

Asian Law Caucus

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Martha Davis
NOW Legal Defense & Education Fund
99 Hudson St., 12th Floor
New York, NY 10013

Dear Martha:

Thank you for contacting me yesterday regarding the issue of "self-petitioning" by battered spouses. Enclosed please find a copy of a memo which I drafted back in June to address the issues. The memo offers various alternatives including amending the regulations (8 CFR Sec. 205.1(a)). However, after discussion with Leslie Orloff and Richard Konda (Asian Law Alliance, San Jose), we believe that self-petitioning is the best alternative to follow.

I have handled cases from the Asian Women's Shelter that highlight this issue. Leslie Orloff also has cases to illustrate the problem. In addition, the Domestic Violence in Immigrant and Refugee Communities manual illustrates the problem and gives some tips on how to handle these cases at least until the law changes. (See Appendix X).

I will be modifying my memo (hopefully by mid-November) to focus on self-petitioning per a request from Congresswoman Slaughter's office. Leslie has agreed to be the "point person" with Congresswoman Slaughter's office on this issue. I understand that this issue will be on the "slow track".

If you have any questions, please do not hesitate to contact me. I would appreciate your keeping me abreast of any new developments on your end.

Sincerely,



WILLIAM R. TAMAYO
Attorney at Law

WRT/b
encl.
cc: ✓Leslie Orloff
Richard Konda