

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File A 47 202 363

ALINA SHIPILINA,)	
)	IN REMOVAL PROCEEDINGS
)	
Respondent)	Transcript of Hearing
)	

Before PAUL A. DEFONZO, Immigration Judge

Date: May 25, 2007

Place: New York, New York

Transcribed by DEPOSITION SERVICES, INC. at Rockville, Maryland

Official Interpreter:

Language:

Appearances:

For the Department of
Homeland Security:

Khalilah Taylor, Esquire

For the Respondent:

Jack Sachs, Esquire

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1 JUDGE FOR THE RECORD

2 These are continued removal proceedings in New York
3 City, in the case of Alina Shipilina, A 47 202 363. The date is
4 May 25th, 2007, Immigration Judge Paul A. DeFonzo presiding. The
5 respondent is present in court today, with counsel, Jack Sachs,
6 Esquire. For the Service, Khalilah Taylor, Esquire, Assistant
7 Chief Counsel. We've been waiting the presentation of proof of
8 the respondent filing a waiver of the requirement to file a joint
9 petition.

10 JUDGE TO MR. SACHS

11 Q. Where do we stand, Mr. Sachs?

12 A. I'm sorry Judge, I wasn't given that information.

13 Q. Well --

14 A. About the waiver, otherwise, I certainly had
15 plenty of time to do that.

16 Q. The District Director issued a decision denying a
17 good faith waiver application. We were to decide if she was to
18 apply for a waiver based on hardship. If so, you were to give me
19 proof of filing, if not, you were to give me a duplicate original
20 or a copy of supporting documents so that I could then consider
21 the good faith waiver application. How are you seeking to
22 proceed?

23 A. Well Judge, I could file it Monday. I mean,
24 it's --

25 Q. Well what relief are you seeking?

1 A. The adjudication of the I-751.

2 Q. Well, the I-751 has previously been denied by the
3 District Director, is that correct?

4 A. Right, yes, Judge.

5 Q. So are you seeking to file a hardship waiver in
6 this case or not?

7 A. I guess, if that's what's necessary.

8 Q. I'm not asking.

9 A. No, no, no, yes, Judge.

10 Q. I want to know what your strategy is in this case.
11 I mean, you were here on this case in July of last year, it's now
12 May of 2007.

13 A. Yes, Judge.

14 Q. Are you giving me here a duplicate of her good
15 faith waiver application?

16 A. No, I haven't made it yet, Judge.

17 Q. From July of 2006? I'd like to know why.

18 A. Well, I don't know if I can get it, there isn't a
19 good reason, Judge, it wasn't done.

20 Q. Well what materials are you giving me today?

21 A. The materials concerning the relationship of what
22 happened with her. The hardship waiver can be filed, my
23 apologies to the Court, Judge, either later today or even Monday.

24 Q. Well I'm not waiting for that, I'm going to
25 consider that your right to submit that application has been

pmp

1 waived. So these materials that you're giving me today, are
2 these materials in support of the application for a good faith
3 relationship?

4 A. Yes, Judge.

5 Q. Are the parties divorced?

6 A. Yes, Judge. I believe there was a huge file and I
7 don't what's in the file here, but --

8 Q. Well I haven't had a chance to see nothing in this
9 file. Whatever you submitted --

10 A. The prior attorney --

11 Q. Or whatever was submitted to the Immigration
12 authorities, I do not have, that is, they have to be submitted to
13 me by someone. Is there an I-751 in this packet that you have
14 given me today?

15 A. Judge, all that stuff was in the original file,
16 Judge.

17 Q. Yes, but that has no bearing on what I am doing.
18 It is your responsibility to get me those materials, as you are
19 the one seeking the relief from removal. I can give you until 1
20 o'clock today to give me the I-751. If I do not get it, I will
21 be denying that application today.

22 A. Okay.

23 MS. TAYLOR TO JUDGE

24 Q. Is this going to be a hardship waiver?

25 A. I understand that it's supposed to be a good faith

1 marriage waiver.

2 Q. I think that was denied initially. She initially
3 filed a good faith marriage.

4 A. Well that's fine, but she can then renew that
5 application before me.

6 Q. That's what I'm asking, is she renewing it or is
7 she going to file a new one based on a separate ground.

8 MR. SACHS TO JUDGE

9 Q. Well, she's renewing it before the Judge.

10 MS. TAYLOR TO JUDGE

11 Q. Okay.

12 JUDGE TO MR. SACHS

13 Q. All right, so I need the I-751. I was presented
14 with a packet today.

15 JUDGE TO MS. TAYLOR

16 Q. Do you have that, Ms. Taylor?

17 A. Yes, I do.

18 JUDGE FOR THE RECORD

19 That will be Group 3 for identification.

20 JUDGE TO MR. SACHS

21 Q. I'll put on you second call. Please come back by
22 1 o'clock with the I-571.

23 A. I will, Your Honor.

24 JUDGE FOR THE RECORD

25 Hearing is adjourned.

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1 (OFF THE RECORD)

2 (ON THE RECORD)

3 JUDGE FOR THE RECORD

4 Back on the record in the case of Alina Shipilina, A 47
5 202 363. It's still May 25th, 2007, counsel has returned with
6 the respondent. Ms. Taylor continues to be present.

7 JUDGE TO MR. SACHS

8 Q. What do you have there, Mr. Sachs?

9 A. Your Honor.

10 Q. Thank you. Presented with an I-751 and supporting
11 documents, including a receipt for an I-751.

12 JUDGE TO MS. TAYLOR

13 Q. Do you have those materials Ms. Taylor?

14 A. Yes, Your Honor.

15 JUDGE FOR THE RECORD

16 Group 4, for identification.

17 JUDGE TO MR. SACHS

18 Q. Are you ready to go do trial, Mr. Sachs?

19 A. Yes, Judge.

20 MS. TAYLOR TO JUDGE

21 Q. I have to stay with this, so a Monday, Tuesday or
22 a Thursday.

23 A. Is good?

24 Q. Is good.

25 A. All right.

1 JUDGE TO MR. SACHS

2 Q. How about January 8th at 3 o'clock. Is that a
3 good date for you?

4 A. Just one second Judge, it sounds good to me.

5 MS. TAYLOR TO JUDGE

6 Q. What day of the week is that?

7 A. That's a Tuesday.

8 Q. No, that's not good, I have another continued
9 case.

10 A. All right.

11 Q. Maybe the following Tuesday?

12 MR. SACHS TO JUDGE

13 Q. It looks like I have nothing in January, so any
14 day.

15 JUDGE TO MS. TAYLOR

16 Q. All right, how about the 22nd at 3:00, Ms. Taylor?

17 A. What day of the week is that?

18 Q. Also a Tuesday.

19 A. Okay.

20 JUDGE TO MR. SACHS

21 Q. Hearing notice for January 22nd, 2008, at 3
22 o'clock.

23 A. At 3 o'clock.

24 MS. TAYLOR TO MR. SACHS

25 Q. You gave me two copies.

1 A. Sorry?

2 Q. You gave me two copies.

3 A. Sorry.

4 JUDGE TO MS. SHIPILINA

5 Q. Ma'am, you speak English, correct?

6 A. Yes.

7 Q. Going to give you a hearing notice to come back
8 for your trial on January 22nd at 3 o'clock. It's important that
9 you return to court on that date. If you don't return to court,
10 I may have to go ahead in this case without you. If that
11 happens, I may have to order you deported because you are not
12 present. Understand?

13 A. Yes, I do.

14 Q. I'm also going to give you a written sheet of
15 warnings which repeat the warnings I have just made to you about
16 the consequences of not appearing to court when you are supposed
17 to. If you have any questions about any of that, you can discuss
18 it with your lawyer. Are you continuing to reside on, I can't
19 read this that well, 34th Street in Astoria?

20 A. Yes, that's correct.

21 Q. All right.

22 JUDGE TO COUNSEL

23 Q. Both parties will continue to have the opportunity
24 to supplement the application with additional information or
25 documentation. Any such materials should be submitted no later

1 than 10 days prior to the hearing date. If you do anticipate
2 presenting any witnesses in support of the claim in addition to
3 the respondent, please provide the Court with a witness list no
4 later than 10 days prior to the hearing date identifying the
5 witness or witnesses, together with their status in this country
6 and A number, if applicable, their residence in this country in a
7 brief proper.

8 JUDGE TO MS. TAYLOR

9 Q. Ms. Taylor, will the Service initiate database
10 checks?

11 A. Yes, I'm going to give a BUCKS slip for
12 fingerprints.

13 JUDGE TO MR. SACHS

14 Q. Your client must appear for a biometric scan
15 appointment at the appropriate time. If she fails to do so, I
16 may have to deny her application for failure to prosecute. Will
17 you convey those instructions to her?

18 A. Yes, Your Honor.

19 JUDGE FOR THE RECORD

20 I will be denying the hardship waiver effective today,
21 for failure to prosecute. We'll be proceeding on the basis of
22 the good faith waive.

23 JUDGE TO MR. SACHS

24 Q. Anything else from the respondent today?

25 A. No, Your Honor.

1 JUDGE TO MS. TAYLOR

2 Q. Ms. Taylor?

3 A. Yes, I'm giving a BUCKS slip for fingerprints.

4 Q. So noted.

5 JUDGE FOR THE RECORD

6 Hearing is adjourned.

7 HEARING CONTINUED

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For the Department of
Homeland Security:

Khalilah Taylor, Esquire

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Jack Sachs, Esquire

1 JUDGE FOR THE RECORD

2 These are continued removal proceedings in New York
3 City, in the case of Alina Shipilina, A 47 202 363. The date is
4 January 22nd, 2008, Immigration Judge Paul A. DeFonzo presiding.
5 The respondent is present in court today, with counsel.

6 JUDGE TO MS. SHIPILINA

7 Q. Ma'am, do you speak English?

8 A. Yes.

9 Q. Please stand up and raise your right hand. Do you
10 swear that the testimony that you give today will be the truth,
11 the whole truth, and nothing but the truth, so help you God?

12 A. Yes.

13 Q. Thank you, please take a seat on the end. Ma'am,
14 are you fluent in English?

15 A. Yes.

16 Q. Are you continuing to reside on 34th Street in
17 Astoria?

18 MR. SACHS TO JUDGE

19 Q. Excuse me, Judge.

20 A. She answered yes?

21 MS. SHIPILINA TO JUDGE

22 Q. Not much.

23 A. I'm sorry?

24 Q. It's not much, (indiscernible) in Russian.

25 A. Well I asked if you were fluent in English, you

1 said yes. Are you not fluent in English?

2 Q. I'm not fluent in English.

3 A. When you previously appeared in court in this case
4 in July of 2006, you did indicate to me that you believed you
5 could proceed in English. Do you still believe you can proceed
6 in English, or do you require a Russian interpreter?

7 Q. I'll do my best to --

8 A. Well that's not what I'm asking you, since your
9 best may be inadequate. Do you believe you can proceed with your
10 trial which is today, in the English language, or do you require
11 a Russian interpreter?

12 Q. I do English.

13 JUDGE FOR THE RECORD

14 The charging document in this case is a Notice To
15 Appear, dated June 22nd, 2006, previously been marked into the
16 record as Exhibit 1. Factual allegations have previously been
17 admitted. Removability has previously been conceded.

18 JUDGE TO MS. SHIPILINA

19 Q. Are you continuing to reside on 34th Street in
20 Astoria?

21 A. Yes.

22 Q. Are you working?

23 A. Yes.

24 Q. Where do you work?

25 A. I'm self-employed.

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1 Q. What do you do?

2 A. I work as a model and entertainer.

3 Q. And where do you do that?

4 A. Where?

5 Q. Yes.

6 A. Modeling jobs, I do catalogue, runway. As
7 entertain, I do it at trade shows, promotional works.

8 Q. Do you do them in New York or do you do them
9 elsewhere?

10 A. I do New York mostly, Judge.

11 Q. The gentleman seated across from you, is he still
12 your attorney, authorized to speak for you?

13 A. Yeah.

14 JUDGE FOR THE RECORD

15 For the respondent, Jack Sachs, Esquire. For the
16 Service, Khalilah Taylor, Esquire, Assistant Chief Counsel.

17 JUDGE TO MR. SACHS

18 Q. Mr. Sachs, when we were last together on this on a
19 master calendar in May of last year, you then indicated the
20 respondent would be seeking a waiver of the requirement to file a
21 joint petition based on the good faith of her marriage. Is she
22 continuing to seek that relief today?

23 A. Yes, Judge.

24 JUDGE FOR THE RECORD

25 Also presented in this case is a packet marked Group 2

1 for identification, from the Service. Initially consisting of a
2 copy of an I-551 for the respondent.

3 JUDGE TO MR. SACHS

4 Q. Is there any objection to that, Mr. Sachs?

5 A. Your Honor, there's so much in this, I don't know
6 if I, I just have to refresh my recollection of it.

7 Q. That was presented at master calendar on July
8 14th, 2006.

9 A. No, then I, no.

10 JUDGE FOR THE RECORD

11 That will be Exhibit 2-A. Also contained in that
12 packet is a copy of a visa face for the respondent.

13 JUDGE TO MR. SACHS

14 Q. Any objection to that?

15 A. No, Your Honor.

16 JUDGE FOR THE RECORD

17 Two B, and the last item contained in that packet is
18 the notice terminating the respondent's conditional resident
19 status from the District Director in New York. That notice is
20 dated October 1st, 2004.

21 JUDGE TO MR. SACHS

22 Q. Any objection to that?

23 A. No, Judge, no, Your Honor.

24 JUDGE FOR THE RECORD

25 That will be 2-C. That concludes that packet. I have

1 some submissions from the respondent in this case. A packet
2 previously marked as 3, for identification, initially consisting
3 of what is described as a stipulation of settlement referencing
4 the respondent and Roy Dean Hollinder, dated November 4, ⁰⁰2991.

5 JUDGE TO MS. TAYLOR

6 Q. Do you have any objection to that, Ms. Taylor?

7 A. No, Judge.

8 JUDGE FOR THE RECORD

9 Three A. A letter dated February 2nd, 2006, from the
10 Falcon Private Investigators.

11 JUDGE TO MS. TAYLOR

12 Q. Any objection to that?

13 A. I'm not sure if the examiner is available for
14 cross-examination.

15 JUDGE TO MR. SACHS

16 Q. Is he available, Mr. Sachs?

17 A. Not today.

18 JUDGE FOR THE RECORD

19 Sustained as to the unavailability of the author for
20 cross-examination. That will be 3-B for identification. There
21 appears to be a statement of qualification and curriculum vitae
22 for the author of the report. That will be considered part of
23 3-B for identification. A letter from the State of Connecticut,
24 dated March 3rd, 2004, again, referencing the author as a court.
25 That will again be considered part of 3-B for identification. At

1 tab 3, I have the psycho-social assessment referencing the
2 respondent, offered by a social worker, Nancy Kahn. My copy of
3 that assessment is not signed.

4 JUDGE TO MS. TAYLOR

5 Q. Is your copy signed, Ms. Taylor?

6 A. No, it's not.

7 JUDGE TO MR. SACHS

8 Q. Do you have a signed copy, Mr. --

9 A. Yes, I do, Judge.

10 Q. Sachs?

11 A. Yes, I do. Once second, let me just look for it,
12 I have it here.

13 Q. We'll go off the record while you look for it.

14 A. Thank you, Judge.

15 (OFF THE RECORD)

16 (ON THE RECORD)

17 JUDGE FOR THE RECORD

18 Mr. Sachs has provided the Court with a signed copy of
19 the report. I've provided a courtesy copy of the entire signed
20 copy to both the Court's record of proceedings, as well as to the
21 parties.

22 JUDGE TO MS. TAYLOR

23 Q. Any objection to that, Ms. Taylor?

24 A. I'm not sure if Ms. Kahn is available for cross-
25 examination one, two, relevance because the son is substance of

1 this report, indicates that the respondent was a battered woman
2 and subjected to domestic violence. This is a waiver based on
3 the good faith of her marriage, not based on any battery or
4 extreme cruelty.

5 JUDGE TO MR. SACHS

6 Q. Is the author available, Mr. Sachs?

7 A. Well I spoke to her and she didn't think she could
8 make it today. She could be available at a future -- I had
9 anticipated that and did speak to her, but her schedule wouldn't
10 permit that.

11 JUDGE FOR THE RECORD

12 I'll sustain the objection as to her unavailability for
13 cross-examination. So note Ms. Taylor's remarks as to the
14 respective relevancy of the report. That will be 3-C for
15 identification. Document described as a personal and business
16 management agreement, referencing the respondent.

17 JUDGE TO MS. TAYLOR

18 Q. Any objection to that?

19 A. Relevance, and it's not signed by any party.

20 JUDGE TO MR. SACHS

21 Q. Do we have a signed copy of this, Mr. Sachs?

22 A. No, we don't, Judge. That's the one with the
23 hearts on it.

24 JUDGE FOR THE RECORD

25 Well, I'll admit it into the record, but it's difficult

1 for me to give it any probative value as evidence in the case due
2 to the fact that it's unsigned. Mark it 3-D into the record. A
3 statement from Enessa Alexandrovna Shipilina (phonetic sp.).

4 JUDGE TO MS. TAYLOR

5 Q. Any objection to that?

6 A. Just note it's not notarized or sworn to.

7 JUDGE FOR THE RECORD

8 Nevertheless, I'll give it the weight I feel it
9 deserves, given the totality of the evidence in the case. That
10 will be 3-E. Statement from Demetri Morisal (phonetic sp.).

11 JUDGE TO MS. TAYLOR

12 Q. Same position as to that?

13 A. Same objection, Judge.

14 JUDGE FOR THE RECORD

15 Again, I'll overrule the objection, giving it the
16 weight that I feel it deserves given the totality of the evidence
17 in the case. That will be 3-F. That concludes that packet. I
18 have an additional submission from the respondent, previously
19 marked Group 4 for identification. Initially, consisting of an
20 I-751 bearing a date of 05-21-02. That will be Exhibit 4-A. I
21 have a receipt from the Regional Service Center in Saint Albans,
22 Vermont. I appear to have the original. That will be 4-B. A
23 letter from the Citizenship and Immigration Services, May 24th,
24 2004.

25 JUDGE TO MS. TAYLOR

*V. H. W. S.
W. H. W. S.
Shipilina*

1 Q. Any objection to that, Ms. Taylor?

2 A. No.

3 JUDGE FOR THE RECORD

4 Four C. Divorce decree, referencing the respondent.

5 JUDGE TO MS. TAYLOR

6 Q. Any objection to that?

7 A. No, Judge.

8 JUDGE FOR THE RECORD

9 Four D, and it appears to be a letter which is
10 presented in some manner of chronological form.

11 JUDGE TO MS. TAYLOR

12 Q. Any objection to that?

13 A. No original Judge, and I'm not sure where it's
14 taken from.

15 Q. I'm sorry, you're not sure?

16 A. Where it's taken from.

17 JUDGE TO MR. SACHS

18 Q. Do we have an original, Mr. Sachs?

19 A. I thought I had. That's the letter from?

20 Q. Signed with love, Roy. My copy of the original
21 looks like this, two pages. We're off the record while you look
22 for it.

23 (OFF THE RECORD)

24 (ON THE RECORD)

25 JUDGE TO MR. SACHS

1 Q. Mr. Sachs, have you been able to locate an
2 original for that letter?

3 A. No, Your Honor.

4 JUDGE TO MS. TAYLOR

5 Q. What say you, as to the copy, Ms. Taylor?

6 A. Same object, Judge.

7 JUDGE FOR THE RECORD

8 Sustained for lack of the original. That will be 4-E
9 for identification.

10 JUDGE TO MR. SACHS

11 Q. Well, should you locate the original before the
12 conclusion of the hearing, you can bring that to my attention.

13 JUDGE FOR THE RECORD

14 I have an additional submission today from the
15 respondent, a packet tabbed 1 through 6.

16 JUDGE TO MS. TAYLOR

17 Q. Do you have that, Ms. Taylor?

18 A. Yes, I do, Judge.

19 JUDGE FOR THE RECORD

20 It will be Group 5, for identification.

21 JUDGE TO MS. TAYLOR

22 Q. Would you like an opportunity to review it?

23 A. Yes, Judge.

24 Q. Go off the record while you do that.

25 (OFF THE RECORD)

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(ON THE RECORD)

JUDGE TO MS. TAYLOR

Q. Referring to the Group 5 packet, initially I have an affidavit from the respondent. Any objection to that?

A. Timeliness, Judge.

JUDGE FOR THE RECORD

Well, as the respondent is present in court today to be subjected to cross-examination with regard to that document, and it's only a 2-page document, I'll overrule the objection as to timeliness with regard to that. Mark it 5-A. Another copy of the correspondence from the District Director in New York, dated October 1st, 2004, previously marked 2-C. A decision and order with regard to the divorce action.

JUDGE TO MS. TAYLOR

Q. Any objection to that?

A. No, Judge.

JUDGE FOR THE RECORD

Five B. Another copy of the psycho-social assessment from the social worker, previously marked 3-C for identification.

MR. SACHS TO JUDGE

Q. That's the signed copy, right?

A. This copy is signed, but it's a photocopy, but it's the same copy that you presented earlier.

JUDGE FOR THE RECORD

A summons and complaint referencing Roy Dean Hollinder

1 as plaintiff.

2 JUDGE TO MS. TAYLOR

3 Q. What say you as to that?

4 A. Relevance, timeliness, and I haven't had a full
5 opportunity to read over some of it.

6 JUDGE TO MR. SACHS

7 Q. This is a substantial submission, is there any
8 special reason why it was not submitted within the 10-day
9 submission deadline, Mr. Sachs?

10 A. No, I don't have a (indiscernible), Your Honor.

11 JUDGE FOR THE RECORD

12 Sustain the objection after the untimeliness of the
13 submission, 5-C for identification. An order from the 2nd
14 Circuit Court of Appeals referencing Roy Dean Hollinder as
15 plaintiff, appellant.

16 JUDGE TO MS. TAYLOR

17 Q. What say you as to that, Ms. Taylor?

18 A. Again, timeliness, Judge.

19 JUDGE TO MR. SACHS

20 Q. Any special reason why that was not submitted
21 within the submission deadline that I provided, Mr. Sachs?

22 A. No, Judge.

23 JUDGE FOR THE RECORD

24 Sustained, as to untimeliness, would appear to relate
25 to the lengthy summons and complaint marked 5-C for

1 identification. Mark the order, 5-D for identification.

2 JUDGE TO MR. SACHS

3 Q. Is there anything additional in terms of
4 documentary evidence from the respondent today, Mr. Sachs?

5 A. No, Your Honor.

6 Q. While off the record, you had indicated that you
7 may have an original copy of the letter marked 4-E for
8 identification?

9 A. I had it in my hand a minute ago, Judge.

10 Q. Well while you're looking for that --

11 JUDGE TO MS. TAYLOR

12 Q. Ms. Taylor, is there anything additional in terms
13 of documentary evidence from the Service today?

14 A. No, Judge.

15 JUDGE TO MR. SACHS

16 Q. We'll go off the record while you look for it.

17 (OFF THE RECORD)

18 (ON THE RECORD)

19 JUDGE FOR THE RECORD

20 Mr. Sachs has presented a copy of the translation.
21 Note that the translation does state at the top, translated from
22 Russian, then parenthetically this text had been prior translated
23 from English, however what has been presented to me does appear
24 to be in the nature of a photocopy. There is no signature in any
25 event, says With Love, Roy at the end and typewritten.

1 MR. SACHS TO JUDGE

2 Q. Well the Russian that is translated Judge, has his
3 name typed on it.

4 A. Well again, parenthetically it says this text had
5 been prior translated from English, which leads me to believe
6 that the original of the document was supposed to be in English,
7 but this document is completely typewritten and in fact, does
8 appear to be a photocopy, looking at the translation stamp which
9 is affixed thereto.

10 Q. That's the question I have, the way I put it to
11 the other Judge is that he wrote a letter, gave it to someone to
12 put into Russian, which is here, and then had this translated
13 into English.

14 A. Well where is the letter that he wrote, that is
15 the question?

16 Q. That's something that nobody knows.

17 A. Well in the absence of that original, I do feel
18 compelled to sustain the objection as to lack of the original.

19 Q. Okay.

20 A. Well how are we seeking to proceed today, Mr.
21 Sachs? I have sustained objections to some portion of your
22 documentary evidence including the report from the detective. I
23 don't know to what degree you are seeking to rely on the report.
24 I'll also sustain the objection to the psycho-social report which
25 Ms. Taylor believes also may have relevancy issues. Do you wish

1 to proceed in the absence of those materials?

2 Q. Yes, Judge.

3 A. Or would you like an opportunity to discuss with
4 your client if she would like an opportunity to have those
5 individuals made available.

6 Q. Yeah, the (indiscernible) May I have a moment?

7 A. Go off the record while you do that.

8 Q. Thank you.

9 (OFF THE RECORD)

10 (ON THE RECORD)

11 JUDGE FOR THE RECORD

12 We're back on the record. While off the record, Mr.
13 Sachs has inquired as to where I might be adjourning this case.
14 I do have an opening for March 20th at 9 o'clock.

15 JUDGE TO MR. SACHS

16 Q. In view of that, would you seeking to proceed
17 today in the absence of the excluded evidence, Mr. Sachs, or
18 would you be interested in having the case adjourned?

19 A. I would be interested in having the case
20 adjourned, and I would request at this time, with enough time,
21 that there be a Russian interpreter next time.

22 JUDGE TO MS. TAYLOR

23 Q. Ms. Taylor, what's the Service's position?

24 A. No objection, Judge.

25 JUDGE FOR THE RECORD

1 In view of the unopposed nature of the adjournment
2 request and a consideration of the fact there is a first time,
3 the case has been scheduled to the merits calendar. I will
4 adjourn the case to March 20th, 2008, at 9 o'clock.

5 JUDGE TO MS. SHIPILINA

6 Q. Ma'am, I'm going to adjourn your case to March
7 20th at 9 o'clock, in view of the fact that your attorney has
8 some interest in an adjournment. Since I have been compelled to
9 exclude various items of your documentary evidence today. I'm
10 going to give you a new hearing notice for March 20th, at 9
11 o'clock. It's important that you return to court at that time.
12 If you don't, we may have to go ahead in this case without you.
13 If that happens, we may have to order you deported because you
14 are not here. Do you understand?

15 A. I understand.

16 Q. In addition to your new hearing notice, I'm also
17 going to give you a written sheet of warnings which repeats the
18 warnings I have just made to you concerning the consequences of
19 not returning to court when you are supposed to. If you have any
20 questions about any of that, you should discuss it with your
21 lawyer.

22 JUDGE TO MS. TAYLOR

23 Q. Does the Service have any objection to the
24 perspective witnesses appear telephonically in this case?

25 A. No, Judge.

1 Q. So noted, and that would apply to the social
2 worker as well as to the preparer of the polygraph report?

3 A. That's fine.

4 JUDGE TO MR. SACHS

5 Q. If you do anticipate presenting any additional
6 witnesses in the case besides those two, they would be expected
7 to appear in person unless you have previously cleared with Ms.
8 Taylor that they may also appear telephonically.

9 JUDGE FOR THE RECORD

10 Both parties will continue to have the opportunity to
11 supplement the application with additional information or
12 documentation. Any such materials should also be submitted no
13 later than 10 days prior to the hearing date.

14 MR. SACHS TO JUDGE

15 Q. There is a (indiscernible) and understandably so,
16 Judge, since it's put over until March 20th, can I grandfather
17 these things that were excluded today, or should I resubmit them?

18 A. If you're referring to 5-C and 5-D_for
19 identification, there were two objections to those based first on
20 timeliness. Naturally, that objection would be cured upon the
21 next hearing date. As to the relevance objection, I would most
22 likely just have to sustain that objection of connection
23 depending on the contents of those materials. But certainly, the
24 untimeliness objection as to those would be overruled in view of
25 the fact that more than 10 days would have elapsed from their

1 original date of submission which was today, until the next
2 hearing date.

3 Q. Well that's fine, Judge, and I believe I could
4 develop the relevancy to both, Your Honor, to Ms. Taylor's
5 satisfaction.

6 A. All right, well you'll have the opportunity to do
7 that at the merits hearing.

8 Q. Yes, Judge.

9 A. As to the remaining item of excluded evidence, the
10 letter, it is, of course, in your interest to try to locate the
11 original of that, if you would like the Court to consider it.

12 Q. Yes, Judge.

13 JUDGE TO MS. TAYLOR

14 Q. Then Ms. Taylor, where do we stand with the checks
15 at this time?

16 A. Her prints will still be good the next hearing
17 date.

18 Q. Thank you.

19 JUDGE TO MR. SACHS

20 Q. Anything else from the respondent today?

21 A. No, Your Honor.

22 JUDGE TO MS. TAYLOR

23 Q. Ms. Taylor?

24 A. No, Judge.

25 JUDGE FOR THE RECORD

1 The hearing is adjourned.

2 HEARING CONTINUED

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U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File A 47 202 363

ALINA SHIPILINA,)	
)	IN REMOVAL PROCEEDINGS
)	
Respondent)	Transcript of Hearing
)	

Before PAUL A. DEFONZO, Immigration Judge

Date: March 20, 2008

Place: New York, New York

Transcribed by DEPOSITION SERVICES, INC. at Rockville, Maryland

Official Interpreter: Edward Bot

Language: Russian

Appearances:

For the Department of
Homeland Security:

For the Respondent:

Khalilah Taylor, Esquire

Jack Sachs, Esquire

1 JUDGE FOR THE RECORD

2 These are continued removal proceedings in New York
3 City, in the case of Alina Shipilina, A 47 202 363. The date is
4 March 20th, 2008, Immigration Judge Paul A. DeFonzo presiding.
5 The respondent is present in court today, with counsel. Also
6 present is an interpreter in the Russian language, Edward Bot
7 (phonetic sp.).

8 JUDGE TO INTERPRETER

9 Q. Mr. Bot, would you please stand up and raise your
10 right hand. Do you swear that the interpretation you perform
11 today from the English to Russian and Russian to English
12 languages will be true and accurate to the best of your ability?

13 A. I do.

14 Q. Thank you, please be seated.

15 A. Thank you.

16 Q. You're welcome. Would you please ask the
17 respondent to stand up and to raise her right hand.

18 JUDGE TO MS. SHIPILINA

19 Q. Ma'am, do you swear that the testimony that you
20 give today will be the truth, the whole truth, and nothing but
21 the truth, so help you God?

22 A. Yes.

23 Q. Thank you, please be seated. Ma'am, can you
24 understand the Russian being spoken by the interpreter?

25 A. Yes.

1 Q. Russian your best language?

2 A. Yes.

3 Q. You're residing on 34th Street in Astoria?

4 A. Yes.

5 Q. Are you working?

6 A. Yes.

7 Q. Where?

8 A. I work as a model, I do promotions and
9 conventions.

10 Q. The gentleman seated across you, is he still your
11 attorney authorized to speak for you?

12 A. Yes.

13 JUDGE FOR THE RECORD

14 For the respondent, Jack Sachs, Esquire. For the
15 Service, Khalilah Taylor, Esquire, Assistant Chief Counsel. We
16 were last together on this case on the individual calendar in
17 January. At that time, the case was adjourned to allow the
18 respondent an opportunity to arrange for the presentation of
19 witnesses. It had previously been represented that the
20 respondent would be seeking to renew her application for a good
21 faith waiver of the joint petition requirement pursuant to
22 Section 216.

23 JUDGE TO MR. SACHS

24 Q. Is that the relief she's continuing to seek, Mr.
25 Sachs?

1 A. Yes, Your Honor.

2 JUDGE FOR THE RECORD

3 Charging document in this case is the Notice To Appear,
4 dated June 22nd, 2006, previously marked Exhibit 1. Factual
5 allegations have previously been admitted, removability has
6 previously been conceded. I have a packet from the Service
7 previously marked Group 2, consisting of a copy of the front of
8 an I-551 for the respondent marked Exhibit 2-A, a visa face for
9 the respondent marked Exhibit 2-B, correspondence from the
10 Department of Homeland Security dated August 1st, 2004,
11 previously marked 2-C. That concludes that packet. I have a
12 submission as well from the respondent previously marked Group 3
13 for identification, initially consisting of a stipulation of
14 settlement referencing the respondent marked Exhibit 3-A, a
15 polygraph report referencing the respondent, dated February 2nd,
16 2006. The Service had previously expressed an interest in cross-
17 examining the author.

18 JUDGE TO MR. SACHS

19 Q. Has he been made available, Mr. Sachs?

20 A. Unfortunately, I spoke to him yesterday and he had
21 mistaken the date, he was prepared to come in or even testify
22 telephonically.

23 Q. So he's not available?

24 A. No, Judge.

25 JUDGE TO MS. TAYLOR

1 Q. Is the Service continuing to press that objection?

2 A. Yes, Judge.

3 JUDGE FOR THE RECORD

4 Sustain the objection for unavailability of the author
5 for cross, that will be 3-B for identification. A psycho-social
6 assessment referencing the respondent is marked 3-C for
7 identification. The Service had also expressed an interest in
8 cross-examining the author.

9 JUDGE TO MR. SACHS

10 Q. Is that author available?

11 A. She's sitting, as you instructed, she's in the
12 courtroom.

13 Q. All right.

14 JUDGE FOR THE RECORD

15 The Service had also lodged a relevancy objection to
16 that which I'll consider under advisement. Continue to mark it
17 3-C pending the testimony of the author. A document described as
18 a personal and business management agreement referencing the
19 respondent, previously marked 3-D. A letter from Enessa
20 Alexandrovna Shipilina, previously marked 3-E. A letter from
21 Demetri Morisal, previously marked 3-F, and that concludes that
22 packet. I have an additional submission from the respondent
23 previously marked Group 4 for identification. Initially
24 consisting of the I-751, re-questioning the good faith marriage
25 waiver, previously marked Exhibit 4-A. Receipts from the

1 Regional Service Center in Saint Albans, already marked 4-B.
2 A second letter from the Citizenship and Immigration Services
3 Office, this one dated May 24th, 2004, previously marked 4-C.
4 Divorce decree, referencing the respondent, previously marked
5 4-D, and a letter, it appears to be a series letters which was
6 marked 4-E for identification, in the absence of the original.

7 JUDGE TO MR. SACHS

8 Q. Has the original been located, Mr. Sachs?

9 A. Which letter is that, sir?

10 Q. The document marked 4-E for identification? It
11 appears to be a series of letter from the ex-husband.

12 A. No, Judge.

13 JUDGE FOR THE RECORD

14 Continue to mark it 4-E for identification in the
15 absence of the original. Also from the respondent, packet marked
16 Group 5 for identification, initially consisting of a statement
17 from the respondent marked Exhibit 5-A. I have another copy of
18 the service, for respondent, from October 1st, 2004, already
19 marked 2-C. Court materials referencing the respondent, marked
20 Exhibit 5-B. Another copy of Ms. Kahn's assessment, already
21 marked 3-C for identification. A summons with additional court
22 materials previously marked 5-C for identification. I have
23 sustained an objection as to untimeliness of that submission.

24 Submission is not rendered timely by the adjournment.

25 JUDGE TO MS. TAYLOR

1 Q. Any other objections to that Ms. Taylor?

2 A. Let me just locate it, Judge.

3 Q. That's at tab 5, in the Group 5 packet. Similar
4 objection to the next item which is a summary order from the 2nd
5 Circuit Court of Appeals.

6 A. Yes, just relevancy, Judge.

7 JUDGE FOR THE RECORD

8 I'll admit it and consider it for what it's worth, that
9 will be 5-C.

10 JUDGE TO MS. TAYLOR

11 Q. And the 2nd Circuit order, same position as to
12 that?

13 A. Yes, Judge.

14 JUDGE FOR THE RECORD

15 Admit that as well for what it's worth, that will be
16 5-D. That concludes that packet.

17 JUDGE TO MR. SACHS

18 Q. Is there anything additional in terms of
19 documentary evidence from the respondent today, Mr. Sachs?

20 A. I thought that I had submitted that huge complaint
21 from the -- apparently not, I thought I did. I thought I saw it
22 mentioned in one of my letters. If you had it, it's like an 85,
23 89-page complaint.

24 Q. I believe that's the 5-C packet. The first item
25 is a summons?

1 A. Yes.
2 Q. For the Southern District of New York?
3 A. Yes.
4 Q. Well that's Exhibit 5-C.
5 A. The whole, the complaint as well?
6 Q. This much stuff?
7 A. Right, right.
8 Q. Anything else in terms of documentary evidence
9 from the respondent today?
10 A. No, Your Honor.

11 JUDGE TO MS. TAYLOR

12 Q. Ms. Taylor, anything additional in terms of
13 documentary evidence from the Service today?

14 A. No, Judge.

15 JUDGE TO MR. SACHS

16 Q. And how are you seeking to proceed today,
17 initially with testimony from the respondent or from the witness?

18 A. Good question. I've never been given that option
19 before. It probably would make sense to have the witness
20 testify, then she could leave and go wherever she wants, and then
21 follow-up with the -- do you have any objection to that, Judge?
22 Well you suggested it. As I said, this is the first time I've
23 been offered that alternative.

24 Q. Is there any objection to the respondent being
25 sequestered while the witness testifies?

1 A. No.

2 JUDGE TO MS. SHIPILINA

3 Q. To the respondent, ma'am, your attorney has
4 indicated that he will first be eliciting testimony from your
5 witness. It is of some value to me that you do not hear your
6 witness' testimony, so in a moment, I'm going to invite you to
7 wait outside the courtroom in the waiting room until we are ready
8 to hear from you. I do want to caution you that we may take a
9 brief break or a recess in the proceedings this morning. During
10 the course of any such break or recess, you're not to have any
11 communication with the witness. Should it come to my attention
12 that you have communicated with her, I will have to take that
13 into account when I make the decision in your case. Do you
14 understand?

15 A. Yes.

16 Q. Thank you, you are excused. Please shut the door
17 behind you when you go out.

18 JUDGE TO WITNESS

19 Q. Ma'am, you can come forward.

20 JUDGE TO INTERPRETER

21 Q. You can take a break, Mr. Bot.

22 A. Thank you, should I wait outside also?

23 Q. If you want, or you can wait in here.

24 A. I'll wait in the back.

25 Q. Just don't disappear.

1 A. Okay.

2 JUDGE TO WITNESS

3 Q. Ma'am, please remain standing and raise your right
4 hand. Do you swear that the testimony that you give today will
5 be the truth, the whole truth, and nothing but the truth, so help
6 you God?

7 A. I do.

8 Q. Thank you, please be seated. Ma'am, are you
9 fluent in English?

10 A. Yes.

11 Q. At this time, Mr. Sachs is going to have the
12 opportunity to ask you some questions. When he is finished, the
13 attorney for the Government, Ms. Taylor, may ask you some
14 questions. I may also ask you questions when they're finished,
15 or by interrupting them from time-to-time. Please note, there's
16 a microphone on the table in front of you, that's because we're
17 tape recording the proceeding.

18 A. Okay.

19 Q. So when you speak, please do so in a loud and
20 clear voice so that everyone can hear you.

21 A. Okay.

22 Q. Please make sure you do answer the questions,
23 however I would ask that you please limit your answer to the
24 questions that are put to you and if you're not sure of something
25 or you don't remember something, you should let us know. Don't

1 make-up or guess at answers just to please us.

2 A. Okay.

3 Q. I see you have some materials in front of you,
4 please put them one of the chairs or provide or give them to me.

5 A. I don't know (indiscernible)

6 Q. Because you shouldn't refer to materials during
7 testimony unless you have (indiscernible) with the Court.

8 JUDGE TO MR. SACHS

9 Q. Go ahead, Mr. Sachs.

10 MR. SACHS TO WITNESS

11 Q. Ms. Kahn, could you please state your
12 qualifications?

13 A. I'm a New York State Licensed Clinical Social
14 Worker and I've been in practice for almost 35 years, post-
15 masters from Boston University.

16 Q. Post-masters in what?

17 A. Social work.

18 Q. And, you're familiar with Ms. Shipilina, Alina?

19 A. Yes.

20 Q. Would you state the circumstances under which you
21 came to know her?

22 A. I met with her in May of 2006, I understood at the
23 time that she was filing a battered spouse petition, so I was
24 hired to do a psycho-social evaluation in reference to that.

25 Q. And is that represented by this document that --

1 A. Yes.

2 Q. Okay, now how long did you spend with Ms.
3 Shipilina?

4 A. I met with her in her home for about three hours.

5 Q. And since the reason for originally interviewing
6 her was, as you said, a battered spouse petition, I presume that
7 you spoke about her marriage at length?

8 A. Yes, at length.

9 Q. And what did she tell you about the marriage as to
10 how or when she met her husband?

11 A. She met her husband, I believe, in Moscow, where
12 she was for her work, and after she met him, he pursued her very
13 vigorously, texting her, calling her, sending flowers and so
14 forth.

15 Q. He pursued her?

16 A. He pursued her.

17 Q. And did she state, or did you find out when the
18 subject of marriage came up?

19 A. After, I think, a couple of months of their
20 knowing each other, he impulsively all the sudden, blurted out
21 marry me.

22 Q. So as far as you were able to discover, that the
23 idea of getting married was his idea?

24 A. That's correct. She said she was surprised at the
25 time and needed a little time to think about it.

1 Q. And then what did she say?

2 A. And then she decided that she would marry him, she
3 felt she was in love with him, and she felt they could help each
4 other.

5 Q. Did the topic of coming to the United States as an
6 immigrant ever come up?

7 A. No.

8 Q. So, to your knowledge, that was not the reason she
9 married her husband?

10 A. That's correct.

11 Q. And then, did she describe some of the problems
12 that led to the battered spouse petition?

13 MS. TAYLOR TO JUDGE

14 Q. Objection, Judge, there's not evidence of a
15 battered spouse petition being filed within the court.

16 JUDGE TO MR. SACHS

17 Q. I don't have anything in the Court's record about
18 it, Mr. Sachs, so where are we going with this?

19 A. Well, Ms. Kahn had said that's why she was
20 originally hired to interview.

21 Q. Well that's fine, but I don't know the relevancy
22 of it to this proceeding which is supported by a good faith and a
23 marriage waiver. I mean, if a battered spouse petition was ever
24 filed, it has not been brought to my attention. Do you know if
25 one was filed?

1 A. Well apparently, but I've seen it, Judge. She
2 mentioned --

3 Q. So you don't know anything about it?

4 A. Just what I've heard.

5 Q. All right, well if the witness has anything to
6 relate with regard to the good faith nature of the marriage, you
7 can illicit that from her, but I don't know that we need to get
8 into the battered wife petition.

9 A. Okay.

10 Q. That no one is aware exists.

11 A. All right.

12 JUDGE TO MS. TAYLOR

13 Q. Unless you have some notice of it, Ms. Taylor?

14 A. I do not.

15 JUDGE TO MR. SACHS

16 Q. All right, go ahead.

17 MR. SACHS TO WITNESS

18 Q. Do you know whether she mentioned anything about
19 her husband's attitude toward her immigration status?

20 A. Well initially, he said that he wanted her to come
21 to the United States to see where he lived and I believe he got a
22 visa for her at some point. And then she came a second time
23 later on to stay with him. Later on in the marriage, as he
24 became more and more abusive, he used her status or lack of
25 status as a way to yield power over her and would periodically

p
1 threaten her that he was going to notify the INS, that he had
2 friends at the INS, that he would have her deported, and that was
3 very frightening to her.

4 Q. I see, and did it come out as to yield power over
5 her in what way?

6 MS. TAYLOR TO JUDGE

7 Q. Objection again, this goes to any type of abuse,
8 which I don't think is relevant. I think (indiscernible).

9 MR. SACHS TO JUDGE

10 Q. No, I didn't say anything about abuse.

11 A. Well, I'll allow it, but I'll put you on a short
12 leash, if it doesn't look like it's going in the right direction,
13 Mr. Sachs. Go ahead.

14 MR. SACHS TO WITNESS

15 Q. What were some of the examples? Not necessarily
16 physical abuse, but what were some of the examples?

17 A. Well as I said, he would threaten her if she
18 didn't do what he wanted her to do, that he would report her to
19 the INS. He would have her deported. That was menacing to her,
20 so she tended to do things that she was uncomfortable with
21 because of that.

22 Q. Any examples of things that she was uncomfortable
23 with?

24 A. He got her a job at a topless dance club called
25 Flash Dance, which she didn't want to do, but he kept threatening

1 her. It was very intimidating to her.

2 Q. So he was the one who arranged for the job?

3 A. Correct.

4 Q. Did you ever have any questions or reasons to talk
5 about possible activities as a prostitute?

6 A. No, it never came up.

7 Q. Did you know of any actions in court, either he
8 had against her or she had against him?

9 A. She told me that he had filed some suits against
10 her, against her mother, against a lot of other people accusing
11 her of illegal activities, one point even accusing her of being
12 involved with Al Queda, and she felt that these were all, you
13 know, things to harass her. That was actually after the marriage
14 ended.

15 Q. So as far as you were able to determine, she did
16 nothing to initiate the proceedings to bring her here as a
17 immigrant, is that true?

18 A. That's correct.

19 MR. SACHS TO JUDGE

20 Q. I have no further questions at this time, Your
21 Honor.

22 JUDGE TO MS. TAYLOR

23 Q. Ms. Taylor, cross-examination.

24 A. Thank you.

25 Q. You're welcome.

1 MS. TAYLOR TO WITNESS

2 Q. How many times did you meet with the respondent?

3 A. One time.

4 Q. Has she ever been married before, to your
5 knowledge?

6 A. Not to my knowledge.

7 Q. Was there any particular reason that you met her
8 in her home as opposed to your office?

9 A. I usually meet clients in their homes so that
10 they're more comfortable and so that I can get a sense of, more
11 of a sense of who they are and how they live.

12 Q. Now you said her ex-husband got her a job at a
13 topless club, correct?

14 A. Correct.

15 Q. Do you know if she ever worked at a topless club
16 before that?

17 A. Not to my knowledge.

18 Q. And how long was she married?

19 A. I think it was a year and a couple of months.

20 Q. And do you know how long they actually lived
21 together?

22 A. I believe it was about a year, maybe slightly
23 under a year.

24 Q. One year or slightly under a year, and you said
25 that their courtship was a couple of months, by couple, does that

1 mean two?

2 A. Two, three months, I believe.

3 MS. TAYLOR TO JUDGE

4 Q. I don't have any other questions.

5 JUDGE TO MR. SACHS

6 Q. Mr. Sachs, redirect?

7 A. No, Your Honor.

8 JUDGE TO WITNESS

9 Q. Thank you, ma'am, your testimony is finished. I
10 appreciate your taking the time to be with us today.

11 A. Thank you.

12 Q. You are excused.

13 JUDGE FOR THE RECORD

14 I'll mark the assessment into the record as Exhibit 3-C
15 giving it the weight that I feel it deserves, given the totality
16 of the evidence in the case. We're off the record.

17 (OFF THE RECORD)

18 (ON THE RECORD)

19 JUDGE FOR THE RECORD

20 We're rejoined by the respondent.

21 JUDGE TO MS. SHIPILINA

22 Q. Ma'am, at this time your attorney is going to have
23 the opportunity to ask you some questions. When he is finished,
24 the attorney for the Government will ask you some questions.

25 When they're both finished, I may ask you some questions. I may

1 also interrupt either one of them from time-to-time to ask you
2 some questions. Ma'am, please note there is a microphone on the
3 table in front of you, that's because we are tape recording these
4 proceedings today. So when you speak, please do so in a loud and
5 clear, excuse me, a loud and a clear voice so that everyone can
6 hear you. If anything is said to you that you don't understand,
7 do not try to please us by creating or by making-up an answer.
8 You should indicate that you don't understand and I will endeavor
9 to have the statement repeated or explained for you. Please do
10 not speak while the interpreter is speaking, and the interpreter
11 may signal you from time-to-time to stop speaking, if he requires
12 additional time to complete his interpretation. When he is
13 finished, you may complete your answer, if your answer was not
14 done. Ma'am, in this kind of a case, your testimony is very
15 important. You should understand that the burden of proof in
16 this kind of a case is on your side, so when you're answering
17 questions today, please insure that your answers are detailed,
18 specific and responsive to the questions put to you by each of
19 us. Please do not answer questions that have not been asked of
20 you because I may have to consider such answers to be
21 unresponsive or to be evasive in nature. Do you understand?

22 A. Yes.

23 Q. It's also important that you understand that if
24 you are not sure of something that you will be telling us today,
25 that it's your responsibility to inform us either that you are

1 not sure, or that you do not exactly remember. If you do not
2 tell us that, I will then conclude that you are sure of whatever
3 it is that you are saying. You understand?

4 A. Yes.

5 JUDGE TO MR. SACHS

6 Q. Go ahead, Mr. Sachs.

7 MR. SACHS TO MS. SHIPILINA

8 Q. When and where did you meet Roy Dean Hollinder?

9 A. I was in Moscow at the party for models and I
10 spoke a little English. He used to live in this area. He walked
11 by and he heard English spoken, he walked up and who was speaking
12 English and I said I speak English and that's how we met, that's
13 where we got acquainted.

14 Q. And what happened after that, did the relationship
15 continue?

16 A. He liked me very much. He escorted me home. He
17 started to give me flowers, and he started to ask me out to
18 restaurants, and when I was leaving for Krasnodar, he asked me to
19 give him my telephone number.

20 Q. And then did you see him after that?

21 A. Many times.

22 Q. And would you describe those circumstances?

23 A. He used to invite me and I came to Moscow, I used
24 to spend time with him. He introduced me to everybody at work
25 that he worked with, and I also invited him, used to invite him

1 to my home.

2 Q. Did the subject of marriage ever come up?

3 A. We talked, I talked with him and all of a sudden
4 he says, why don't you marry me. I didn't agree right away
5 because I had to think about it. I felt, you know, inside the
6 connection with him to the degree that I felt very well with him,
7 and after some time, I agreed.

8 Q. Was there any talk at that time either by you or
9 by him as to you becoming an immigrant to the United States?

10 A. We got married through love, because of love, to
11 be together.

12 Q. Did you have any idea of obtaining a green card by
13 marrying him?

14 A. I didn't know anything about this.

15 Q. You didn't know anything about this when?

16 A. Before marriage, after marriage. For me, it was
17 important just to be with the person I loved, not where we lived.

18 Q. So would it be fair to say that you did not marry
19 Mr. Hollinder to get a green card, an immigrant visa to the
20 United States?

21 A. No, absolutely not.

22 Q. When and where did you get married?

23 A. We got married the 11th of March 2000, in the city
24 of Krasnodar.

25 Q. And do you know when the proceedings were started

1 to apply for a green card for you as a wife of a citizen?

2 A. I don't remember exactly, maybe some time in April
3 or May.

4 Q. Okay, who's idea was it?

5 A. My husband's.

6 Q. And you next came to the United States when?

7 A. First time we came in January, and get acquainted
8 with relatives and friends here. When I got the papers, we came
9 here in July 2000 to live together, yes.

10 Q. And when did you start having problems with your
11 husband?

12 A. Here.

13 Q. When?

14 A. When we moved, he stopped sharing things. He
15 didn't want to buy things for me that I wanted to buy. He then
16 started to, strangely, he started to ask me about my past
17 relationships and it happened everyday and the background was
18 that he started to humiliate me and call me names like a monster,
19 and you know, ugly person.

20 Q. Was he ever involved with any employment, did he
21 ever get you a job of any kind?

22 A. Yes, he bought a book about nightlife in New York
23 and he managed in addition, for me to work in a strip club, but I
24 wanted very much to work as a model, but I didn't have money for
25 the portfolio.

1 Q. What was the name of the strip club, do you
2 remember?

3 A. Flash Dance.

4 Q. And how long did you work there?

5 A. I worked there maybe two years. Every day he used
6 to walk me, he used to meet me at 4:00 a.m. at home, and if I
7 happen to be late home a few minutes, he started to abuse me that
8 I already commenced to sleep with somebody, and this was like
9 this every week.

10 Q. Did he ever visit you at the club?

11 A. Yes, he did.

12 Q. And what circumstances?

13 A. He used to come in and buy dances with his friends
14 in front of my eyes, and he forced me to dance.

15 Q. What do you mean forced you to dance?

16 A. He used to pay my name, you cannot refuse.

17 Q. Well did he force you to dance with any specific
18 people or just by yourself, be more specific.

19 A. He used to come, excuse me, with a friend and he
20 forced me to dance for him in front of him.

21 Q. What kind of dance?

22 A. Lap dance, topless.

23 Q. Are you saying that he would force you to dance
24 topless with a friend of his?

25 A. When he was next to me, and it was very hard for

1 me because it hurt me because I love my husband and I just wanted
2 to only do this for my husband.

3 Q. And how long did you live together with him?

4 A. When we moved here, from that moment until
5 December.

6 Q. I see now, had you already received the
7 conditional, the first green card?

8 A. Yes.

9 Q. The petition to remove the condition, what they
10 call the I-751, did you file that together with Roy, or did you
11 file it by yourself?

12 A. When I arrived here, (indiscernible) later.

13 Q. There was another form that you had to fill out
14 with Roy, so that your conditional residence would be
15 approved to become permanent. Do you remember that, yes or no,
16 do you remember that?

17 A. I don't remember exactly, but as far as I
18 remember, I think that I applied it by myself for it, by myself.

19 Q. When did you separate from Roy, do you remember?

20 A. When we moved from December, I wanted to save our
21 relationship and hoped that this would help us to straighten
22 things out between each other.

23 Q. Well you finally wound up with a divorce, is that
24 true?

25 A. True.

1 Q. And was that before you had your interview for the
2 I-751?

3 A. After.

4 Q. Do you recall, I'm going to refer to the interview
5 you had for that document which took place at the end of
6 September of, excuse me a minute, September 9th, 2004. Do you
7 remember that interview?

8 A. Yes.

9 Q. Okay, now as you know, the application was denied
10 as a result of the interview and I'm going to ask you some
11 question about what happened at the interview. You submitted
12 some income tax returns for their consideration, is that true?

13 A. Yes.

14 Q. Now the income tax return for the year 2000, at
15 the time, you were still married to Roy, is that true?

16 A. Yes.

17 Q. Now, it stated in the denial that, that return was
18 filed as single, not at married. Is that true? Is that true,
19 yes or no?

20 A. Yes.

21 Q. Okay, would you please explain why you filed it
22 that way?

23 A. Oh, I went to the accountant and I wanted to say
24 that I want to file as married, but he said that we cannot apply
25 because I didn't have, I didn't know my husband's social security

1 number. I asked my husband to give me his social security
2 number, but he refused me, and that's why I had to do it this
3 way.

4 Q. Was that according to the accountant's
5 instructions?

6 A. Yes.

7 Q. Did you have any intention of committing a fraud
8 of the Immigration Service by filing it that way?

9 A. Absolutely not.

10 Q. Now there's mentioned in the denial about a diary
11 and many things are quoted from supposedly that document. At the
12 interview on September 9th, 2004, were you shown any document at
13 all and asked for identify either as to your handwriting or what
14 the document was?

15 A. No.

16 Q. Was there any mention during the interview of the
17 diary?

18 A. No.

19 Q. Did the officer who interview you ask you for an
20 example of your handwriting or something to identify your
21 handwriting?

22 A. No.

23 Q. Do you have your diary?

24 A. I don't.

25 Q. Why not?

1 A. There isn't.

2 JUDGE TO MS. SHIPILINA

3 Q. I'm sorry, I didn't hear you.

4 A. There isn't.

5 Q. There isn't.

6 MR. SACHS TO MS. SHIPILINA

7 Q. Why do you not have it?

8 A. Because it was stolen from me.

9 Q. When, do you have any idea when?

10 A. Maybe in 2001.

11 JUDGE TO MS. SHIPILINA

12 Q. Ma'am, I need you to speak louder please, I can
13 barely hear you.

14 A. Okay.

15 Q. If I'm having difficulty hearing you, your voice
16 may not be picked-up on the tape.

17 JUDGE TO MR. SACHS

18 Q. Go ahead, Mr. Sachs.

19 MR. SACHS TO MS. SHIPILINA

20 Q. So that nothing at all was either said or done
21 during that interview, to either identify or determine the
22 document from which so many of your comments are taken, is that
23 true?

24 A. Nothing, no.

25 Q. All right, have you ever been to Mexico?

1 A. Yes.

2 Q. Do you remember when?

3 A. In 1999.

4 Q. And how did you enter Mexico, with a visa?

5 A. Yes, with a visa.

6 Q. And describe how you left Mexico. Did you leave
7 on your own terms, did you leave voluntarily?

8 A. My visa was just expired, I went there as a model
9 through agencies.

10 Q. Were you deported from Mexico?

11 A. No.

12 Q. Just one more time, was it ever your intention to
13 obtain an immigrant visa in the United States by marrying Ron
14 Dean?

15 A. No.

16 Q. Okay now, what are some of the problems you had
17 with him after you were divorced?

18 MS. TAYLOR TO JUDGE

19 Q. Objection, relevancy, Judge. Only a period of
20 relevance is whether she entered the marriage in good faith and
21 probably during her marriage, not after.

22 JUDGE TO MR. SACHS

23 Q. Where are we going with this, Mr. Sachs?

24 A. Well, according to the decision Judge, they made a
25 whole section of the decision on a document that nobody ever

1 identified, that we don't know who's diary it was, who translated
2 it, was it an original, who sent it, I mean it's just impossible.

3 Q. Okay, but what does that have to do with your
4 question?

5 A. Because the -- I don't know whether that was Group
6 5, Judge, of the Court, he had the pattern and the practice of
7 doing incredibly crazy things trying to hurt her. The complaint
8 in a Federal case, in which I represented her for close to three
9 years, was like a 100 and some odd defendants boiled down that
10 she was the cause of a conspiracy throughout the whole world,
11 that the man was nuts, and he did anything he could to try and
12 damage her. And as I said, with this, I'm sorry, I don't mean to
13 be testifying as a witness, but I went through the whole thing.
14 It was thrown out of the Court of Appeals, he went to the Supreme
15 Court, they threw it out, but he did a lot of damage with it, and
16 if you just look at the complaint, there are people all over the
17 world who are accused of doing things without names, but every
18 way he could, he made her to the monster.

19 Q. Well, I believe it's in the record, I can look at
20 it. I don't know that anything that occurred after the divorce
21 is necessarily germane to the reason that we're here today.

22 A. Well, specifically to the question of this what
23 claims to be her diary and I don't know where they have it, where
24 they got it, nothing. The prior attorney who represented her --

25 (OFF THE RECORD)

(ON THE RECORD)

1

2 JUDGE TO MR. SACHS

3 Q. Go ahead, Mr. Sachs, continue with your response.

4 A. Thank you, Your Honor. As I said, the reason for
5 having presented that to the Court was just as an illustration
6 that was obtainable as to the incredibly fantastic lengths this
7 person went to harm her. Because that whole action was designed,
8 assuming everybody in the whole world was focused on doing harm
9 to her.

10 Q. Well, I'm sorry, go ahead.

11 A. No, I'm sorry, and it's similar to this and if he
12 did supply something, it would not be beyond imagination, having
13 seen what he did in this case, that things were either invented,
14 falsified, whatever. That's things that he did.

15 Q. Well, the materials that you're making reference
16 to are in the record, so I can consider them for what they're
17 worth as evidence, but I don't see that things that occurred
18 following the conclusion of the marital relationship really has a
19 probative nature for the good faith marriage. So I'm going to
20 sustain the objection.

21 A. Okay.

22 Q. Proceed.

23 A. Well I have no further questions at this time
24 Judge, I would like to reserve redirect, if necessary.

25 Q. You'll have that opportunity.

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A. Thank you.

Q. You're welcome.

JUDGE FOR THE RECORD

Why don't we take a short break.

(OFF THE RECORD)

(ON THE RECORD)

JUDGE FOR THE RECORD

Back on the record.

JUDGE TO MS. TAYLOR

Q. Ms. Taylor, cross-examination.

MS. TAYLOR TO MS. SHIPILINA

Q. What was your job in Moscow?

A. I didn't work in Moscow.

Q. You said you met your husband at a party for models, were you working as a model at that time?

A. Yes, the modeling agency invited me to meet everybody.

Q. Okay, so were you working as a model in Moscow?

INTERPRETER TO JUDGE

Q. I'm sorry, Your Honor --

A. You can shut the door if you need to.

Q. Close the door, yes. Thank you.

JUDGE TO MS. TAYLOR

Q. Repeat the question, Ms. Taylor.

MS. TAYLOR TO MS. SHIPILINA

1 Q. Were you working as a model in Moscow?

2 A. Yes, yeah I did a few model jobs.

3 JUDGE FOR THE RECORD

4 Excuse me.

5 JUDGE TO MR. SACHS

6 Q. Mr. Sachs, where are you going?

7 A. I didn't realize he was on.

8 Q. Mr. Sachs, please don't leave the courtroom during
9 trial without (indiscernible), if your phone is ringing, please
10 shut it off.

11 A. Yes, I'm terribly sorry, Judge.

12 Q. Thank you.

13 A. I apologize, Judge.

14 JUDGE TO INTERPRETER

15 Q. Do you still have her answer, Mr. Bot?

16 A. I believe so, I filled several modeling jobs in
17 Moscow.

18 JUDGE TO MS. TAYLOR

19 Q. Go ahead.

20 MS. TAYLOR TO MS. SHIPILINA

21 Q. Did you get paid for those jobs?

22 A. Yes.

23 Q. So that was your profession in Moscow, you were a
24 model?

25 A. I was there for a very short period of time. Most

1 of my modeling job I did in Krasnodar.

2 Q. And how did your ex-husband come to be at this
3 part for models in Moscow?

4 A. He lived in that building and the party was on the
5 bottom, in the basement of the building, in the building.

6 Q. What was his job, if you know?

7 A. Clothes associate.

8 Q. Clothes?

9 A. Kroll K-R-O-L-L.

10 Q. What does that mean?

11 A. It's an investigation company.

12 Q. Okay, when did you first meet him?

13 A. My husband?

14 Q. Yes.

15 A. At the party.

16 Q. When?

17 A. It was in the summer, approximately July 1990.

18 Q. After that, did he propose marriage?

19 A. Approximately, half a year.

20 Q. Six months?

21 A. Approximately.

22 Q. In June until six months, how often did you see
23 him?

24 A. I used to come to Moscow and we lived together in
25 his apartment and then approximately half a month, and sometimes

1 he used to come to visit me, and New Years we spent together.

2 Q. And what's the length of time between the marriage
3 proposal and the actual marriage ceremony?

4 A. I don't remember exactly, but approximately two
5 months.

6 Q. How many times have you been to the United States?

7 A. First time in January 2000, when I met relatives
8 and friends of his, and second time was in July when we got
9 married.

10 Q. July of what year?

11 A. 2000.

12 Q. How old were you when you got married?

13 A. Twenty-five.

14 Q. How old was your ex-husband?

15 A. I don't know because in different documents, he
16 had different age listed.

17 Q. How old did you believe him to be when you got
18 married?

19 A. Approximately, 50-years-old.

20 Q. Did you meet any of his relatives or family
21 members?

22 A. I met his close friends, but his mother and father
23 who were deceased, I never met them.

24 Q. What about any siblings or brother and sisters he
25 may have?

1 A. He has a brother, he is married, he's got two
2 children.

3 Q. Have you met him?

4 A. We met very, very briefly.

5 Q. Who came to your wedding?

6 A. Nobody came because we decided that we kind of get
7 married in secret, a surprise, then to make everybody happy, to
8 spring the surprise on everybody.

9 Q. Has he ever met your parents?

10 A. Of course.

11 Q. And any other family members?

12 A. They live in different parts of Russia.

13 Q. When you met your ex-husband, were you dating or
14 see anyone else at that time?

15 A. You have your mind on we, when we met?

16 Q. Yes.

17 A. My relationship was practically over with my
18 boyfriend at that time.

19 Q. Were you dating anyone else at the same time while
20 you were dating your ex-husband?

21 A. No.

22 Q. How long did you actually physically live with
23 your ex-husband in the United States?

24 A. From July when we came here together until
25 December.

mp

1 Q. So from July 2000 until December 2000?

2 A. Yes.

3 Q. Now you said that he made you work at a strip club
4 called Flash Dance for two years, is that correct?

5 A. He didn't force me to work two years, he forced me
6 to work when we came here and when I lived with him.

7 Q. Okay, how long did you work at Flash Dance?

8 A. I don't remember exactly, but I think about two
9 years.

10 Q. Okay, when did you start working there? You can
11 just give me the month and the year.

12 A. Approximately, the end of July, beginning of
13 August.

14 Q. 2000?

15 A. Yes.

16 Q. Until when?

17 A. I don't remember exactly.

18 Q. Well, would you say it's about two years later?

19 INTERPRETER TO MS. TAYLOR

20 Q. I beg your pardon?

21 MS. TAYLOR TO MS. SHIPILINA

22 Q. Would you say it was two years later?

23 A. Approximately, but I don't remember.

24 Q. Okay, did you continue to work there after your
25 divorce? Yes or no?

mp

1 A. I don't remember.

2 Q. Well, when were you divorced?

3 A. In 2001, in December.

4 Q. Right, and if you worked at Flash Dance for two
5 years starting in about July or August 2000, you were still
6 working there when you were divorced, correct?

7 A. Approximately, yes, but I don't remember exactly
8 the exact months.

9 Q. Okay, did you continue to work there after you
10 stopped living with your husband in December of 2000?

11 A. Yes.

12 Q. Why?

13 A. Because I didn't know anybody. I didn't know
14 where I can find a job.

15 Q. But at that point, he wasn't forcing you to work
16 there because you and him did not live together anymore, correct?

17 A. I worked a very few days because my main goal was
18 to work as a model, not to waste my life.

19 Q. But I still need a yes or no, ma'am.

20 A. Did I work two years?

21 Q. You continued to work there after you physically
22 separated from your husband, correct?

23 A. Yes.

24 Q. Well my question is, he wasn't forcing you to work
25 there as you and him did not live together anymore after that

mp
1 time, is that correct?

2 A. That's right, no.

3 Q. How much did you get paid as a dancer per week or
4 per month?

5 A. It depends how many days.

6 Q. Approximately?

7 A. Sometimes \$100 a day, sometimes \$200, sometimes
8 \$300.

9 Q. So about \$100 to \$300 a day, correct?

10 A. Approximately.

11 Q. And how many days did you work?

12 A. It varied.

13 Q. From what to what? From how many to how many?

14 A. Sometimes four days, sometimes once a week, and
15 sometimes I didn't work at all, on vacation.

16 Q. Who initiated your divorce, you or your husband?

17 A. I wanted to do it, but he beat me to it.

18 Q. So he actually filed the paperwork first?

19 A. Yes.

20 Q. Did you have a diary anywhere in the world? Yes
21 or no?

22 A. I had a book that I had about my fantasies and
23 some of them were real events.

24 Q. Well your attorney asked you if you had a diary
25 and you said yes, and it was stolen from you in 2001, is that

mp

1 correct?

2 A. Yeah, that was my book.

3 Q. So, you had a diary or a book, as you call it?

4 A. Yes.

5 Q. How many?

6 A. One.

7 Q. Okay, when did you start writing in that book or
8 diary?

9 A. Approximately, from '99.

10 Q. And when did you stop writing?

11 A. When I lived with my husband.

12 Q. What year and month?

13 A. August or September in 2000.

14 Q. Now you said it contained some relevance and some
15 fantasies, is that correct?

16 A. Yes.

17 Q. Did you read, well you know that your initial
18 petition was denied by the Immigration Service, correct?

19 A. Yes.

20 Q. Did you read that denial?

21 A. Yes.

22 Q. So you know what it says?

23 A. Yes.

24 Q. And as your attorney pointed out, it has some
25 quotes from a diary that was alleged to be yours.

1 A. Yes.

2 Q. I'm just going to read a quote that allegedly came
3 from your diary.

4 MR. SACHS TO JUDGE

5 Q. Objection, Your Honor. We've been through this,
6 and unless they're prepared to show where the quote came from,
7 I'm going to object to it.

8 A. The quote is from the decision, the decision is in
9 the record.

10 Q. Well I thought we went over it, okay.

11 A. And you read the decision as well as the Service,
12 so I think in view of that, the objection ought to be sustained.
13 I'm sorry, the objection ought to be overruled, excuse me.

14 Q. That's fine.

15 MS. TAYLOR TO JUDGE

16 Q. Thank you, I'll ask my question.

17 A. Go ahead.

18 MS. TAYLOR TO MS. SHIPILINA

19 Q. Part of the denial indicates a quote from your
20 alleged diary. It states that on November 29th, 1999, you
21 performed dances in Mexico for customers. Is that a fantasy or
22 is that a real event?

23 MR. SACHS TO JUDGE

24 Q. Objection, Your Honor.

25 A. Basis?

1 Q. Well this is quoting from something that's never
2 been either authenticated or proven, and now she's being asked to
3 attest to the truth of the statement based on something which we
4 don't know, it's like double or triple hearsay.

5 A. Sustained, after the form of the question.

6 JUDGE TO MS. TAYLOR

7 Q. You can rephrase the question.

8 A. Sure, Judge.

9 MS. TAYLOR TO MS. SHIPILINA

10 Q. Okay, the entry from November 29th, 1999, as
11 written in the denial of the termination of condition of revenue
12 status indicates that you performed dances with customers in
13 Mexico. Do you have any knowledge of that?

14 INTERPRETER TO MS. TAYLOR

15 Q. What was the question again?

16 A. Do you knowledge of that?

17 Q. That I danced in Mexico?

18 Q. Yes.

19 A. Yes, I did dance.

20 Q. In Mexico?

21 A. Yes.

22 Q. At what type of establishment? Was it an
23 establishment like Flash Dance in New York?

24 A. It was of a very high level.

25 Q. I don't know what that means?

1 A. It was also a club.
2 Q. Was it a strip club?
3 A. Yes.
4 Q. Now you said you had a visa to go to Mexico, what
5 visa did you have?

6 A. It was a tourist visa.
7 Q. Were you allowed to work in Mexico with that type
8 of visa?

9 A. No.
10 Q. But you worked anyway, correct?

11 A. Yes.
12 Q. How long were you in Mexico, how many months?

13 A. Few months.
14 Q. What's a few months?
15 A. Approximately, two, three months.

16 Q. Were you ever arrested in Mexico?
17 A. No.

18 Q. What countries have you been to other than Mexico
19 and the United States?

20 MR. SACHS TO JUDGE

21 Q. Objection, Your Honor, can we narrow that down,
22 from the time she was born until --

23 MS. TAYLOR TO MR. SACHS

24 Q. Okay, I'll narrow it.

25 A. Please.

1 MS. TAYLOR TO JUDGE

2 Q. Since you were 18-years-old, what countries have
3 you been to besides the United States and Mexico?

4 A. Cyprus, Turkey, Italy and USA.

5 Q. Did you have visas to go to Cyprus, Turkey and
6 Italy?

7 A. Yes, it's very easy.

8 Q. So you had visas to enter these countries?

9 A. Of course.

10 Q. What was the purpose of these trips?

11 A. Relaxation with my mother, and perhaps to find
12 some work as modeling jobs.

13 Q. Did you ever work in any of those countries?

14 A. Yes.

15 Q. Which ones?

16 A. Cyprus.

17 Q. What about Turkey or Italy?

18 A. No.

19 Q. What was your work in Cyprus?

20 A. When?

21 Q. What was your work in Cyprus?

22 A. I was dancing.

23 Q. In a strip club also?

24 A. Yes.

25 Q. How long did you do that in Cyprus?

1 A. Approximately, six months.

2 Q. Have you ever been a prostitute anywhere in the
3 world since you turned 18?

4 A. No, never.

5 Q. Have you ever sold or trafficked any illegal
6 drugs?

7 A. No.

8 Q. Now you said you worked in the United States,
9 correct?

10 A. Yes.

11 Q. And you worked as a model for trade shows?

12 A. And also promotions.

13 Q. Okay, what type of trade shows?

14 A. Software, hardware, food, wine, bars, light show,
15 quarterly show.

16 Q. Okay, approximately, how much do you earn monthly
17 or weekly?

18 A. It varies. Sometimes I have no work and sometimes
19 a week I make as much as, you know, every two weeks.

20 Q. After you stopped working at Flash Dance, have you
21 ever worked at any other strip club?

22 A. No.

23 Q. Have you ever been arrested anywhere in the world?

24 A. No.

25 Q. When was the last time you ever had any contact

1 with your ex-husband?

2 JUDGE TO MS. TAYLOR

3 Q. I didn't hear the question.

4 MS. TAYLOR TO MS. SHIPILINA

5 Q. When was the last time you had any contact with
6 your ex-husband?

7 MR. SACHS TO JUDGE

8 Q. Excuse me, Your Honor, could we just clarify that
9 personal contact, telephone contact?

10 MS. TAYLOR TO MS. SHIPILINA

11 Q. Any type of contact?

12 A. It was long time ago, but as far as I remember, it
13 was when there was the divorce.

14 Q. Did your husband have any children?

15 A. No.

16 Q. Was he ever married before you?

17 A. Never.

18 MS. TAYLOR TO JUDGE

19 Q. I don't have any more questions.

20 JUDGE TO MS. SHIPILINA

21 Q. When were you working at the club in Mexico, what
22 year?

23 A. Approximately, from August to November of 1990.

24 Q. And on that trip to Mexico, were you with your ex-
25 husband?

1 A. No.

2 Q. Had you met him yet by that time?

3 A. Yes.

4 Q. Did he in any way pressure you to work at the club
5 in Mexico?

6 A. No.

7 Q. And when did you work at the strip club in Cyprus?

8 A. We have not met yet.

9 Q. Well do you know when you worked there, what year?

10 A. Approximately, from January to June, '99.

11 Q. You're claiming that you were working at a strip
12 club in New York because essentially because your husband forced
13 you to. It would appear, in fact, that you willingly worked in
14 strip clubs even before that, and worked in the strip club in New
15 York, even after you were separated from your husband. Can you
16 explain that behavior?

17 A. When I worked in Cyprus, my mother and myself were
18 refugees. In Mexico, we desperately needed money and when I came
19 here I didn't want to do this anymore, and I wanted to work as a
20 model, but my husband didn't give me any sources, any support and
21 he told me that this is the only thing I can do.

22 Q. When Ms. Taylor asked you a few minutes ago about
23 your trips to Cyprus, Turkey, Italy, she asked you the reason for
24 the trips. You answered that they were relaxation trips with
25 your mother, you didn't say anything about being a refugee in

1 Cyprus, is there any special reason why you didn't give that
2 answer?

3 A. I don't understand the question.

4 Q. Well, a few minutes ago, Ms. Taylor was asking you
5 about the countries you had visited. You responded that you had
6 visited Cyprus, Turkey, Italy. Do you remember that?

7 A. Yes.

8 Q. She asked you if you had visas to go to those
9 countries, you said that you did. Remember that?

10 A. Yes.

11 Q. She asked you the reasons for the visits to those
12 countries. You answered that they were relaxation trips with
13 your mother. Do you remember giving that answer?

14 A. Yes.

15 Q. Now you didn't say anything about being a refugee
16 in Cyprus when Ms. Taylor asked you the question about those
17 trips. Is there any special reason why you did not tell Ms.
18 Taylor when she asked you the question, that you were a refugee
19 in Cyprus?

20 A. I didn't mean that we were refugees on Cyprus,
21 what I meant is that we were refugees in Russia. We left the
22 area where there was war and we couldn't sell anything.

23 Q. Am I to understand from your answer then, that the
24 reason you were dancing at a strip club in Cyprus was because you
25 were suffering some manner of financial hardship?

1 A. Yes.

2 Q. Now, at the time that you were residing with your
3 husband in the United States, now your ex-husband, did you ever
4 have a bank account?

5 A. We didn't have a joint bank.

6 Q. Did you have a bank account?

7 A. Yes, I opened an account in bank.

8 Q. And where was that account?

9 A. Citibank.

10 Q. Is there any special reason why it was not a joint
11 account with your husband?

12 A. I wanted, but he didn't want to show me how much
13 money he has.

14 Q. I don't know if I understand your answer. Why
15 would the amount of money that he has or does not have prevent
16 you from creating a joint bank account with him?

17 A. He didn't want to, I don't know why.

18 Q. And from your testimony, it sounds like that you
19 never joined in one of his bank accounts?

20 A. No.

21 Q. You've already explained the situation about your
22 tax returns. When you lived with your husband in New York, what
23 kind of place did you live in?

24 A. The address was 545 East 14th Street, Apartment
25 10-D.

1 Q. Was that a co-op, a condo, a rental unit, do you
2 know?

3 A. He said it was an apartment, it was a stable rent,
4 as far as I remember, it was \$800.

5 Q. Was that a place that he was already living in or
6 is that a place that the two of you found together?

7 A. He was already living there.

8 Q. Did you ever express an interest in being placed
9 on the lease with him as a joint tenant?

10 A. He just only asked me half for the rent.

11 Q. So you were contributing to the rent?

12 A. Yes, for the television, for the lights.

13 Q. When you made these payments, did you make them
14 directly to him or did you pay the landlord?

15 A. I paid to him personally.

16 Q. Did you ever purchase anything jointly with your
17 ex-husband?

18 A. Yes.

19 Q. What?

20 A. Well I helped him buy clothing, jackets, from as
21 far as furniture is concerned, he didn't want anything, he had
22 everything he needed.

23 Q. Okay, but my question really goes to whether the
24 two of you held any joint ownership of anything?

25 A. We had only, the only thing we had together was

1 Oxford Insurance.

2 Q. Can you describe what the nature of that was?

3 A. It was health insurance. He said that in this
4 country it's very important to have, and I listened to him and
5 together to feel healthy.

6 Q. Was that insurance through his job or through your
7 employment, or what was the source of the insurance?

8 A. He had it and we just kind of split it, I don't
9 know.

10 Q. Were the two of you named as beneficiaries on the
11 insurance?

12 A. Yes.

13 Q. I don't happen to have anything which proves the
14 existence of this insurance, is there any special reason why?

15 A. I remember I had paperwork, I had papers.

16 Q. Well I don't have the papers. Is there any
17 special reason why you have not presented them in support of your
18 case?

19 A. I don't know, maybe I lost them, but I have it.

20 Q. Do you mean by your answer that you do not know
21 where the papers are now?

22 A. Yes, I don't remember.

23 Q. Did you ever have any life insurance when you
24 lived with your ex-husband?

25 A. No.

1 Q. Any special reason why?

2 A. You know, in my culture, it's not common to have
3 something like that, I didn't think about this.

4 Q. Now, when you were living with your ex-husband in
5 the United States, did you or did the two of you commonly
6 socialize with other people?

7 A. Yes.

8 Q. Now you told us about the visits to the Flash
9 Dance Club. Was there any socializing independent of that, such
10 as going out to dinner with people or having people over to your
11 apartment?

12 A. No.

13 Q. Well what kind of socializing did you do, if any?

14 A. Well he was doing martial arts, and he has a
15 teacher.

16 Q. What were you doing when you're socializing
17 together?

18 A. And there was a girl and her boyfriend, she was
19 Czechoslovakian, that lived in the apartment, and we went with
20 them together to dinner.

21 Q. Lived in your apartment?

22 A. She lived there during the time that he was in
23 Russia working.

24 Q. Have you maintained contact with that couple at
25 all?

1 A. No, because my husband turned everybody against
2 me, nobody wanted to socialize with me.

3 Q. The reason I'm asking you these questions, I'm
4 trying to determine if there was any actual proof that the two of
5 you had a legitimate relationship as husband and wife. I have no
6 witnesses here who could attest to that. I have no documents in
7 support of the joint relationship during the marriage. You did
8 submit the un-executed business agreement, but it actually
9 appears to be a proposed business agreement, not a document
10 between a husband and wife. Did you make any efforts to contact
11 the Oxford Insurance Company to confirm the two of you did have
12 health insurance together?

13 A. I didn't call, but I can.

14 Q. Your trial is today, ma'am, is there any special
15 reason why you didn't call?

16 A. I just don't understand the system.

17 Q. Well you have an attorney to advise you, that's
18 why you have the attorney to assist you.

19 JUDGE TO MS. TAYLOR

20 Q. Ms. Taylor, do you have any questions based on my
21 questions?

22 A. No, Judge.

23 JUDGE TO MR. SACHS

24 Q. Mr. Sachs, redirect?

25 A. There's just a couple, briefly, Judge.

1 Q. Go ahead.

2 MR. SACHS TO MS. SHIPILINA

3 Q. When and where did you get married?

4 JUDGE TO MR. SACHS

5 Q. I'm sorry, I didn't hear the question?

6 A. When and where did you get married?

7 Q. We, that's already in the record.

8 MS. TAYLOR TO JUDGE

9 Q. That's asked and answered.

10 MR. SACHS TO JUDGE

11 Q. Okay.

12 MR. SACHS TO MS. SHIPILINA

13 Q. After you got married, you were married in Russia,
14 is that right?

15 A. Yes.

16 Q. Did you live with your husband after you got
17 married?

18 A. Yes, he lived with us at home and I used to go
19 visit him in Moscow where we used to live together in his
20 apartment.

21 Q. So that, since you were married, other than here
22 in the United States, you did live with your husband?

23 A. Yes, we lived.

24 Q. Okay, as far as your modeling work, have you ever
25 had any jobs on television?

1 A. Yes.

2 Q. Can you describe some of them?

3 A. Here in America?

4 Q. Here in America.

5 A. I worked for Spike TV, CMBC, Good Morning America,
6 in the movie, My Super Ex-Girlfriend --

7 Q. Well most of these you had as a model?

8 A. As a model, as an actress.

9 MR. SACHS TO JUDGE

10 Q. I have no further questions, Judge.

11 JUDGE TO MS. SHIPILINA

12 Q. Thank you, ma'am, your testimony is finished.

13 JUDGE TO MS. TAYLOR

14 Q. Ms. Taylor, where do we stand with the checks in
15 this case?

16 A. They all are clear and complete, Judge.

17 Q. Thank you.

18 JUDGE RENDERS ORAL DECISION

19 JUDGE TO MR. SACHS

20 Q. Mr. Sachs, is the respondent reserving the right
21 to appeal?

22 A. Yes, Your Honor.

23 Q. The appeal must be received at the Board by April
24 21st, 2008.

25 JUDGE TO MS. TAYLOR

1 Q. Ms. Taylor, is the decision final as for the
2 Service?

3 A. Yes, Judge.

4 JUDGE FOR THE RECORD

5 The hearing is closed.

6 HEARING CLOSED

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CERTIFICATE PAGE

I hereby certify that the attached proceeding
before PAUL A. DEFONZO in the matter of:

ALINA SHIPILINA

A 47 202 363

New York, New York

was held as herein appears, and that this is the original
transcript thereof for the file of the Executive Office for
Immigration Review.

Pat M. Purnell
Pat M. Purnell (Transcriber)

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May 7, 2008
(Completion Date)