

Showing Extreme Cruelty in VAWA and I-751 Waiver Applications



USCIS considers behavior and actions “extreme cruelty” when the abuser *intended* to use them to dominate, control, and/or humiliate the survivor, and the survivor *was* dominated, controlled and/or humiliated. Our job is to help our clients describe the relationship, the abuser’s actions and the effect of those actions. It is often more difficult, and potentially more retraumatizing, than describing physical abuse. What abusers have done is to diminish our clients’ sense of self worth. Our clients have worked hard to rebuild their control over their lives and their hope. We have to ask them to go back to the abuse and explore those feelings. Be up front with your client about how hard this will be, but that you are working together, and that she will control the content and pace of your discussions.

Start by telling your client that you are working together to show how all the pain she has suffered counts as “extreme cruelty” in the eyes of the immigration service: her abuser’s intent to control and dominate her with his cruelty, and how she was controlled and dominated by his cruelty. If she understands the scope of the requirement, it will help her focus on the most relevant events. For example, many of our clients were deeply hurt by their abuser’s infidelity - and they spend a great deal of time and emotional energy working through that pain. That’s fine: it’s important for her to relate that sense of betrayal. But if she understands that the goal is to show how the abuse controlled and dominated her, she’ll be better able to highlight the words and actions her abuser used to convey how he used that infidelity to control her - for example, by demonstrating how much she needed him and how little she meant to him. Some of our clients who came to the U.S. in arranged or e-mail-based marriages focus on their abusers’ lies, and how different things were from what they expected. USCIS may view this as merely disappointment and a bad marriage - not abuse. However, clients who are able to explain how those lies were part a larger pattern to dominate and control someone who had few or no ties to the U.S., and whose status and security were completely controlled by him - and how crazy-making it was to realize that her life was in the hands of someone who knowingly used that power against her.

Show your client the “cycle of violence” graphic. Explain how walking on eggshells and his apologies are part of the abuse cycle with many abusers and ask her if that helps put his actions in perspective to be able to talk about them

We’ve included checklists here to help clients describe the extreme cruelty they were subjected to. A good declaration will include not only the concepts she chooses from these checklists, but specific, detailed examples of the abuse and descriptions of how they affected her.

Were You Subjected to Extreme Cruelty?

1) How did his actions make you feel/how did they affect you? 2) Did he do these things on purpose, knowing that they would hurt, upset or bother you?

Did he often get angry? _____

When got angry, what did he do? _____

Did it seem like he got angrier than a normal person would? (would he over-react?) Yes No

Was he easily irritated? Yes No

What did you do to keep him from getting angry? _____

Did he insult or make fun of you? Yes No

What did he say/what words did he use? _____

name calling and put downs:

"bitch"

Stupid

Ugly

Worthless

Unlovable

How often? _____

Did he ever do it in public? Yes No

Did you feel like you had to change yourself to avoid his insults? _____

Did he try to keep you away from your family and friends? Yes No

Did he destroy your possessions? Yes No

Did he threaten to divorce or leave you? Yes No

If yes, how does your culture view divorce? _____

What would have happened to you if he had divorced you? _____

Did he ever invade your privacy? (read your mail or email, listen to phone conversations and messages, look through personal belongings? Etc.) Yes No

How? _____

How often? _____

How did this affect your ability to lead your own life? _____

How did this make you feel? _____

Did he ever hide or destroy important papers or personal belongings? Yes No

Did he make any threats to harm you or your family? Yes No

Did he threaten to turn you in to immigration? Yes No

Did he threaten to or actually divulge personal secrets to others OR embarrass you in front of family and friends? Yes No

Did he ever tell you he could legally hurt or control you? Yes No

Did he control you economically? Yes No

- Withholding money
- Withholding food
- He makes you feel undeserving
- He wants to make you feel undeserving
- He wants to make you feel different or less than people around you
- He withholds things/food from your children so you'll feel like a bad mom

Did he make you have sex when, or in ways, you didn't want it? Yes No

(Only answer these questions if you and your case worker think you need to show more abuse to win your case - and even then, only if you want to and have a way to cope with the embarrassment and pain it may cause you.)

- At times you don't want
- In ways you don't want
- He knows it humiliates you
- He knows it hurts you
- He knows it makes you feel powerless and helpless
- He uses it to let you know who is in control
- He uses it to violate you
- He tells you you're abnormal if you don't agree to it
- He tells you it's all you are good for
- He tells you that you have no right to complain

Impact of Violence Distress Symptoms for Adults and Teens

Since the abuse, I have:

- Intrusive images or thoughts about what happened
- Bad dreams about it
- This feeling like it's happening again
- Intense anxiety without always knowing why
- Avoidance of activities, places or people that make me remember what happened
- Avoidance of activities that I used to need and/or enjoy
- Feeling more separate or detached from others
- Loss of feelings (including loving ones) and/or constant emotional numbness
- Worry that I or my loved ones will die young
- Difficulty falling or staying asleep
- Irritability or temper outbursts
 - Did this happen to you before the abuse?
- Poor concentration
- This edgy feeling, like I am always watching or waiting for something bad to happen
- Been easily startled
- This feeling like things around me aren't "real"
- Been unable to remember the abuse, or parts of the abuse
- Tense muscles
- Become more tired
- Headaches, stomach aches, or just plain sick more often
- Begun worrying all the time about everything
- Panic attacks
- Been unable to leave the house alone
- Not been able to remember what just happened in the last few hours or how I got where I am
- Loss of appetite and/or weight loss
- Feeling hopeless most of the time
- Been angry most of the time
- Been sad, depressed
- Wanted to die
- Increased use of prescription (legal) drugs
- Started or increased use of illegal drugs
- Wanted to hurt someone
- Wanted to kill someone
- Noticed that things that used to scare me don't scare me
- Been not very attentive to my own safety
- Harmed myself intentionally
- Been more accident prone
- Other: _____

Sleeping Patterns

How many hours of sleep do you get in an average night? _____

Is this more or less than before the abuse? _____ If so, how much more or less? _____

How long does it take you to fall asleep on an average night? _____

Is this more than before the abuse? Yes No How much more? _____

Do you sleep through the night? Yes No

Are you having nightmares? Yes No How often? _____

Do you have difficulty getting out of bed? Yes No

Have you taken medications to help you sleep? Yes No What? _____

Eating Patterns

How is your appetite? _____

Has your appetite changed since the abuse? Yes No

Have you lost or gained weight since the abuse? _____

How much in how much time? _____

Emotional State

Can you tell me how the domestic violence has affected your emotional state and/or your moods? If client can't describe, ask the following. Are you:

Worried

Angry

Anxious

Scared

Sad

Hopeless

Irritable

Do you ever hear voices in your head/mind? Yes No

If yes, what do they say? _____

Have you ever received help for this? Yes No

Describe: _____

Have you ever thought of hurting yourself? Yes No

Describe: _____

Have you ever been suicidal? Yes No

Describe: _____

Have you ever received help for this? Yes No

REFER HER TO THERAPY if she's not currently in therapy.

Proving It

Were there any other people around when he was emotionally or verbally abusive to you? Yes No

Did you tell anyone about his emotional or verbal abuse? Yes No

Have you ever been in mental health counseling/therapy? Yes No When? _____

Counselor's Name: _____

May we call your counselor? Yes No How can we contact her? _____

SYMPTOMAS DE SENALES DE SOCO PARA ADULTOS Y ADOLESCENTS

Por favor marce todos lo que apliquen

Desde lo que paso, yo, _____, he:

- Tenido imagenes y pensamiento intrusivos de los eventos que ocurrieron
- Tenido pesadillas
- Sentimientos de que esto esta volviendo a ocurrir
- Sentido fuerte zozobra sin saber que la esta causando
- Evitado actividades, gente, lugares que me recuerdan de lo que paso
- Evitado actividades que antes me gustaban
- Sentido que estoy aislada y separada de los de mas
- Perdido mis sentimientos hasta con mis familiares/ siento entumecimiento emocional constantemente
- Sentido preocupacion de que mis queridos familiares vayan a fallecer joven
- Tenido dificultad durmiendo
- Tenido irritabilidad o arranques de temperamento
- Tenido dificultad cuando trato de concentrarme
- Sentido que siempre estoy bajo vigilancia/ constantemente siento que algo malo esta apunto de pasar
- Sobresaltado frecuentemente
- Tenido sentimientos de que lo que esta a mi alrededor no es realidad
- Tenido problemas de memoria en poder acordarme de lo que ocurrio
- Tenido musculos tensos
- Tenido mas fatiga
- Tenido dolores de cabeza, estomago/ me he sentido mas enferma de lo normal
- Empezado a preocupar me de todo constantemente
- Ataces de panico
- Tenido miedo de salir de la casa sola
- Tenido problemas en acordarme que ocurrio hace un par de horas/ inability de poder explicar como es que llegue a el sitio en el que estoy
- Sentido desesperacion
- Sentido enojo constantemente
- Tenido depression
- Tenido deseos de morir, quiza suicidio
- Tenido disminucion o aumentacion en sexo
- Tenido aumento en el uso de drogas de prescripcion
- Tenido aumento en el uso de drogal ilegales o alcol
- Sentido deseo de matar alguien
- Notado que lo que anteriormente me asustaba ya no me asusta
- Sido menos attentiva hacia mi seguridad
- Lastimado a mi misma (cortando-me, quemando-me, rasgunando-me)
- Otros _____

What follows are words that other battered immigrants have used to describe how their abusers made them feel. In no way are they meant to suggest that everyone feels this way, or that anyone should feel this way. We are just listing them for you to make it easier for you to express how you felt. We do not in any way believe you should mark most of all of them.

Words that describe my abuser made me feel:

- | | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> Abandoned | <input type="checkbox"/> Desolate | <input type="checkbox"/> Lost |
| <input type="checkbox"/> Abnormal | <input type="checkbox"/> Despised | <input type="checkbox"/> Miserable |
| <input type="checkbox"/> Ashamed | <input type="checkbox"/> Despondent | <input type="checkbox"/> Offensive |
| <input type="checkbox"/> Bad | <input type="checkbox"/> Destroyed | <input type="checkbox"/> Outcast |
| <input type="checkbox"/> Below contempt | <input type="checkbox"/> Diminished | <input type="checkbox"/> Overwrought |
| <input type="checkbox"/> Broken | <input type="checkbox"/> Disgraced | <input type="checkbox"/> Rejected |
| <input type="checkbox"/> Cast out | <input type="checkbox"/> Disowned | <input type="checkbox"/> Repulsive |
| <input type="checkbox"/> Completely alone | <input type="checkbox"/> Disposable | <input type="checkbox"/> Scorned |
| <input type="checkbox"/> Condemned | <input type="checkbox"/> Distraught | <input type="checkbox"/> Shameful |
| <input type="checkbox"/> Contemptible | <input type="checkbox"/> Dominated | <input type="checkbox"/> Shattered |
| <input type="checkbox"/> Controlled | <input type="checkbox"/> Doomed | <input type="checkbox"/> Shunned |
| <input type="checkbox"/> Crushed | <input type="checkbox"/> Evil | <input type="checkbox"/> Sinful |
| <input type="checkbox"/> Cursed | <input type="checkbox"/> Exhausted | <input type="checkbox"/> Suicidal |
| <input type="checkbox"/> Damaged | <input type="checkbox"/> Guilty | <input type="checkbox"/> Torn down |
| <input type="checkbox"/> Defeated | <input type="checkbox"/> Hopeless | <input type="checkbox"/> Unclean |
| <input type="checkbox"/> Defiled | <input type="checkbox"/> Immoral | <input type="checkbox"/> Undeserving |
| <input type="checkbox"/> Degenerate | <input type="checkbox"/> Impure | <input type="checkbox"/> Unwanted |
| <input type="checkbox"/> Degraded | <input type="checkbox"/> Inferior | <input type="checkbox"/> Unworthy |
| <input type="checkbox"/> Dehumanized | <input type="checkbox"/> Insignificant | <input type="checkbox"/> Wicked |
| <input type="checkbox"/> Demeaned | <input type="checkbox"/> Intimidated | <input type="checkbox"/> Withered |
| <input type="checkbox"/> Demoralized | <input type="checkbox"/> Less than human | <input type="checkbox"/> Worthless |
| <input type="checkbox"/> Depressed | <input type="checkbox"/> Lonely | <input type="checkbox"/> Wretch |

Words that describe what I went through:

- Ordeal
- Hell
- Anguish
- Irrational
- Insane

Examples of Extreme Cruelty from Client Declarations

Because he loved it when I begged him, this satisfied him. This made me feel very small. His threats scared me and made me more anxious. Because I felt small and lost control of the situation I would always give in and obey him. [Abuser] would make me beg him on my knees when he got angry and he enjoyed humiliating me. This was all part of a pattern of domination over me that continued in his sexual attacks on me, and that also permeated into the rest of our lives.

I was always afraid [Abuser] would physically hurt me badly when he got upset because he would get so infuriated over very small things. I was afraid of what would happen if I did anything wrong. When he was angry and was driving the car I was also scared for my life because he would drive extremely violently, even after I begged him to stop. He seemed to get pleasure from making me afraid. It increased his sense of domination over me.

Every day I discovered a new lie my husband had told me and I never knew if what he was telling me was true or not. I began to feel hopeless as I realized I could not trust him as much as I had thought I could. Because he brought me to the U.S., I came to realize that my life was being controlled by someone who would lie easily to get his own way.

(Forced sex) made me feel so humiliated and unloved because I would tell [Abuser] that he was making me feel uncomfortable, but he did not seem to care. Even if I was exhausted, I felt obliged to say yes because I did not want him to yell and curse at me. [Abuser] was unconcerned about my health and well-being, which made me feel so degraded and worthless.

[Abuser] was also extremely controlling. Whenever I would call my family in Taiwan, he would sit in the same room as me or listen to my conversation from a nearby room. When my brother Yin-Chen visited me in August 2006, [Abuser] would spy on us, even though we never talked about anything personal. I even saw him hiding behind the wall in the hallway to the living room so that he could listen to our conversation. When I asked him why he must listen to every phone call I make, he said that as my husband, he had the right to know whenever I called anyone.

Before I married [Abuser], I was a self-confident and independent woman, but his constant insults made me feel more worthless each day.

The life that I have lived with my husband has been a nightmare. Every day was a day of insults, abuse, heartbreak, and depression. His emotional abuse damaged my mental stability and destroyed my self-esteem. Even though it has been four months since I left him, I still wake up every morning feeling a lot of pain. I even wake up with headaches and I have terrible nightmares every night. My life has been an emotional roller coaster for the past year and a half. Sometimes I am very angry; sometimes I am very sad. The pain is so deep that I feel like cutting my heart with a knife and just tearing apart my body. I cry in the middle of the night and hit myself because I hate myself. I am so mentally confused. I keep asking myself, "Why has destiny treated me so badly? Did I do anything wrong to deserve this life? Why was I so stupid to believe his sweet talk? Why did I believe my parents and his relatives and marry him?" For a while, I felt crazy because of the emotional trauma I suffered. I started forgetting simple things, like where I had parked my car. I couldn't concentrate on anything because I was always crying, and I would start shaking every time I thought about what [Abuser] had done to me. Right now I feel hopeless and wish I could erase my memory.

After our wedding he started demanding that I do all the household chores, whereas before we married we both cooked and cleaned. He would make comments like "You are my property" and "I am always right". His

attitude towards me upset and humiliated me. However, I was too scared to tell him how I felt because I was afraid that I would make him angry.

I was feeling isolated, frustrated and helpless. I hated the way I was feeling and needed counseling. I kept thinking that if I could get everything right, [Abuser] wouldn't be angry. However, I could never be good enough.

I realized that I spend all my energy avoiding any minor incident that could lead to an explosion. I also came to understand that [Abuser]'s periods of affectionate behavior after an explosion were not the end of the abuse, but merely a part of the abuse.

I know that he is capable of physically and emotionally abusing me. When [Abuser] is angry, even when he is just walking by me, I try not to wince because I think he's going to push me, grab my neck or punch me.

[Abuser]'s abusive behavior continues to severely harm me. I cry often and am easily upset. When I am at [Abuser]'s apartment, I am too afraid to use his phone to call anyone but my mother. I am afraid that he might explode if he knows I talk to anyone else, even other family members. My sister is visiting at the moment and I refuse to leave her at the apartment alone with [Abuser]. I left her alone once while I was running a short errand, and I was overcome with panicked feelings. I felt an overwhelming guilt that [Abuser] would hurt her while I was out of the house. I live in constant fear that something will go wrong and that [Abuser] will blow up and hurt me again. I am terrified of the physical and emotional pain [Abuser] is capable of inflicting on me.

Sometimes he was very sweet, and I would remember that I loved him very much, but then he would get mean again. It was like a cycle, it would come and go, again and again. It was very confusing for me, and I realize now that I was always waiting for the "good" [Abuser], and that I would just put up with the "bad" [Abuser] in the interim. But the "good" [Abuser] became less frequent, and the "bad" [Abuser] became worse and worse. He would apologize again, and be very sweet to me, but I felt like I was going psycho. This emotional roller coaster was too much.

These little blow-ups began to happen more and more. He would yell and curse at me. All the time he would call me a "fucking bitch." He also tried to put me down whenever he had the opportunity. When there was water on the sink from my dishwashing he would call me a "stupid bitch" for leaving the counter wet. When I would hand-wash his pants he would yell at me for wasting water. When things were not the way he liked, he yelled and cursed at me, because everything in his eyes was my fault. But if I got depressed because he yelled at me, this would only make him angrier.

[Abuser] was so unpredictable. At times, he would be so possessive and jealous and then the next moment he acted like [son] and I weren't even there. For example, in June 2004, when I wanted to take English lessons at the adult school, [Abuser] told me that better for me to take evening class so this way he can drive me there. He said that he wanted to check out the guys there and make sure that they knew I was taken. One time when he took me, one of the male students said hello to me. [Abuser] started asking me who that person was and why was he speaking to me, and that he was going to kill that guy. And then after taking me for a few weeks, he just stopped driving me and expected me to find my own way there even though it was late at night.

[Abuser] would sometimes tease me and [son] that he would take us somewhere, only to change his mind at the last minute. For example, on the 4th of July, [Abuser] told us that we would go to his work and pick up his paycheck. It was just a simple errand but [son] and I were so excited to get out of the apartment. He told us we would go after his nap. His short nap turned into him sleeping for most of the day. Finally, he was ready to go and then when we got to the car door he said that he didn't want to go anymore and we should

go back inside. [son] and I begged him to take us. [Abuser] was furious, but he finally said that we would go. He drove angry - darting in and out of traffic and driving so fast. I was so scared that we were going to die.

I told him that it is customary in Russia to celebrate two birthdays. First you have your own and then you have the birthday of your saint. For most Russians, it is more important to celebrate the birthday of your saint than your own. My story angered him. I could not understand why. I was trying to tell him something about my culture. But [Abuser] didn't say anything and just had a weird smile on his face. I did not know what this meant. I thought he was maybe mocking me because he thought my story was odd. When I asked him about it, [Abuser]'s face changed. He started yelling and cursing and then started to kick our furniture. I did not know what to do. I did not understand what could have set him off and made him so angry all of a sudden. I quickly left the apartment because at that point I did not know what he was capable of. I was so afraid that he was going to hit me.

I talked with [Abuser] about not having any food to eat and he answered that in some church I can receive free food and I have to go there. I told him that I couldn't do this because in Russia it is shameful to take charity like this when you can work. He said that then I would starve.

[Abuser] would act like he had split personalities with me and my son. Sometimes he would seem like he cared about us and then other times he would not. He liked to show that he was the person in control and always acted like we should feel indebted to him. For instance, one day, [Abuser] got me and told me to get [son] out of the shower so he could urinate. [son] was in the middle of showering, sopping wet, but [Abuser] didn't care. I had to grab [son] with a towel and leave the bathroom immediately so that [Abuser] could urinate. It was like we were not even there. He was the king and wanted what he wanted at that moment. Sometimes I simply felt like I wanted to die because of so much emotional pain, but I knew that I needed to be strong for my son [son].

Before we got married, we used to call each other sweet names, like "honey," so I continued it after I moved in with him. I was very hurt and disappointed when [Abuser] told me not to do it any more around his family. He also started addressing me by the first name whenever his family was present, and became very cold at those times. As if he wanted to show them that he did not care for me at all. Since it was such a sudden change, I asked [Abuser] for an explanation. After refusing to answer for a while, he finally told me that he was embarrassed of being too emotional around his family. Despite my pain, I accepted his response for the sake of keeping peace between us.

He was generally a very nice person, but he turned out to be unpredictable with anger outbursts that started soon after I moved in. To this day I do not know what triggers these attacks. It seems to me that whenever [Abuser] was upset about his life, he directed his anger against me and blamed me for everything.

Although I do not know the triggers, I learned that he frequently got mad when we were discussing anything that involved my family. [Abuser] seemed to be incredibly jealous of any time I spent with them, and any request for help to my family turned him violent. Whenever he was angry, he said that I did not meet his expectations and disappoint him as a wife and as a mother. All these frequent attacks were emotionally exhausting, as I never knew what he was mad about. I tried asking [Abuser] what exactly I needed to change, but he never gave me any response.

Quite often I felt that [Abuser] treated me as a maid instead of a partner and that is the only reason he married me. I tried so hard to be a good mother for the girls, but whatever I did was never good enough. The girls had never experienced discipline and no one ever expected them to do simple things like cleaning up their rooms. Even though they were 11 and 13, I was still expected to do it for them. Needless to say, I never heard "thank you" for what I did for them. Worse, since I was not their biological mom, I did not feel

comfortable disciplining them much. I tried discussing this with [Abuser] several times, but every time I started talking about the money, he immediately got angry and the conversation ended with no resolution.

The most painful times, though, were those when [Abuser] got so angry that he ordered me out of the house. Even though I initially refused to leave under these circumstances, I gave up on my staying after hearing [Abuser] yell it over and over. Whenever I was forced to leave, I went to my daughter's or sister's house. Even though I had to call them to come and pick me up, they were always willing to come. My banishments began with a day or two out of the house and quickly became much longer. Since I did not have the key to the house, I could not come back home until [Abuser] allowed me to do so. I was thrown out of the house a couple of months ago and have been staying permanently since then with my daughter in San Leandro.

In addition, [Abuser] was always paranoid about my fidelity and often accused me of seeing other men. Even though I tried my best to be a perfect mom and a perfect wife, and never gave [Abuser] any indication that I could be interested in anyone else, he tortured me by questioning my whereabouts, especially after he threw me out of the house. He ordered me out and then asked whom I spent the night with. To him, any unusual mark on my body was sure evidence of someone else touching me. This constant mental and emotional torture wore me out and I was clueless as to what to do to remedy the situation. I even suggested to him family counseling, but [Abuser] said that he did not need any such help. He insisted that it was my fault and unless I changed, our marriage would simply not work. But I did not know how to change.

[Abuser]'s frequent insults were not only personal, they were also untrue. He often said, "I don't know why I'm married to you, you don't do anything." When I reminded him that I cooked, cleaned the house, took care of the girls, etc., his response was that it was nothing. It was emotionally devastating when [Abuser] said that he regretted marrying me. In such moments I found myself inconsolable with grief and pain. I cried a lot not knowing what else I could do to improve the situation.

Since I did not have any money, [Abuser] did most of the grocery shopping, which was never sufficient. However, he always waited to see if I had any money and would buy the groceries myself. I did not know [Abuser]'s financial situation, but I knew he must have had money. [Abuser] does construction, which is seasonal, and I had no idea how much he made. But I knew he had refinanced the house and had set up a bank account for his daughters. One time I pointed out to him that I did not know anything about his finances and he responded by telling me that I had never asked. But when I asked him how much money he made, he did not respond. [Abuser] got very mad whenever we discussed money, so I started avoiding the subject altogether.

Even though we were married for several years, [Abuser] and I did not have a joint bank account. Since I could not work and [Abuser] did not share any money with me, I rarely had money of my own. Unlike other husbands, he never bought me anything; throughout the duration of our marriage, he bought me just one dress. I received no gift or even a card for my birthday, our anniversary, Christmas, or any other holiday. Even though I tried my best to buy him and the girls nice gifts, they never reciprocated.

Not having any money of my own was humiliating at times. Once, when we were in Hawaii, I asked [Abuser] for \$20. Instead of giving it to me, he gave it to his sister. I felt disrespected and embarrassed about it. I promised myself that from then on I would find some way to make money and become more independent. I tried to help my niece with every possible task and earn some money that way, but my options were quite limited and I had to rely on my relatives' generosity to be able to pay for my necessities.

Most of the time, I just admitted that I was at fault so he wouldn't yell at me more. I became so afraid of his anger that I did whatever I could to keep him calm because it was impossible to please him.