

April 18, 2008

Dear Senator/Congressman

Subject: Immigration Marriage Fraud

It has come to my attention that American citizens are being defrauded by their foreign spouses who are entering into marriages of convenience for the purpose of acquiring permanent residency in the United States of America and evading the immigration laws of the United States of America. They are exploiting statutes within the United States immigration system that were created by the Violence Against Women Act (VAWA) of 1996. These statutes have the honorable intention of aiding abused women, but now they are being used dishonorably by some foreign nationals and deflecting benefit away from those truly in need.

Please understand that I am writing this letter to you not as someone who is anti-women or anti-immigrant, but as an American citizen that is concerned about protecting the rights of other American citizens. Lives are being destroyed.

We have American men and women that have chosen to marry citizens of other countries. They are well within their rights to do so. These Americans are marrying for love and happiness. Unfortunately, there are men and women in other countries that will do anything for a chance to come to the United States, including marriage fraud. These foreign spouses marry an American citizen under the guise of love.

After the couple is married and living together in the US, the foreign spouse, with the sponsorship of the American citizen, files for conditional permanent residency which lasts for 2 years. Ninety days before this expires, the couple is supposed to file for removal of conditions, thus giving the foreign spouse permanent residency. If the foreign spouse does not want to stay married for two years because he/she only used the American citizen as means to get a green card, or if the American spouse decides the marriage is failing and wants a divorce prior to filing to remove conditions, what can a foreign spouse do to bypass the residency requirements and the immigration laws of the United States of America? How can a foreign spouse stay in the US? The foreign spouse can claim to be a victim of abuse! To support this claim, the foreign spouse can stage confrontations, call 911, visit an abused women's shelter, and tell stories of abuse to friends and family. The foreign spouse can go to the county courthouse and receive a Domestic Protection Order. It doesn't matter if there is no proof of abuse. It doesn't matter if the Domestic Protection Order is thrown out by the judge when the foreign spouse and the American citizen go to court. The "damage" is done, and the foreign spouse has all the evidence that is needed to convince the USCIS that he/she qualifies as a victim of domestic abuse under the battered immigrant women provision of VAWA.

The foreign spouse can now file a self-petition with the USCIS to remove the temporary conditions. The foreign spouse does not have to worry about the American citizen trying to get in the way either. As part of the VAWA provisions, no employee of the USCIS, DOJ, or DHS may make a decision about the self-petition of the foreign spouse based on information provided by the applicant's abuser. So, even if the American citizen supplies evidence which shows that the foreign spouse entered into the marriage fraudulently to evade immigration laws, or offers material facts to prove that no domestic abuse occurred, the USCIS is bound by law to ignore it! The American citizen is now labeled as an abuser by the US government, and is barred from countering these charges.

I know that this provision requires that the foreign spouse petitioner provide clear and convincing proof of abuse. But the reality is the proof usually amounts to his/her statement, statements made by friends and relatives, and a temporary protection order that requires no proof to obtain. The reality is also the USCIS is so overburdened that the average case is reviewed for less than six minutes. How can an educated and fair decision be made this way? How can a fair decision be made when the USCIS is not allowed to hear both sides of the story?

I find it hard to believe that the American government refuses to allow a citizen to defend himself against any type of allegation made by a foreign spouse. I understand that VAWA was put into place to help protect women. I understand this battered women provision of VAWA was put into place so that an abused woman had options, and was not at the mercy of an abusive spouse. But, this provision does not provide safeguards against false claims, fraud, deceit, or deception. It does not allow an innocent American citizen to defend himself when a false allegation of abuse is made. This provision is taking away the Constitutional right of due process from United States Citizens.

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I hope that you will take the lead and review these provisions, and be an advocate for change, and an advocate for all falsely accused American citizens.

Respectfully,