in our marriage was essentially to run away from them. The first time Barry did not come home from work – in the middle of May, 2001 – I was frantic. I didn’t sleep all night, waiting up for him. The next day I spent by the telephone, calling his friends and waiting for him to call me. By that evening Barry finally showed up. I was in tears but overjoyed that he came home and that he was all right. He was unkind and impatient, irritated and annoyed by my show of emotions. The only explanation he provided for his destructive behavior was that he was delayed at work and didn’t want to wake me up or worry me. Obviously, this was a poor explanation, since he had to know that his disappearing and not calling for 24 hours was guaranteed to worry me.

22. Towards the end of May, 2001, Barry disappeared for a full two months. I looked for him frantically but I could not find him anywhere. I tried his workplace, his friends, and his family, but my efforts were useless. It looked like he had just fallen off the edge of the earth. I cried all the time. I felt betrayed. Barry had managed to tear my world apart, to make me doubt myself and all other human beings.

23. Paradoxically, despite all the pain Barry was putting me through, I was still hoping he would come back to me, as if this would put an end to what had only been a bad dream. I confided what I was going through to my closest friends, but not fully: I did not want to inflict all my sorrow on them and, besides, I naively believed my marriage would be saved and go back to its original happiness. My attitude was: why should I burden my friends with the misery I was just temporarily experiencing, when it would soon pass? My pain was

nevertheless obvious to my friends. In July, seeing the distressed and confused state I was in, Ilana suggested to me that I seek psychological help for my depression and anxiety. I wanted to follow her suggestion but, unfortunately, I could not afford a therapist at that time.

24. In August Barry finally came home. He was worn out, exhausted and withdrawn. He gave me a long and seemingly sincere apology. He told me that he had spent more than a month in jail, without disclosing the reason for his arrest and imprisonment. He said he had not called because he did not want to worry me and, besides, because he was too embarrassed by the incident to tell me about it. I wanted to believe him when he said that he was in the wrong crowd and that the arrest really wasn't his fault.

25. Perhaps due to his exhaustion, Barry was now a lot calmer than he had been for a long time. He returned to a pleasant demeanor, being sweet and gentle with me, the way he had been when we were first dating. He promised to tell me everything when he felt more comfortable about it. In a couple of weeks, however, Barry's personality deteriorated, and he started becoming irritable and angry again. He began pressuring me to lend him money; he finally explained that he needed \$500.00 to make child support payments to his six-year-old son. The news that he had a son nearly killed me. The man I had loved and trusted, to whom I'd been married for ten months, had not even bothered to tell me about his son until he needed my money to help support the boy. I felt utterly betrayed and frightened, not knowing what other secrets Barry harbored.

26. What made matters worse was the fact that Barry knew how much I loved children. He had seen this first hand when we had lived with Ilana and Stanley and their children. I could not begin to understand, therefore, why Barry would hide from me the existence of his own son. If I had known the truth from the beginning, it would not have hurt my relationship with him; on the contrary, I would have welcomed his son into our lives. But now, hearing about his son for the first time after almost a year of marriage, and in the context of Barry's revealing the truth to me only because he needed money, I felt that this was just

another example of his having lied to me about so many things. Hearing one lie after another was just too much to bear. Barry's constant deceitfulness was threatening to destroy whatever self-esteem and self-confidence I had left.

27. Not being able to trust Barry at all, and not even knowing for sure that he would use any money I gave him to support his son, I refused to give Barry the money he requested. His reaction was violent: he called me a stupid Russian, cursed me, and began breaking things in the apartment: furniture, dishes, etc. I knew better than to try and stop him. I had tried to stop him before when he had flown into a rage – for example, I had tried to stop him several times when he was leaving our apartment in anger with the apparent intention of not returning – and the reward for my efforts had been that he had slapped me and pushed me out of his way.

28. When Barry reappeared in August of 2001, only to return in a short time to his selfish and manipulative ways, I tried not to dwell on my anger and resentment, knowing it would only hurt me without changing Barry. After a few more weeks of fighting with me and insulting me, Barry left our apartment, without an explanation of where he was going, and never returned to it. On November , 2001, I finally moved out myself – the apartment had too many bad memories associated with it – into the apartment I live in currently.

29. December .., 2001 marked my 30th birthday. To celebrate my birthday, I made a party at my new apartment. I was more than surprised when Barry showed up, uninvited and unexpected, after a four-month disappearance. Behind the scenes he had apparently been looking for me; my roommate Inna at my old apartment had given Barry my new address (she was aware of the problems in our marriage, but Barry had pleaded for new address and had convinced her that he was a changed man, who still loved me and wanted to provide me with a better life). Barry came with flowers and apologies, and offered up promises of a new life together in the New Year. It was an emotional day for me and I wanted to believe his tears and his promises. Part of the news about himself that Barry offered me – as he had offered Inna, to get her to give him my

new address – was that he had gotten a new job, with good pay, and with medical insurance coverage for both of us. I was struggling at menial jobs to make ends meet, and I did not have medical insurance coverage, so this news of an improved financial outlook encouraged my hopes and overcame my skepticism. I allowed Barry back into my life: from the day of the party, and for a period of several weeks, Barry began staying at my new apartment.

30. In January of 2002, at Barry's request, I accompanied Barry to his accountant in Queens – I don't recall the accountant's name or specific address – where I signed a joint income tax return. As soon as Barry got what he wanted, he disappeared again, and I have not seen him or heard from him since. In this way I again learned the hard way – hopefully this will be Barry's final lesson – that Barry had once again selfishly used me. It appears he had intended all along to deceive me.

31. Seeing the destructive effects on my life of Barry's untrustworthiness and abusiveness, I realized that I needed to become more self-reliant if I wanted to survive my marriage without having a complete nervous breakdown. I became determined to learn a new trade or profession that would be more challenging intellectually, and that would provide me with a more reliable, steady income, than the menial work I had been used to doing. I also hoped that this new trade or profession would serve to keep me so busy that I wouldn't have time to obsess about Barry. This search for challenging employment took a number of turns, most of them dead ends, but I was persistent: that is how come, eventually, I found a job with the promise of learning a profession. In January of 2002, a position as a dental technician became available at, and was offered to me by, ..... Management Inc. .... Management, Inc. is a dental diagnostic and pain management corporation managed by my friends Ilana ..... and her husband Stanley ..... I gladly accepted ..... Management Inc.'s offer and began working for them immediately, initially as a trainee, learning how to conduct Joint Vibration Analysis for trauma patients, and then as a technician, conducting such Analyses.

32. .... Management, Inc. contracted with medical facilities in the N.Y. City area to provide a variety of pain management services, including those services for which they had trained me. As a dental technician, my job required me to travel to these various facilities in order to do on-site testing. Between January and June of 2002 ..... Management, Inc. had a contract with a large medical office in Brooklyn, where I did most of my work. Since I lived in Brooklyn, traveling to that facility by public transportation – I did not own a car, not being able to afford one – was manageable. But the contract with that client ended in June and was not extended. There were other ..... Management, Inc. clients, in other boroughs of the city, that I then traveled to, but I found that I was spending an inordinate amount of time just traveling between my home and my work locations – as much as 4 hours a day. Ilana and Stanley understood the situation and told me that I could quit whenever I needed to, as they would find and train someone to replace me. As a practical matter, this meant quitting as soon as I could find another job, since I could not afford to leave one job without having another one to replace it.

33. Fortunately – at least that was the way it seemed at the time, although in hindsight it was not a very lucky break at all – I found another job quickly enough. In June of 2002, I began working at a place very close to my home, the closeness itself (i.e., within walking distance) being a great relief. I began working for ..... Day Spa, a beauty salon at .... McDonald Avenue, near Avenue ., in Brooklyn, N.Y. I worked as a receptionist, making and tracking appointments; as a cashier; and as a kind of housekeeper/janitor, sweeping the floors, dusting, cleaning the equipment used at the Spa: generally keeping the Spa clean. Although this was a return to the kind of menial labor that I had been doing prior to my training and employment at ..... Management, Inc., I took the job because the owner of the Spa, my employer Luba ....., promised me that she would train me in the skills of manicuring and pedicuring, and she kept her promise. After a few months of my working for her, however, I found out that Luba was not

trustworthy in other respects [This part of Tatyana's original affidavit has been abbreviated].

34. By a truly fortunate coincidence, soon after I stopped working at the ..... Day Spa, ..... Management, Inc. acquired as a client a sizable medical facility in Brooklyn, and Ilana and Stanley were kind enough to offer me my dental technician job back, knowing that this new client was close enough to my home to make it practical for me to travel there. I worked for ..... between October 2002 and January 2003, and was very happy working for this company. I stopped working for ..... Management, Inc. only because, in February of 2003, I found another really good job, one that was even more challenging and that had greater future prospects than my work at ..... Management, Inc. With the blessings of Ilana and Stanley, I took this job in February, and it a job at a highly reputable place, where I work in a capacity I am very proud of: I work as a dental assistant for ..... Dental Associates, at .... Cross Bay Boulevard, Queens, N.Y. 11414, telephone number 718/...-.... In working here, I am applying some of the skills I learned when I worked for ..... , and I will always be grateful to Ilana and Stanley for giving me the opportunity to acquire these skills. Attached to this affidavit as Exhibit 7 and made a part hereof is an original letter of reference from ..... Attached to this affidavit as Exhibit 8 and made a part hereof is an original letter of reference from my current employers.

35. I have been receiving psychiatric treatment since June of 2002. It was in that month, when I first could afford to do so, that I consulted a psychiatrist and began receiving much needed and long-overdue treatment from him. I went to see Dr. ...., with offices at ..... Road, Brooklyn, N.Y. 11223. Dr. .... has been treating me with a combination of medication (anti-anxiety and antidepressant drugs) and psychotherapy. The original of Dr. ....'s diagnostic evaluation of my condition, dated January .., 2003 and addressed to my attorney Oscar Jaeger, is attached to this affidavit as Exhibit 9 and made a part hereof. An original letter by Dr. .... updates this report; this letter, dated June .., 2003, is attached to this affidavit as Exhibit 10 and made a part hereof. The medication I

have been receiving, and the many sessions of psychotherapy I have had with Dr. .... , have definitely helped me, in terms of calming me down and reassuring me, even though I continue to experience considerable anxiety and depression. It has taken much time, and will continue to take time, to get past the pain that Barry has put me through. But I am a persistent person, and a hopeful one, and I believe that the love in my heart is what redeems me, as I seek the wisdom to direct this love to people who deserve it and return it instead of exploiting it and stealing it.

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Tatyana .....

Sworn to before me this  
day of June, 2003

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Notary Public