



*Protecting Immigrant
Women and Girls
Fleeing Violence*

April 2, 2019

Submitted via <http://www.regulations.gov>

U.S. Department of Homeland Security
Citizenship and Immigration Services
Office of Policy and Strategy
Samantha Deshommes, Chief
Regulatory Coordination Division

Re: Comments in Response to OMB Control Number 1615-0023 / Docket ID USCIS-2009-0020 published in the Federal Register on February 1, 2019: Form I-485 Application to Register Permanent Residence or Adjust Status

Dear Ms. Deshommes:

The Tahirih Justice Center is a national, nonpartisan policy and direct services organization that has assisted survivors of forced marriage and other gender-based violence for over 22 years. As such, Tahirih has significant and unique expertise on forced and child marriage in the United States (U.S.) impacting both multi-generational American and immigrant families. Through our Forced Marriage Initiative (FMI), we have helped hundreds of at-risk survivors in nearly 40 states and more than 20 foreign countries when U.S. women and girls have been taken abroad for the marriage.

The causes of forced marriage vary and overlap, and it is most often parents and others close to the victim that are the primary perpetrators. Women and girls are disproportionately victimized through forced marriage, which often intersects with other forms of gender-based violence including child abuse, intimate partner violence, sexual assault, stalking, and human trafficking.

As you know, the U.S. marriage-based immigration process can in some cases unwittingly facilitate forced marriages, involving forced sponsorship of a foreign fiancé(e) or spouse. In our experience, families commonly file visa petitions without the forced sponsor's knowledge or consent. A victim who discovers what her family has done may be afraid to withdraw sponsorship, fearing retribution or legal consequences.

We appreciate your consideration of our suggested changes to the **Form I-485 Application to Register Permanent Residence or Adjust Status Instructions**. As noted below, our suggested language largely reflects language that has already been approved by USCIS (see <https://www.uscis.gov/humanitarian/forced-marriage>), and therefore will not pose a significant burden for the agency. Please contact me at irenas@tahirih.org or 571-282-6180 if you would like additional information.

Respectfully,

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Comment:

On page 3 of the Form I-485 Instructions, we propose adding the following subsection to the current section titled: "Who May be Eligible to Adjust Status:"

Forced marriage

If you have been forced into marriage, you are not at fault and you have not violated any U.S. laws by entering into the marriage. Furthermore, non-governmental legal and social services agencies may be able to offer you, at no or low cost, a range of assistance including safety planning and emergency housing, as well as assistance with family law matters like obtaining a court order of protection from those who are threatening or abusing you, terminating the marriage through annulment or divorce, and securing a court order granting you custody of children. For more information, visit the USCIS webpage on forced marriage at <https://www.uscis.gov/humanitarian/forced-marriage> and the U.S. Department of State's webpage on forced marriage at <https://travel.state.gov/content/travel/en/international-travel/emergencies/forced-marriage.html>

If you are the preparer of this form, note that the United States (U.S.) government is opposed to forced marriage and considers it to be a serious human rights abuse. In some U.S. states, forced marriage is a crime, and in all U.S. states, people who force someone to marry may be charged with violating state laws, including those against domestic violence, child abuse, rape, assault, kidnapping, threats of violence, stalking, or coercion. People who force someone to marry may also face significant immigration consequences, such as being inadmissible to or removable from the U.S.

Explanation:

This section may be more appropriately included elsewhere in the instructions, however, including it here will increase the likelihood that it will be seen and read by those preparing the form.

The first sentence is taken verbatim from USCIS' website at <https://www.uscis.gov/humanitarian/forced-marriage>. Often, forced marriage victims are afraid to come forward and seek help for fear not only of the consequences to their family and others but also to themselves. Victims may fear legal consequences when forced to sign forms and/or attest to information under duress. This language will reassure victims that they are not at fault, particularly if they believe their safety is at risk if they refuse to sign any forms.

Victims may also be unaware of resources available to help them. Providing this information will put both perpetrator-preparers, as well as victim-sponsors or victim-applicants that do have access to the form, on notice that victims of forced marriage have recourse and resources available to them. This may deter perpetrators or empower victims with potentially life-saving referrals they may need to flee a violent home.

In the majority of forced marriage/forced sponsorship cases we encounter, perpetrators file and sign immigration forms without the victim ever seeing the forms. While both the instructions and form contain warnings for preparers about fraud generally, explicitly notifying preparers that the U.S. recognizes forced marriage as a human rights violation that can expose them to both criminal and immigration consequences could serve as a powerful deterrent. Again, note that the language we are proposing is identical to the language USCIS already uses publicly at: <https://www.uscis.gov/humanitarian/forced-marriage>.