



SPECIAL REPORT

Domestic Violence-Related Immigration Fraud

America is a country of immigrants. Our nation prides itself on being a refuge for persons who immigrated to this country in search of a better life. Indeed, the story of immigration is the story of America.

As of 2017, the United States has an estimated 44.4 million foreign-born residents, representing 13.6% of the total U.S. population.¹ This is up from 4.7% in 1970 and close to the record of 14.8% in 1890. A majority of these foreign-born persons came to the United States legally, but about one-fourth of these persons are unauthorized immigrants. This means that they are in this country illegally, either by entering with no documentation at all or by providing false information on a visa application.

Expanded Visa and Marriage Fraud

Visa fraud is a widespread problem. In FY 2018, the Fraud Detection and National Security Directorate, which investigates and documents national security or visa fraud concerns, received 149,300 referrals from the United States Citizenship and Immigration Service (CIS).² This was a 14% increase from the previous year, as the 149,300 referrals included 30,400 fraud leads, 21,400 fraud cases, and 7,600 national security concerns.

According to the Government Accountability Office, immigration fraud may involve criminal activity such as money laundering, income tax evasion, or terrorist activity.³ Many of these cases involve marriage fraud. According to Tom Depenbrock, special agent at the U.S. Department of State:

“Marriage and visa fraud potentially threaten the national security of the United States ... The U.S. visa is one of the most coveted items in the world... These foreign nationals who enter the country illegally via marriage fraud or any other type of fraud are defrauding the United States of immigration benefits to which they are not entitled.”⁴

According to one report, more than 2.3 million foreign nationals from 1998 to 2007 gained U.S. residency and/or citizenship by marrying an American citizen.⁵ Marriage scams traditionally involved American citizens who were enticed to marry foreign

¹ Jynnah Radford (June 17, 2019). *Key Findings about U.S. Immigrants*. Pew Research Center <https://www.pewresearch.org/fact-tank/2019/06/17/key-findings-about-u-s-immigrants/#:~:text=The%20U.S.%20foreign%2Dborn%20population,U.S.%20has%20more%20than%20quadrupled>

² USCIS (2018). *2018 USCIS Statistical Annual Report*. https://www.uscis.gov/sites/default/files/USCIS/statistics/2018_USCIS_Statistical_Annual_Report_Final_-_OPQ_5.28.19_EXA.pdf

³ Government Accountability Office (2006). *Immigration Benefits: Additional Controls and A Sanctions Strategy Could Enhance DHS's Ability to Control Benefit Fraud*. <http://www.gao.gov/new.items/d06259.pdf>

⁴ Tom Depenbrock (Dec. 9, 2004). *The Danger Marriage Fraud Poses to the National Security of the United States*. U.S. Department of State. <http://www.state.gov/m/ds/rls/rm/39620.htm>

⁵ David Seminara (2008). *Hello, I Love You, Won't You Tell Me Your Name: Inside the Green Card Marriage Phenomenon*. Center for Immigration Studies. <https://cis.org/Report/Hello-I-Love-You-Wont-You-Tell-Me-Your-Name-Inside-Green-Card-Marriage-Phenomenon>

nationals. In a California case, Chinese Citizens paid U.S. citizens to enter into sham marriages and were encouraged to fabricate love letters, pose for wedding pictures, and file joint tax returns.

Unfortunately, “marriage fraud for the purpose of immigration gets very little notice or debate in the public arena and the State Department and Department of Homeland Security have nowhere near the resources needed to combat the problem,” according to the Center for Immigration Studies report.

In recent years, a new form of immigration fraud has emerged that is subsidized by funds from the Violence Against Women Act (VAWA). This Special Report discusses how the immigration process is supposed to work, details the ways in which VAWA encourages immigration fraud, cites other VAWA-related problems, and calculates the taxpayer burden caused by immigration fraud.

How the Immigration Process is Supposed to Work

The Citizenship and Immigration Service is the federal agency that processes applications for visas, work permits, and citizenship.⁶ Immigration law allows an American citizen or permanent legal resident to sponsor a fiancé or spouse to obtain a Green Card (work authorization), permanent residency, and eventual citizenship.

The “alien” goes through the following steps:

1. The person obtains a fiancé visa (K-1) or spouse visa (K-3) that allows the person to enter the United States.
2. Once the couple is married and residing in the U.S., the American citizen can “sponsor” the spouse to obtain temporary residency, based on the stability of the marriage.
3. After two years, the American citizen petitions CIS for permanent residency and eventual citizenship.⁷

Persons approved under this process become eligible for a Green Card, permanent residency, and eventual citizenship. These entitle a person to receive the many government services and benefits that American citizens take for granted.

To counter immigration fraud, CIS has established policies and procedures to check illegal immigration. For example, Fraud Detection Units seek to identify false statements made in immigration application forms. Persons who have engaged in immigration fraud are referred to Immigration and Customs Enforcement (ICE).⁸ ICE ensures the departure

⁶ U.S. Citizenship and Immigration Services (last visited June 16, 2020). *See generally*, <https://www.uscis.gov/>

⁷ U.S. Citizenship and Immigration Services (June 16, 2020). *Green Card*.

⁸ U.S. Immigration and Customs Enforcement (2020). *Identity and Benefit Fraud*. <https://www.ice.gov/identity-benefit-fraud>

from the United States of all removable aliens through the enforcement of the nation's immigration laws.

How VAWA Encourages Immigration Fraud

Immigration law has long included humanitarian provisions that allow foreign nationals subjected to persecution or extreme cruelty to seek refuge in the U.S. This is the loophole that the VAWA has steadily expanded.

The original 1994 VAWA law allowed immigrants who could demonstrate “extreme hardship” to bypass usual sponsorship requirements and to instead “self-petition.”⁹ Self-petitioning means that the immigrant applies on his or her own behalf rather than being required to be sponsored by his or her spouse.

The 2000 renewal of VAWA expanded this concept and incorporated several new provisions:

- Eliminated the extreme hardship requirement
- Removed the U.S. residency requirement
- Strengthened confidentiality provisions
- Guaranteed legal representation
- Eliminated deportation hearings¹⁰ (referred to as “cancellation of removal”)

From that point on, CIS waged an increasingly difficult struggle to maintain the integrity of the immigration and naturalization process.

The Violence Against Women Act facilitates immigration fraud in eight ways:

1. Provides Free Legal Services to Those who Claim to be Victims

From 2007 through 2011, VAWA authorized up to \$65 million per year for legal assistance under civil and criminal law.¹¹ From 2011 to 2015, the number hovered around \$57 million,¹² and later reduced to \$45 million in 2019.¹³ In addition to these funds, VAWA guarantees immigrants access to legal services by authorizing the Legal Services Corporation to represent a person who claims to be an abuse victim.¹⁴

⁹ *Violent Crime Control and Law Enforcement Act of 1994 § 103, 42 U.S.C. § 13701-14040.*

¹⁰ (1999). *Violence Against Women Act of 2000, H.R. 1248, 106th Cong.*

¹¹ Garrine PL (2008). *Violence Against Women Act: History and Federal Funding*. EveryCRSReport 14 https://www.everycrsreport.com/files/20080716_RL30871_021e086d8f9a55f1d6a609637e2f430c71519f5d.pdf

¹² Lisa N. Sacco (May 26, 2015). *The Violence Against Women Act: Overview, Legislation, and Federal Funding*. CRS 26. <https://fas.org/sgp/crs/misc/R42499.pdf>

¹³ Every CRS Report (2019). *The Violence Against Women Act (VAWA): Historical Overview, Funding, and Reauthorization*. <https://www.everycrsreport.com/reports/R45410.html>

¹⁴ Department of Justice (2020). *OVW Grants and Programs*. <https://www.justice.gov/ovw/grant-programs>

2. *Broadens the Definition of Extreme Cruelty*

For years, immigration groups and attorneys have sought to expand the definition of domestic violence to include actions that do not involve actual violence. Five examples are given below:

A. Legal Momentum (formerly National Organization for Women Legal Defense Fund) cites the following as examples of extreme cruelty:

- Emotional abuse
- Possessiveness
- Minimizing, denying, and blaming¹⁵

B. A Catholic Legal Immigration Network manual states that extreme cruelty and battery include psychological abuse, accusations of infidelity, and “acts that may not appear violent but are part of an overall pattern of violence.”¹⁶ The publication does not explain what is meant by an act that “may not appear violent.”

C. The National Immigrant Justice Center lists numerous examples of non-physical abuse that it claims constitute extreme cruelty:¹⁷

- Social isolation of the victim
- Accusations of infidelity
- Incessantly calling, writing or contacting her
- Interrogating her friends and family members
- Threats
- Economic abuse
- Not allowing the victim to get a job
- Controlling all money in the family
- Degrading the victim.

3. *Eliminates the Need for Hard Evidence*

CIS examiners are instructed to evaluate VAWA petitions on what is referred to as the generous “any credible evidence” standard.¹⁸ According to an internal CIS memo, any

¹⁵ Hernandez v. Ashcroft (2020). *Immigration*. See also *Amicus Briefs: Hernandez v. Ashcroft*. Legal Momentum. <https://www.legalmomentum.org/amicus-briefs/hernandez-v-ashcroft>

¹⁶ Catholic Legal Immigration Network 57 (2015). *Introduction to Immigration Law Training Manual*.

¹⁷ National Immigrant Justice Center (2019). *A Pro Bono Attorney Manual on Legal Immigration Protections for Immigrant Survivors of Domestic Violence Under the Violence Against Women Act (VAWA)*.

¹⁸ Immigration Information Visa Law Guide (2020). *Cancellation of Removal for Nonpermanent Resident*. [https://www.cpvisa.com/cancel_nonperm.html#:~:text=According%20to%20INA%20\(Immigration%20%26%20Nationality,removal%20would%20result%20in%20exceptional](https://www.cpvisa.com/cancel_nonperm.html#:~:text=According%20to%20INA%20(Immigration%20%26%20Nationality,removal%20would%20result%20in%20exceptional)

credible evidence includes court documents, medical reports, police reports, or sworn statements (affidavits).¹⁹

The instructions for Form I-360, the application form used by persons who file VAWA self-petitions, further explains that evidence of abuse includes “reports and affidavits from police, judges and other court officials, medical personnel, school officials, clergy, social workers,” or even “an order of protection.”²⁰

It is well known that civil definitions of domestic violence are broad,²¹ and that orders of protection are routinely issued with no hard evidence of abuse.²² Such orders also are available to persons who entered the country illegally. As the Arizona Domestic Violence Benchbook states, “Denial of a protective order based on national origin would be discriminatory and is prohibited by law.”²³

Sally Kinoshita of the ASISTA project takes the argument even further. Arguing for what she calls the “subjective test,” she implies that not even a restraining order should be necessary:

“A finding of extreme cruelty involves the examination of the dynamics of the relationship, the victim’s sense of well-being before the abuse, the specific acts during the period of abuse, and the victim’s quality of life and ability to function after the abuse. *The self-petitioner’s own declaration should cover these factors.*”²⁴ [emphasis added]

4. Removes the “Substantial Connection” Requirement

According to the IRS, a person who enters the country without permission is referred to as an “undocumented” immigrant.²⁵ By law, such persons cannot later apply for legal immigration status, because that would be an incentive for persons to attempt to enter the country illegally.

¹⁹ Department of Justice (1996). *Implementation of Crime Bill Self-Petitioning for Abused or Battered Spouses or Children of U.S. Citizens or Lawful Permanent Residents*.

<http://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/IMM-Gov-DOJMemoImpCrimeBillSelfPetition-04.06.96.pdf>

²⁰ Department of Homeland Security (2020). *Instructions for Petition for Amerasian, Widowe(er) or Special Immigrant*. <http://www.uscis.gov/files/form/i-360instr.pdf>

²¹ Coalition to End Domestic Violence (2021). *Expanding Definitions of Domestic Violence*. <http://endtodv.org/wp-content/uploads/2021/06/Expanding-Definitions.pdf>

²² Coalition to End Domestic Violence (2021). *The Use and Abuse of Domestic Restraining Orders*. <http://endtodv.org/wp-content/uploads/2021/04/Restraining-Orders.pdf>

²³ Judicial College of Arizona (2016). *Domestic Violence and Protective Order Bench Book*. <https://www.acesdv.org/wp-content/uploads/2014/06/2016-Benchbook.pdf>

²⁴ Sally Kinoshita (2006). *Extreme Cruelty: What It Is and How to Prove It*. ASISTA.

<https://asistahelp.org/wp-content/uploads/2018/10/ASISTA-Newsletter-Fall-2006-Extreme-Cruelty-what-it-is-and-how-to-prove-it.pdf>

²⁵ Internal Revenue Service (2020). *Immigration Terms and Definitions Involving Aliens*.

<https://www.irs.gov/individuals/international-taxpayers/immigration-terms-and-definitions-involving-aliens>

In the past, an exception to this rule was allowed if a person could demonstrate a “substantial connection” showing that extreme cruelty had forced the victim to escape to the United States.²⁶

But under VAWA, the substantial connection requirement has been eliminated. The CIS recently revised its Adjudicator’s Field Manual to read:²⁷

“The VAWA self-petitioner is *not* required to show a “substantial connection” between the qualifying battery or extreme cruelty and the VAWA self-petitioner’s unlawful entry.”

This means that anyone who enters the country illegally and can produce a restraining order or affidavit, even without hard evidence of abuse, is likely to be approved for a work permit and permanent residency.

5. *Bans Reliance on Evidence from the Alleged Abuser*

By law, the CIS classifies a person accused of being an abuser as a “prohibited source.”²⁸ This means that the CIS is not allowed to accept any evidence from that person, even if it shows that the petitioner has engaged in illegal behavior. The alleged abuser is often the person who is most knowledgeable about the petitioner’s actions.

As a result, the CIS will not deport a VAWA petitioner, even if presented with credible evidence that the petitioner is illegal. As one CIS employee admitted, “If an abuser reports that the victim is undocumented, they will not pursue the person.”²⁹

6. *Educates Persons How to Work the System*

The Violence Against Women Act funds efforts to educate attorneys and other legal personnel on how to take full advantage of VAWA’s immigration provisions.

In 2006, the DoJ Office on Violence Against Women awarded \$363,160 to the Legal Assistance Foundation of Chicago. The group provides the following advice to attorneys on how to prepare a client for an interview with the CIS adjudicator:

“Some officers may try to trick your client into admitting information that could make her inadmissible and ineligible to adjust, e.g., ‘When was the last time you voted in the U.S.? This is relevant because only U.S. citizens can vote; voting illegally is a ground of inadmissibility.’”³⁰

²⁶ Immigration and Naturalization Act, § 212(a)(6)(A)(ii).

²⁷ USCIS (Apr. 11, 2008). *Memo from Michael L. Aytes to Field Leadership*.

https://www.nationalimmigrationproject.org/PDFs/community/victims_crimes/2008_uscis-vaawa-memo.pdf

²⁸ 8 U.S.C. § 1367(a).

²⁹ *DHS Q & A Sessions*. Irvine, CA. November 9 and 11, 2005.

³⁰ Legal Assistance Foundation of Metropolitan Chicago (2005). *Obtaining lawful permanent residency through the Violence Against Women Act: A VAWA manual for pro bono advocates*. Chicago, IL, 2005. p. 57.

Such questions are not “tricks.” They are legitimate tools to determine whether a potential American citizen is of good moral character.

The following year, the Office on Violence Against Women (OVW) awarded a \$1.35 million grant to the ASISTA project, which maintains an immigration Information Clearinghouse and publishes the *ASISTA News*. The Fall 2006 issue of the newsletter features an article that encourages women to file a VAWA self-petition if they are in a relationship marked by “possessiveness” or even a “need for apologies.”³¹

7. Affords a Loophole for Persons Undergoing Deportation Hearings

If an immigrant is discovered without proper documentation, the CIS refers the person to ICE to initiate removal proceedings. But under VAWA, a mere claim of abuse can cancel the deportation proceedings.

At a conference session, a CIS official was asked how many VAWA cases have been referred to ICE for removal. The categorical answer was: “Currently, cases are not being specifically referred for removal.” Even if the immigrant had been previously ordered to leave the country and re-entered illegally, the CIS official revealed, “No, VSC [Vermont Service Center] is not passing them on to ICE.”³²

Thus, the abuse excuse affords the person a virtually free pass.

8. Eliminates Penalties for Illegal Aliens Who Fail to Leave

The Immigration and Naturalization Act allows for a variety of financial and administration sanctions to be imposed on illegal aliens who are ordered to leave the country but fail to do so. The Government Accountability Office has criticized the CIS for its leniency in applying these sanctions.³³

According to the Violence Against Women Act, such sanctions cannot be applied “if the extreme cruelty or battery was at least one central reason for the illegal alien’s overstaying the grant of voluntary departure.”³⁴ And since extreme cruelty is viewed so broadly, almost any illegal alien who claims abuse can escape punishment.

³¹ Sally Kinoshita (2006). *Extreme Cruelty: What It Is and How to Prove It*. ASISTA. <https://asistahelp.org/wp-content/uploads/2018/10/ASISTA-Newsletter-Fall-2006-Extreme-Cruelty-what-it-is-and-how-to-prove-it.pdf> Page 4.

³² *DHS Q&A Sessions. November 9 and 11, 2005*. Irvine, CA. Questions 3 and 10.

<http://64.233.167.104/search?q=cache:84O1u4YLcVMJ:www.tomesparza.com/documents/DHS%2520QA%2520-%25202005.DOC%3Fdocid%3D18617+VAWA+VSC&hl=en&ct=clnk&cd=11&gl=us&client=safari>

³³ Government Accountability Office, 37 (Mar. 2006). *Immigration Benefits: Additional Controls and A Sanctions Strategy Could Enhance DHS’s Ability to Control Benefit Fraud*.

<http://www.gao.gov/new.items/d06259.pdf>

³⁴ 8 U.S.C. §812(d)(2). <https://www.govinfo.gov/content/pkg/PLAW-109publ162/html/PLAW-109publ162.htm>

In sum, VAWA promotes immigration fraud through a variety of legal and administrative strategies, even for persons who entered the country illegally.

Other VAWA-Related Problems

VAWA gives rise to other serious problems, including extortion, sex discrimination, and the inability of those falsely accused to prove their innocence.

Falsely Accused are Unable to Establish their Innocence

The most fundamental principle of a criminal justice system is that the accused must be given the opportunity to refute an allegation of wrongdoing. But under VAWA immigration provisions, a person accused of partner abuse *has no legal standing to refute the claim*. Indeed, as a result of VAWA confidentiality provisions,³⁵ the alleged abuser often is not informed that the allegations were made.

There are many reported examples of persons falsely accused.³⁶ In one case, Dr. Michael Wnuk, professor at the University of Wisconsin-Milwaukee, became romantically involved with a Polish woman, Lidiia Kolisnichenko.³⁷

Wnuk had been diagnosed with cancer. While on a trip to Poland, he met Kolisnichenko, who promised that she could cure his disease if he would agree to marry her. A month later they returned to the United States and married.

While he was away on another business trip, Kolisnichenko filed a self-petition with the immigration service claiming “mental abuse.” Three days later, she staged a confrontation in which she ran from the house, claiming that she was being chased by Wnuk. The police report stated that there were “no injuries in the spot where she reported she was hit.” Later she would claim she had been “frequently raped.”

On the basis of these unproven allegations, Kolisnichenko was able to obtain assistance from three attorneys from federally-funded legal aid programs. She eventually procured her Green Card. Wnuk sadly wrote, “Lidiia followed the script shown on the Internet site ‘Green Card Girls – A Dangerous Breed.’”

Michael Wnuk was victimized twice, first by the person who filed the false allegation, and then by a series of legal maneuvers that made it impossible for him to prove his innocence.

³⁵ 8 U.S.C. §817. <https://www.govinfo.gov/content/pkg/PLAW-109publ162/html/PLAW-109publ162.htm>

³⁶ ImmigrationFraud.com. <http://www.immigrationfraud.com/>

³⁷ Russian Dating Scams (2007). *Case of Lidiia Kolisnichenko vs. Michael Wnuk*. http://www.russian-dating-scams.com/scams/marriage/kolisnichenko_v_wnuk.htm

Extortion

Under Indian law, dowry payments are banned, and the mere allegation of dowry demands is viewed with the presumption of guilt.³⁸ So what happens if a legal immigrant from India later marries an Indian woman and then declines to file an immigration petition on her behalf? Under Indian law she has a legal recourse—to allege that her husband and his family are demanding a dowry payment.

The implausible nature of some of these claims is revealed in this case:

In 2002, an engineer living in California traveled to his native India to marry. Following the ceremony, the couple returned to the United States. But she did not like California and began to drink heavily. After she bit him during an argument, they decided to divorce. But that was likely to complicate her Green Card application.

In early 2004, she returned to India, where she was soon served with divorce papers. In retaliation, she filed a claim against the man's parents, brothers, sister, and sister-in-law, who were living in India, alleging that they had demanded a wedding dowry payment, even though two years had now passed since the wedding.

The police inspector eventually concluded, "On investigation it is found that there is absolutely no truth regarding the facts mentioned in this complaint," and the woman was later found guilty of immigration fraud. Nonetheless, the innocent man was still forced to pay more than \$60,000 plus attorney fees, which depleted his 401K plan and savings.³⁹

In response to numerous complaints, the U.S. State Department issued a travel advisory carrying this sober warning: "The fact that we issued a warning should be an indication of how widespread the problem is."⁴⁰

Sex Discrimination

Women are at least as likely as men to engage in partner violence.⁴¹ A 2008 32-nation survey of dating couples found that among severely violent couples, in 55% of cases the violence was mutual, in 16% of cases the violence was male-only, and 29% of the time

³⁸ Sharmila Lodhia (2020). *Dowry Prohibition Act*. Britannica. <https://www.britannica.com/event/Dowry-Prohibition-Act>

³⁹ Lisa Tsering (Jan. 19, 2005). *Indian Husbands Fall Victim to Dowry-Immigration Fraud*. Pacific New Service. http://www.498a.org/contents/paperArticles/NRI_binder.pdf

⁴⁰ U.S. State Department (2004). *Visa Bulletin for December 2004*. <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2005/visa-bulletin-for-december-2004.html>

⁴¹ Daniel J. Whitaker (2007). *Differences in Frequency of Violence and Reported Injury Between Relationships with Reciprocal and Nonreciprocal Intimate Partner Violence*. 97 Am. J. of Pub. Health. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1854883/>

it was female-only.⁴² In Mexico, partner violence follows a similar picture: 65% mutual, 16% male-only, and 19% female-only.⁴³

But organizations that advise immigrants on VAWA procedures routinely fail to acknowledge the existence of male victims and make little attempt to be gender inclusive in their terminology—abusers are routinely referred to as “he” and victims are depicted in the female gender.

Thus, male victims of domestic violence may find their allegations ridiculed and their petitions dismissed.

Financial Impact of VAWA Immigration Fraud

Persons who obtain legal status in the United States are entitled to free medical care, food stamps, and a broad range of other services and benefits. Not surprisingly, the number of VAWA self-petitions has grown over the years:

- 2002: 5,922 self-petitions⁴⁴
- 2006: 9,500 self-petitions,⁴⁵ representing a 60% increase over 2002
- FY2019: “USCIS granted immigration relief to more than 25,000 individuals, including victims of trafficking, crime and Violence Against Women Act (VAWA) recipients – an eight percent increase from FY 2018.”⁴⁶

In 2002, 84% of all VAWA applications were approved.⁴⁷ Thus, an estimated 7,980 VAWA applications were approved in 2006.⁴⁸ We further estimate that, on average, each VAWA applicant has one child. So, 7,980 approved VAWA petitions translates into 15,960 new residents.

Based on the information presented in this report and on a statewide analysis of civil domestic violence claims,⁴⁹ we estimate that at most only 10% of VAWA self-petitions represent battering or extreme cruelty between intimate partners. So, at least 90% of the

⁴² Murray A. Straus (2008). *Dominance and Symmetry in Partner Violence by Male and Female University Students In 32 Nations*. 30 Children and Youth Services Review 252-275

<https://www.sciencedirect.com/science/article/pii/S0190740907001855>

⁴³ *Id.*

⁴⁴ (December 2003). *Questions for Q&A panels with DHS*.

<http://www.nationalimmigrationproject.org/forMembers/U%20Visa%20Documents/DHS%20Q%20&%20A.doc>

⁴⁵ Eduardo Porter (2006). *Law On Overseas Brides Is Keeping Couples Apart*. New York Times.

<http://www.nytimes.com/2006/10/17/us/17brides.html?ref=business>

⁴⁶ USCIS (2020). *USCIS Final FY 2019 Statistics Available*. <https://www.uscis.gov/news/alerts/uscis-final-fy-2019-statistics-available>

⁴⁷ (December 2003). *Questions for Q&A panels with DHS*.

<http://www.nationalimmigrationproject.org/forMembers/U%20Visa%20Documents/DHS%20Q%20&%20A.doc>

⁴⁸ 9,500 applications x 84% approval rate = 7,980 approved applications

⁴⁹ Foster BP (2008). *Analyzing the cost and effectiveness of governmental policies*. Cost Management, Vol. 22, No. 3.

COALITION TO END DOMESTIC VIOLENCE

15,590 residents—14,364 persons—were admitted to the United States under fraudulent circumstances.

According to the Fiscal Impact of Immigration report, the annual federal financial impact of illegal immigration is \$9,139 per person.⁵⁰ So the financial burden of VAWA immigration fraud to U.S. taxpayers was estimated at \$131.3 million in 2006.⁵¹

VAWA: Low-Cost Way to Achieve Legal Status

The 2000 renewal of the Violence Against Women Act openly stated that its goal was “to *remove immigration laws* as a barrier that kept battered immigrant women and children locked in abusive relationships” [emphasis added].⁵² Several years later, it appears that this objective has been largely achieved.

The immigration provisions of VAWA, along with their broad interpretation by CIS and lax implementation by VAWA grantees:

- Provide free legal services to persons who merely claim abuse
- Broaden the definition of “extreme cruelty” to the point of near meaninglessness
- Weaken or eliminate traditional standards of proof
- Remove the “substantial connection” standard
- Ban credible evidence of illegal behavior
- Educate persons on how to take advantage of these provisions
- Override deportation hearings
- Provide a loophole for persons in the midst of deportation

VAWA provides incentives for the filing of false claims, removes many of the traditional barriers designed to control illegal immigration, and weakens the traditional sanctions that can be applied against an illegal. This creates a Sword of Damocles that hangs over the head of every American citizen who develops a romantic relationship with an immigrant.

Thus, a VAWA self-petition has become the cheapest and fastest way for a foreigner to achieve legal status. The Violence Against Women Act affords generous services, benefits, and legal rights to illegal immigrants who allege abuse, while overriding the civil rights of law-abiding American citizens.

For these reasons, the Government Accountability Office issued a report in 2019 with

⁵⁰ Edwin S. Rubenstein (2008). *The Economic and Fiscal Impact of Immigration: A New Analysis*. 18 The Social Contract 75. http://www.thesocialcontract.com/pdf/eighteen-two/tsc_18_2_rubenstein_fiscal_impact_report.pdf

⁵¹ 14,364 persons x \$9,139/person = \$131.3 million

⁵² *Battered Immigrant Women Protection Act of 2000, Pub.L. No. 106-386.*

these recommendations:⁵³

1. The Director of USCIS should plan and conduct regular fraud risk assessments of the self-petition program to determine a fraud risk profile, as provided in GAO's Fraud Risk Framework.
2. The Director of USCIS should develop and implement an antifraud strategy with specific control activities, based upon the results of fraud risk assessments and a corresponding fraud risk profile, as provided in GAO's Fraud Risk Framework.
3. The Director of USCIS should develop and implement data analytics capabilities for the self-petition program, as a means to prevent and detect fraud, as provided in GAO's Fraud Risk Framework.

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⁵³ Government Accountability Office (2019). *Immigration Benefits: Additional Actions Needed to Address Fraud Risks in Program for Foreign National Victims of Domestic Abuse*. https://www.gao.gov/products/gao-19-676#summary_recommend