



U.S. Department of Justice
Immigration and Naturalization Service

HQ 70/8.3

425 I Street NW
Washington, DC 20536

Ms. Paula Tebeau
Administration
Wide Horizons for Children, Inc.
38 Edge Hill Road
Waltham, MA 02451

Dear Ms. Tebeau:

The Service is in receipt of your letter of July 26 regarding orphan processing. In your letter you ask for clarification regarding what information must be provided in a home study concerning a history of any substance abuse, sexual or child abuse, or domestic violence. You also asked whether individual arrests might properly be addressed in a letter separate from the home study.

The word "history" is used in 8 CFR 204.3 to ensure that *all* incidents of substance, sexual or child abuse, or domestic violence are addressed. The Service does not want to know *only* about the "arrests" or "convictions." Thus, the word history means, *any* past incident or incidents, even if they did not result in an arrest. We note that many abuse issues do not result in an arrest. For example, participation in a substance abuse program or a domestic violence program may never involve the criminal courts. However, these events need to be addressed and evaluated as well. The word "history" was never contemplated to require disclosure in home studies only of two or more arrests, or two or more incidents of domestic violence, etc.

Particularly, a single DUI or DWI must be addressed in a home study. There should be an exploration of whether the incident was isolated, is indicative of an alcohol abuse problem, and what steps the person has taken in response to the incident. The arrest could be an aberration or indicative of a behavioral pattern. Either way it needs to be discussed in the home study. The purpose of the home study is the evaluation of the significance of these issues for the child. One incidence can signify serious problems. We should not be waiting for the second incident.

You also asked whether topics such as a single DUI arrest may be addressed in a letter separate from the home study, accompanied by the client's letter and court disposition. Any discussion of issues pertaining to the home study requirements of 8 CFR 204.3 must be addressed in the home study. This includes any history of abuse. The submission of codicils will result in the rejection of the initial home study and require a revised home study including the information in the home study. If information regarding a history of abuse comes to light after the home study has been

submitted, it should be addressed in an addendum to the home study. The addendum still is a part of the home study.

We hope that the information provided in this letter is useful.

Sincerely,



Pearl Chang, Director
Residence and Status Branch
Adjudications

~~cc: Official File~~

INS:HQADN:MBiggs:jsm:8/3/2000:Tebeau