

The 2005 Reauthorization of the Violence Against Women Act

Why Congress Acted to Expand Protections to Immigrant Victims

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The author provides an overview of the history of congressional involvement with the Violence Against Women Act's (VAWA) provisions to protect immigrant victims of domestic violence and other forms of violence against women. He also outlines the reasoning behind, and purpose of, the most recent enhancements in legal protections for immigrant victims of domestic violence, sexual assault, trafficking, and foreign fiancés and spouses that were included in the recently reauthorized VAWA 2005, also describing the bipartisan work that resulted in this newest piece of legislation.

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The third bipartisan congressional decision to reauthorize the Violence Against Women Act (VAWA) demonstrates Congress's commitment to identify, address, and prevent domestic violence and other forms of violence against women. Enacted on January 5, 2006, the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005) reemphasizes the importance of protecting all women from further subjection to battery and extreme cruelty. Recognizing the particular difficulties battered immigrant women face, Congress again included special provisions in the bill to prevent the use of immigration status as a tool of control and to increase protections available to this class of domestic violence victims. These provisions are known as the Battered Immigrant Women Protection Act.

A Brief History of VAWA

Enacted as Public Law 103-322, VAWA 1994 was landmark legislation, the first federal law addressing domestic violence crimes to provide a federal role in the prosecution of these crimes and the treatment and protection of victims. The act was a pivotal step in America's condemnation of domestic violence against women and children. The legislation advocated for a multipronged approach that requires the criminal justice system, the social services system, and nonprofit organizations to

cruelty in our nation. We have made important changes and adjustments to current law that will ensure that the broad range of domestic violence victims and their children have access to the immigration relief they need to escape from abuse and begin to rebuild their lives. I am particularly pleased that Congress was able to agree on passage of the first legislation to provide fiancés and spouses applying for K visas from abroad the ability to arm themselves with what can be lifesaving information and to truly regulate the IMB industry.

I offer my sincere appreciation to the chairman of the Judiciary Committee, F. James Sensenbrenner, who worked with me for the better part of last year on this bill in shared commitment to protect victims of domestic violence. In addition, I must thank Congressman Rick Larsen of Washington for his leadership on protecting unsuspecting foreign women who become victims of abuse by sponsoring IMBRA and working with Chairman Sensenbrenner and me on bringing IMBRA into this bill. I also offer special thanks to my Senate colleagues, Senator Arlen Specter, Senator Patrick Leahy, Senator Joseph Biden, and Senator Ted Kennedy, for their hard cooperative work to ensure that the VAWA of 2005 could be enacted this year.

John Conyers Jr., a Detroit Democrat, was reelected to the 14th Congressional District in November 2004, beginning his 20th term in the U.S. House of Representatives. Having entered the House of Representatives in 1964, Mr. Conyers is the second-most senior member in the House of Representatives. In Representative Conyers' 40-plus years in Congress, one of his many accomplishments was serving as the lead sponsor of the Violence Against Women Act of 1994 and the reauthorization of the acts in 2001 and 2005.

collaborate to effectively respond to domestic violence. The legislation provided crucial funding to rape crisis centers and domestic abuse counseling centers to provide more adequate services to victims.

In addition, VAWA 1994 also served as a formal acknowledgment by the Congress that the disproportionately high number of foreign-born battered women was partially because of existing immigration laws. The House of Representatives Committee on the Judiciary, where I now serve as ranking member, found that domestic abuse problems are "terribly exacerbated in marriages where one spouse is not a citizen and the non-citizen's legal status depends on his or her marriage to the abuser." For example, the victim of abuse may be reluctant to file a civil protection order against her spouse because of fear of being deported from the country. When crafting the provisions of VAWA 1994, Congress was also concerned about the impact of an abusive household on immigrant children and extended VAWA's special protections to cover the children of battered immigrant women as well as the women themselves. Under VAWA 1994, battered immigrants whose abusive citizen and permanent resident spouses or parents used their immigration status as a means of afflicting abuse could attain lawful immigrant status without the approval or sponsorship of their abusive spouses. The legislation provided two avenues for attaining legal immigrant status, self-petitioning and suspension of deportation (now called cancellation of removal), under VAWA.

Although the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) significantly reduced access to legal immigration status for most immigrants, it preserved access to VAWA immigration relief, extended limited public-benefits access to immigrant victims applying for VAWA protection, and attempted to address the particular problem of domestic violence in marriages to U.S. citizens arranged by international marriage brokers (IMBs). In 2000, during the 106th Congress, VAWA was reauthorized, providing for the establishment of a legal assistance program for victims of domestic abuse and addressing circumstances that were not covered under VAWA 1994. VAWA 1994 failed to provide benefits to battered immigrants who were abused by U.S. citizens and lawful resident boyfriends and fiancés, immigrant spouses, children of abusive nonimmigrant visa holders, and noncitizen spouses and children of U.S. government employees and military personnel living abroad. Women's and domestic violence advocacy organizations urged Congress to address these concerns by passing the Battered Immigrant Women Protection Act of 2000 as a part of VAWA 2000, which extended benefits to the above-mentioned groups. Congress also amended the self-petitioning requirements outlined in VAWA 1994 to cover unknowing spouses of bigamists and children in abusive homes. Under VAWA 2000, children of battered immigrants could receive immigration relief along with their parents.

VAWA 2005 expanded protections to a broader class of victims by reauthorizing and increasing funding for programs that offer help to victims of domestic and dating violence, sexual assault, and stalking. VAWA 2005's expanded immigration protections were key components of our congressional efforts to fill gaps in legal protections, services, and information for all victims of violence against women.

An Overview of VAWA 2005

As with the prior VAWA bills, VAWA 2005 contains provisions that exclusively serve to protect immigrant victims of domestic violence, sexual assault, and trafficking and foreign fiancés and spouses who fall victim to the increasingly predatory practices of IMBs. VAWA 2005's immigration protections are specifically targeted to offer remedies to alleviate violence against immigrant women that previous legislation had tried, but failed, to alleviate.

Shared Authority

In the context of trafficking cases and other immigration functions, VAWA 2005 contains language in Sections 801, 803, 804, 813, and 832 that is designed to amend sections of the Immigration and Nationality Act (INA) to reflect the current delegation of authority and reassignment of immigration functions from the Department of Justice to the Department of Homeland Security. Most of the Department of Justice's immigration functions were transferred to the Department of Homeland Security under the Department of Homeland Security Act of 2002 and were divided between the Bureau of Customs and Border Protection (which includes ICE, the division of Immigration and Customs Enforcement) and Citizenship and Immigration Services (USCIS).

When the Department of Justice and the Department of Homeland Security are cited as having shared authority under VAWA 2005, Congress intended for that shared authority to be limited to instances in which the Department of Homeland Security is making an immigration determination in a case in which the Department of Justice has an active federal investigation or prosecution. In cases in which the investigation or prosecution is being conducted by a state or local prosecutor or by another federal government agency, the Department of Justice involvement may not be appropriate or required. In those cases, the federal decision-making authority remains with the Department of Homeland Security.

Trafficking and Crime Victims

VAWA 2000 created access to legal immigration status for victims of human trafficking (T visas) and certain victims of violent crime (including domestic violence and sexual assault). Section 801 of VAWA 2005 enhances protection for immigrant victims of trafficking and certain immigrant crime victims by reuniting them with their children and family members living abroad. In addition, Section 801 enhances protection for crime victims by making it possible for children and other designated-relative U visa holders to remain in or come to the United States. These relatives will no longer need to prove "extreme hardship" to receive U visas as well.

Section 802 creates an exception to unlawful presence for victims of severe forms of trafficking who demonstrate that their trafficking experience was "at least one central reason" for their unlawful presence in the United States. Therefore,

unlawful presence will not bar these victims from adjusting to legal permanent residence if they can meet this standard, showing the link between being trafficked and being in the United States unlawfully. For the purposes of this section (and similarly for Sections 801, 805, and 812 of this act), Congress intended for the term *at least one central reason* to mean that the unlawful presence was caused by, or related to, the trafficking experience and its concurrent process of victimization. Just as this section provides a waiver of unlawful presence inadmissibility for T visa trafficking victims, it also relies on the Department of Homeland Security to exercise its discretion in determining good moral character, so that T visa recipients are not barred from attaining adjustment of status from a T visa.

Section 804 provides that immigrants can qualify for T status if they respond to, and cooperate with, requests for evidence and information from law enforcement officials. Under this provision, state and local law enforcement officials investigating or prosecuting trafficking-related crimes are permitted to file a request (and certification) asking the Department of Homeland Security to grant continued presence to trafficking victims. This section changes references in the INA to conform to the transfer of immigration functions from the Department of Justice to the Department of Homeland Security by replacing references to the attorney general with references to the Secretary of Homeland Security.

Protections for Immigrant Children

I believe that the expansions in protections for immigrant children contained in this act are particularly important. Section 805 ensures that immigrant children who are victims of incest and child abuse get full access to VAWA protections. When immigrants self-petition for permanent residence under VAWA, their application for adjustment of status will also serve as an adjustment application for any derivative children they may have. Derivative children of self-petitioners will receive lawful permanent residency along with their self-petitioning parents. In addition, Section 805 removes the 2-year requirement that resulted in requiring abused adopted children to live with the abusive parent for 2 years. It also ensures that child VAWA self-petitioners and derivative children have access to VAWA's aging-out protections and can also access any relief under the Child Status Protection Act for which they qualify. It provides additional time for victims of child abuse and incest to file VAWA self-petitions if they were younger than 21 when abused. Because it can take years for such victims to recognize their abuse, get treatment for it, and be able to come forward to assert their rights, VAWA 2005 gives these victims up until the day they turn 25 to file a VAWA self-petition for abuse that occurred when they were minors. In this context, Congress intended the term *at least one central reason* to mean that the delay in filing was caused by, or was related to, the child abuse or incest and its concurrent process of victimization.

Adjudications by the VAWA Unit

Section 811 defines a VAWA petitioner as an immigrant who has applied for classification or relief under a number of provisions of the INA. The law now ensures that all forms of immigration relief related to domestic violence, sexual assault, trafficking, or victimization of violent crime continue to be adjudicated by the specially trained VAWA unit.

In 1997, the INS consolidated adjudication of VAWA self-petitions and VAWA-related cases in one specially trained unit that adjudicates all VAWA immigration cases nationally. The unit was created "to ensure sensitive and expeditious processing of the petitions filed by this class of at-risk applicants," to "[engender] uniformity in the adjudication of all applications of this type," and to "[enhance] the Service's ability to be more responsive to inquiries from applicants, their representatives, and benefit granting agencies" (see 62 Fed. Reg. 16607-16608, 1997). T visa and U visa adjudications were also consolidated in the specially trained VAWA unit (see USCIS Interoffice Memorandum HQINV 50/1, August 30, 2001, from Michael D. Cronin to Michael A. Pearson, 67 Fed. Reg. 4784, January 31, 2002).

This specially trained VAWA unit ensures consistency of VAWA adjudications and can effectively identify eligible cases and deny fraudulent cases. Maintaining a specially trained unit with consistent and stable staffing and management is critically important to the effective adjudication of these applications.

Consistent with these procedures, I believe that the same specially trained unit that adjudicates VAWA self-petitions and T and U visa applications should process the full range of adjudications, adjustments, and employment authorizations related to VAWA cases (including derivative beneficiaries, VAWA Cuban, VAWA NACARA 202 and 203, battered spouse waivers, special work authorization under INA Section 106, parole for VAWA petitioners, and VAWA cancellation applicants and their children) filed with the Department of Homeland Security. I also encourage the Department of Homeland Security to promote consistency in VAWA adjudications by defining references to domestic violence in the INA as "battery or extreme cruelty," the domestic abuse definition codified in VAWA 1994, IIRAIRA, and regulations implementing the battered spouse waiver.

Battered Spouse Waiver: Removal of Conditional Status

In addition, under current law, the secretary of homeland security can remove the conditional status of an immigrant who became a permanent resident as the spouse of a U.S. citizen without joint filing of a petition with the abusive U.S. citizen spouse if they can show hardship, battery, or certain other factors. It is important for immigrant victims that applications for such relief may be amended to change the ground or grounds for such relief without having to be resubmitted, thus avoiding delays that increase danger for victims.

Expanding VAWA Access to Additional Victims

VAWA 2000 included new provisions to protect certain domestic violence victims outside of the United States. Victims of domestic violence who were outside of the United States were allowed to file VAWA self-petitions if they were abused by a U.S. citizen or lawful permanent resident spouse and either were abused in the United States or their abuser was a member of the uniformed services or a federal government employee. Modeled after the VAWA 2000 protection offered to children on VAWA cancellation of removal grantees, existing parole provisions should be used to ensure that approved VAWA petitioners, their derivative children, and children of trafficking victims can enter the United States.

Section 812 provides that a VAWA petitioner seeking cancellation of removal or VAWA suspension as a battered immigrant is not subject to penalties for failing to depart after agreeing to a voluntary departure order if the battery or extreme cruelty, trafficking, or criminal activity provided at least one central reason related to the immigrant's failure to depart. In this context, the term *at least one central reason* is intended to mean that the failure to depart was caused by, or related to, the battering or extreme cruelty experience and its concurrent process of victimization. Section 813 is designed to address a number of problems for immigrant victims in removal proceedings. The definition of *exceptional circumstances* will now include battering or extreme cruelty. Important clarifications are made to ensure that immigration judges can grant victims the domestic violence victim waivers we created in VAWA 2000.

I particularly want to emphasize the importance of the protections from reinstatement of removal that were created in this act for immigrant victims. Under current law, victims of domestic abuse, sexual assault, stalking, or trafficking who have been ordered removed, including through expedited removal, are subject to reinstatement of removal if they depart the United States and attempt to reenter. Once they are reinstated in removal proceedings, they cannot obtain VAWA, T, and U relief, even if they have a pending application for such relief. However, the law currently gives the Department of Homeland Security the discretionary authority to consent to the readmission of a previously removed immigrant using the existing I-212 process. Recognizing the harsh consequences some domestic violence victims may face, Congress encourages the Department of Homeland Security to make use of its discretion in granting readmission to appropriately assist immigrants with humanitarian cases such as victims of domestic violence, sexual assault, and trafficking and crime victims who are cooperating in criminal investigations. (This is noted in the bipartisan House legislative history and the sense of Congress expressed in Section 813(b) of the Senate-passed bill.)

Expansion of Work Authorization for VAWA Victims

Section 814 provides that an immigrant with an approved VAWA petition may be granted work authorization. U visa applicants are provided work authorization under

existing law. This section gives the Department of Homeland Security statutory authority to grant work authorization to approved VAWA self-petitioners without having to rely on deferred action. Therefore, an immigrant spouse admitted under the A (foreign diplomats), E-3 (Australian investor), G (international organizations), or H (temporary worker) visa nonimmigrant programs accompanying or following to join a principal immigrant can be granted work authorization if the spouse demonstrates that during the marriage he or she (or a child) was battered or subjected to extreme cruelty perpetrated by the principal immigrant. The goal is to reduce domestic violence by giving victims tools to protect themselves and hold abusers accountable. Research has found that financial dependence on an abuser is a primary reason that battered women are reluctant to cooperate in their abuser's prosecution. With employment authorization, many abused spouses protected by this section will be able to attain work providing them with the resources they need to take action to stop the domestic violence. The specially trained CIS unit will adjudicate these requests.

Enhancing Confidentiality Protections

Section 817 of VAWA 2005 contains some of the most important new protections for immigrant victims. This section enhances VAWA's confidentiality protections for immigrant victims and directs immigration enforcement officials not to rely on information provided by an abuser, his family members, or agents to arrest or remove an immigrant victim from the United States. Threats of deportation are the most potent tool abusers of immigrant victims use to maintain control over and silence their victims and to avoid criminal prosecution. In 1996, Congress created special protections for victims of domestic violence against disclosure of information to their abusers and to prevent the use of information provided by abusers in removal proceedings. In 2000, and in the 2005 act, Congress extended these protections to cover victims of trafficking and certain crimes and others who qualify for VAWA immigration relief. These provisions are designed to ensure that abusers and criminals cannot use the immigration system against their victims. Examples include abusers using the Department of Homeland Security to obtain information about their victims, including the existence of a VAWA immigration petition; interfering with or undermining their victims' immigration cases; and encouraging immigration enforcement officers to pursue removal actions against their victims.

Immigration enforcement agents and government officials covered by this section must not initiate contact with abusers, call abusers as witnesses, or rely on information furnished by or derived from abusers to apprehend, detain, and attempt to remove victims of domestic violence, sexual assault, and trafficking, as prohibited by Section 384 of IIRAIRA. In determining whether a person furnishing information is a prohibited source, primary evidence should include, but not be limited to, court records, government databases, affidavits from law enforcement officials, and previous decisions by Department of Homeland Security or Department of Justice personnel. Other credible evidence must also be considered. Government officials are encouraged to consult

with the specially trained VAWA unit in making determinations under the "any credible evidence" standard. I believe that all investigation and enforcement of these provisions should be done by the Office of Professional Responsibility of the Justice Department. For consistency, these cases need to be centralized in one division, and I believe that this office is best equipped to address these cases.

Similarly, Congress is concerned that there are victims with approved VAWA applications who are still being removed from the country, though such enforcement should not take place once their applications have been approved. Instead, the current practice of granting deferred action to approved VAWA self-petitioners should continue. Immigrants with deferred action status should not be removed or deported. Immigration enforcement agents should not revoke prima facie determinations and deferred action grants. The specially trained VAWA unit should review such cases to determine whether or not to revoke a deferred action grant. Immigration enforcement officials at ICE do not have authority to overrule a CIS grant of deferred action to an immigrant victim. Immigration enforcement officers should refer immigrants they encounter who may qualify for relief under this act to immigration benefits adjudicators handling VAWA cases at CIS.

This act amends VAWA confidentiality protections in IIRAIRA to conform with the current practice of extending these protections to the Departments of Homeland Security and State, in addition to the Department of Justice. These protective provisions were designed to assure that the secretary of homeland security, the attorney general, and the secretary of state may not use information furnished by, or derived from information provided solely by, an abuser, crime perpetrator, or trafficker to make an adverse determination of admissibility or removal of an immigrant victim. However, information in the public record and government databases can be relied on, even if government officials first became aware of it through an abuser.

Nothing in Section 817 should prevent information from being disclosed (in a manner that protects victim confidentiality and safety) to the chairpersons and ranking members of the House and Senate Judiciary Committees, including the Immigration Subcommittees, in the exercise of their oversight authority. This section also gives the specially trained VAWA unit the discretion to refer victims to nonprofit organizations to obtain a range of needed assistance and victim services. Referrals should be made to programs with expertise in providing assistance to immigrant victims of violence and can be made only after obtaining written consent from the immigrant victim. Furthermore, an applicant should be able to designate a safe organization through which governmental agencies may communicate with him or her.

Section 817 also requires that the Department of Homeland Security and the Department of Justice provide guidance to their officers and employees who have access to information protected by Section 384 of IIRAIRA, including protecting victims of domestic violence, sexual assault, trafficking, and other crimes from the harm that could result from inappropriate disclosure of information. Congress encourages the specially trained VAWA unit and CIS VAWA policy personnel to (a) develop

a training program that can be used to train Department of Homeland Security staff, trial attorneys, immigration judges, and other Department of Justice and Department of State staff who regularly encounter immigrant victims of crimes and (b) craft and implement policies and protocols on appropriate handling by Department of Homeland Security, Department of Justice, and Department of State officers of cases under VAWA 1994, 2000, and 2005 and IIRAIRA.

Clarifying Motions to Reopen

Section 825 contains a number of amendments that are particularly important to me. Protecting victims of domestic violence from deportation and ensuring that they can have their day in court before an immigration judge to file for VAWA-related immigration relief is a central focus of all VAWA immigration protections that I have helped develop since 1994. This section contains amendments that clarify the VAWA 2000 motions to reopen for abused immigrants, enabling otherwise eligible VAWA applicants to pursue VAWA relief from removal, deportation, or exclusion. This section provides that the limitation of one motion to reopen a removal proceeding shall not prevent the filing of one special VAWA motion to reopen. In addition, a VAWA petitioner can file a motion to reopen removal proceedings after the normal 90-day cutoff period, measured from the time of the final administrative order of removal. The filing of a special VAWA motion to reopen shall stay the removal of the immigrant pending final disposition of the motion, including exhaustion of all appeals, if the motion establishes a prima facie case for the relief. One motion to reopen may be filed by a VAWA applicant following the enactment of VAWA 2005. Therefore, immigrants who filed and were denied special VAWA motions under VAWA 2000 may file one new motion under this act.

In addition, I feel it is very important that the victim service providers, protection order courtrooms, and family courts are places to which victims can safely turn for help without worrying that their abuser may have sent immigration enforcement officers after them when they are seeking help and protection. Section 825(c) establishes a system to verify that removal proceedings are not based on information prohibited by Section 384 of IIRAIRA. When any part of an enforcement action is taken leading to such proceedings against an immigrant at these kinds of locations, the Department of Homeland Security must disclose these facts in the notice to appear issued against the immigrant. The agency must certify that such an enforcement action was taken but that the Department of Homeland Security did not violate the requirements of Section 384 of IIRAIRA. The list of locations includes a domestic violence shelter, a rape crisis center, and a courthouse if the immigrant is appearing in connection with a protection order or child custody case. Persons who knowingly make a false certification shall be subject to penalties. Removal proceedings filed in violation of Section 384 of IIRAIRA shall be dismissed by immigration judges. However, further proceedings can be brought if not in violation of Section 384.

Ensuring Identity Protection Under New REAL ID Requirements

I also want to highlight the important protections for all battered women and stalking victims contained in Section 827 of this bill. With respect to laws and regulations governing identification cards and drivers licenses, VAWA 2005 requires the Department of Homeland Security and the Social Security Administration (SSA) to give special consideration to victims of domestic abuse, sexual assault, stalking, or trafficking who are entitled to enroll in state address confidentiality programs and whose addresses are entitled to be suppressed under state or federal law (including VAWA confidentiality provisions) or suppressed by a court order.

The REAL ID Act of 2005 imposed a new national requirement that all applicants for driver's licenses or state identification cards must furnish their physical residential address to obtain a federally valid license or identification card. This requirement jeopardizes victims of domestic abuse, sexual assault, stalking, or trafficking who may be living in confidential battered women shelters or fleeing their abuser, stalker, or trafficker. In recognition of the dangers of this requirement, the Department of Homeland Security and SSA are instructed to give special consideration to victims of domestic abuse, sexual assault, stalking, or trafficking by allowing certain victims to use an alternate safe address in lieu of their physical residential address.

I understand that a driver's license or identification card is necessary for victims to board an airplane or train to flee danger. Many confidentiality programs are currently in place on both federal and state levels to ensure that the dual goals of economic security and victim safety are reached by allowing an individual to choose an alternate address on her driver's license. This will provide an exception for those victims who are entitled to enroll in state address confidentiality programs, whose addresses are entitled to be suppressed under state or federal law or suppressed by a court order, or who are protected from disclosure of information pursuant to 8 U.S.C. Section 1367, ensuring the continued protection and necessary mobility for these women and their families.

Implementation

As ranking member of the House Judiciary Committee, I have been particularly concerned about the significant delays that have occurred between the effective dates of VAWA 1994 and VAWA 2000 laws and the issuance of implementing regulations that are needed so that immigrant victims can receive the protections Congress has created for them. In applying such regulations, in the case of petitions or applications affected by the changes made by these acts, there shall be no requirement to submit an additional petition, application, or certification from a law enforcement agency. The date of the application for interim relief will establish the priority date from which time will be counted for adjustment of status to lawful permanent residency. However, the Department of Homeland Security may request additional evidence be submitted when the documentation supporting an outstanding VAWA

self-petition or justifying interim relief is now insufficient. The Department of Homeland Security shall also craft and implement policies and protocols implementing VAWA confidentiality protections under Section 384 of IIRAIRA as amended by this act.

Regulation of the Fiancé Visa Process and IMBs

Last, VAWA 2005 includes significant new provisions regulating the IMB industry and guaranteeing fiancés and spouses immigrating from abroad government-provided access to important information on the domestic violence and criminal history of their U.S. citizen spouses or fiancés. IMBs are companies in the business of matching mostly American male clients with foreign women who will join them in the United States as fiancés or spouses.

Since the mid-1990s, information has been made available from research, hearings, reports to Congress, and other sources that convinced Congress that regulation particularly directed at IMBs was necessary as a key component of our congressional efforts to stop domestic abuse against immigrant spouses and fiancés. IMBs have expanded operations in a greater number of countries and are not providing information about VAWA protections to women recruits. As an industry, IMBs have employed increasingly predatory practices that have increased the risk of harm and death for women in IMB-arranged relationships. Actions previously taken by Congress to help foreign spouses and fiancés were inadequate. The provisions of the International Marriage Broker Regulation Act of 2005 (IMBRA), included in VAWA 2005, are designed to minimize the incidents of domestic violence in international marriages, to ensure that victims receive what can be lifesaving information, and to provide the first meaningful federal regulations on IMB agencies.

In addition, IMBRA limits the ability of abusive U.S. citizens to repeatedly petition for K visas for noncitizens outside the United States. Section 832(a) also includes a domestic violence victim waiver modeled after the waiver created for immigrant victims of domestic violence by VAWA 2000 (INA Section 237(a)(7)). Waivers shall be granted when U.S. citizen petitioners demonstrate that they have been subjected to battering or extreme cruelty, that there was a connection between the criminal conviction and the abuse, including efforts to escape the abuse, and that they were not the primary perpetrator of abuse in the relationship. Finally, Section 832(a)(2) of VAWA 2005 requires that U.S. citizen petitioners filing K visa applications for spouses they married abroad provide under oath the same criminal information required for K fiancé visa petitioners.

Conclusion

I am once again honored to have played a role in reauthorizing the VAWA and the protections it affords to immigrant women who suffer from battery and extreme