



February 16, 2018

Jodie Fleischer, Michael Goldrick, and Jackie Bradford
NBC4 Washington
4001 Nebraska Avenue NW
Washington, DC 20016

An Open Letter to NBC4 Washington

Dear NBC4,

I write to express serious concern about the [piece](#) you aired on February 13, 2018, “Americans Say Immigrants Duped Them Into Marriage, Then Claimed Abuse to Stay in U.S.,” which is factually misleading and perpetuates prejudices against immigrant women. The story made a statistically unsupported correlation between claims of domestic violence and terrorism, and you chose not to highlight the facts, stories, and perspectives that I made available to your team. The story was sensationalist and may jeopardize the lives of immigrant women who are often afraid to come forward and whose protection depends on the Violence Against Women Act (VAWA).

This is a critical year for VAWA, which, since 1994, has been a cornerstone law in our nation’s response to domestic violence. The law is up for reauthorization, which means that it can be either weakened or strengthened depending on what our elected lawmakers decide. They listen to their constituents and they listen to reporters from your station. There is so much at stake, most of all for the survivors of domestic violence and sexual assault that VAWA is meant to protect. **I’d like to invite you to consider a different story highlighting the importance of VAWA and its protections for immigrant survivors of domestic and sexual violence.**

Below is a detailed explanation of what your story got wrong.

Domestic and sexual violence are grave and widespread societal problems that our laws should address more aggressively, not less. Your story failed to explain that domestic and sexual violence occur at exceptionally [high rates](#) in the United States: on average, about 24 people are abused, raped, or stalked *per minute*, adding up to 12 million each year. The [vast majority](#) of victims are women. By focusing on several cases of marriage fraud, and inaccurately conflating that with the protections offered by VAWA, you downplayed the importance of VAWA in combatting domestic and sexual violence to the detriment of survivors.

Immigrant women are especially vulnerable, and the power imbalance between them and their U.S. citizen spouses requires protection – protection that is very difficult to obtain. Immigrant women are particularly vulnerable to abuse because they lack equal footing. Abuse feeds off a web of emotional, verbal, physical, and sexual tactics that are meant to establish and reinforce the abuser’s power and control over the victim. If a woman does not have immigration status, she is likely to be afraid to call 911 or even talk with school, medical, and mental health professionals about what she is experiencing. This fear has been heightened since new immigration enforcement policies came out in early 2017, along with increases in hate speech and hate crimes. Reports show that immigrant women are [less likely to seek help](#) now than they were

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prior to January 2017. Immigrant victims often feel isolated, have no family in the country to support them, and limited ability to work, travel, and envision an independent life. A woman may fear that if she leaves her abuser, she won't be able to get custody of her children. These factors deepen the power imbalance and make emotional and physical abuse tactics all the more effective.

Norma is among the many immigrant women who have experienced this type of abuse. She fell in love with and married a U.S. citizen who was smart, fun-loving, and handsome. They lived happily for years until her husband began to beat and rape her. As a method of control and humiliation, he would lock Norma outside or force her to sleep on the floor of the home they owned together. He became increasingly emotionally abusive, blaming Norma's performance as a wife and a mother for the physical and emotional pain he inflicted.

When she finally built up the courage to leave, her husband used Norma and her children's undocumented status to exploit, intimidate, and threaten her. He promised to have them deported if they called the police, and he destroyed Norma's personal documents to prevent her from filing for immigration relief on her own. He removed her name from their shared bank accounts, canceled her credit card, and eventually forged her signature on a document transferring full ownership of their house to his name. He showed Norma that he could take everything from her, and made her fear reaching out for help as much as she feared him. Norma's voice got smaller and smaller.

Recognizing this pattern of abuse, VAWA creates a pathway to protection for immigrant victims. U.S. citizens and permanent residents can sponsor their spouses to ensure that all Americans can enjoy the right to build their own families in this country. But what if a citizen husband refuses to sponsor his immigrant wife, knowing that keeping her undocumented increases his ability to control her? The self-petition under VAWA allows immigrant women to envision a safe life for themselves and their children, and a few thousand avail themselves of this each year.

Olga was one of those women. Within a year of marrying her U.S. citizen husband, he controlled her emails and phone calls, separated her from her daughter for hours at a time, and forced her to endure constant physical and emotional abuse. He even filed a restraining order against her when she fought back. He took away her immigration papers and threatened to report her to immigration if she ever left him. He held all of the power, and Olga lived in fear. In an opinion piece for the [Washington Post](#) last year, Olga explained that "escaping the abuse was the greatest ordeal of my life."

Olga has also [described](#) how in the current environment, she'd be even more afraid to approach the police: "That was 10 years ago. That was when women like me weren't afraid to go to the police. If my journey had been today, I would not have gone to the police. With today's policies, and reports of law enforcement facilitating the deportation of undocumented survivors, I would have feared them. Like so many immigrant women today, I would fear being sent back to a country I no longer call home, being re-victimized by violence, and being separated from my daughter forever."

Your story perpetuated a number of harmful myths around VAWA. Here are those myths debunked.

I. Myth: A woman can just say she was abused and get protection.

As a lawyer who has handled many VAWA self-petitions, I can say that the process is extremely difficult, even grueling. We submit documentary evidence demonstrating that our clients meet [each of the requirements](#): a good faith marriage, battery or extreme cruelty, and good moral character. And even with all that, we often receive requests for further evidence, more details, expert testimony, psychological evaluations, and testimonials from friends, churches, relatives, neighbors, schools. These are exhaustive applications that take months to adjudicate.

The declaration of the victim is the hardest thing to prepare, from the perspective of a legal worker. In order to elicit enough detail to demonstrate the credibility of the claim, we have to ask our clients to relive long nights of rape, daily insults and humiliation, or years of trauma. We have to watch hundreds of clients relive the heartbreak they felt when they realized that the men they loved and trusted, even had children with, turned out to be controlling, violent, and manipulative. Sometimes, they suffer from post-traumatic stress disorder because of the abuse and need the support of mental health providers in order to go through this process.

Knowing how real the pain is for the women we represent, and how critical the VAWA self-petition is in ending cycles of violence for women and their children, we are invested in ensuring that the system works. Legal workers in non-profits like mine help thousands of the women who apply for protection under VAWA. We know that for each client we represent, there are so many other women out there who need this protection, and anything we do to discredit it will diminish the strength and value of the law.

Finally, [according to the agency that adjudicates VAWA self-petitions](#), out of 4,481 applications filed in 2017, only 2,936 were granted. In other words, 34.5%, were denied. This should tell us that the adjudication process is exceptionally rigorous, and that it is absolutely not true that someone can just say they are abused and receive protection.

2. Myth: People who receive protection under VAWA are a security or terrorism threat.

There is no statistical link between petitioners for protection under VAWA and terrorism. Your interviewed expert said that several terrorists engaged in marriage fraud, but she did not claim that any utilized VAWA protections. To connect false claims of abuse with marriage fraud and terrorism is inaccurate and misleading. Rigorous background checks are conducted on the few thousand recipients per year, and applicants are screened against multiple crime databases. If public safety is what we're after, then we're barking up the wrong tree by focusing on VAWA. For example, we should be much more afraid of guns in America than immigrants, with [1,867 gun deaths in America just in 2018 so far](#), and guns increasing [the risk of intimate partner homicide](#) by 500%.

3. Myth: Marriage fraud is the same thing as VAWA fraud.

In your story, you confused marriage fraud with the need for the protections under VAWA. Abuse of the system, including marriage fraud, hurts everyone, especially those who are legitimately marrying and sponsoring their spouses. There are severe penalties for marriage fraud; a conviction can result in imprisonment and/or fines. But not all marriage fraud leads to applications for protection under VAWA, and when it does, there is a rigorous adjudication process that evaluates whether the marriage was entered into in good faith, among other things. Conflating these two issues is unhelpful to dealing with marriage fraud as an issue, and only serves to undermine the life-saving protections for immigrant survivors in VAWA.

4. Myth: An interview of the abuser would help in adjudicating VAWA claims or grant a deserved right to the abuser.

The VAWA self-petition is a statutorily closed process, kept confidential by Congress because of the well-known risk posed by telling an abuser that a victim is trying to become independent of him. Some self-petitioners are still living with their abusers and are in danger if their efforts to receive protection are revealed. Leaving an abusive marriage is difficult for immigrant women who fear they will not be able to get a job or an apartment without a work permit and a social security number. Victims may therefore quietly organize their status before they move on. Experts and survivors know that violence can escalate during the process of becoming independent, since the primary motivation of abuse is the control of the victim.

Your story should have explained that telling an abuser about an application in this type of situation could result in serious physical harm – or even death – to the victim.

Furthermore, abusers very rarely admit that they have abused someone, so there is no visible purpose to this type of interview. The only effect would be to deter applicants and undermine the whole point of the self-petition.

Finally, the VAWA self-petition is an administrative process to protect the victim. The abuser is at no risk in the process – it is not a criminal or civil court proceeding. Therefore, no right is created under the law for the U.S. citizen spouse to speak on his own behalf in this context.

Right now, this country is grappling with serious questions about how we treat immigrants, while at the same time talking openly about how important it is that we believe victims of sexual and domestic violence. We should think hard about what it means to show solidarity with victims of sexual abuse, such as in the context of the #MeToo movement. Surely immigrant women who say they've been abused or raped, when they have been all but silenced by draconian immigration policies, deserve our credence.

I hope this information will help NBC4 to tell a more balanced story in the future.

Sincerely,

A handwritten signature in black ink, appearing to be 'Archi Pyati', with a long, sweeping horizontal line extending to the right.

Archi Pyati
Chief of Policy
Tahirih Justice Center