

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Valentin Belevich v. Klavdia Thomas & Tatiana Kuznitsnyna

No. 19-14668, United States Court of Appeals for the Eleventh Circuit (November 1, 2021)

SUMMARY

The Eleventh Circuit held that equitable defenses—unclean hands, anticipatory breach, and equitable estoppel—cannot terminate a sponsor's financial obligation under an I-864 affidavit of support (8 U.S.C. § 1183a). The court ruled that the statute, regulation, and affidavit provide an exclusive list of terminating events focused on the immigrant's status and financial position, not family relationships or misconduct. Federal law governs the obligation, and allowing non-statutory defenses would undermine the statute's purpose of preventing immigrants from becoming public charges.

CASE DETAILS

COURT	United States Court of Appeals for the Eleventh Circuit
WRITING FOR THE COURT	Brasher; Jill Pryor; Luck
JURISDICTION	Federal
DECIDED	November 1, 2021
DOCKET	19-14668
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from summary judgment and jury verdict awarding damages to plaintiff.
STANDARD OF REVIEW	We review this question of law de novo.
PRECEDENTIAL VALUE	published
PARTIES	Klavdia Thomas and Tatiana Kuznitsnyna v. Valentin Belevich

TOPICS

- statutory interpretation
- affirmative defenses
- remedies
- summary judgment
- standard of review

QUESTIONS PRESENTED

- Whether equitable defenses (unclean hands, anticipatory breach, equitable estoppel) may excuse an immigrant's sponsor from her financial obligation under 8 U.S.C. § 1183a.

HOLDINGS

1. The equitable defenses are foreclosed by the statute, regulation, and affidavit; the list of terminating events is exclusive.

KEY QUOTATIONS

“We hold that these defenses are foreclosed by the statute and regulation that govern the Form I-864 affidavit, as well as the text of the affidavit itself.” (at 5)

“The statute says that the affidavit of support ‘shall be enforceable. . . before’ the immigrant becomes a United States citizen or works forty quarters. 8 U.S.C. § 1183a(a)(2). Likewise, the regulation provides that a sponsor ‘cannot disavow’ the agreement unless the sponsored immigrant withdraws his petition for a visa. 8 C.F.R. § 213a.2(f). This strong language—‘shall’ and ‘cannot’—suggests that the list of terminating events is exclusive.” (at 7)

“Because we read the text as identifying an exclusive list of terminating events, we cannot add these equitable defenses to that list.” (at 9)

FACTUAL BACKGROUND

Tatiana Kuznitsynyna and her daughter Klavdia Thomas sponsored Valentin Belevich for admission to the United States by executing Form I-864 affidavits, promising to support him at 125% of the poverty level. After Belevich immigrated, the sponsors cut off financial support and accused him of sexually abusing Thomas's six-year-old daughter. Belevich sued to enforce the support obligations. The sponsors raised affirmative defenses of unclean hands, anticipatory breach, and equitable estoppel.

PROCEDURAL HISTORY

The district court twice rejected the sponsors' equitable defenses, first in a protective order and then in summary judgment. After a jury trial on damages, judgment was entered for Belevich. The sponsors appealed.

DISPOSITION

affirmed

CASES CITED

- United States v. Bryant, 996 F.3d 1243 (11th Cir. 2021)
- Erler v. Erler, 824 F.3d 1173 (9th Cir. 2016)
- Wenfang Liu v. Mund, 686 F.3d 418 (7th Cir. 2012)
- Astra USA, Inc. v. Santa Clara Cnty., 563 U.S. 110 (2011)
- Armstrong v. Exceptional Child Ctr., Inc., 575 U.S. 320 (2015)
- Yates v. United States, 574 U.S. 528 (2015)
- Christopher v. SmithKline Beecham Corp., 567 U.S. 142 (2012)
- United States v. Curbelo, 726 F.3d 1260 (11th Cir. 2013)
- Barnhart v. Peabody Coal Co., 537 U.S. 149 (2003)

- Transcon. Gas Pipe Line Co., v. 6.04 Acres, 910 F.3d 1130 (11th Cir. 2018)
- Indus. Risk Insurers v. M.A.N. Gutehoffnungshutte GmbH, 141 F.3d 1434 (11th Cir. 1998)
- Louisville & Nashville R.R. Co. v. Maxwell, 237 U.S. 94 (1915)
- In re Pan Am. World Airways, Inc., 905 F.2d 1457 (11th Cir. 1990)

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