



National Asian Pacific American Women's Forum  
6930 Carroll Avenue, Suite 506  
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September 19, 2008

Chief, Regulatory Management Division  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
111 Massachusetts Avenue, NW, Suite 3008  
Washington, D.C. 20529

**RE: DHS Docket No. USCIS-2007-0061, Public Comments for Issuance of a Domestic Violence Guidance Pamphlet for Fiancé(e)s (K1) and Spouses (K3) of US Citizens**

To Whom It May Concern:

The National Asian Pacific American Women's Forum (NAPAWF) is a national membership-based organization that works on issues that confront Asian and Pacific Islander (API) women and their communities, with a particular focus on immigrant women. We would like to express our concerns with the draft pamphlet on "Legal Rights and Resources for Immigrant Victims of Domestic Violence" mandated by the International Marriage Broker Regulation Act (IMBRA).

The pamphlet for K visa applicants which the U.S. Department of Homeland Security (DHS) has created is a great beginning effort, but overall, it is ineffective for the woman or man who will read it. The pamphlet also lacks the dimension of culturally competency. We propose that DHS redraft the document and create a user-friendly pamphlet in collaboration with experienced non-governmental organizations. Suggested improvements include the following:

1. The pamphlet should be in plain language with no legal jargon.
  - a. The definition for domestic violence needs to be more exact and easy to understand. Examples of good language:
    - i. Domestic violence has different names: wife abuse, wife beating, partner abuse or intimate violence. It includes physical, sexual, or psychological attacks against girlfriends, fiancées, wives, or children. Abusers can be the boyfriend, fiancé(e), spouse, ex- or new wives, or sister-in-laws.<sup>i</sup> No one in the United States is allowed to touch another person without his or her permission. This is called assault and is a crime in the United States.

You should not be afraid to call the police if your fiancé(e) or spouse has hurt you or if you think you are being abused. The laws of the United States punish people who physically or emotionally hurt their spouse.
    - ii. An abuser typically follows these types of behaviors:
      - Hits, kicks, or hurts the fiancé(e) or spouse
      - Uses threats of deportation or loss of children
      - Makes threats of harm against family members or loved ones

\* Institutional affiliations are provided for identification purposes only.

- Makes false declarations to Immigration & Customs Enforcement about him/her
  - Withholds/hides passports and other important documents
  - Refuses to proceed with “green card” applications to intimidate and control a fiancé(e) or spouse
  - Prevents the fiancé(e) or spouse from learning English
  - Controls what the fiancé(e) or spouse does and who s/he speaks with
  - Abuses pets
  - Displays weapons
  - Threatens to leave her or commit suicide
  - Forces her to do illegal activities
  - Treats her like a servant
  - Isolates fiancé(e) or spouse from family members, neighbors, and friends
  - Prevents fiancé(e) or spouse from getting or keeping a job
  - Prevents fiancé(e) or spouse from having a bank account or credit card and only gives out small amounts of cash
  - Takes away fiancé(e) or spouse’s earnings
- b. The pamphlet should explain more clearly how to access the background information on petitioners as mandated by IMBRA. Here is an example of good language:
- i. You have the right to know if your future spouse has a criminal background or has hurt other people in the past. The United States government is obligated to send you a copy of your fiancé(e)’s or spouse’s criminal information. However, not all abusers have a criminal record. The U.S. government is also responsible for notifying you whether or not your future spouse previously petitioned other foreign fiancé(e)s or spouses to enter the country.
2. The pamphlet has several information gaps.
- a. The visa application process is not simply and clearly explained. For example, it is unclear how soon a K-1 or K-3 visa holder should submit an Application to Register Permanent Residence or Adjust Status (Form I-485). We recommend including a chart to relay the information in a reader-friendly format for persons with varying levels of literacy that clearly outlines the deadlines for the various steps in the immigration process.
  - b. The remedies for survivors and victims needs to be clearly delineated and legal jargon explained.
    - i. It is unclear whether the hotline numbers provided are for K-visa immigrants to access simply for informational purposes, or if these are resources that can help them in a domestic violence situation. Example of good language:
      1. If you need help or if you are being abused please call:
        - National Domestic Violence Hotline  
1-800-799-SAFE (7233)  
1-800-787-3224 (for callers who are deaf, hard of hearing, or have speech difficulties)
        - National Sexual Assault Hotline  
1-800-656-HOPE (4673)
  - c. In plain language, provide the definition of orders of protection, abuse prevention orders, and restraining orders when describing legal rights for victims of domestic violence.
3. It is important to distribute the pamphlet at different phases of the visa process. While IMBRA outlines a distribution process for the pamphlet that includes some of the parties listed below, we outline a full list here of additional agencies necessary to ensure that the pamphlet has a broad reach to all of those who would benefit from it.

- a. International marriage brokers should be required to post the pamphlet on their websites and in contractual documents with women or men going through their agencies.
- b. Aside from the U.S. Department of State and the U.S. Department of Homeland Security, other federal agencies that deal with domestic violence, sexual assault, and all aspects of human trafficking should post the pamphlet on their websites, including the U.S. Department of Justice, U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, U.S. State Department Consular Offices, U.S. Department of State, the Federal Bureau of Investigation, U.S. Department of Labor, U.S. Department of Health and Human Services, and Internal Revenue Service.
- c. The pamphlet should be distributed widely to victim advocacy organizations to post on their websites.

We appreciate the opportunity to comment on the draft IMBRA pamphlet. We hope that you will strongly consider our recommendations to create a strong and effective document.

Sincerely,

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National Asian Pacific American Women's Center

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### Descriptions of Signatory Organizations

#### *Asian American Justice Center*

Founded in 1991, the Asian American Justice Center (formerly the National Asian Pacific American Legal Consortium) works to advance the human and civil rights of Asian Americans through advocacy, public policy, public education, and litigation. The Asian American Justice Center is one of the nation's leading experts on issues of importance to the Asian American community including: affirmative action, anti-Asian violence prevention/race relations, census, immigrant rights, immigration, language access, television diversity and voting rights. Their expertise is widely acknowledged: in the media, by the public and lawmakers at the very highest tiers of government.

#### *Asian Pacific Islander Legal Outreach*

For thirty years, Asian Pacific Islander Legal Outreach (API Legal Outreach) has worked to tear down long-standing barriers that have denied Asians and Pacific Islanders equal justice and equal access to our legal system. Their mission is to promote culturally and linguistically appropriate services for the most marginalized segments of the Asian and Pacific Islander community. Their work is currently focused in the areas domestic violence, violence against women, immigration and immigrant rights, senior law and elder abuse, human trafficking, public benefits, and social justice issues.

#### *Asian & Pacific Islander Women and Family Safety Center*

The Asian & Pacific Islander Women and Family Safety Center envisions a community free from violence. The mission of the Asian and Pacific Islander Women and Family Safety Center is to organize communities, educate, train, and provide technical assistance and comprehensive culturally relevant services on domestic violence, sexual assault, and human trafficking to Asian and Pacific Islander community members, service providers, survivors, and their families.

#### *Boat People SOS, Inc.*

The mission of Boat People SOS, Inc. is to assist Vietnamese refugees and immigrants in their search for a life in liberty and dignity; by empowering, equipping and organizing Vietnamese American communities in their progress toward self-sufficiency.

#### *Chaya*

Chaya supports South Asian survivors and families impacted by domestic violence and abuse and engages communities to change societal conditions that enable oppression, especially violence against women.

#### *Domestic Abuse Project*

For nearly 30 years, Domestic Abuse Project (DAP) has worked to promote safe and healthy family relationships by stopping domestic violence as it occurs and working to prevent it in the future. To achieve this mission, they provide: counseling for every member of the family; advocacy and assistance to victims; and education to public policy makers, professionals and community members. The Domestic Abuse Project was founded in 1979; the first of its kind in Minnesota, in response to women's request for help to end the violence, not their relationship. To this end, DAP has always

provided a unique continuum of care - from immediate crisis intervention through long-term behavior change for every member of the family.

*Hmong National Development, Inc.*

The Hmong National Development's mission is to build capacity, develop leadership and empower the Hmong American community. HND works with local and national organizations, public and private entities, and individuals to promote educational opportunities, to increase community capacity, and to develop resources for the well-being, growth, and full participation of Hmong in society.

*Law Students for Reproductive Justice*

Law Students for Reproductive Justice is a national nonprofit network of law students and lawyers. The organization educates, organizes, and supports law students to ensure that a new generation of advocates will be prepared to protect and expand reproductive rights as basic civil and human rights.

*Monsoon United Asian Women of Iowa*

Monsoon United Asian Women of Iowa was formed in 2003 as a culturally specific advocacy group under the aegis of the Iowa Coalition Against Sexual Assault. The group aims to provide services to ethnic Asian victims and survivors of domestic violence and sexual assault in Iowa.

*National Asian Pacific American Women's Forum*

The National Asian Pacific American Women's Forum is building a movement to advance social justice and human rights for Asian & Pacific Islander (API) women and girls in the U.S. They implement its mission by increasing the leadership political power and visibility of API women and girls through community and public education, advocacy, collaboration and grassroots multi-issue organizing. Founded in 1996, they remain the only national, multi-issue advocacy organization for API women and girls.

*National Latino Alliance for the Elimination of Domestic Violence*

The National Latino Alliance for the Elimination of Domestic Violence (Alianza) is part of a national effort to address the domestic violence needs and concerns of under-served populations. It represents a growing network of Latina and Latino advocates, practitioners, researchers, community activists, and survivors of domestic violence. Alianza's mission is to: promote understanding, initiate and sustain dialogue, and generate solutions that move toward the elimination of domestic violence affecting Latino communities. Founded in 1999, Alianza works in four main program areas: training & technical assistance, community education, public policy, and research.

*Sakhi for South Asian Women*

Sakhi for South Asian Women exists to end violence against women. They unite survivors, communities, and institutions to eradicate domestic violence as we work together to create strong and healthy communities. Sakhi uses an integrated approach that combines support and empowerment through service delivery, community engagement, media advocacy, and policy initiatives.

*South Asian Americans Leading Together*

South Asian Americans Leading Together (SAALT), formerly known as South Asian American Leaders of Tomorrow, is a national, non-profit organization dedicated to fostering an environment in which all South Asians in America can participate fully in civic and political life, and have influence over policies that affect them. SAALT works to achieve this goal through advocacy, community education, local capacity-building, and leadership development. SAALT cultivates partnerships with and among South Asian organizations and individuals; amplifies the concerns of disempowered community members; and works in collaboration with broader civil and immigrant rights movements.

*South Asian Network, AWAZ – Voices Against Violence*

The South Asian Network (SAN) was founded in 1990 to provide an open forum where individuals of South Asian origin could gather to discuss social, economic, and political issues affecting the community, with the goal of raising awareness, active involvement and advocacy among community members leading to an informed and empowered community. SAN's anti-violence program, AWAZ, is committed to the empowerment of survivors of violence. AWAZ advocates

provide a comprehensive spectrum of culturally and linguistically-specific prevention and intervention services. They address issues of violence within the community through outreach, education, case management, and advocacy. AWAZ advocates have made a concerted effort in establishing visibility of the quandary of immigrant communities, given that language, cultural barriers and policies impede access to resources.

*Southeast Asia Resource Action Center*

The Southeast Asia Resource Action Center (SEARAC) is a national organization advancing the interests of Cambodian, Laotian, and Vietnamese Americans through leadership development, capacity building, and community empowerment. SEARAC was founded in 1979 as the Indochina Refugee Action Center (IRAC) to facilitate the relocation of Southeast Asian refugees into American society and foster the development of nonprofit organizations led by and for Southeast Asian Americans.

*University of Washington Women's Center*

The University of Washington Women's Center is a vital place where women and men partner to build a culture of gender equity campus-wide, locally and globally. Women's rights are human rights. They envision a society where women and men work together to transform social norms so that: everyone has a voice, and everyone matters; women are free to realize and fulfill their potential; equality of access, inclusion and leadership thrive in every aspect of society; violence and oppression against women and children are unacceptable; through education, women and men become agents of social change; our campus climate recognizes and values the unique perspective and significant contribution of female students, faculty and staff.

*Teresa Downing-Matibag, Associate Professor*

Teresa Downing-Matibag is an Associate Professor at Iowa State University and teaches courses on Sociology of Families and Intimate Relationships. She is currently conducting research on the use of the Internet to facilitate marriages.

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<sup>i</sup> Asian & Pacific Islander Institute on Domestic Violence, *Domestic Violence Specific to API Women*.