

Immigrants and Protection Orders Bench Card¹

By: Andrea Carcamo Cavazos, Limayli Huguet, and Leslye E. Orloff²

August 28, 2013 (Last Updated March 30, 2019)

Jurisdiction

- Protection orders are designed to deter criminal acts against intimate partners, spouses, or family. Thus any person, including all immigrants, can obtain a protection order.³

Protection Order Effect on Immigration Status

Issuance of a protection order

- No Effect on Immigration Status or immigration relief options open to the respondent
- Evidenced of Abuse: Can provide an immigrant crime victim with evidence that abuse occurred that can help an immigrant crime victims prove that criminal activity, battering or extreme cruelty occurred. This is one element of proof that is required in a crime victim's VAWA self-petition, U visa, or Special Immigrant Juvenile Status (SIJS) immigration case.⁴
- Will not grant immigration status to a victim. Only the Department of Homeland Security or an immigration judge has the authority under federal law to grant immigration status.⁵
- Violation of a protection order is a deportable offense.⁶
- Certain protection order violations constitute deportable offenses. Findings that a non-citizen⁷ committed protection order violations involving: ⁸ credible threats of violence; repeated harassment; or bodily injury to the person or persons protected under the order are deportable offenses under U.S. immigration laws.
- Deportable Crimes: An immigrant convicted of domestic violence, stalking, child abuse, child neglect, or child abandonment can also be deported.⁹
- Issuance of warnings: In *Padilla v. Kentucky*, the Supreme Court held that criminal defense attorneys must advise non-U.S. citizens of the consequences a plea deal could

¹ This document was also developed under grant numbers SJI-12-E-169 and SJI-20-E-005 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.

² Copyright © The National Immigrant Women's Advocacy Project, American University Washington College of Law 2013

³ See 42 USC § 1981(a) (2002). (mandating equal rights under the law: all persons within the jurisdiction of the U.S. have the same right in every state and territory to sue and be a party to a suit). See The Violence Against Women Act, 42 U.S.C.S. § 3796hh (2002) (stating that the federal government should "encourage States, Indian tribal governments, State and local courts [including juvenile courts], tribal courts, and units of local government to treat domestic violence as a serious violation of criminal law;" it also should, "strengthen legal advocacy service programs for victims of domestic violence and dating violence, including strengthening assistance to such victims in immigration matters.")

⁴ Immigration and Naturalization Service, Petition to Classify Immigrant as Immediate Relative of a United States Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Spouses and Children, 61 No. 59 Fed Reg. 13061, 13066 (March 26, 1996) (VAWA Self-Petitioning Rule)

⁵ *Arizona v. U.S.* 132 S.Ct. 2492 (2012); *De Canas v. Bica*, 424 U.S. 351, 354 (1976) ("The power to regulate immigration is unquestionably exclusively a federal power."); See DEP'T OF HOMELAND SEC., U AND T VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES, AND OTHER GOVERNMENT AGENCIES 17 (2015), <http://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/> (Only USCIS decides who will be granted VAWA self-petitions and U and T visa cases). See also Leslye Orloff, Joyce Noche, Jennifer Rose & Laura Martinez, *Ensuring Access to Protection Orders for Immigrant Victims of Family Violence*, in *Breaking Barriers*, available at: http://niwaplibrary.wcl.american.edu/family-law-for-immigrants/protective-orders/5.2_BB_Family_ProtectionOrders_Ensuring-Access-MANUAL-BB.pdf/view

⁶ INA § 237(a)(2)(E)(ii) (2009); 8 U.S.C. § 1227(a)(2)(E)(ii) (2010). Conviction of a crime of domestic violence, stalking child abuse, child neglect and child abandonment are also deportable offenses. INA § 237(a)(2)(E)(i) (2009); 8 U.S.C. § 1227(a)(2)(E)(i) (2010).

⁷ Findings that a non-citizen violated certain protection order provisions constitutes a deportable offense for which any non-citizen including lawful permanent residents and work visa holders can be deported.

⁸ INA § 237(a)(2)(E)(ii); 8 U.S.C. 1227(a)(2)(E)(ii) (1996).

⁹ INA § 237(a)(2)(E)(i); 8 U.S.C. 1227(a)(2)(E)(i) (1996).

have on their immigration status.¹⁰ Although *Padilla* warnings are not required in civil and family courts, it would be beneficial to all parties involved if judges issuing civil protection orders provided similar warnings to non-U.S. citizens informing them that violating a protection order could lead to their deportation.¹¹

Who can be convicted of or found to violation a protection order?

- Protection orders are issued by the court against the perpetrator who can be convicted of violating the protection order.
- The victim cannot be convicted of violating a protection order issued to protect the victim¹²

Domestic Violence Victim Deportation Waiver:¹³ Congressional concerns about state trial court case outcomes harmful to domestic violence victims led to the creation of special domestic violence victim waivers of the domestic violence ground of deportation in certain circumstances.

- Areas of concern were:
 - The numbers of battered women who had acted in self-defense who took pleas in criminal domestic violence cases; and
 - State family court judges who were making findings that or holding battered women in contempt for violating their own protection orders
- When a battered immigrant receives a criminal conviction in connection to her being a victim of abuse, a battered immigrant who is not the predominant perpetrator may be eligible for a waiver of deportation for domestic violence or stalking crimes, if:
 - the battered immigrant was acting [in] self-defense;
 - the battered immigrant was found to have violated a protection order issued to protect the battered immigrant; or
 - the battered immigrant committed, was arrested for, was convicted of, or pled guilty to committing a crime –
 - that did not result in serious bodily injury; and
 - where there was a connection between the crime and the immigrant’s having been battered or subject to extreme cruelty

“Mutual Protection Orders” and Protections Orders Issued Against Victims

- Mutual protection orders violate the Violence Against Women Act (VAWA) and makes states and jurisdictions issuing mutual orders ineligible for VAWA funding.¹⁴
- Cross complaints allowed while a mutual protection order is invalid, the respondent may file a cross or counter petition, complaint, or other written pleading seeking a protection order against the petitioner.¹⁵

¹⁰ *Padilla v. Kentucky*, 559 U.S. 356 (2010).

¹¹ Veronica T. Thronson & Leslye E. Orloff, *Unintended Consequences: How civil protection orders affect immigrants*, 36 Delaware Lawyer 3, at 20 (2018).

¹² Statutes and case law in virtually every jurisdiction that has addressed the issue, state that the protection order is between the court and the abuser. Victims cannot be convicted of violating a protection order issued to protect them. See e.g. *Ohio v. Lucas* 795 N.E.2d 642, 647 (OH 2003); *Cole v. Cole*, 556 N.Y.S.2d 217, 219 (Fam. Ct. 1990)

¹³ INA § 237(a)(7)(A); 8 U.S.C. 1227(a)(7)(A) (2000).

¹⁴ 42 USC 3796hh(a)(3) requires state government agencies to “certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense”

¹⁵ 18 U.S.C. § 2265(e)(2) (1994).

- Full-Faith and Credit: The Violence Against Women Act *only* grants full faith and credit to protection orders if:
 - a petition has been filed articulating the jurisdictional grounds for issuance of each protection order;
 - the person against whom the protection order was entered was served with notice of the petition;
 - the person against whom the order was entered had an opportunity for a hearing before a court; and
 - the court made specific findings that each party was entitled to such an order.¹⁶
- Protection orders against immigrant victims: These VAWA requirements regarding full faith and credit and not issuing mutual protection orders are particularly important for immigrant victims who, if a protection order is issued against them, find themselves one step closer to deportation, because violation of a protection order is a deportable offense.

Issuing Jurisdictionally Sound Protection Orders¹⁷

- “No-Findings Protection Orders Lack Subject Matter Jurisdiction: When abused family members are granted protection orders, their safety depends to a large extent on the effectiveness of the court order issued. Protection orders that are not enforceable because they are not jurisdictionally sound can enhance danger for victims. Respondents in protection order proceedings will agree to terms of the protection order, provided the court amends protection order form to issue a “no-findings” protection order.
 - Such orders are requested primarily in two circumstances
 - when the perpetrator wants to avoid the protection order firearms restrictions and
 - in cases of protection orders involving immigrant victims in an effort to undermine the evidence value of the protection order in the victim’s immigration case.
- Subject Matter Jurisdiction for Protection Orders is Domestic Violence: Courts must have subject matter jurisdiction based on the abuse factors listed in the state domestic violence to issue protection orders¹⁸
- When Consent Protection Orders: If a party wishes to agree to issuance of a protection order by consent the court has valid subject matter jurisdiction if the order is issued using an unaltered state protection order form containing citation to the state protection order based upon:
 - An uncontested pleading in a civil court case;
 - Admission by the respondent to at least one incident that qualifies as abused under the state protection order statute; or
 - The court holds a hearing/trial in which the court finds facts that domestic violence, as defined in the state protection order statute, occurred.

¹⁶ 18 U.S.C. § 2265 (1994).

¹⁷ See generally, Alicia (Lacy) Carra, Leslye Orloff, Jason Knott, Darren Mitchell, Jurisdictionally Sound Civil Protection Orders, in *Breaking Barriers*, <http://niwaplibrary.wcl.american.edu/family-law-for-immigrants/protective-orders/CH5.3%20BB%20No%20Findings%20CPOs%20with%20disc.%207.3.13.pdf/view>

¹⁸ 20 AM. JUR. 2D Courts § 99 (2005) (“jurisdiction over the subject matter cannot be affected by agreement or consent”) See e.g., Bryant v. Williams, 161 N.C. App. 444 (N.C. Ct. App. 2003) (vacating protection order issued by consent without factual domestic violence basis) El Nashaar v. El Nashaar, 529 N.W.2d 13 (Minn. Ct. App. 1995); Price v. Price, 133 N.C. App. 440 (N.C. Ct. App. 1999); John P.W. ex rel. Adam W. v. Dawn D.O., 214 W. Va. 702, 707 (W. Va. 2003); Brandon v. Brandon, 132 N.C. App. 646 (N.C. Ct. App. 1999).

Traditional and Creative Civil Protection Order Remedies That Protect Immigrant

Victims Traditional protection order remedies listed in state protection order statutes are most effective in cases involving immigrant victims when courts draft protection orders in a manner that addresses the specific needs of immigrant victims and the particular dynamics of power and control and coercive control in abusive relationships when the abuser is a citizen or has legal immigration status and victim does not.

Catch-All Provisions: can be used to creatively obtain specific culturally appropriate relief for battered immigrants and their children. These provisions can provide victims with relief specifically needed in each case to help cut off the abusers' ability to exert continued control over their victims and reduce the abuser's opportunities for ongoing abuse. Can be broadly interpreted and allow the courts to exercise discretion to order additional relief as necessary to prevent abuse.¹⁹

Creative Protection Order Remedies: In addition to the traditional remedies in a protection order, all states have provisions in state statutes and the court's equitable jurisdiction that allows victims to receive creative protection order remedies. Creative remedies must be "**directly related**" to the abuse, which has been defined as anything that "will assist victims of abuse in their (1) escape from the abusive situation, (2) ameliorate the current effects of the abuse, or (3) protect against future abuse."²⁰

Examples of Creative Provisions That Are Particularly Helpful for Battered Immigrants:

To deter parental kidnapping: include orders to not remove the children from the court's jurisdiction,²¹ turn over to the victim or to the court the passports of parties' children,²² order supervised visitation, orders can be signed by the judge and both parties asking that the Embassy/Consulate of the abuser's country not issue passports or visas to the party's children absent court order. When the abuser has been criminally charged, the criminal case bond order can include preventative provisions. These orders can be very helpful in cases in which the perpetrator is a dual national.

To deter immigration related abuse and coercive control. Immigration related abuse is a very effective power and control tool used against battered immigrant victims. It co-exists with and corroborates physical and sexual abuse, and when present in a case, can be a factor that predicts escalation toward physical and sexual violence in emotionally abusive relationships.²³

¹⁹ *Powell v. Powell*, 547 A.2d 973 (D.C. 1993) (the District of Columbia Court of Appeals determined that the courts had the authority under the statute's catch-all provision to grant monetary relief in civil protection order proceedings, though the remedy was not specifically provided by statute); and *Maldonado v. Maldonado*, 631 A.2d 40 (D.C. 1993) (the court confirmed the wide range of relief provided by a catch-all provision and included provisions to assist the battered immigrant petitioner, including prohibiting the husband from withdrawing the application for permanent residence that he had filed on behalf of the wife.)

²⁰ 45 C.F.R. § 1626.2 (2012).

²¹ The children should also be registered in the State Department's Children's Passport Alert Program that will notify the victim if the abuser tries to obtain another passport for the children. The respondent should also sign a statement that will also be signed by the petitioner and the judge informing a (particular) embassy or consulate that it should not issue a passport (in the case of dual national children) or for U.S. citizen children a visitors' visas or any other visa to the child(ren) of the parties absent an order of the court.

²² If a provision designed to prevent removal of the children from the United States is included in the protection order, a copy of the order must be forwarded to the Office of Passport Services within the Bureau of Consular Affairs of the United States Department of State to prevent the issuance of passports or duplicate passports for the children if the respondent attempts to obtain them.

²³ Mary Ann Dutton, Leslye E. Orloff, & Giselle Aguilar-Hass, *Characteristics of help-seeking behaviors, resources, and service needs of battered immigrant Latinas: Legal and policy implications*, 7 Georgetown Journal of Poverty Law & Policy 245, 292 (2000).

Immigration related abuse remedies that have since the 1980s been order in protection order cases involving immigrant victims include:

- *No Contact with DHS or other government agencies about the victim* - The respondent shall not contact DHS or any government agency (e.g. IRS, CPS, Welfare), about the petitioner, absent a court order or permission a police employee, or a subpoena.²⁴
- *Cooperate with and not withdraw or interfere with the victim's pending immigration case.* The respondent shall cooperate in and not withdraw or revoke any case filed with immigration authorities for petitioner or the children. Require that the respondent take any and all action necessary action to ensure that the application for permanent residency is approved.
- *Turn over documents that an immigrant victim will need for an immigration case she filed on behalf of herself and the children –*
 - *Provide documents --* Order respondent to give victim access to, or copies of, any documents related to or needed for petitioner's immigration application.
 - *Pay fees -* The respondent shall pay any fees associated with the victim's and/or children's immigration cases.
- *Provide information to the court under oath --* The respondent shall, under oath, sign a document in open court stating whether he has been previously married and identifying the jurisdiction in which each prior marriage was terminated, including the date each prior divorce or annulment order was issued. He shall also state whether or not he has copies of his divorce or annulment decree(s) and shall turn over to the petitioner copies of each decree within a timeframe set by the court.
- *Sign Freedom of Information Act (FOIA) request asking that records in cases filed on the victim's or her child's behalf be turned over to the victim.* Respondent shall sign a prepared FOIA DHS form with the results of this form to be sent to the petitioner or the petitioner's attorney. This requests the release of useful information included in the immigration case the abuser filed for the victim's benefit with DHS. (E.g. evidence of proof of a legitimate marriage and proof of earnings of the sponsoring spouse.
- *Relinquish possession of the petitioner's property and the petitioner's and the children's documentation.* The respondent shall immediately relinquish possession and/or use of and transfer to the petitioner the following items:
 - Petitioner's property (personal effects & papers related to any immigration case filed on the petitioner of the children's behalf)

²⁴ Brief on *Ruiz v. Carrasco* (an order restricting an abuser's ability to communicate with government agencies about the victim can withstand any first amendment free speech challenges); *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942) (the Supreme Court held that words threatening injury to a person are not deserving of First amendment protection, in that "their utterance inflict injury or tend to incite an immediate breach of peace); *Thorne v. Bailey*, 846, F.2d 241 (4th Cir. 1988) (held harassment is not protected speech).

- Documents victim needs to care for children and prove or attain legal immigration status including evidence establishing good faith marriage and that the parties resided together, identity, battering or extreme cruelty. Examples include:²⁵
 - passports, government issued IDs, driver’s license, health care and social security cards, birth certificates for the victim and the children,
 - copy of the perpetrator’s passport, lawful permanent residency card or certificate of naturalization and copies of tax returns,
 - evidence of the martial relationship including love letters and wedding and family photos,
 - police and court documents about the relationship,
 - joint leases/utility bills,
 - children’s school and medical records, health insurance information, cards, policies,
 - letters and other mail addressed to the petitioner and to the respondent at the same address.

- *Provide economic relief to help the victim overcome their experience with abuse*
 - Court costs and replacement fees: respondent shall pay to the petitioner through the court all costs associated with replacing documents destroyed, hidden, or claimed to be missing by the respondent.
 - Order respondent to pay specific bills, rent, mortgage payments, health insurance, or spousal support.
 - Order respondent to pay for all medical expenses the petitioner incurred as a result of the respondent’s violence.
 - Order respondent to pay any costs for repair of property damage caused by the respondent’s violence.

Protections for Immigrant Family Violence Victims from Statutorily Listed Remedies:

- No unlawful contact protection orders: Issued to parties who are not separated that include mandates for no future assault, molestation, harassment, threats or other unlawful activity are designed to curb the perpetrator’s coercive control over the victim.
 - Many victims applying for VAWA and U visa immigration protections file petitions confidentially without their abuser’s knowledge or consent. However, victims must wait for 1 to 4 years before they receive approval and legal work authorization.²⁶ In many states, access to public benefits²⁷ can be severely limited for immigrant crime victims, particularly those applying for U visas.²⁸ As a result, many immigrant crime victims remain with their abusers until their immigration case is approved. No

²⁵ For details on immigration case evidence needs see, Sullivan and Orloff, Eds, Breaking Barriers: A Complete Guide to Legal Rights and Resources for Battered Immigrants, 2nd Edition (2013), available at <http://niwaplibrary.wcl.american.edu/reference/manuals/domestic-violence-family-violence>.

²⁶ Leslye E. Orloff, National Survey on Timing of Access to Work Authorization by Immigrant Victim VAWA Self-Petitioners and U-Visa Applicants (June 4, 2012) available at <http://niwaplibrary.wcl.american.edu/reference/additional-materials/research-reports-and-data/research-US-VAIW/Timing-of-Access-to-Work-Authorization-6.4.12.pdf/view>

²⁷ To learn which federal and state public benefits and publically funded services an immigrant victims qualifies for in your state see NIWAP’s Public Benefits Map, <http://map.niwap.org/>.

²⁸ Daniel Enos, Jordan Tacher, Leslye E. Orloff & David Stauffer, Family Court Bench Card on Immigrant Crime Victim Access to Public Benefits and Services (March 29, 2019), <http://niwaplibrary.wcl.american.edu/wp-content/uploads/IMM-BchCrd-PublicBenefitsAccessFamilyCourt-06.13.14.pdf>.

unlawful contact protection orders offer important protection for immigrant crime victims during this waiting period.

- Stay away protections: For immigrant victims these need to include all locations where the victim receives culturally and linguistically based services or assistance including: places of worship, hair salons, day care providers, community organizations offering culturally and linguistically appropriate services, health care providers, children's schools, programs offering English as a second language classes and workplaces. Abuse at work can be a particular problem for immigrants whose legal work visa is tied to one specific employer.
- No Contact Orders: When the court issues no contact orders in cases involving immigrant victims and their children, it is important that the orders include no contact with the victim's family members (in the U.S. and abroad) and with others who serve as the victim's support system. Perpetrators of abuse against limited English proficient (LEP) victims and immigrant victims who are recent immigrants use threats to and communication with the victim's support system of friends and family in the U.S. and abroad as an effective coercive control and isolation tool.
- Vacate orders: Orders removing the perpetrator from the family home are particularly important for immigrant victims whose economic survival options can be limited by 1 to 4 years delays in access to legal work authorization and the federal 5-year bar on access to many public benefits. Granting the victim possession of the family residence also helps avoid difficulties undocumented immigrants might encounter securing a rental unit without immigration documentation and a documented work history.
- Property exchange orders:²⁹ Orders granting immigrant crime victims documents that they and their children need for identification, health care, and the victim's immigration case can be essential to victim safety.³⁰ Requiring that the perpetrator relinquish, not destroy, and turn over in open court items that are irreplaceable, have sentimental or cultural value including heirlooms and family photographs helps cut off an avenue of ongoing coercive control and can be essential to the victim's ability to heal.
- Custody: Threats by batterers against non-citizen victims that if they call the police for help or seek help from the courts, the abuser will win custody of the children and/or will take the children or have the victim deported so she will never see her children again are among the most reported reasons (along with fear of deportation and economic survival) that battered immigrants stay with or return to their abusers.³¹ When parties in a protection order proceeding have children, courts must include provisions in the protection order that award custody for the duration of the protection order to the non-abusive parent.³² Awarding

²⁹ Police should accompany the petitioner to the home and ensure compliance with the order.

³⁰ Documents needed for victim based immigration applications are discussed in the section of this bench card discussing creative protection order remedies

³¹ Mary Ann Dutton, Leslye E. Orloff, & Giselle Aguilar-Hass, *Characteristics of help-seeking behaviors, resources, and service needs of battered immigrant Latinas: Legal and policy implications*, 7 *Georgetown Journal of Poverty Law & Policy* 245, 302 (2000).

³² The importance of addressing custody, particularly cases involving battered immigrants was first addressed in Howard A. Davidson, American Bar Association Center on Children and the Law, *The Impact of Domestic Violence on Children; A Report to the President of the American Bar Association* (1994) (Part VII-Special Groups: Immigrant Women and Children p.19), <http://niwaplibrary.wcl.american.edu/reference/additional-materials/research-reports-and-data/immigrant-families-and-children/The-Impact-of-Domestic-Violence-on-Children.pdf/view>; The importance for children and battered parent safety of awarding custody to the non-abusive parent

custody to the victim in a protection order promotes stability for children, ensures custody is decided in the context of the domestic violence occurring in the family and can provide an early intervention that can prevent future contested custody litigation.

- Child Support: When the parties are separated and have children, child support paid through wage withholding should be included as a standard remedy in protection order proceedings. This prevents the perpetrator from failure to pay child support as a way to exert control over the victim. This is particularly important for battered immigrant custodial parents who often wait from 1 to 4 years after filing their VAWA or U visa immigration case to obtain legal work authorization. When the perpetrator is a citizen or legal permanent resident spouse it is important as well to remember that the reason the victim lacks immigration status and work authorization is because the perpetrator choose not to file immigration papers for the victim as tool of coercive control in the abusive relationship. It is also important to note that when immigrants apply for lawful permanent residency they have an affirmative obligation to prove that they are persons of good moral character. Proof of good moral character requires proof that the immigrant has been making child support payments of the immigrant's children. Court ordered child support through wage-withholding creates credible records of child support payments that help immigrants prove that they should be granted lawful permanent residency.
- Spousal Support: In marriages between U.S. citizen and immigrant spouses, if the citizen spouse filed immigration papers requesting legal residency for the immigrant spouse that application will have included an Affidavit of Support³³ in which the citizen spouse signed a contract with the U.S. Department of Homeland Security (DHS) promising to support the immigrant spouse and if applicable an immigrant step-child at 125% of the poverty level. The immigrant spouse is a beneficiary of that contract that can be enforced in family court and can be considered in determining whether to award spousal support to an immigrant victim in a protection order proceeding.
- Batterer's Treatment Programs: Order respondent to participate in and complete a treatment program on substance abuse, parenting, or mental health counseling. If the respondent is not fluent in English, he should be ordered to take a certified course in a language in which he can communicate. If the respondent is ordered into a batterer's treatment program it is important for the court to ensure that when the respondent is Limited English proficient that an interpreter will be provided so that the respondent can complete the program.

has also been well established see House Concurrent Resolution 172 101st Congress 2nd Session (October 26, 1990) (This Congressional Resolution passed unanimously by Congress urges states and state court judges that, for purposes of determining child custody, credible evidence of physical abuse of a spouse should create a statutory presumption that it is detrimental to the child to be placed in the custody of the abusive spouse. Supervised visitation can still occur with the abusive parent), <http://niwaplibrary.wcl.american.edu/reference/additional-materials/family-law-for-immigrants/custody/H.Con.Res-172-on-Domestic-Violence-and-Child-Custody-10-26-1990.pdf/view>.

³³ Veronica Tobar Thronson, *'Til Death Do Us Part: Affidavits of Support and Obligations to Immigrant Spouses*, Family Court Review, Vol. 50 No. 4, 594-605 (October 2012), available at, <http://library.niwap.org/wp-content/uploads/Til-Death-Do-Us-Part-Final-PDF.pdf>.