

ticket and perhaps another \$1500 or so for the Immigration paper work – and the man has a domestic servant, a sex slave, for as long as the arrangement suits him, or until the woman discovers the protections of VAWA.

“The US citizen and fiancé have 90 days to get married,” Sharma explains, “and if he decides not to marry her within that allotted time, he can cast her out, lock the door and she will likely have nowhere to turn. Combine this with the fact that she has no legal status, no money, no knowledge of our laws. Ultimately, she is subject to deportation/removal in accordance with US Immigration law.”

In an interesting departure from the norm, one of his clients is a Turkish man (we’ll call him Rizwan) who married an older American woman in early 2004. Rizwan says that although he had overstayed his visa and faced deportation, he didn’t marry her for the “green card”; he was charmed by the woman, admired her intelligence and genuinely loved her.

But not many months had passed before he saw a very different side of her. She was jealous and possessive of the handsome young man and flew into a rage when he didn’t avert his eyes quickly enough at the sight of a pretty girl they saw in a local mall.

For the next several months, she verbally abused Rizwan, hit and slapped him repeatedly, threatened him with a ceremonial sword she owned, and finally threw bleach all over him. He fled to the home of Turkish friends for safety, but she put some bleach on herself, called police, accused him of the act and filed for an injunction against him. Rizwan spent several days in jail before Sharma was able to get him out.

Her actions are consistent with abusers of immigrant spouses – they manipulate the law to get what they want. In Rizwan’s case, his wife threatened to have him deported if he didn’t return to her, but by this time he didn’t care; he decided that he’d rather return to Turkey than put up with her abuse. Although he avoided her, she subsequently lied and had him arrested for violating the injunction she had placed on him. She later dropped the charges and eventually the two were divorced.

This particular story has a happy ending because Rizwan received approval under VAWA, one of the rare cases in which a man was protected under the act. He may now continue to reside in the U.S. independently of his former wife. He has met a lovely young woman who truly loves him and they will be married in the near future.

Sharma related another case that is particularly disturbing because a child is involved. After a lovely young Siberian woman posted her picture on the Internet, a wealthy local 65-year old man brought her and her child to his home. She is now his domestic slave, submits to his sexual depravities, endures physical abuse, and has to account for every minute of her time – but worst of all, she hears her child being verbally humiliated every day. The husband constantly demeans the child, calling her stupid and an idiot, but the wife feels she has no option but to stay and make the best of it; she has no money and nowhere else to go.

## “Man’s inhumanity to man”

The above stories are only three examples of immigrants who have come to this country, hoping for a better life for themselves and/or their children. Are they part of a human trafficking ring? No, but their lives are no less miserable, because they are caught in the clutches of unscrupulous human beings who circumvent the law in search of ways to satisfy their schemes.

Today, the immigration issue is hotly debated and most of us are torn by all the ramifications involved, but these people, and countless others like them, are scattered throughout our country – brought here in good faith on their part, only to be relegated to lives of unspeakable misery and hopelessness.

VAWA has helped free many of these people from bondage; however, our existing Immigration laws still give U.S. citizens and legal permanent residents a great deal of power which can be used against their spouses to propagate domestic violence with little fear of reprisal.

Poet Robert Burns’ dirge written in the 18th century, “Man was Made to Mourn,” surely applies to our society today:

*“Many and sharp the numerous ills,  
Inwoven with our frame!  
More pointed still we make ourselves,  
Regret, remorse, and shame!  
And man, whose heaven-erected face  
The smiles of love adorn,  
Man’s inhumanity to man  
Makes countless thousands mourn!”*

## VAWA - Violence Against Women Act

Victims of domestic violence can be men or women, yet the U.S. Department of Justice reports that approximately 97% of the victims of domestic violence are women. The National Violence Against Women Survey, which records incidents of violence against women in America, states that one out of four U.S. women has been physically assaulted or raped by an intimate partner; however, whatever the rate in the general population, the percentage for immigrant women is probably higher.

Accurate statistics regarding assaults against immigrant women are difficult to come by because they often will not report abuse. A sense of shame, insecurity, and the possibility of separation from their children may prevent these women from speaking out. They are also more vulnerable to abuse because their batterer can threaten deportation to silence her.

In 1994 the Federal government enacted a comprehensive “Violence Against Women Act” as Title IV of the Violent Crime Control and Law Enforcement Act of 1994, which is useful in preventing abuse of immigrant women. VAWA allowed victimized immigrants to file their own applications for lawful permanent resident status and created a new visa category for the spouses and their children and authorized the INS to issue up to 10,000 visas per year. Because the woman could self-petition, she no longer had to rely on a non-cooperative and abusive spouse. The Act in effect took away much of the power that the batterers held over their wives.

Two years after VAWA was passed, newly implemented immigration reform bills required that battered women return to their country of citizenship before their case could be heard, thus stripping from them the rights and privileges of American justice. These reforms also did not allow the battered wife to remain in the country if she had arrived on an incorrect visa status, or had overstayed it – a disturbing development because some abusive husbands, in an effort to retain control over their wives, knowingly did not submit an I-130 family petition for their wives.

Women who had grown desperate after repeated abuse and had divorced their husbands had no protection and were out of status because their status was considered a derivative of their husbands’. Their deportation was imminent, despite the fact that an abusive husband had forced them out of their marriages. Finally, an “extreme hardship” requirement was imposed on those victims who attempted to utilize the protections of VAWA.

VAWA was re-authorized in 1999/2000, and continues to take steps towards addressing the needs of battered immigrant women. They now do not have to leave the country to begin their petition for legal permanent residency. Divorced women are also allowed to request VAWA protection within two years of divorcing an abusive husband, if the divorce was related to the abuse.

The 2005 version of VAWA was signed into law by President Bush in December 2005.

## The Self-Petition Procedure

To self-petition, an immigrant must show that:

- She was battered or subjected to extreme cruelty, and is or was married to a U.S. citizen or Lawful Permanent Resident within the past two years. Unmarried children of the self-petitioner who are under age 21 may be included in the petition, OR
- She is the parent of a child who has been battered or subjected to extreme cruelty by that parent’s U.S. citizen or Lawful Permanent Resident spouse. The mother of the battered child may self-petition and include all of her unmarried children under age 21 who live in the U.S. in her petition.

The woman then must file an I-360 with the U.S. Citizenship and Immigration Services (USCIS). The government filing fee is \$190, which may be waived by INS if she proves her inability to pay. The USCIS need not have authorization by or permission from the woman’s husband.

The I-360 form is available in person at a USCIS office, by calling 1-800-870-3676, or as a PDF file that may be found at the [www.bcis.gov](http://www.bcis.gov) website.

*For more information, contact Ashwin Sharma, Esq., Leimbach & Associates, 904/779-0111, [www.immigrationfirm.net](http://www.immigrationfirm.net).*

# WANTED

On April 14, 4-year old Preston Nolan was hit by a car and seriously injured in the 8500 block of Hilma Rd. near Shindler Dr. The black car left the scene after striking Preston. If you have any information, please contact Jacksonville Sheriff’s Office at 630-2174.

