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Professional Administrative Study Discretionary Service Effects within the USCIS Violence Against Women Act (VAWA) Petition Process

Albert Anthony Hill
Walden University

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Walden University

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Albert Anthony Hill

has been found to be complete and satisfactory in all respects,
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Walden University
2021

Abstract

Professional Administrative Study Discretionary Service Effects within the USCIS

Violence Against Women Act (VAWA) Petition Process

by

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Professional Administrative Study Submitted in Partial Fulfillment
of the Requirements for the Degree of
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Abstract

The administration of the Violence Against Women Act (VAWA)-based petition process does not allow discretionary consideration for sponsoring U.S. citizen spouses. This policy is harmful to U.S. citizens. Further, such policy undermines the efforts of USCIS in an equitable delivery of immigration benefits. The purpose of this study was to explore the experiences and perceptions of U.S. spouses with the petition process. A qualitative phenomenological case-study design was used to gain direct knowledge from 13 U.S. citizen spouses about their experiences with the petition process. A conceptual framework approach was used to answer if the current process provides an equitable level of discretionary consideration to U.S. citizen spouses using components of the petition process. Data were collected using an online survey and semi-structured interviews with U.S. citizen spouses, and a review of USCIS appeals responses were utilized to gain information about this personal service-level experience. Thematic analysis revealed the harmful effects a lack of discretionary consideration had on these spouses from producing adverse outcomes. The petition process was described by U.S. citizen spouse as ambiguous, politicized, and manipulative, which prevents any discretionary consideration being given to U.S. citizen spouses. A transformation of this process would ensure an appropriate level of discretionary consideration directly benefitting these spouses and would ensure proper administration of this program, benefiting USCIS and creating a positive social change in policy application.

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Section 1: Introduction to the Problem

Introduction to the Problem

U.S. Citizenship and Immigration Services (USCIS) has received social and political scrutiny in the administration of immigration benefits to foreigners seeking citizenship or legal immigration status to the United States. Immigration service levels have increased to 16% from 2014, requiring the USCIS to raise fees, increase staff, and monitor immigration benefit timelines (USCIS, 2018b). Lawful immigration to the United States requires entry with valid immigration status. The chief method of gaining valid immigration status is through marriage, which provides a priority spousal benefit of immediate visa availability having no immigration system limitations (Asllani, 2016).

Approximately 47% of 1.1 million visa applicants are from the family-based category (USAGov, 2019). This category contains spouses, children, parents, and direct siblings of a U.S. citizen or Lawful Permanent Resident (U.S. Department of State, 2019). While the spousal benefit affords immediate visa availability, there are strict requirements which must be met to validate the marriage to USCIS and ensure that the foreign spouse is aware of the benefits and responsibilities associated with his or her new immigration status (North, 2018).

There have been efforts to ensure that immigrant spouses do not experience domestic abuse from a U.S. citizen spouse (Zimmerman, 2016). At the top of these efforts is the Violence Against Women Act (VAWA), which was first authorized in 1994 and contains provisions mandating support for immigrant spouses who have been the victims of domestic violence and abuse (Sacco, 2015). In fulfilling the mandates, the

USCIS provides relief and support for immigrant spouses to self-file an application in order to gain lawful status, legal employment, travel authorization, and citizenship through a VAWA-based petition process as a victim of domestic abuse (Kandel, 2012). As the VAWA provisions have expanded, complaints from U.S. citizen spouses about the lack of adjudicative discretion given to them during the VAWA-based petition process have heightened. Additionally, U.S. citizen spouses have complained that the VAWA-based petition process permits USCIS to adjudicate a VAWA-based petition without contact, receipt of feedback, or direct information from the affected U.S. citizen spouse (Wilkerson, 2015). Further, there have been no studies addressing the concerns of U.S. citizen spouses on how the USCIS VAWA-based petition process is being exploited and the effects this lack of discretion based upon the VAWA provisions has on the lives of U.S. citizen spouses (Olivares, 2014).

According to news reports, U.S. citizens have become victims of immigration marriage fraudulent individuals who use domestic violence, stalking, and harassment claims through a court and legal system; these jurisdictions are often unaware or indifferent to this unique issue (Zimmerman, 2016). When asked about these shortcomings, USCIS explained to Congress that the immigration system was overwhelmed by failures of policy and inept work practices, and that immigration marriage fraud accounted for approximately 45% of agency fraud prevention efforts (National Cable Satellite Corporation, 2017). This creates a situation where U.S. citizen spouses become victims of immigration marriage fraud. Both they and their families are

damaged and “abused emotionally, financially, psychologically and sometimes physically” (Zimmerman, 2016, p. 22).

The Problem

The VAWA-based petition process is a federally mandated contingency plan for immigrant spouses and eligible family members that are the victims of domestic violence and abuse (Calvo, 2004). The administration of VAWA-based petitions has received scrutiny for its shortcomings from a lack of discretion being given to U.S. citizen spouses (Cadman, 2019). The process has also been analyzed for creating exploitation opportunities by immigrant spouses to commit marriage fraud. While there have been many studies surrounding the immigrant victims of domestic violence and abuse (e.g., Balgamwalla, 2014; Calvo, 2004; Clark, 2007; Scott et al., 2018), there are few qualitative studies conducted on the VAWA-based petition process in general, nor any about the experiences and perceptions of the affected U.S. spouses.

Most of what is known about the impacts of the VAWA-based petition process on U.S. citizen spouses has largely come from reactionary reports or documentation from sources like the Center for Immigration Studies (CIS) about seeking fairness in the USCIS self-petitioning system (Cadman, 2019). There are also no studies of U.S. citizen spouses who are alleged as domestic abusers and the use of the VAWA-based petition process related to immigration marriage fraud. Additionally, within social discourse, there have been indications that these administrative shortcomings increase Homeland Security risks from the entry of bad actors using immigration marriage fraud schemes. The lack of investigation of the process has been largely based upon opinions and

perceptions surrounding domestic violence abusers and has been avoided due to the controversy surrounding immigration marriage fraud. This administrative shortcoming has received an avoidance position from USCIS and ICE administrators, which could also uncover other public agency problem areas left aside due to controversy or complexity.

An understanding of the issues with the VAWA-based petition process is possible through a qualitative case study of the U.S. citizen spouse experience with the process. Hence, this study provides an opportunity for understanding inequities and gaps within the process from the knowledge provided from the data collected from U.S. spouses. This qualitative study of the U.S. citizen spouse experience with the VAWA-based petition process yielded meaningful information for identifying USCIS administrative policy and practices that knowingly and unknowingly undermine the integrity of the process.

Purpose for this Study

The purpose of this qualitative case study was to explore the experiences and perceptions of U.S. spouses with the VAWA-based petition process to determine the impact the lack of discretion in the petition process has on outcomes experienced by these U.S. spouses. The study is guided by Gil's theoretical social policy framework. Gil's (1973) theoretical social policy framework suggested that the outcomes of social policy should not be harmful to the citizens whom the policy was created to serve. A lack of discretionary consideration is a precursor to detrimental effects on the rights and safety of U.S. citizen spouses, a representative group of the public to be served. This study shows the specific impact of the lack of discretionary consideration, which can only be

discovered by gaining implicit information towards understanding the U.S. citizen spouse experiences having to deal with the VAWA-based petition process.

Social commentary and complaints about the administration of the VAWA-based petition process revealed issues involving a lack of discretionary consideration to U.S. citizen spouses (Cadman, 2019). While the immigration marriage process is multifaceted and cumbersome, the VAWA-based petition process is definitive with unique variables associated with domestic violence claims that are situationally different for each U.S. citizen and immigrant spouse who become involved in the process. The guiding question for this study centered around the analysis of the experiences and perceptions of the U.S. spouse to see how the lack of discretion they received in the VAWA-based petition process has impacted them.

The study intended to better understand how the administrative policies and practices may intentionally or unintentionally undermine the integrity of USCIS as an agency and the fairness of the VAWA-based petition process. Another impetus for researching the level of discretion provided to U.S. spouses in the VAWA-based petition process is that fraud using VAWA provisions occurs through false or exaggerated domestic abuse claims, making the immigrant victim spouse eligible to file USCIS Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant as a self-petitioner (Asllani, 2016). USCIS allocates time and resources towards marriage fraud prevention which conflict with administrative gaps identifying marriage fraud as a worthy risk to evade the bureaucracy, uncertainty, and lag time of the immigration system. Congressional statutory guidance has not adequately addressed immigration marriage-

fraud concerns, which makes nonpartisan policy improvements more attractive for remedying the issue.

This qualitative study is based upon the experiences of U.S. citizen spouses and is a method of a formative evaluation of the VAWA-based petition process. This study may also expose areas where administrative gaps within the process create openings for exploitation by fraud. Furthermore, this study may also facilitate the discovery of areas where policy changes can improve equanimity and discretion. This study may also lead to a less cumbersome process in administering VAWA-based petitions and more robust prevention of immigrant domestic violence and abuse. USCIS is required to improve its administrative capabilities and effectiveness using the science of public administration for resolving controversial and imbalanced administrative policies such as the processing of VAWA-based petitions (Wright, 2015).

Nature of the Study

This administrative study will utilize a qualitative approach which according to Creswell (2007), “builds its properties on inductive, rather than deductive reasoning from elements posing questions the researcher tries to explain from direct interaction” (p. 45). This differs from quantitative research, which would not bring answers to an issue and is external to the researcher’s interaction. This study is also based upon collecting and analyzing qualitative data, granting an in-depth realization of the effects of administrative shortcomings within the USCIS VAWA-based petition process. Qualitative information for this study is valuable based upon the personal nature of objective and subjective moments experienced by the U.S. citizen spouse and their immigrant spouse defining his

or her reality and perception (Goulding, 2002). Creswell (2007) noted that in qualitative research, both grounded theory and case study are applicable to research examining the various philosophical aims where the data collected can be confirmed and validated.

Case study design aligns with the participant experience narrative of social, political, and behavioral arenas within the scope of the problem (Creswell, 2007). Additionally, qualitative data provides information needed for an agency to make necessary adjustments and improvements towards administrative effectiveness. Unfortunately, the qualitative data required is not retrievable from interactions with management, officers, and adjudicators of USCIS due to the current need for agency and major federal-stakeholder fidelity. Additionally, the majority of actions taken by USCIS staff are mandated and observable through regularly published quantitative data on the USCIS website and would not speak to the lack of discretion experiences of the U.S. citizen spouse.

A case study design was utilized to discover the effects of the lack of consideration within the USCIS VAWA-based petition process on the U.S. citizen spouse. The data from telephonic interviews conducted with U.S. spouses who have been impacted by the VAWA-based petition process, supported by a survey of U.S. spouses seeking support and information on their experience with the VAWA-based petition process, and analysis of VAWA-based petition appeals cases from the USCIS Administrative Appeals Office (AAO). In keeping with case study methodology promoted by Yin (2009), triangulation of the data sources supported the necessary data validity and reliability.

This study did not aim to determine any fault of participant U.S. spouses or the veracity of the VAWA-based petition process, although marriage fraud by use of the VAWA-based petition process could be determined as a motivating factor of this phenomena. This study design was most appropriate to gain implicit information not privy to quantitative measures, and to better understand the client experience of U.S. citizen spouses with USCIS. Case study research includes design, data collection, and analysis factors which were applied to the needs of this study (Yin, 2003).

The sources of data for this study were interviews with recruited U.S. spouses, a survey of U.S. spouses that have dealt with the VAWA-based petition process, and analysis of VAWA-based petition appeals cases. Interviews with recruited U.S. spouses provided firsthand knowledge of their experiences with the VAWA-based petition process. Additional sources of data were used to assure interview validity by gaining information from a survey of U.S. spouses who engaged with the VAWA-based petition process, and from review of AAO appeals cases which revealed details of outcomes for U.S. spouses during the VAWA-based petition process.

Study participants were recruited from two private support organizations for victims of immigration-based marriage fraud. Members of these two groups also participated in a survey gathering information about U.S. citizen spouse interaction with the VAWA-based petition process as well as the effects of this process on these U.S. citizen spouses. Interviews were conducted with eligible group members identified from the U.S. citizen spouse survey. This survey provided discretion and anonymity during participant selection based upon criteria developed to ensure case study validity and

reliability (see Appendix A). The aim was to recruit both male and female participants representing ten identified immigrant regions.

As the purpose of this study was to explore the experience of U.S. spouses with the VAWA-based petition process, the findings of the study may contribute to filling the gaps in the literature regarding the VAWA-based petition process in general, and the experiences and perceptions of U.S. spouses in particular. This study may also reveal administrative shortcomings in the VAWA-based petition process hindering equitable USCIS adjudication policy and practice. This study on the experiences of U.S. spouses with the VAWA-based petition process can deliver qualitative information essential for 21st-century policy and program development.

Significance to Practice

There is a high potential that several key stakeholders may be impacted by the findings of this study. These stakeholders include the Department of Homeland Security (DHS) and some of the specific sub-agencies such as Immigration and Customs Enforcement (ICE), Citizenship and Immigration Services (CIS), and Customs and Border Protection (CBP). These findings could potentially result in changes to immigration marriage policies and procedures which could be elevated to require federal congressional participation.

Other stakeholders who could potentially be impacted by these findings include U.S. spouses of immigrants that have completed the VAWA-based petition process, the immigrant spouses filing VAWA-based petitions, their immediate family members, and various nonprofit social and family assistance organizations. The impact on DHS and its

sub-components could be the review and restructuring of rules and guidance on how the VAWA-based petition process is administered, as well as enhanced measures for maintaining equity in agency adjudication of VAWA-based petitions while enforcing consequences in VAWA-based petition cases involving fraud and exploitation of immigration guidelines. The impacts on U.S. spouses, immigrant spouses, and associated family members could be a resurgence of education and screening surrounding immigration marriage, domestic abuse risk factors and fraud prevention.

The findings may also be potentially significant because they could inform changes to the way the VAWA-based petition is administered or reviewed, changing procedures for immigration through marriage and policies on relief for abused immigrant spouses. Other potential implications could be more effective policies on resolving intimate partner violence and the promotion of balanced procedures as a means of positive social change. There would also be personal information concerning the motivations, thought patterns, and emotional status of individuals experiencing immigrant domestic violence situations, which could further domestic violence and abuse prevention efforts.

While USCIS quantitative data revealed an increase in the number of VAWA-based petitions since the VAWA provisions were expanded in 2005 (USCIS, 2018c), there have been no formal qualitative studies to determine the causes and effects of this increase. There is little information available to determine how the lack of discretionary consideration given to U.S. citizen spouses has impacted their lives and the outcomes from the agency's administrative decision in processing VAWA-based petitions. This

qualitative case study is critical in a time of globally changing mores and familial beliefs that affect life decisions that are dangerous to domestic wellbeing, national security, and public trust.

Summary

The VAWA-based petition process is a federally mandated contingency plan for immigrant spouses and eligible family members who are the victims of domestic abuse. The administration of VAWA-based petitions has received scrutiny for shortcomings leading to a lack of discretion being given to U.S. citizen spouses, as well as the VAWA-based petition process being exploited by immigrant spouses to commit marriage fraud. While there have been many studies surrounding the causes and impacts of immigrant focused domestic abuse, there are few empirical studies about the impacts of the VAWA-based petition process on U.S. citizen spouses alleged as domestic abusers, and the use of the VAWA-based petition process related to immigration marriage fraud.

Section 2: Conceptual Approach and Background

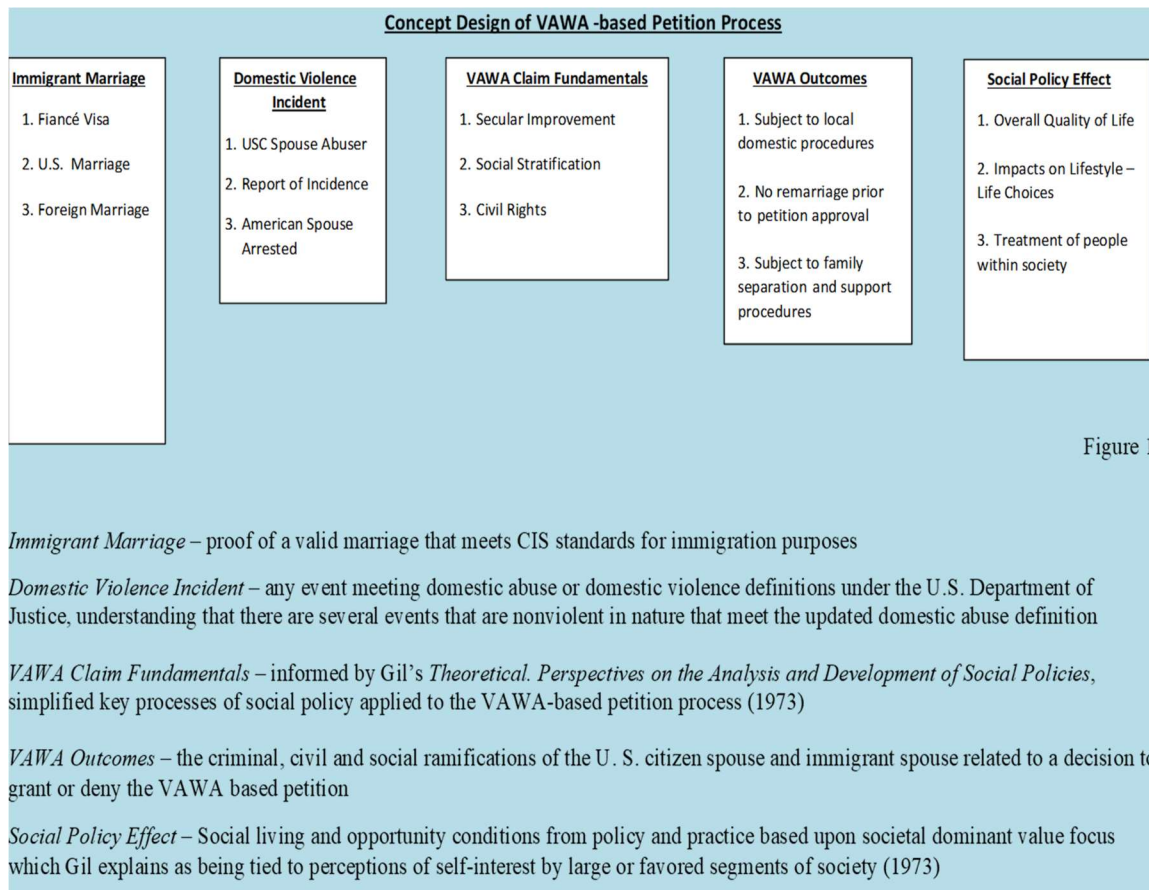
Conceptual Approach and Background

The central question addressed by the administrative study is if the current Violence Against Women Act (VAWA)-based petition administrative process provides an equitable level of discretion to U.S. citizen spouses. This is a personal experience based on the level of service and/or consideration given towards alleged abusive U.S. spouses concerning VAWA claims. This is also applicable to the eight areas of exploitation associated with the VAWA process, mainly the broadening of the extreme cruelty definition, the nonexistent need for hard evidence, and the banning of specific evidence from the alleged abuser (Wilkerson, 2015). This study further analyzed the information collected about the VAWA-based petition process to investigate how the VAWA-based petition administrative processes affect U.S. citizen spouses.

Conceptual Framework

Case study methodology adequately assists in exploring the issue given the structure of USCIS administrative processes. While both constructivism and phenomenology both require extensive and timely interviews that delve into the roots of the participant's experience, the case study design is optimal based upon the time and risk factors associated with the U.S. citizen spouse population (Miller & Salkind, 2002). The interaction between the researcher and the participants allows for a better understanding of the outcomes, making a case-study optimal based upon data collection obstacles associated with the VAWA-based petition process.

This study is guided by a conceptual framework (see Figure 1).

Figure 1*Concept Design of VAWA-based Petition Process*

This framework was developed from the four basic overarching components inherent to the VAWA-based petition process and informed by Gil’s (1973) theoretical perspectives on the development of social policy. The conceptual framework utilizes the VAWA-based petition process components of Immigrant Marriage, Domestic Violence Incident, VAWA Claim Fundamentals, Outcomes from the VAWA Claim (VAWA Outcomes), and Social Policy Effect. According to Gil, social policy is derived from secular improvement (resource development), social stratification (status allocation), and

civil rights (rights distribution) as core factors used to develop social policy reflecting the leading value positions of society and benefits given to the citizen client.

Proper comprehension, analysis, and development of social policy requires use of a universal conceptual model of social (i.e., public) policy via social elements which show how these elements create shortcomings for a particular group, clarifying the relationship of social policies and social problems (Gil, 1973). The research question concerns the level of discretion afforded to U.S. citizen spouses by the VAWA-based petition process, which could be negatively perceived as agency policy protecting the rights of a noncitizen over a citizen or an imbalance in execution of social/public policy.

Marriage is the quickest method to gain immigration status, entry, and citizenship to the United States, making it difficult to develop equitable and adequate policy and practice. Immigration VAWA provisions were developed for immigrant spouses suffering domestic abuse in silence, not aware of outreach and assistance. This is believed to be perpetuated because of the U.S. citizen spouse's power as the immigration sponsor. The components in Figure 1 above explained the major events and social considerations of the VAWA-based petition process, how this process is administered, and areas affected by the outcome of the process.

For administrative purposes of processing immigration benefits in the case of Immigrant Marriage, the U.S. citizen spouse applicant has the burden providing evidence of a valid marriage. USCIS accepts any marriage recognized as legal in the jurisdiction where the marriage was celebrated/performed via the place-of-celebration rule (USCIS Policy Manual, 2019). Exceptions to this rule are polygamous marriages, proxy marriages

without consummation, marriages for evading immigration laws (i.e., founded fraud/sham marriages), any marriage deemed to violate the established policies of the state of residence of the couple and any civil unions, domestic partnerships, or other such relationships not recognized as marriages in the place of celebration (USCIS Policy Manual, 2019).

Foreigners engaged or with established plans to marry their U.S. citizen partner must have a nonimmigrant K-1 visa, also known as a *fiancé visa*, and follow specified criteria such as getting married within 90 days of U.S. admission and establishment of a *bona fide* marital relationship which confirms the marriage is not to gain immigration benefits (USCIS Policy Manual, 2019). Chief instances of marriages used to evade the immigration process are those where the foreign spouse may be in immigration violation court proceedings, or where a foreign spouse may have entered the U.S. illegally. Marriage makes the foreign spouse eligible for an immediately available family-based visa (USCIS Policy Manual, 2019).

A Domestic Violence Incident is any event meeting the definition of domestic abuse as defined by VAWA statutes, or as domestic violence defined as either felony or misdemeanor violent crimes committed by (a) a current or former spouse or intimate partner of the victim, (b) by a person with whom the victim shares a child, (c) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or (e) by any other person against an adult or youth victim who is protected under the domestic or family violence

laws of the jurisdiction (U.S. Department of Justice, n.d.). Most jurisdictions within the U.S. have official reporting that despite any facts, incidentals, or history will result in a police report or arrest of the spouse determined to be the abuser or aggressor who poses the most threat. The U.S. citizen spouse is reported or arrested as the alleged abuser.

Additionally, civil, social, and financial outcomes range between inconvenience and exhaustive to the alleged abusive U.S. citizen spouse. The U.S. citizen spouse could be alleged as an abusive spouse from allegedly committing the following acts: (a) uses insults or name-calling (i.e., negative criticisms) toward spouse; (b) prevents or coerces spouse from attending work or school; (c) discourages or stops spouse from visiting with family or friends; (d) has sole control of spending of money and family finances; (e) controls spouse's means and use of travel, transportation, clothing, and medication; (f) behaves jealously or possessive towards spouse and questions spouse's faithfulness; (g) uses alcohol or drugs to spur anger towards spouse; (h) makes threats of violence towards spouse, with or without weapon; (i) physically assaults spouse by hitting, kicking, shoving, slapping, or choking; (j) physically assaults or hurts children or pets; (k) engages with spouse sexually by force; (l) blames spouse for abusive behavior and makes him/her feel deserving of abuse; (m) threatens to out same-sex spouse regarding his/her sexual identity; (n) coerces same-sex spouse to believe that law enforcement or authorities will not help; and (o) makes same-sex spouse feel unworthy by not taking or handling the abuse (MFMER, 2019).

Regarding a VAWA Claim, the VAWA provisions were extended to immigrant spouses based upon a large portion of the immigrant population. Domestic violence has

been a problem among immigrant populations. Guidelines for assistance to immigrant spouses for use in VAWA-based petitions are explained in Chapter 21.14 of the USCIS Adjudicator's Field Manual (USCIS, 2019f). At any time an immigrant spouse becomes the victim of domestic abuse, a claim can be made for relief through the VAWA petition process of filing a USCIS Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant if the VAWA criteria are met. The USCIS VAWA unit will review and process the VAWA-based petition and make a determination which will either allow or deny the immigrant spouse claiming domestic abuse to continue the immigration process, receive preference in employment and travel authorizations, and self-sponsor any children or parents eligible at the time of the abuse.

After such events, the immigrant spouse is eligible to self-petition using the VAWA-based petition process and receive assistance through the VAWA provisions. During the VAWA-based petition process, the U.S. citizen spouse is not notified of the immigrant spouse's self-petition, nor is any statement or evidence requested or received from the U.S. citizen spouse by USCIS. The outcomes of the VAWA process are not tied to the outcomes of local courts. The VAWA process is only determined by the immigrant spouse's ability to successfully receive Lawful Permanent Resident status, the benefits of such status as U.S. employment eligibility, and the ability to travel internationally outside of the United States.

The VAWA Outcomes are summed up as the experiences of the U.S. citizen spouse and immigrant spouse based upon the decision to grant or deny the VAWA-based petition and the criminal, civil, and social ramifications of the domestic abuse claim.

While certain outcomes can be known from the requirements of the VAWA and immigration statutes, the results are based upon extensive variables that make predictions of outcomes unknown. The outcomes can be as varied as the U.S. citizen spouses themselves based upon various life factors explored during the case study.

The use of the case-study design requires a comprehensive look at the VAWA petition process, the unique factors inherent to the VAWA petition process, and how discretion is used in the administration of VAWA-based petitions. USCIS is one of the many agencies where VAWA provisions are mandated by statute, while the administration of these provisions remains with the agency. USCIS historically worked through VAWA-based processing issues leading to current methods that indicate an inequitable administrative practice where U.S. citizen spouses are not afforded discretionary consideration. USCIS defines the use of discretion as the application or refusal of administrative grace where an adjudicative officer has weighed all factors to decide to approve or deny a waiver or application (USCIS, 2019b). Such a determination or judgment requires the use of reason from a review of a totality of facts or evidence surrounding the case and the applicable laws and guidelines of the immigration process.

Privacy safeguards and equity for immigrant spouses claiming abuse are the chief reasons USCIS has given for not providing evidence or testimony from U.S. citizen spouses. The VAWA administrative policy bases this practice on the belief that the aggrieved U.S. spouse will disavow any wrongdoing and eliminate the VAWA-based petition for vengeful purposes. Proponents of immigration enforcement and U.S. citizen spouses have requested a fix to this administrative shortcoming, calling it a Kafkaesque

system, referring to the confusion that this type of indifference has on U.S. citizen spouses with no recourse available to them (Cadman, 2019). Contrarily USCIS mandates procedural veracity while administering immigration benefits but has made little progress towards review and evaluation of this issue (USCIS, 2018a).

Relevance to Public Organizations

This study is relevant to public organizations on several levels. Its main relevance points out that Federal agencies should take a more proactive interest in issues affecting U.S. citizens. The research is lacking regarding concerns if enough is being done by government agencies in protecting the interests of U.S. citizens with similar immigration issues. There are no studies on the experiences of U.S. citizens requesting services and benefits from public agencies.

As such, there is a limited amount of data related to this issue. These types of studies would improve the citizen client experience with governmental agencies, ensure equity in the development of policy and procedures affecting U.S. citizens, and a rounded process in the distribution of public government services and benefits. Additionally, the best-practice principles outlined in government operational effectiveness are akin to such qualitative research to improve administrative processes and procedures in public institutions necessary to fulfill public service mandates.

There is limited existing literature surrounding governmental agencies taking steps to ensure or protect the rights of U.S. citizens in the administration of immigration services or other government benefits and services. Existing literature overlooks issues surrounding the lack of recognition of citizenship rights to immigrants. My research has

uncovered only a handful of studies dealing with violations of the human rights of U.S. citizens. While other factors are responsible for the lack of research in this area, it suggests that qualitative research has been discouraged within the public organizational fields based upon a lack of funding, interest, and capability.

The findings from this study could directly affect how policy and programs are administered within the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE), as well as the other eleven agencies under the purview of DHS. These agencies are directly involved with safeguarding national security, but also share a responsibility to ensure the rights and considerations of U.S. citizens in the administration of their programs unless specifically required. Also, other governmental agencies could benefit from this research by application of a balance between mandated administration of statutes and the effects on citizen clients. Such considerations can become a part of the policy and procedure development which can enhance the buy-in and support of citizen stakeholders required for favorable congressional legislative action and appropriations.

Definition of Key Concepts and Terms

The following terms are defined and explained to ensure an appropriate characterization and understanding of the USCIS VAWA-based petition process:

Adjudication: an official decision or rendering a judgment on a USCIS application or petition by an immigration service officer who acts as an agent of the USCIS that analyzes applications, petitions, and supporting documentation and may also interview

petitioners and applicants to assess credibility and apply discretion approve or deny the application or petition (Joyner, 2019).

Alien: Any person who is not a citizen or national of the United States. *Foreign national* is a synonym and used outside of statutes when referring to noncitizens of the United States (USCIS, 2019e).

Discretion: For USCIS purposes, the use of discretion applies to waiver and adjustment applications for case types that involve the use of reason and facts in the judgment of the case. The waivers are generally for hardship, inadmissibility, or humanitarian issues, and for adjustment of status based upon one of the following reasons: (a) human trafficking or crime victim, (b) asylum, (c) Cuban Adjustment Act, (d) Lautenberg parolees, and (e) Diplomats or high-ranking officials unable to return to their home country (USCIS, 2019c). In general, *favorable discretion* references the application or refusal of administrative grace where an adjudicative officer has weighed all factors to approve or deny a waiver or application. Discretion can only extend up to the substantive and jurisdictional limits of the applicable law and cannot be used to justify an action that is not authorized by law (USCIS, 2019c). The issues and factors usually taken into consideration include but are not limited to eligibility, immigration status and history, family unity, length of residence in the United States, business interests or employment, and community standing and moral character (USCIS, 2019b). Adjudicative officers are assisted in the use of discretion by precedent case law and USCIS guidance on the consideration of evidence and factors to offer a framework of consistency and fairness in case decisions (USCIS, 2019c). Supervisory review or review

by the Office of Chief Counsel is preferred for cases that prove to be controversial, complex, or containing unusual facts, creating extreme difficulty to determine an outcome (USCIS, 2019d).

Domestic abuse: Domestic abuse for immigration purposes is defined as any of the following acts: making insults, name calling or ‘put-downs’ (negative criticisms) - stops or coerces spouse from attending work or school - discourages or stops spouse from visiting with or attending events of family or friends - sole control of spending of money and family finances - controls spouse’s means and use of travel, transportation, clothing, and medication - behave jealousy or possessive towards spouse and is accusatory about unfaithfulness of spouse - alcohol or drug substance abuse of use to spur anger towards spouse - makes threats of violence towards spouse, with or without weapon – repetitive physical assaults on spouse or children – teasing and taunting children or pets – seeking to engage sexually by force or engage in unwilful sexual acts - spouse is blamed for the abusive behavior and made to feel deserving of abuse – same-sex mistreatment and intimidation, being ridiculed for not acquiescing (MFMER, 2019).

Domestic violence: Domestic violence for immigration purposes is defined as a felony or misdemeanor crime of violence committed by; a current or former spouse or intimate partner, a person sharing a child in common, a current or former cohabitor, someone meeting the common law partner legal standard, or any person that an adult or youth victim is protected from through family violence laws of the jurisdiction (U.S. Department of Justice, n.d.).

Family-based immigrant visa: A U.S. visa based upon immediate family eligibility allowing the bearer to apply for entry to the U.S. under an immigrant classification, such as a spouse, child, parent or sibling; however, the visa does not grant the bearer the right to enter the United States. Outside of the United States, the Department of State (DOS) is responsible for visa adjudication at U.S. Embassies and Consulates. The U.S. Customs and Border Protection (CBP) immigration inspectors determine the admission, length of stay, and conditions of stay at a port of entry, and the terms of admission are recorded on the Arrival/Departure Record (I-94 white or I-94W green) and in a valid passport (USCIS, 2019f).

Immediate relative: Immediate relatives are the spouses of U.S. citizens, children (unmarried and under 21 years of age) of U.S. citizens, parents of U.S. citizens that are at least 21 years of age, and widows or widowers of U.S. citizens (if the U.S. citizen filed a petition prior to their death or if the widow[er] files a petition within two years of the citizen's death; USCIS, 2019e).

Immigrant: An alien who has been granted the right by the USCIS to reside permanently in the United States and work without restrictions in the United States. The individual is referred to as a *Lawful Permanent Resident (LPR)* and issued a green card (USCIS Form I-551) which is used as evidence of LPR status, as well as an I-551 stamp in his or her foreign passports. Immigrant visas are available under immediate-family, employment, or humanitarian conditions (USCIS, 2019e).

Immigrant marriage: For USCIS immigration purposes, any marriage between an alien and a U.S. citizen or LPR to become eligible to receive immediate-family

designation as a spouse that is recognized as a legal marriage in the place or jurisdiction where the marriage was celebrated/performed via the place-of-celebration rule is considered a *bona fide* marriage excluding marriages identified as polygamous, proxy, sham (fraud), unsanctioned, civil unions, domestic partnerships, or any arrangement or relationship not recognized as a marriage (USCIS Policy Manual, 2019).

Petition: a formal written request made to an official person or agency for a specific benefit or action (USCIS, 2019e).

Provision: a previous measure addressing a need or contingency (Sacco, 2015).

Sponsor: In immigration, this means to bring an individual to the United States or petition for him or her. A petitioner can sponsor an immediate relative or employee to immigrate to the United States (USCIS, 2019e).

Spouse: a legally married person.

U.S. citizen: A person that meets the requirements of U.S. citizenship at or after birth. At-birth (i.e., birthright) citizenship is given to an individual born in the United States, territories, or outlying possessions of the United States which are subject to the jurisdiction of the U.S., or who has a parent or parents who are U.S. citizens at the time of their birth and who meet other specific citizenship requirements. United States citizenship after birth is acquired through parental citizenship via an approved application for citizenship and naturalization (USCIS, 2019e).

USCIS Form I-360: The form I-360 is titled Petition for Amerasian, Widow(er), or Special Immigrant and is used to classify an alien as (a) an Amerasian (born between 12/31/1950 and 10/23/1982); (b) a widow(er) of a U.S. citizen; (c) a self-petitioning

spouse or child of an abusive U.S. citizen or lawful permanent resident; (d) a self-petitioning parent of an abusive U.S. citizen; or (e) one of the eleven defined categories of a special immigrant. The latest edition of this 19-page form is dated 04/12/18 and is sent to the USCIS Vermont Service Center (VSC) via mail or courier. The \$435 U.S. dollar filing fee is waived for self-petitioning abused spouses or children of U.S. citizens or lawful permanent residents and self-petitioning abused parents of U.S. citizens. When submitting the Form I-360, the petitioner presents required initial evidence based upon the category the petition is being submitted.

The checklist of those submitting Form I-360 as a self-petitioning abused spouse, child or parent lists the following:

- Evidence of the abuser's U.S. citizenship or lawful permanent resident status.
- Marriage and divorce decrees, birth certificates, or other evidence of the legal relationship to the abuser.
- One or more documents showing that the petitioner and the abuser have resided together, such as employment records, utility receipts, school records, hospital or medical records, birth certificates of children, mortgages, rental records, insurance policies, or affidavits.
- Evidence of the abuse, such as reports and affidavits from police, judges, court officials, medical personnel, school officials, clergy, social workers, and other social service agency personnel, as well as any other court or official documentation.
- If the self-petitioner is 14 years of age or older, the affidavit of good moral character accompanied by a local police clearance, state-issued criminal background check, or similar report from each locality or state in the United States or abroad where the self-petitioner has resided for six or more months during the three-year period immediately before the self-petitioner filed the self-petition.
- If the self-petitioner is a spouse, submit evidence showing the self-petitioning spouse entered the marriage in good faith, such as proof that one spouse has been listed as the other's spouse on insurance policies, property leases, properly filed tax forms, or bank statements. The self-petitioning spouse may also submit an affidavit or affidavits of others who have knowledge of their courtship, wedding ceremony, shared residence, and other life experiences, if available.

- A self-petitioning spouse or child of a U.S. citizen or lawful permanent resident or self-petitioning parent of a U.S. citizen may submit any relevant credible evidence in place of the suggested evidence in the checklist (USCIS, 2019f, p.21.4).

VAWA: The Violence Against Women Act (VAWA) is a part of the congressionally approved 1994 Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) signed into law by President Clinton. VAWA is included as Title IV, creating a set of programs to assist local law enforcement agencies in eliminating and aiding to victims of violent crime (Sacco, 2015). VAWA was utilized to bolster investigations and prosecutions of sex offenses; provide grant programs for law enforcement agencies, public and private, organizations, outreach and assistance services, and crime victims particular to various facets of violence against women; and the establishment of VAWA provisions for abused aliens and immigrant spouses (Sacco, 2015). The Immigration and Nationality Act (INA) was amended by VAWA to give provisions for victims of domestic violence and abuse which allow for certain spouses, children, and parents of U.S. citizens and lawful permanent residents to self-petition without the abuser's knowledge in order for the victim(s) to seek safety and independence from abusers (USCIS, 2019f). The VAWA provisions are permanent and do not require congressional reauthorization as they apply to both men and women (USCIS, 2019f).

Background of the U.S. Citizenship and Immigration Services Organization

USCIS's need for an administrative study of this type centers around its mission of safeguarding the integrity and promise of the agency by efficiently and fairly adjudicating requests for immigration benefits while protecting Americans, securing the homeland, and honoring the core values of the United States. In general, U.S. citizen

spouses who have been accused of abuse through the VAWA-based petition process question the extent to which USCIS fairly adjudicates their cases. To understand the need for this type of administrative study such, it is important to understand the historical contexts of the USCIS.

Immigration came under federal control after the Civil War, undergoing several agency and policy changes until all immigration functions were aligned under the purview of the Federal government under the Immigration Act of 1891 (2012). U.S. Citizenship and Immigration Services (USCIS) is the chief federal agency charged with adjudicating benefit programs surrounding all facets of the U.S. immigration process. U.S. statutes under Title 8 of the 1952 Immigration and Nationality Act (INA) provide the construct for the agency to carry out the administration of benefits for all immigration matters (USCIS, 2013). USCIS recently updated its mission focus to maintain alignment with the Department of Homeland Security (DHS) by reinforcing the preservation of a robust immigration process that also safeguards national security (USCIS, 2018a).

Throughout U.S. history, marriage has been considered a sacrosanct right for U.S. citizens wishing to marry a foreign spouse and bring that spouse to the United States, defined and supported by the guaranteed rights of U.S. citizens by law (Rae, 1988). As immigration levels rose during the late 20th century, successful immigration through marriage became an exploitation used to circumvent the often-lengthy immigration and naturalization process. This necessitated Congressional investigation into the administration of immigration functions to ensure that the appropriate level of scrutiny

and discretion was being applied to the administration of the immigration process (Rae, 1988).

Congressional oversight of the administration of immigration led to the Immigration Marriage Fraud Amendments of 1986 (IMFA or Marriage Fraud Act), which was created to assist in preventing the overwhelming abuse of the immigration process through marriage fraud (Rae, 1988). Administration of benefits in immigration marriage cases is currently under scrutiny due to exploitative efforts by criminal elements, complexities of marriage, and influential discretion afforded to USCIS in the adjudication of these cases (National Cable Satellite Corporation, 2017). The internal professional perspective is that while marriage fraud occurs under various guises, none are as exploitable as fraud claims of domestic abuse, which attract major social interest but produce little published research to create an understanding of the issue.

The Violence Against Women Act of 1994 and subsequent reauthorizations are another byproduct of Congressional oversight as an answer to remedy longstanding laws and social norms accepting of violence against women (Sacco, 2015). Since 1994, domestic abuse victim advocacy has focused on ensuring the VAWA provisions are expanded for protections and relief for immigrant victims (Kandel, 2012). Private interests pressured the need for expansion of the VAWA provisions that later were identified as exploitable system gaps recognized in the 2008 Respecting Accuracy in Domestic Abuse Reporting (RADAR) report (Wilkerson, 2015). This presented a challenge to USCIS for addressing concerns of advocates in preventing abuse of the VAWA provisions through immigration fraud (Olivares, 2014).

The institutional context of this research focuses on how the administration of the USCIS VAWA-based petition does not afford discretionary consideration to U.S. citizen spouses. This is akin to the broader actions of other governmental agencies not equitably administering programs through policies that marginalize one group to fulfill statutory mandates designed to address only one part of a problem, therefore creating a fragmented social process. Government administration is based upon laws, agreements, and structures created to accomplish the delivery and handling of a specified group of services and benefits. Institutional arrangements were defined by Sorensen and McCreary (1990) as a composite of the societal distribution of laws, customs, and organizations and management strategies that dispense scarce national resources towards competing values for a social purpose.

The goals and mission of USCIS, while focused on immigration and citizenship services, are tied to those of DHS who safeguard national security (USCIS, 2018a). This overarching goal of national security has been tied to all government agencies. It has been controversial how government agencies administer their programs to maintain national security interests, even if the rights, privileges, and considerations of an individual or group are limited by the administration national security of policies. While the vision for USCIS is to preserve the immigration process, that process is second to maintaining structures of law within the delivery of services.

Such governmental processes affect the delivery of government benefits on international spaces concerning foreign policy, immigration, trade, finance, and humanitarian interests. Particular to this study, congressional creation of the Violent

Crime Control and Law Enforcement Act of 1994 was a reactionary response to overwhelming criminal violence in U.S. states and cities. This violence was escorted by a wave of illegal drug distribution and gun violence that required federal actions to enhance local law enforcement to deal with these issues. VAWA was a byproduct of this effort to address violent crime based upon the lack of acknowledgment and prevention of violence against women. Later developments created the need for congressional action to address crime on a different threat level rooted in terrorism, money laundering, espionage, sabotage, and increased gun violence resulting in the existing policies mandating a national security and criminal detection focus for all governmental agencies.

There are many U.S. citizen complaints on the inequity of USCIS adjudications of the VAWA-based petition process, chiefly being the negation and disregard of any input from the U.S. citizen spouse (Cadman, 2017). Mandated VAWA statutes leave little room for discretion by USCIS adjudicating officers as domestic violence provisions are victim-based, not equity-based. The VAWA petition process requires deeper examination due to the weight given to an area as critical as immigrant domestic violence and abuse. The major issue is determining if the use of the spousal immigrant VAWA provisions affords an appropriate level of discretionary consideration to U.S. citizen spouses. This is problematic as the USCIS mandates efficient administration and assurance of procedural veracity while administering immigration benefits (USCIS, 2018a).

USCIS VAWA-based fraud prevention measures were changed from official required reporting being optional to curb beliefs that fear of deportation, loss of status, and damage to opportunity would prevent immigrant domestic abuse victims from

seeking help (Horowitz, 2012). Previous researchers have shown that USCIS officials assigned the review of visa self-petitions by foreign spouses claiming abuse to the Vermont Service Center (VSC) to provide consistency and reliability, prevent fraud, and apply specialized knowledge when processing eligible petitions (Kandel, 2012). These petitions are processed using documentation supplied by immigrant spouse applicants only meeting minimal evidence standards and without an interview, making the process vulnerable to exploitation (Kandel, 2012).

This approach highlights recent research illustrating a flaw in understanding domestic violence and VAWA-based marriage fraud from the lack of studies in romance fraud versus domestic and intimate partner violence (Cross et al., 2018). Romance fraud research, akin to marriage fraud, contains valuable insights into ruses and methods employed in marriage fraud and false domestic abuse situations (2018). While there is a lack of data specific to any concerns over VAWA-related fraud, research conducted by Kandel (2012) showed that USCIS policy could be crafted from this flawed position.

The existing USCIS policy affords no due process or recourse for U.S. citizen spouses implicated in claims of abuse during the adjudication of a VAWA-based petition (USCIS, 2016). While the research literature contains a qualitative study providing insights into the victim experience with the VAWA-based petition process, there have been no studies of the effects of the VAWA-based petition process on U.S. citizen spouses (Ingram et al., 2010). Research also shows that reporting of domestic abuse by immigrant victims was higher for those whose partners refused to help amend their

immigration status, threatened them with deportation, or held unrealistic expectations of a spousal dependent visa (Modi et al., 2013).

The data from existing VAWA-based immigration research support a one-sided view of unchallenged evidentiary rules and manipulation at all legislative and judiciary levels which deal with domestic violence (Collins, 2015). When attempting to develop a robust fraud review system, the Fraud Detection and National Security Directorate (FDNS) division of USCIS received opposition on its VAWA-based fraud review processes (Barrett, 2014). These USCIS actions revealed a lack of information regarding VAWA benefit fraud, leading to policy gaps within USCIS.

Existing research shows immigration marriage fraud has been a challenging area of interest and controversy worldwide, such as the parliamentary level political ruin from British partisan judgment of immigrant marriages (Charsley & Benson, 2012) as well as Canadian citizen backlash to being labeled victims of marriage fraud (Gaucher, 2014). Qualitative data providing an in-depth understanding of this issue is required to address the administrative shortfalls of the VAWA-based petition process.

Role of the DPA Student/Researcher

My professional relationship with the agency is that I was formerly employed by the agency as an appointed and sworn officer in the roles of Immigration Services Officer (ISO) and Management Program Analyst (MPA). I have four years' experience with the agency and over 25 years' experience with Homeland Security and administration. As an ISO, I adjudicated the status adjustment of immigrant applicants, approved family visa petitions for spouses and children of U.S. citizen and Lawful Permanent Resident clients,

approved employment and travel authorizations for immigrant clients, performed all verification and review functions for immigrant applicants, and conducted investigative referral background checks for all parties applying for immigration benefits. As an MPA, I processed requests for information from various external parties about the status of immigrant clients and the reporting of immigration violations. This processing included review of fraudulent immigration behavior, reporting, resolution, and referral of immigration fraud and illegal immigration-based employment, travel, and status.

As a former USCIS appointed professional, I handled a variety of cases involving various levels of immigration fraud; violations of the immigration guidelines; and administrative shortcomings involving lack of discretionary judgment, bias, training, and comprehension of immigration officials at varying levels. This makes me a subject matter expert about adjudication and processing of immigration applications, identifying fraud and violations, and a resource for developing the concepts needed to successfully collect case study information.

I am highly susceptible to various biases about the administrative functions of the USCIS immigration process. I have participated in establishing outcomes utilizing these administrative processes that may cloud the collection and analysis of the data surrounding case study research. Unfortunately for many agencies, it is necessary to have more than basic familiarization of agency administrative functions to navigate the complexities that may be overlooked through a basic evaluation. My unique experience in comprehensive federal law enforcement, homeland security components, and the U.S. immigration process affords a detailed perspective on the functions of the agency's

services, and what the immigration statutes mandate for the administration of immigration procedures.

The chief safeguard to prevent any bias I have was to utilize bracketing to ensure that I captured of participants' real-world experience and collect existing information (descriptive basis) from the participant and not what I have experienced working with the agency administrative process (interpretive basis; Sorsa et al., 2015). This was possible via a thorough understanding of how phenomenological study demands a timely reflection on the process and intent of the qualitative study and the participants' information, and required me to surrender assumptions, preconditions, notions, and prejudices surrounding the phenomenon (Sorsa et al., 2015).

Bracketing allowed me to remove personalized filters to the collected information in a focused and disciplined manner (Wilson, 2015). In this manner, any bias or skewing of data collection was restricted to prevent me from applying an interpretive approach towards a participant's lived experience and honor the base value of the data. Qualitative research information can be bracketed from overlapping descriptive and interpretive positions based upon coinciding valid phenomenological research principles (Wilson, 2015).

Other safeguards against data collection and analysis personal bias were understanding the use of the case study interview guide and guided researcher reflection to stay within a detailed narrative which promoted focused attention for reliable data coding and using triangulation to validate data findings (Chapman, 2014). Also, while considering the close and detailed relationship I have held with the agency, an

examination of the literature surrounding this research study limited personal bias in establishing outcomes and kept the focus on the study's details (Surmiak, 2018). I also used caution to ensure the study was reviewed based upon its merit and not on association. While the discourse of the research problem surrounding the lack of discretionary consideration given to U.S. citizen spouses in the VAWA-based petition process continues to incite more social commentary and reporting, no formal qualitative research has been undertaken professionally to determine the experience of these U.S. citizen spouses. There has only been a cursory investigation at the USCIS reporting numbers, indicating a possibility of shortcomings to the VAWA-based component of the immigration system (Sharkey, 2019).

Summary

The VAWA-based petition process could be described in simplified terms as a federally mandated contingency plan for immigrant spouses and eligible family members who are the victims of domestic abuse. The administration of VAWA-based petitions has received scrutiny based upon discretionary shortcomings; while there have been studies surrounding the causes and impacts of immigrant-focused domestic abuse, few empirical studies exist about U.S. citizen spouses as domestic abusers and the outcomes of the VAWA-based petition process for U.S. citizen spouses. This study and discussion provide a method for collecting data from this group to help fill gaps and provide qualitative knowledge concerning this subject.

Section 3: Data Collection Process and Analysis

Data Collection Process and Analysis

Introduction

The central question focuses on the level of discretionary consideration given towards U.S. citizen spouses in the Violence Against Women Act (VAWA)-based petition process. This information was collected using the following research instruments: (a) an online survey using the SurveyMonkey platform for U.S. citizen spouse members of the two groups, (b) a semi structured interview of the surveyed U.S. citizen spouses meeting study participant criteria, and (c) a review and analysis of VAWA-based petition appeals responses from the USCIS Administrative Appeals Office (AAO). The triangulation of these data sources provided necessary detail, giving credence to the documented experiences of the U.S. citizen spouse participants.

Previous research identified eight areas in which U.S. citizen spouses were prone to exploitation (Wilkerson, 2015). These were considered when developing the survey to address problem areas associated with the VAWA-based petition process while objectively gathering information about the U.S. citizen spouse participants. Full completion of the survey was necessary to ensure the quality of the data. The U.S. citizen spouse participants were asked to participate in a semi structured interview, detailing their client experience with USCIS and the VAWA-based petition process. Publicly available AAO VAWA-based petition appeals responses from 2015 to 2018 were reviewed to gather data that described the lack of discretionary consideration given to the U.S. citizen spouses of those cases.

Procedures for Recruitment and Participation

The data contained within this study were collected using an anonymous online survey, use of a structured formal interview based upon the interview guide, and review and examination of the AAO VAWA-based petition appeals responses. The data were used to answer the research questions based upon the U.S. citizen spouse experience with the VAWA-based petition process. Having the participants complete the survey and a structured interview were ideal for obtaining the strongest data possible about U.S. citizen spouse experiences with the VAWA-based petition process (Bryman, n.d.).

Practice-Focused Question(s)

The administrative study addresses the levels of discretion are afforded to U.S. citizen spouses during the VAWA-based petition process. This is a personal experience based on the level of service and consideration given to U.S. citizen spouses who have a VAWA claim against them. This is also applicable to the eight areas of exploitation associated with the VAWA-based petition process, mainly the banning of specific evidence from the alleged abuser (Wilkerson, 2015).

The proposed study further analyzes the information collected about the process to answer the following sub-questions:

- How has the VAWA-based petition process affected U.S. citizen spouses?
- What is the U.S. citizen client experience with USCIS administration of VAWA- based petitions?
- What would be an appropriate level of discretion from the VAWA-based petition process?

Sources of Evidence

The target population was U.S. citizen spouses who have been married to an immigrant spouse who has filed a VAWA-based petition as an abused spouse under domestic violence provisions. The sources of evidence were an anonymous online survey, use of a structured formal interview based upon the interview guide, and a review and examination of the AAO VAWA-based petition appeals responses. The firsthand experience of these U.S. citizen spouses allowed the researcher to view the administration process from a citizen client perspective, and how interrelated factors that develop social policy have consequences that affect achieving balance in rights distribution and status allocation (Gil, 1973). The firsthand experience from interviews with these U.S. citizen spouses is supported by their responses from the survey and details from the AAO appeals response information.

Evidence Generated for the Administrative Study

Inclusion Criteria

Both males and females were eligible to participate in the study. The study participants were chosen upon a set of inclusion criteria. The criteria used for screening were that the participant had a lawful marriage to an immigrant spouse, and that the U.S. citizen spouse was not currently engaged in any legal proceedings associated with the foreign spouse who filed the VAWA claim. The U.S. citizen spouses were willing to articulate their experience and outcomes of events surrounding their involvement with the VAWA-based petition process. Additionally, the participants had a foreign spouse who filed a VAWA-based petition within the last ten years. Lastly, the U.S. citizen spouse

identified which of the following regions was the home country of the foreign spouse: (a) Central America (e.g., Guatemala, Honduras), (b) Central Asia (e.g., Kazakhstan, Mongolia), (c) Southeast Asia (e.g., Malaysia, Cambodia, Indonesia), (d) South Asia (e.g., India, Pakistan), (e) North Asia (e.g., Japan, China), (f) North America (e.g., Canada, Mexico), (g) South America (e.g., Argentina, Brazil, Chile), (h) the Caribbean (e.g., Anguilla, The Bahamas), (i) Europe (e.g., Albania, Belgium, Italy), (j) Middle East (e.g., Bahrain, Egypt), (k) Sub-Saharan Africa (e.g. Botswana, Congo-Democratic Republic, Nigeria), or (l) Oceania (e.g., Australia, Samoa). The region identification assisted in determining if indicators existed which showed a prevalence in a particular culture or region, and allowed for wider application of the case study results.

Sampling Approach

The dearth of literature highlighted the lack of information concerning public agencies and social policy. The privacy and risk factors inherent to the VAWA-based administrative process created difficulty in finding and recruiting participants for this study. The administrators of two web-based support groups for U.S. citizen spouses who have been victims of immigration marriage fraud were contacted. These administrators were credible and both groups were reliable for recruiting participants due to the U.S. citizen spouse members having real-time experience with the VAWA-based petition process. This was optimal for the collection of data not possible from other sources. The first section of the online survey contained eligibility screening questions. These questions gleaned information on age, gender, U.S. citizenship status upon legal marriage to the foreign spouse, involvement in any criminal legal proceedings with foreign spouse,

the filing of a USCIS Form I-360 by the foreign spouse, current U.S. residency, and country/region the foreign spouse originated from at marriage.

A non-probability purposive sampling approach was effectively utilized because the U.S. citizen spouses represented a unique group. Two active private online social media support organizations for U.S. citizen spouse victims of immigration-based marriage fraud were found to be the best avenue of gaining the firsthand information required for this study. These groups made specific claims that the VAWA provisions were being used by foreign spouses to commit marriage fraud, cause financial distress, and impart emotional suffering upon them as U.S. citizen spouses. The groups also stated that the VAWA-based petition process denied them due process by not affording them discretionary consideration based solely upon an allegation of abuse (Trochim, 2006). An approved group posting recruitment advertisement for a SurveyMonkey online platform survey was reviewed by the group administrators and posted for four weeks to a point of saturation.

The goal of the study made purposive sampling of the U.S. citizen spouses necessary to gather the most relevant data to answer the research question (Researchscape International, 2016). Qualitative research on fraud by Levi (2015) has shown that the use of qualitative methods to collect data is ideal to adequately reveal the administration of such activity, as well as the reach of the fraud into other areas of agency activity. At the time of the posting, the researcher started a research journal, keeping notes on the data collection process.

Data Collection

The survey invitation was posted in the two private support organizations for U.S. citizen spouses having direct experience with the VAWA-based petition process. The survey was administered via the SurveyMonkey online platform and was developed utilizing information that objectively gathers U.S. citizen spouse data while also covering the eight areas of exploitation associated with the VAWA-based petition process (Wilkerson, 2015). The survey included the necessary informed consent information, requiring acknowledgement of anyone prior to engaging in the survey. The survey provided discretion and anonymity for each participant. A screening section of the survey was created to ensure U.S. citizen spouses meeting specific inclusion criteria were included. No incentives were offered for participation in the survey.

The aim was to recruit both male and female U.S. citizen spouse participants who had experience with the VAWA-based petition process. The survey also requested information to determine from which of 12 identified immigrant regions the participant's foreign spouse originated. At the completion of the survey, the participants were asked to participate in a voluntary structured interview. Due to the subject matter, obtaining firsthand accounts of these U.S. citizen spouses' experience with the VAWA-based petition process was the best method to collect the necessary data required for the study. The participants were also informed that survey and data information would be kept secure through password encryption, and any written information (e.g., research notes, journals) were kept in locked storage and maintained according to IRB standards. The survey was closed four weeks after its launch.

At the end of the survey, participants were asked to volunteer to take part in an interview. Upon review of the survey data, volunteers were sent a scheduling email confirming their preferred interview day and time and asked to validate their continued interview interest. The participants who agreed to an interview were informed that the interview would last approximately one hour. Each interview was recorded with the permission of the study participants. Recording of the interviews was to ensure accurate capture of the participant responses for review by this researcher and transcription. The participant interviews provided the necessary insight into their experiences with the VAWA-based petition process. The interviews added another layer of soundness to the data as the U.S. citizen spouses directly engaged in a confirming account of their experience mentioned during the online survey. The interviews also provided balance and cross examination of the data associated with the VAWA-based petition process. The genuine and meaningful value of the qualitative data from multiple sources is easily maintained and captured from the use of these evidentiary principles (Oswald, 2019).

Analysis and Synthesis

Data Analysis for Survey

The survey data were exported from SurveyMonkey's collection software to MS Excel and PDF formats. The data were analyzed in MS Excel for frequency and proportion of occurrence of responses for each of the survey questions. The Excel data were reviewed and formatted for ease of use, and for analysis to answer each research question. The initial observation of any trends, outliers, or misaligned data were noted. The PDF data were primarily used for graphical representations of the survey responses.

The PDF data were reviewed, and initial observations were made for familiarization of the data. The collected survey data were reviewed and rated based upon the survey answers, noting all common occurring experiences for categorization. This helped define the general U.S. citizen spouse experience with the VAWA-based petition process. The survey data were used to provide background information on each of the study participants as well as triangulate the findings for all three research questions.

Data Analysis for Interviews

Each interview was professionally transcribed into text using Rev.com, an AI-supported professional transcription service. The transcripts were reviewed for accuracy using the encrypted interview recording and researcher notes. Notes were made about the transcribed interview data for use in coding. The recordings were stored electronically using password-encrypted software. The participants were assigned pseudonyms and personally identifiable information marked for exclusion during the coding process. Data from the interviews were used to answer all of the research questions.

The interview data were reviewed for familiarization in accordance with the first step of Braun and Clarke's (2006) six-phase framework for thematic analysis. Thematic analysis was chosen as the optimal approach to provide rich, detailed, valuable data (Nowell et al., 2017). Separate codebooks for the interview and appeals data were constructed based upon the survey and interview categories, research questions, and specific terms and phrases particular to the VAWA-based petition process. The initial codes were applied to the data from the interviews. This process ensured meticulousness and better familiarization of the data for creation of the initial codes. Emphasis on sound

coding assisted in recognition and identification of patterns or themes within the data (Maguire & Delahunt, 2017).

The interview data obtained were manually transcribed and coded without qualitative research software. This was done via a MS Word comment tool to highlight specific text within the separate transcripts. The highlighted information was transferred to an MS Excel spreadsheet and combined to form a foundational set of coded data for the interview transcripts. A review of these interview themes formed recognizable groups based upon terms or patterns in the participant responses, and then labeled by codes organizing the participant answers from wide to explicit concepts linked by themes fitting the framework of the research design (Evers, 2018).

A sequence of grounded (i.e., inductive) and content analysis was used to further conduct thematic analysis coding. The use of thematic code proved to be the best method for this phenomenological study (Saldaña, 2016). Thematic analysis is preferred for the novice researcher as detailed theoretical and technological knowledge is not required as used in other qualitative research methods. This use of thematic analysis offered a readily understandable type of analysis of this complex topic (Saldaña, 2016). Observation of the themes formed from initial coding showed that U.S. citizen spouses were not happy with the administration of the VAWA-based petition process, felt the process did not provide them any measure of due process or discretionary consideration, and that they were victims of government nonaction against immigration fraud through false claims of domestic violence or abuse.

Data Analysis for USCIS Appeals

Data related to the VAWA-based petition process were abstracted from the USCIS AAO appeals response data webpage. This webpage contains information about the discretionary consideration given to U.S. citizen spouses during the VAWA-based petition process. The appeals response information is from decisions made by the AAO, which are derived from a filing action by a foreign spouse. These appeals responses are written in a formal manner similar to a legal brief, containing jargon specific to immigration law, precedents, rules, guidelines, policies, and procedures. The appeals response data also provides information about U.S. citizen spouse contact with USCIS, the effect the U.S. citizen spouse had on the VAWA-based petition process, and the U.S. citizen spouse's immigration-based response to marital conflict with his or her foreign spouse.

A recognizable pattern was established due to the VAWA-based petition process which did not acknowledge information from U.S. citizen spouse contact while allowing third-party contact via affidavits, letters, or notes submitted by the foreign spouse as evidence. More distinctly, the appeals response data provided supporting information about the areas of vulnerability held by U.S. citizen spouses, the actions and behaviors of the foreign spouses during periods of marital conflict, and during the VAWA-based petition process.

The AAO appeals responses were converted into MS Word documents so that the comment tool could highlight specific text within each case. The highlighted information was transferred to an MS Excel spreadsheet and combined to form a foundational set of

coded appeals data. Only AAO appeals response data most relevant to the U.S. citizen spouse experience with the VAWA-based petition process were extracted.

The information retrieved from the appeals responses was used for triangulation of the research data to answer research questions two and three. Review and examination of these VAWA-based appeals responses provided an essential balance to the data obtained from the U.S. citizen spouses, and the ability for cross-examination of detailed information associated with the VAWA-based petition process. The appeals response information is directly related to the VAWA-based petition process because the appeals process is used by USCIS to detail, explain, and justify decisions for immigration benefits when a discrepancy or error is claimed by the applicant or petitioner (USCIS, 2019j). This was requisite for the triangulation of data, establishing this study's impact and aligning with optimal qualitative study analysis (Yin, 2003).

Data Synthesis

The identified themes of this study were formed from the coded data using separate codebooks, notes, a research journal, compiled survey responses, transcripts of recorded interviews, and open-source records of AAO VAWA-based appeals responses. During the coding process, codes were applied to sections of the text by identification of defined terms, described situations and actions, statements, and distinct observations for categorizing data associated with the research-study sub questions. Concept mapping was used to relate the data to the research question and grasp the relationships existing among the various codes of the coding scheme (Conceição et al., 2017). The coding scheme made it possible to identify defined themes within the data.

The appeals response data were matched to the coded interview data, and the connections amongst the codes for the U.S. citizen spouse participant interviews and the review of the AAO appeals responses were identified to show how the appeals response data supported the interview data themes. The survey data were also examined for pattern matching that supported the major themes of U.S. citizen spouse experiences. The data matches were supported by matches in the survey responses, statements made in the interviews, and within the appeals responses, which provided an in-depth look at how the VAWA-based petition process did not give discretionary consideration to U.S. citizen spouses and the context of this practice. A review of these themes from the interviews formed recognizable groups based upon terms or patterns in the participant responses, and then labeled by codes organizing the participant answers from concepts linked by themes fitting the framework of the research design (Evers, 2018).

Major themes were formed from detailing the U.S. citizen spouse reaction to the VAWA-based petition, the knowledge the U.S. citizen spouse gained from interaction with the VAWA-based petition process, and the perceptions of the outcomes the U.S. citizen spouse experienced with the VAWA-based petition process. Examination of these data provide a defining idea of an appropriate level of discretion as a standard to be applied in the administration of the VAWA-based petition process.

The defined themes were reviewed, assuring the underlying weight of the U.S. citizen spouse experience was understood and taken in the proper context. From this, a “whole picture” idea could be formed to understand the overall experience of the U.S. citizen spouse participants. Similar to a method of inductive analysis, the interview,

survey, and appeals data shed light on the reality of a U.S. citizen spouse in the VAWA-based petition process (Moustakas, 1994). The final write-up of findings then began.

The coded data allowed for grouping specific quotes to the focused research questions on the U.S. citizen spouse experience with the VAWA-based petition process. The first research question, *How has the VAWA-based petition process affected U.S. citizen spouses?*, centered on the outcomes experienced by U.S. citizen spouses in the VAWA-based petition process, and how this process affected them. The data provided information based upon contact the U.S. citizen spouses had with USCIS, and the major impacts the outcomes of this process had in the lives of these U.S. citizen spouses. The themes related to this research question were: (a) financial, (b) mental health, (c) employment/job, (d) social, and (e) medical.

The second research question, *What is the U.S. citizen client-experience with administration of VAWA-based petitions?*, was answered directly through analysis of collected data and, in particular, by the VAWA-based appeals information. The themes related to this research question were: (a) receipt and response to information about the VAWA-based petition process, (b) resolving the VAWA-based petition, and (c) U.S. citizen spouse assessment of the VAWA-based petition process. The third research question, *What would be an appropriate level of discretion from the VAWA-based petition process?*, was also answered through a totality of the data. The themes related to this research question were: (a) the process was directly harmful to U.S. citizens, (b) administration was unclear and confusing, and (c) the process was politicized and used exploitatively against U.S. citizen spouses. These themes indicated that an inappropriate

level of discretionary consideration is given to U.S. citizen spouses associated with the VAWA-based petition process.

Summary

The purpose of this qualitative phenomenological study was to achieve direct knowledge and comprehension of U.S. citizen spouse participant experiences and outcomes from involvement with the VAWA-based petition process. The researcher relied upon the use of thematic analysis explained in the qualitative research models of Braun and Clarke (2006) in psychology. This ensured inclusion of the rich data needed for this study by U.S. citizen spouse interviews and direct responses to survey questions by U.S. citizen spouse participants. The survey was conducted using the SurveyMonkey online platform, where participants had anonymity from other members of the support groups while participating in the study. The appeals response data were retrieved from USCIS open web sources, reviewed, and converted into a format where the data could be coded accordingly. Once coded, these data were analyzed to reveal the themes formed from analysis of the data that provided answers to the research questions.

Section 4: Evaluation and Recommendations

Evaluation and Recommendations

Introduction

U.S. Citizenship and Immigration Services (USCIS) has received social and political scrutiny in the administration of immigration benefits to foreigners seeking citizenship or legal immigration status to the United States. There have been efforts to ensure immigrant spouses do not suffer domestic abuse from a U.S. citizen spouse (Zimmerman, 2016). At the top of these efforts is the Violence Against Women Act (VAWA), which contains provisions mandating support for immigrant spouses who have been the victims of domestic violence and abuse (Sacco, 2015). Immigrant spouses can self-file an application in order to gain lawful status, legal employment, travel authorization and citizenship through a VAWA-based petition process as a victim of domestic abuse (Kandel, 2012).

Complaints from U.S. citizen spouses about the lack of discretionary consideration given them during the VAWA-based petition process have increased. U.S. citizen spouses complain that the VAWA-based petition process permits USCIS to adjudicate a VAWA-based petition without contact, receipt of feedback, or direct information from the affected U.S. citizen spouse (Wilkerson, 2015). Further, there have been no studies conducted addressing the concerns of U.S. citizen spouses on how the VAWA-based petition process is being exploited and producing negative outcomes in their lives. This creates a situation where U.S. citizen spouses become victims who are

damaged and “abused emotionally, financially, psychologically and sometimes physically” (Zimmerman, 2016, p. 22).

This study addressed the level of discretionary consideration afforded U.S. citizen spouses in the VAWA-based petition process. The term *discretionary consideration* refers to the agency’s choice to adjudicate an immigration benefit based upon the facts and circumstances surrounding an individual case and not solely based upon the rules and guidelines of the benefit being sought. Discretionary consideration for the U.S. citizen spouse applies to contact, information, and evidence supplied by the U.S. citizen spouse to USCIS during the VAWA-based petition process. Presently USCIS administrative policy does not actively provide discretionary consideration to U.S. citizen spouses based upon their status as an alleged abuser of a foreign spouse making a VAWA-based petition claim. This directly affects the level of service given to U.S. citizen spouses concerning the VAWA-based petition process. This is a personal experience where relevant contact, information, and administrative actions are restricted and limited towards the U.S. citizen spouse.

Three research questions were developed to collect the data from U.S. citizen spouse participants in the study. These were: *How has the VAWA-based petition process affected U.S. citizen spouses? What is the U.S. citizen client experience with USCIS administration of VAWA-based petitions?* and *What would be an appropriate level of discretion from the VAWA-based petition process?* These questions are answered directly through analysis of data from the U.S. citizen spouses, a formal online survey, and VAWA-based appeals response information. It should be understood that the VAWA-

based petition process is an all-encompassing event in the lives of U.S. citizen spouses. The actions, events, and choices surrounding both a U.S. citizen spouse and foreign spouse are tied to the VAWA-based petition process as the handling and outcome of this process determines any future immigration benefit, fiscal responsibility, housing, employment, and social standing. It is crucial to understand that the VAWA-based petition process is an intrusive and intense situation where external limits have been structured preventing any mitigation or control.

Background

Information critical for the in-depth knowledge required by this study necessitated working with two active support groups comprised of U.S. citizen spouses. These groups were established as legitimate and reliable sources to recruit study participants that could provide valuable firsthand data not available from other sources. Participants in this study are all group members that responded to the IRB approved survey invite posted in the group. The survey invite was actively posted in both groups until a level of saturation was achieved after approximately four weeks.

The initial survey questions provided information about these U.S. citizen spouse participants giving an understanding of who they are in relation to information about their experience with the VAWA-based petition process. Eleven group members successfully participated in the survey, but only eight successfully participated in a voluntary interview. Eight of the participants were U.S. citizens by birth, with three becoming naturalized U.S. citizens during adolescence. There were five (45.45%) females and six (54.55%) males that successfully participated in the survey. Four (36.36 %) of the

participants met their foreign spouse outside of the United States, and only one participant had lived outside the U.S. with the foreign spouse before the couple took U.S. residency.

Participants ranged in age from 30 to 60, with 47 being the average age of participants. Out of 12 identified world regions, five (45.45%) participants had foreign spouses from South America, two (18.18%) had spouses from Southeast Asia, two (18.18%) with spouses from the Middle East, one (9.09%) with a spouse from Europe, and one participant (9.09%) with a spouse from the Caribbean. The participant responses indicated that the average marital strife point (i.e., when significant conflict in the marriage began) was 12 months, with responses ranging from one to one hundred (1 to 100) months. Table 1 below provides an outline of U.S. citizen spouse participants.

Table 1*U.S. Citizen Spouse Participant Information*

Name	Age	Gender	Occupation	Foreign Spouse Region	Marital Strife Point
Participant 1	35-39	F	medical specialist	Middle East	1 mos
Participant 2	60-65	M	transportation specialist	South America	3 mos
Participant 3	60-65	M	medical specialist	Southeast Asia	1 mos
Participant 4	45-49	F	medical services	South America	2 mos
Participant 5	45-49	M	federal interpreter	South America	5 mos
Participant 7	45-49	F	medical services	South America	6 mos
Participant 6	30-35	M	medical specialist	Middle East	3 mos
Participant 8	50-54	F	medical services	South America	10 mos
<i>Participant 9</i>	45-49	F	unknown	Caribbean	100 mos
<i>Participant 10</i>	30-34	M	unknown	Europe	1 mos
<i>Participant 11</i>	50-54	M	unknown	Southeast Asia	6 mos

Note. Italicized names only participated in the survey; no interview was recorded.

Information provided by U.S. citizen spouse participant interviews revealed that the participants had vulnerabilities that favored of their foreign spouses. For this study, a nuanced definition is used for explaining the U.S. citizen spouse participants' position in their social relationships (e.g., interactions and perceptions; August & Rook, 2013). Social science and psychology circles use vulnerability as an assessment tool for individuals versus systems (M&E Studies, n.d.). These vulnerabilities make a person more relatable, personable, and capable of engaging in the intimacy required for success

in human relationships rather than defining a person as weak, needy, or pitiful (Wolfe, 2016).

Data from modern qualitative research have identified human vulnerabilities (Hogarth et al., 2014). Existing gaps in the research show a lack of understanding human vulnerabilities and how they apply to policy and decision-making (Patt et al., 2008). These vulnerabilities contributed to these U.S. citizen spouses' experience with the VAWA-based petition process. These vulnerabilities are categorized by frequency of reference during the participant interviews into the following categories: emotional, social, economic, attitudinal, and physical.

Emotional vulnerability describes conditions adversely affecting one's ability to perceive damaging personal thoughts and feelings leading to mistreatment. *Social vulnerability* describes conditions affecting the ability to deal with relationship issues derived from family, culture, religion, lifestyle, and philosophical values. *Economic vulnerability* describes conditions adversely affecting an ability to adequately provide financial stability. *Attitudinal vulnerability* describes conditions affecting an ability to factually discern behaviors and situations. Finally, *physical vulnerability* explains conditions affecting an ability to deal with marital risks due to location or mobility. Statements of the U.S. citizen spouse participants supporting the application of these vulnerability categories are:

Emotional Vulnerability

- "We met on an online dating site, at first a perfect relationship."
- "And of course, I got suspicious, but I still thought it was love, we're going to have a baby."
- "Well, he was very persistent. He just knew how to say the things that you wanted to hear."
- "Well, I can trust at least her Christianity to make a decision without questioning anything."

Social Vulnerability

- "Well, I was a single father at the time, raising kids, so it affected everybody."
- "And the gal that I ended up marrying was my friend's niece, not a mail order bride."
- "Religion was the only thing that could've gotten me into this with a blind eye."
- "I didn't have much family, which made it easy for him, nobody saw what he did."

Economic Vulnerability

- "It cost me a lot of money financially to win my case. A lot of money."
- "My dad sent me money for a lawyer because I've spent all my money on my husband."
- "I have to pay every time, \$300 an hour to a lawyer. I have to work to make that money."

Attitudinal Vulnerability

- "I gave her an iPhone, how many people get handed a brand-new iPhone, right?"
- "I feel like my family tradition compelled me to go back there and marry in the church."
- "I thought, I'm marrying a priest from the church. how could you mess that one up?"

Physical Vulnerability

- "My wife came to meet me in India but was not admitted and had to go to the US."
- "It was best for my safety not to tell him I was leaving, and I was getting the paperwork."

These statements support these categories of personal vulnerability and should be taken in context with the complexities faced by U.S. citizen spouses when in the VAWA-based petition process. There are broader applications of the categories, but for this study they were limited to the personal experience of the U.S. citizen spouse. These vulnerabilities shape a common background to the U.S. citizen spouse experience based upon the interview responses. Additionally, supporting facts about emotional vulnerability were found in the survey where nine out of 11 (81.8%) participants responded they utilized more than one identified coping method to deal with the emotional trauma being involved with the VAWA-based petition process. This information points to U.S. citizen spouses making up a vulnerable group within the broader public.

U.S. Citizen Spouse Biographical Summaries

Participant 1 is a woman in her late 30s, living and working as a medical professional in the mid-Atlantic region of the United States. She became a naturalized citizen as a child through her Lebanese parents. She grew up in a religious home with strong family ties which emphasized work and education. Prior to meeting her foreign spouse, she was a recent medical professional graduate working full time at a regional hospital. She met her foreign spouse through her family church ties. Although just starting her medical career, she accepted her foreign spouse's marriage proposal.

Participant 2 is a man around sixty years of age, living and working in the transportation industry in the Southeast region of the United States. He is a U.S. citizen by birth, traveling internationally for work pleasure and who has frequented South Asia

and South America. He has been married to three different Brazilian women and met his foreign spouse online. After a brief courtship, he quit his career and married.

Participant 3 is a man approximately 60 years of age, living and working as a medical professional in the Southwest region of the United States. He is a U.S. citizen by birth, living and working in the Mid-Atlantic region of the United States. He married his foreign spouse after a lengthy long-distance relationship when she became pregnant, and they lived in the United States. He was confident in the union because his foreign spouse was related to a close friend.

Participant 4 is a woman in her late 40s, living and working as a medical services professional in the Southern region of the United States. When she married her foreign spouse, she was an experienced career military medical soldier. She was divorced with shared custody of her teen children when she met her foreign spouse at an outing. Although her foreign spouse lived in another region, she communicated her desire for a serious relationship and he sought her family's approval for their marriage.

Participant 5 is a man in his late 40s, living and working as a government language interpreter in the Midwestern United States. He is a naturalized U.S. citizen who grew up with a strong religious foundation. His desire to eventually relocate to South America led him to seek a religious-based marriage with a woman from that region. He met his foreign spouse; they married and had a child in the United States.

Participant 6 is a man in his early thirties living and working as a medical professional in the Southern region of the United States. He is a naturalized U.S. citizen whose family moved to the United States from the Middle East. He met his foreign

spouse at a familiar social gathering of family and friends. His foreign spouse strongly desired to marry and reside with him in the U.S. rather than enduring a long-distance relationship, so they married quickly.

Participant 7 is a woman in her late forties living and working as a medical services professional in the Northeast region of the United States. She is a U.S. citizen by birth, was divorced from a previous foreign spouse, and raising her preteen daughter when she met her foreign spouse online. Her current foreign spouse admitted during the courtship that although he had lived in the United States for an extended period, he did not have legal permanent residency status. Her foreign spouse displayed both social and financial stability, which gave her confidence in his ability to get his permanent status. She and her foreign spouse agreed to marry so he could gain permanent status.

Participant 8 is a woman in her early 50s living and working as a medical services professional in the Rocky Mountain region of the United States. She is a U.S. citizen by birth and did missionary work, meeting her foreign spouse when traveling in his home country. After meeting his family, he wanted to marry quickly in order to serve their faith-based community and be her husband. She found a new career to make the marriage possible and allow them to enjoy a religious life together.

Findings and Implications

To gain the best knowledge of this experience, three research questions were developed to collect the data from U.S. citizen spouse participants in the study. These were: *How has the VAWA-based petition process affected U.S. citizen Spouses?*, *What is the U.S. citizen client experience with USCIS administration of VAWA-based petitions?*,

and *What would be an appropriate level of discretion from the VAWA-based petition process?* These questions are answered directly through analysis of data collected from the U.S. citizen spouses, a formal online survey, and VAWA-based appeals response information.

The VAWA-based petition process is an all-encompassing event in the lives of U.S. citizen spouses. This process operates in the present moment where a claim of domestic violence or abuse is made by a foreign spouse about the U.S. citizen spouse. Several options become available to the foreign spouse solely based upon a VAWA claim, beginning the VAWA-based petition process. The U.S. citizen spouse is prevented from gaining any knowledge about the details of a VAWA claim or any actions concerning the foreign spouse involved in the VAWA-based petition process.

Additionally, several approaches to handling marital issues, family finances, and logistics become available based upon applicable local laws and resources. The actions, events, and choices surrounding a U.S. citizen spouse and foreign spouse are greatly tied to the VAWA-based petition process because this process determines any future immigration benefit, fiscal responsibility, housing, employment, and social ramifications tied to the processing and outcome of the VAWA-based petition process.

As the focus of this study is on the U.S. citizen spouse experience, it is crucial to understand the experiences of U.S. citizen spouses with the VAWA-based petition process may appear indirect or loosely tied, but are connected to the VAWA claim and the petition process as an ongoing situation with no opportunity for mitigation or control.

How Has the VAWA-Based Petition Process Affected U.S. Citizen Spouses?

There were five themes that emerged related to how the VAWA-based petition process affected U.S. citizen spouses: (a) financial, (b) mental health, (c) employment/job, (d) social, and (e) medical. Data collected from the survey showed that the most significant affect was financial, as 11 out of 13 U.S. citizen spouse survey participants responded that they experienced financial loss, excluding divorce-related expenses, when dealing with the VAWA-based petition process. The participants were asked if the financial loss was associated with lost or reduced employment or income opportunities, a loss of property or real estate, a loss related to medical costs, or a loss from expenses outside their marriage. Data from 11 survey responses to this question indicated the participating U.S. citizen spouses had financial losses during the petition process in the following ways: eight were from paying costs outside the marriage (i.e., to their foreign spouse), six were associated with the loss of or reduced employment, four were associated with medical costs, and two from the loss of property.

These data also show that the survey participants experienced these financial losses mainly in two areas: six from a loss of or reduced employment and eight from paying out other costs outside the marriage. These data reveal the participants were affected across multiple loss categories. One participant indicated a financial loss from all four categories: loss of employment, paying out costs outside the marriage, medical costs, and property. Two responses with financial loss entries in only one category, indicating financial loss due to medical costs, and one response of financial loss from paying out costs outside the marriage.

The U.S. citizen spouse participant interview data reinforced five themes relating to how the VAWA-based petition process affected U.S. citizen spouses in the financial, mental health, employment/job, social, and medical categories. The most significant way the petition process impacted U.S. citizen spouses was financially. All study participants reported some financial implications as a result of going through the VAWA-based petition process. Financial impact refers to the monetary losses the U.S. citizen spouse suffered from the VAWA-based petition process. The financial impact included legal fees, comfort investment, income opportunities, loss of savings and investments, payment of loans, child support, and credit card fees.

Financial

Most of the financial impact came in the form of legal fees. For example, Participant 2 stated, “It cost me a lot of money financially to win my case for me it was probably about \$60,000.” Participant 3 shared that “the lawyers are making millions of dollars off the U.S. citizens and cost me over \$200,000 maybe \$250, thank God. I'm a pretty wealthy guy, but trust me, I'd rather have \$250,000 back.” Participant 8 said, “The divorce, lawyers and everything ended up costing probably, around \$10,000.” Another area of financial impact was in the area of comfort investment (e.g., furnishings, furniture) considered major purchases and not day to day merchandise.

Participant 6 said, “It cost me a lot of money to get out of the lease because I wanted to keep things up, like using the furniture that I bought.” Other examples of financial loss were from income opportunities; Participant 4 shared, “I was 15 years into my 20 years towards military retirement, you know, I went from making 70 something

thousand a year down to like, I make about 50 something thousand, about 20 grand a year income I've lost." Financial loss also came through eradication of personal savings.

Participant 7 explained, "So I didn't really have much savings...from moving with him, so the divorce cost me all the savings because when we went to court, I didn't ask for anything." There was financial loss by some study participants through loans. In

describing financial loss, Participant 1 shared:

I'm about \$80,000 in the hole and have that student loan debt because he charged \$12,000 on a credit card and he took out all the money from the student loan, \$60,000, and put it into his personal bank account. He used VAWA to stay legally in the U.S., then kept applying and withdrawing at different schools to keep up his status.

Financial loss through child support was also experienced by the U.S. citizen spouses.

Participant 5 shared an experience regarding child support, stating, "I was paying her directly, but the system was not registering the money provided. Now, I have to pay a lawyer to go to court and prove to them that I was paying the child support." Lastly, there was the financial loss through credit card fees. Participant 8, in sharing her financial loss through credit card fees, related, "The divorce, lawyers and everything ended up costing around \$10,000, and I'm still paying on a credit card, like \$15,000."

Mental Health

Data collected from the survey also showed that four out of 11 U.S. citizen spouse survey participants responded that as a result of dealing with the VAWA-based petition process, they suffered emotional trauma severe enough for ongoing treatment or

medication. Additionally, two of this same four also experienced a psychotic break (i.e., nervous breakdown) from the emotional trauma from the petition process. These events are indicative of individuals suffering from mental illness as current studies show increased traumatic stress, described phenomenologically as an extreme sense of powerlessness and disruption of an individual's beliefs and expectations (Kleber, 2019).

The survey data also showed that seven out of eleven—over-half—of the U.S. citizen spouse participants attempted to handle their emotional trauma on their own, approximately half—six out of eleven—sought assistance from family or friends, and five out of eleven—just under half—survey participants received some form of professional help to deal with their emotional trauma from the petition process. Overall, nine of the 11 U.S. citizen spouse survey participants responded that they utilized more than one coping methods in response to the emotional trauma of the petition process.

The interview data further supported how the VAWA-based petition process significantly affected the U.S. citizen spouses' mental health. All participants reported that the process affecting their mental health in some capacity. The theme of mental health refers to the pain or injury to the U.S. citizen spouse's emotional wellness causing disturbance to mental functioning that expresses itself as erratic, stoic, irrational, or dangerous behavior and/or cognitive function. These disturbances to mental health are usually the by-product of high levels of stress, undue provocation, some internal distress, or issues from external sources (Slavich, 2016). In this case, these U.S. citizen spouses were affected by their involvement with the petition process where many described having instances of mental or emotional trauma.

These U.S. citizen spouses were able to recognize disturbances to their mental health during and after the VAWA-based petition process. These disturbances to mental health ranged from experiencing PTSD, nervous breakdowns, and anxiety, as well as problems with memory, being overcautious, and feelings of mistrust. An example was Participant 2 saying, "I did have PTSD and I didn't even realize it and I didn't even know what it was until I had it." Participant 1 shared about mental health disturbance stating:

It took me awhile to be able to talk about everything I went through with the VAWA process and this fraud. Every time I would say his name, I get anxiety and I go into a panic attack because I'm an abuse victim and no one wants to be that person.

At other times, the U.S. citizen spouse endured a affliction to their mental health, such as the response where Participant 4 said, "I ended up on a, on a psych ward for seven days, I just had kind of like a nervous breakdown and I ended up on the anti-depressants." There was also an example where the U.S. citizen spouse recognized issues with cognitive abilities. An example of this is how Participant 5 exclaimed, "The emotional trauma is the one that is the most troublesome, because first of all, at times I can get forgetful, and sometimes it is hard for me to focus on things," or when Participant 6 stated, "Well that was one of the hard parts as well, like a festive person figuring out this is not the person that you knew before. It was very hard on me." There were also periods of fear over physical conditions, where Participant 3 stated, "I'm scared and you know, and, uh, you know, if he's going to show up on her visitations, I mean, it was, it was spooky, right?"

The U.S. citizen spouse could experience triggering of past traumas, such as Participant 8 who said:

In my life I have experienced trauma and abuse associated with my family, and I realized my foreign spouse figured that out and used this to manipulate me using the VAWA claim, and the VAWA process was so unclear and dubious that it made getting help from lawyers and clergy unduly frustrating which antagonized and worsened my anxiety and depression, now I am even more isolated from my family.

Additionally, the U.S. citizen spouse's mental health was impacted by feelings of distrust, which were expressed by Participant 7, who said:

During the time I was trying to deal with this murky VAWA process I looked for support but repeatedly encountered people I couldn't trust, like a psychologist that turned out to be a biased social worker that was lying to me, and a USCIS agent in Newark that accused me of being a part of a green-card scam until I left the field office in tears.

Similarly, Participant 8 related, "I didn't feel like anybody really believed me, what I went through, it was like, I was some crazy person and the whole time I was with him he was treating me like I was a crazy person."

Employment/Career

The survey data revealed that five out of 11 U.S. citizen spouse participants responded that they suffered a loss of opportunity in their employment or career due to a loss of social status from involvement with the VAWA-based petition process. This

experience represented over-half of the positive responses (five out of eight) to the survey question, “Did you suffer a loss of social status during or after the VAWA-based petition process?” This supports statements by the U.S. citizen interview participants when discussing the negative outcomes experienced in their employment from involvement with the petition process. While these data do not the detail of the type of employment, the pervading factor is that this loss was experienced by a U.S. citizen spouse involved with the petition process.

U.S. citizen spouses also endured loss of employment due to their interaction with the VAWA-based petition process. Approximately three-quarters of the U.S. citizen spouse participants had their career or employment affected by the petition process. This refers to the ending, change, or loss of primary employment or income suffered by the U.S. citizen spouse as a result of the petition process. The impact included data about the loss of expanded job opportunities, prevention to career achievement, reduced or loss of work capability, and employment termination. An example of these impacts was shared by Participant 3:

So while learning about VAWA and dealing with my foreign spouse, at my job gossip started in the office, like how I married a younger woman, that she wasn't from the U.S., he's going through a divorce, he can't do this work, and I got really bad work evaluations.

In another instance, Participant 4 declared, “After dealing with my foreign spouse, VAWA, and the stress of not keeping up my work demands, I ended up getting escorted

out of the Army, so my 15-year career was down the drain.” Participant 7 gave an emotional account, stating:

Dealing with him and the VAWA process he started was killing me and I wound up taking chemotherapy, I never did before, and I lost some of my abilities and because of that I no longer work. I can't work anymore because of that.

Furthering these examples, Participant 8 shared, “Due to some medical issues stemming from the stress of dealing with him and the VAWA process and it’s been three years since I last worked as a nurse.” Relating how the petition process affected her career, Participant 1 said, “I had plans to go back and do my fellowship, which I didn't do okay, because for two and a half years I was in court and dealing with his VAWA claim for two and a half years.”

Social

The results of the U.S. citizen spouse survey data showed that eight out of the 11 participants experienced a loss of social status related to dealing with the VAWA-based petition process. These data form the theme of the social status damage being in the category of a loss of friends and family, followed by a loss in some manner external to the U.S. citizen spouse and family category. Overall, out of eight responses affirming the loss of social status, seven of them responded to more than one category. Individually, both the categories of the loss of friends and family and the loss in some manner external to the U.S. citizen spouse and family had six out of the eight affirmative responses. Out of the multiple categories, the loss of friends and family was contained in five responses with multiple categories, and the loss in some manner external to the U.S. citizen spouse

and family was contained in four responses with multiple categories. The loss of social status survey question also contained responses affirming the loss of opportunity related to employment or career and the loss of property, which are covered in the financial and employment sections.

Three-quarters of these U.S. citizen spouse participants faced various social setbacks in the way of outcomes from dealing with the VAWA-based petition process. These social issues stemmed from a loss of social standing in the workplace where the U.S. citizen spouse's judgment and ability were placed into question, a breakdown of bonds with friends or family ties, unwarranted labeling or inquiries, and a loss of faith or religious activity. Such examples related to reputation in the workplace were that Participant 3 stated that, "I went to human resources to complain about the gossip about my divorce and how I was fool and being used from the VAWA claim, and wound up getting a terrible performance review from my very uptight boss." Participant 4 noted, "I know at the hospital it was different, like the question in their minds was, because of the VAWA claim...did she really use this guy or not, you know, how could she be so stupid?"

An example of unwarranted inquiry is the statement by Participant 5, who indicated:

She continued to be very annoying and harassing and went and created a report that I was abusive to my child, that I was selling porno to minors, and when my child went to her, my child was acting a certain bizarre way, which forced an

investigation. She was protected by VAWA and could claim anything about me.

The police said it is unsubstantiated, and the CPS said it is unsubstantiated.”

Diminished family ties was exhibited from Participant 6, who said, “Yeah, I did lose some friends because I would say that the family knows that the VAWA claim was false so there was always someone on my side, even though there’s no contact anymore.”

Participant 8 also shared her experience, saying, “And then there was just stuff that I, you know, after dealing with what I did, with that VAWA claim and everything, I just don't want to think they would talk about like, talk about it.” A loss of faith was exhibited from Participant 1, who shared, “I don't go to church anymore. Okay. Dealing with him and VAWA has changed my attitude about people.”

Medical

The survey did not specifically ask a direct medical question. The U.S. citizen spouse survey participants responded to questions which revealed their need for medical treatment when dealing with the VAWA-based petition process. These data showed that four out of eleven responses to financial loss were in the category of medical costs, and five out of eleven responses about the emotional trauma experienced by the U.S. citizen spouse participants during the petition process were that they received professional help or counseling. This reflects approximately 36% of the U.S. citizen spouse survey participants experiencing a medical issue requiring treatment, and approximately 45% of U.S. citizen spouse survey participants experiencing some form of mental health issue requiring professional assistance. This roughly translates to about a third of the U.S.

citizen spouse survey participants experiencing a negative physiological outcome from dealing with the VAWA-based petition process.

Additionally, there were reports of new or aggravated medical issues by the U.S. citizen spouses dealing with the VAWA-based petition process. Approximately half of the U.S. citizen spouse participants related that the VAWA-based petition process affected them medically. This medical category covers issues and events such as aggravation of pre-existing illness or injury, development of a physical illness, or mandatory treatment received for a medical condition or illness during the U.S. citizen spouses' period of involvement with the petition process. Examples of medical issues arising were Participant 4 saying, "During the divorce I was in pain from the fibroids, awaiting surgery, and I just had kind of like a nervous breakdown and I ended up on the anti-depressants." Participant 8 said:

Right after the divorce I've dealt with a skin cancer and fibroid cancer, and I was diagnosed with depression from dealing with all this, him, my job, VAWA you know, I felt like he, I felt totally taken advantage of.

In the case of medical issues being aggravated by the petition process, Participant 7 shared:

I was officially diagnosed with my neurological illness since 2008, but I didn't have to take medication. I was hospitalized three times during the divorce and the whole VAWA thing, with medications for brain inflammation which I never had to be hospitalized before and now I have cognitive problems.

Participant 6 spoke of his experience, stating:

So, um, I mean the stress from dealing with her and this VAWA claim is like the main trigger for the flare up and the moment it's happening, with such big stress, you know, it was really horrible, and I was sick. I lost more than 20 pounds and from my flair I had to stop taking pills for it and I had to switch to do like shots.

All of these data revealed that the majority of the outcomes experienced by the U.S. citizen spouses were unfavorable. These experiences were rooted in U.S. citizen spouse attempts to deal with the consequences derived from the filing of the VAWA-based petition. These data also show that these unfavorable outcomes were exacerbated by the actions and behaviors of the U.S. citizen's foreign spouse. Additional information from the data collected supports that U.S. citizen spouses faced these adverse outcomes chiefly from contact with the VAWA-based petition process, as well as data showing actions by U.S. citizen spouses in attempts to prevent adversity from the VAWA-based petition process, or from factors associated with the filing of a VAWA-based petition.

What is the U.S. Citizen Client-Experience With Administration of VAWA-Based Petitions?

Data collected from the U.S. citizen spouse interviews, the online survey, and appeals response information regarding the VAWA-based petition filed by foreign spouses identified three areas forming themes connected to the U.S. citizen client experience with the petition process: (a) receipt and response to information about the VAWA-based petition process (b) resolving the VAWA-based petition and (c) U.S. citizen spouse assessment of the VAWA-based petition process.

Receipt and Response

Creating the first theme of receipt and response to information about the VAWA-based petition process, during the U.S. citizen spouse participant survey participants were asked if they were ever directly contacted by USCIS about their foreign spouse at any time during the petition process. The data retrieved from the survey showed that four of the 11 U.S. citizen spouse participants responded that USCIS contacted them about their foreign spouse during the process. Seven of the 11 U.S. citizen spouse participants indicated that they received no contact from USCIS during the process. The participants receiving contact from USCIS indicated that the contact was about the U.S. citizen spouse's resource support or sponsoring petition, general items unrelated to the marriage, or could not recall what the USCIS contact was about. This supports the theme of the agency having little to no contact with U.S. citizen spouses during the petition process.

The survey also asked the U.S. citizen spouse participants if they ever requested contact or correspondence from USCIS about the VAWA-based petition. Data showed that seven of the 11 U.S. citizen spouse participants responded that they did request contact from USCIS about the petition. These same participants were also asked how many times they made a request for contact from the agency, and these participants affirmed they had requested contact on multiple occasions. The average number of requests was approximately 11 times, with the number of requests ranging from two to 26. This supports the theme that U.S. citizen spouses, even when proactive, receive no assistance and face adverse outcomes from the petition process.

From the interview data, the medium which U.S. citizen spouses found out about their involvement in the VAWA-based petition process was during court proceedings. The other ways U.S. citizen spouses became aware were through performing personal research about their foreign spouse's immigration status and the petition, or through contact with a friend. The U.S. citizen spouse responses to discovery of the petition process were split between denial and/or disbelief and conducting personal research.

There were also a few instances where U.S. citizen spouses contacted the legal system. An example of courtroom discovery of involvement with the VAWA-based petition process came from Participant 2 saying, "I found out at the deposition for the restraining order against me in discovery when the judge told her to get a divorce." Sharing his response to this discovery, Participant 2 talked about contacting the legal system, stating, "I was advised by a legal consultant to get an annulment to avoid paying support under immigration rules." Participant 3 shared about his discovery, stating, "Her attorney jumps up and he goes, I'm filing, uh, uh, she's gonna self-petition for, uh, her green card based on abuse." The response Participant 3 gave was disbelief and then going to conduct research: "After hearing she was filing for emotional abuse my jaw just dropped. Later I started reading up on immigration very thoroughly and joining some groups." Participant 5 shared, "Because, first of all, she went to court and claimed that I abused her physically and mentally...those are the requirements she wanted to fulfill, there's the VAWA requirements." He further said:

When I found out about it six months later after I called the police myself, that prior to her abandoning the marital home she called the police to the house when I

was at work, and I found out the whole time that I was not aware the police had ever set foot in my house."

Participant 8 explained learning about the petition: "At the hearing when I found out, he was sitting on the stand and he said that he filed the VAWA. Okay. And that was without any evidence of abuse." She also shared her additional attempts regarding her spouse's filing: "I tried to follow up with a FOIA request, you can request to get some information about power and about the bottom line to see it more, but they wouldn't send anything."

Participant 1 talked about her discovery, saying, "So I found out about VAWA from him filing a restraining order and later a sexual assault charge against me." The response Participant 1 had to finding out about the petition was to move forward legally on her own: "So I filed a reply to the restraining order court to tell the judge that he was abusing me through the court system to apply for VAWA and that I would like to follow a restraining order on him." She also did personal research: "And then the more I researched into it, things started adding up; the restraining order, the sexual assault, the, you know, the multiple filings, the multiple false allegations, things started adding up."

Examples of the U.S. citizen spouse finding out about being a part of the VAWA-based petition process through his or her own research were actions such as Participant 4, who related: "I was really suspicious, so I put a voice activated tape recorder under the couch and went to work, came back the next morning, waited for him to go to his job and I listened to the recording." Her response was one of disbelief: "So when I heard the tape recording, you know, man, yeah, I was just in shock, you know." Participant 5 talked about doing his own research: "And then there was an extension of her immigration

status, you wouldn't do that unless she filed VAWA, otherwise the American person would have to be the one to actually fill out the forms." Participant 5's response was, "When I searched the computer, I found out she had been actively looking up on VAWA and VAWA shelters before she left the home in December." Also talking about self-research, Participant 6 stated, "I checked the immigration status and it said, um, the application has been transferred to different office, something like this." Participant 6's response was to contact the legal system, saying, "I started researching more and more. What about like what is that like? Is it gonna affect me? Is it going to affect me anyway?"

There were also instances where the U.S. citizen spouse found out about involvement in the VAWA-based petition process through a friend. Participant 7 shared:

And I guess he tried to start a fight with me, yelling at me for no reason you know, um, I told my friend and she said he might be trying to frame me and claim abuse and I should find out. I tried to find out if he filed anything but some petitions, they will not inform me about to protect them...okay, he must've applied for VAWA, but they wouldn't tell me.

Participant 7 described a response of denial saying, "I just cried. It's like at this point I don't, I don't want to sound like, I don't know what's happened, but I just want it to be safe." Learning about the filing of the petition, Participant 6 stated, "I had a dream, like someone talking to me, and then I was like, you know what, what happened with her? I know like, maybe she shouldn't be here." Participant 6's response was to contact the legal system: "I told myself will talk to a lawyer to see what he can do to help me. I will fight this fight."

According to the data from these U.S. citizen spouses, their foreign spouses had no problem utilizing the existing U.S. legal system, local and regional variances excluded, to propel their VAWA-based petition. Despite the contrary explanations of USCIS and domestic violence and abuse agencies that foreign spouses are inherently afraid or unsure as to how and when to utilize the legal system. Additionally, the U.S. citizen spouse examples of discovering his or her involvement in the petition process through personal research shows the capability of these foreign spouses to plan a separation from the U.S. citizen spouse and also ensures impeded immigration status, social stability, and access.

Resolving the VAWA-based Petition

While no survey data were used directly to explain the resolution of the VAWA-based petition, the data given by the U.S. citizen spouse participants about contact with the agency during the petition process showed the lack of discretionary consideration given to U.S. citizen spouses during the process. This lack of assistance enhances adverse outcomes of these spouses dealing during the petition process.

The U.S. citizen spouses were restricted in obtaining information concerning the VAWA-based petition filed by their foreign spouses. Nearly all of the U.S. citizen spouses relayed that despite attempting to contact USCIS and to clarify their marital issues, this had no effect on the process. The knowledge of the foreign spouse receiving lawful permanent resident status (i.e., a green card) or legally remaining in the U.S. after withdrawal of the spousal family-based petition are indicators that the U.S. citizen spouse's actions had no effect on the petition process.

There were number of instances where the responsive actions taken by the U.S. citizen spouse produced a negative outcome on the VAWA-based petition process where the foreign spouse received an order of restitution, a finding of committing immigration fraud, or was ordered for deportation. None of these actions were aligned with any discretionary consideration or assistance from USCIS. Some examples of where the actions of the U.S. citizen spouse had no effect on the petition process were as Participant 2 said, "I think that she was originally denied VAWA, but she was reinstated after that court hearing." Participant 3 also noted, "I didn't know this, but I know it now that she got her green card in April of 2014, so it took her two years to get her green card." Participant 5 stated that "I received a generic email that basically said, 'We receive thousands of these on a regular basis, we received your email, don't contact us again unless it is a known issue.'"

Another example was where the U.S. citizen spouse was unaware of the VAWA-based petition outcome due to an inability to receive any information. Participant 7 said, "There is a number that you can call and it tells you if the foreign spouse has to go to court or if they're looking for them but I did not get any information." Participant 6 stated, "I wanted to ask how they get the VAWA-based petition because I think it would be denied because there's no proof. I have no idea and no say." Participant 8 shared, "From my, from what I've talked with other U.S. spouses, and it was the same experiences, like if you were trying to get information, it's protected."

In another instance, the foreign spouse was made to pay restitution as in the case of Participant 1: "He was supposed to pay me \$3,500 and close off the credit card and

pay off the loan. None of what he's done.” In a case where deportation was ordered, Participant 4 said, “USCIS called me a year and a half later looking for his whereabouts so they could deport him.” Participant 2 gave an example of the foreign spouse being ordered deported for immigration fraud:

From my contact with the senator’s office, my foreign spouse wound up being flagged in the system as a VAWA marriage fraud case, and later she wound up being slated for deportation, but on the same day she went to the immigration court to get deported she got her green card that same day. I was told either a judge or her attorney got the deportation rescinded.

The outcome of U.S. citizen spouse responsive actions having no adverse effect on the VAWA-based petition process becomes all-consuming when the data is taken into context. Even in the instances where restitution and deportation were put upon the respective foreign spouses, they were unenforced and retracted. These data show that despite their desires and actions, U.S. citizen spouses did not affect the petition process. As noted previously, this is contrary to the reasons given about the administrative practice of not having contact with U.S. citizen spouses and for not providing them any discretionary consideration. The U.S. citizen spouses were restricted in obtaining information concerning the petition filed by their foreign spouses. Nearly all of the U.S. citizen spouses relayed that despite taking some form of action to contact USCIS and provide details clarifying information about their marital issues and circumstances with their foreign spouse. Data collected from review of the AAO appeals responses provides

another view of the type of contact the U.S. citizen spouse had with USCIS during the VAWA-based petition process.

The appeals response data applies to the second research question, *What is the U.S. citizen client-experience with administration of VAWA-based petitions?* These data collected from a review of the appeals responses supports the major themes regarding the U.S. citizen client experience. These were the U.S. citizen spouses' receipt and response to information about the petition process, and action by the U.S. citizen spouse in resolving the petition. While the appeals response data was coded for the identification of information most applicable to the U.S. citizen spouse experience, it is important to note that "the context of the data in the appeals response is from the position of the foreign spouse that filed the VAWA-based petition," making the agency data contained in the appeals responses a third-party view regarding the U.S. citizen spouse as the appeal is a direct effort by the foreign spouse to prove their VAWA claims of domestic violence or abuse.

The appeals response statements relative to receipt and response to information about the VAWA-based petition process based upon the U.S. citizen spouse's contact or correspondence with USCIS, and the U.S. citizen spouse's response to marital conflict in his or her immigration-based marriage were matched to the U.S. citizen spouse participant interview coded categories. In the category of U.S. citizen spouse contact or correspondence with USCIS, the terms *contact* or *correspondence*, refer to the transfer, provision, or request of information to the agency by the U.S. citizen spouse. The administrative policy and practice of the petition process do not allow or afford U.S.

citizens to actively interact with USCIS and furthers the lack of discretionary consideration provided to U.S. citizen spouses.

Data were retrieved from the reviewed appeals response information about U.S. citizen spouse contact or correspondence with USCIS. The U.S. citizen spouse contact or correspondence was not direct, as the appeal is a direct benefit to the foreign spouse and written much like a legal brief. While the appeals response information primarily consists of facts pertaining to the petitioning foreign spouse's VAWA-based petition process and immigration history, additional information about the actions and immigration history of the U.S. citizen spouse are also present to varying extents. Therefore, the AAO appeals response review data will show if there was some form of contact with the agency by the U.S. citizen spouse.

The reviewed appeals responses gave data showing less than a one percent affirmation (0.007) that there was some form of contact with the agency by the U.S. citizen spouse. This contact was second-party contact, as the information revealed contact by letter or electronic message provided to USCIS through the foreign spouse, and one instance of a withdrawal request by a U.S. citizen spouse. Examples of statements from the appeals response information supporting this were:

- The petitioner (foreign spouse) provided a statement from T-R.
- The record also includes a written apology from N-M to the petitioner.
- The record contains 2009 and 2010 email correspondence between the petitioner and N-G.
- The petitioner provided a letter from T-B in which he apologized for the separation.
- USCIS records contained her letter (U.S. citizen spouse) withdrawing that petition.

Adding to the theme of resolving the VAWA-based petition are data about the U.S. citizen spouse's response to finding out about being involved in the petition process. This was usually the first opportunity for a U.S. citizen spouse to make any attempt to prevent any adverse outcome as a result of being implicated by the petition process. These data also revealed how the administrative practice of not receiving discretionary consideration helped create the possibilities for adverse outcomes. The U.S. citizen spouse participants described their responses to discovery of the petition process in the following ways: (a) sending of a letter to USCIS, (b) making a call to USCIS, (c) making some form of electronic contact via email or website to USCIS, (d) physically making a report at a local USCIS field office, or (e) making contact with USCIS through some third-party such as a lawyer or representative.

In regard to his response to the petition, Participant 2 stated, "Yes, I did send them a letter." Participant 1 responded that: "I learned more of where people are sending, the more I learned, the more I would send." Participant 4 talked about a call: "But I called the lady at the immigration office. I said, I need to, I want to rescind my sponsorship, I think it's the 360 form. I said I do not want to sponsor him." Information about calls also came from Participant 8, who responded: "I did. I called them. I told them what was going on." Participant 5 utilized electronic means for contact: "Through the website. To the website." Participant 4 talked about reporting to the field office, stating, "And we made an appointment and later, later on I went up and signed the paperwork to rescind." Third-party contact was reflected by Participant 2: "I contacted USCIS four times through, uh, the senator's office." Participant 6 commented about third-party contact: "I spoke to a

lawyer and told them what I needed to do, and he told me he'd send them a letter saying that you guys didn't continue, and you need to withdraw your papers." The petition process is administered using strict privacy controls which prevents USCIS administration to have any contact with the U.S. citizen spouse, preventing affording them any discretionary consideration and helps place these U.S. citizen spouses into experiencing adverse outcomes from dealing with the petition process.

Further AAO appeals response statements are matched with U.S. citizen spouse contact with USCIS during conflict in their immigration-based marriage. These data extracted from the appeals response statements show the actions of the U.S. citizen spouse towards the agency in response to experiencing marital conflict with their foreign spouse. This is based upon the nature of the marriage and responsibilities of the U.S. citizen spouse in relation to sponsoring a foreign spouse. These were categorized as either an affidavit or a copy of an email from a U.S. citizen spouse provided to USCIS by the foreign spouse based upon the following example statements:

- The affidavit is from her husband (U.S. citizen spouse) and consists only of his assertions.
- A sworn affidavit, dated April 12, 2004, from N-U.
- An affidavit the Petitioner submitted from K-D.
- Electronic mail correspondence between the Petitioner and G-W.

While this would be considered second-party contact, the context of the appeal is support of the foreign spouse's desired outcome from the petition process. The small number of matches and the nature of this contact being used as evidence for the foreign spouse negates any reason why direct contact with U.S. citizen spouse is not made by the

agency. This furthers the lack of discretionary consideration provided U.S. citizen spouses.

U.S. Citizen Spouse Assessment of the VAWA-Based Petition Process

As far as U.S. citizen spouse assessment of the VAWA-based petition process, the survey asked if the U.S. citizen spouse participant knew if there was any judgement or ruling that the foreign spouse made a false report during the petition process. Data showed that three out of 11 U.S. citizen spouse participants responded that there was a judgment or ruling of their foreign spouse making a false report during the petition process. Two participants indicated that the ruling that their foreign spouse made a false report was by a court of law, and the other participant indicated that the judgment or ruling was from a USCIS official or through correspondence from USCIS. These data also showed that eight of the 11 U.S. citizen spouse participants responded negatively to knowing of there was any finding of their foreign spouse making a false report during the petition process. These data show that approximately 27% of the U.S. citizen spouse participants experienced having foreign spouses that made a false report during the petition process.

The survey also asked the three U.S. citizen spouse participants who indicated that their foreign spouse made a false report during the petition process if the judgement changed anything about the outcome of the petition process experienced by their foreign spouse. Three U.S. citizen spouse participants indicated that the ruling of their foreign spouse making a false report did not change anything about the outcome experienced by the foreign spouse. The survey gave the U.S. citizen spouse participants four categories to

indicate a change in the outcome experienced by the foreign spouse. These were changes in: (a) the outcome of the VAWA-based petition process, (b) the type or amount of support the foreign spouse received, (c) the level of social or family support the foreign spouse was given, or (d) in the employment or career of the foreign spouse. These data support the theme that U.S. citizen spouses suffer an imbalance from lack of discretionary consideration by the agency and are disadvantaged by a favorable consideration towards the foreign spouse.

Lastly, the coded interview data revealed the U.S. citizen spouse client experience with the VAWA-based petition process provided information from these U.S. citizen spouses about their thoughts and opinions about how USCIS administers the petition process. The major theme present in these data were that U.S. citizen spouses felt the petition process was imbalanced against U.S. citizen spouses. From USCIS not recognizing fraudulent claims to outreach being unavailable to U.S. citizen spouses, the data collected show the affected U.S. citizen spouses felt an unevenness in the administration of the petition process.

This was evidenced from statements such as Participant 2, saying, “USCIS had enough evidence in front of them about the fraud all the way across the board, but someone or somebody or group wanted her here.” Participant 4 shared her thoughts by stating, “So if you watch the trend from probably about 15 years ago, you’ll see those applications for abused foreign spouses going up and up exponentially.” Participant 6: “There’s no recording, there’s no witness, there’s nothing and you just don’t have any proof and they’re just saying something, anything. There’s all lies.” Participant 8 shared

that “It's not right, the bottom line is, why wouldn't they use the VAWA for me?... And, uh, I know nobody was ever going to try to use the VAWA for me.”

Other areas of significance formed themes showing where the VAWA-based petition process leveraged U.S. citizen spouse resources, allowed attacks towards U.S. citizen spouses, and how the VAWA-based petition process did not serve its true purpose. Examples on how the process leveraged the resources of U.S. citizen spouses were given by Participant 4: “It's a money match. Where's the lawyer money for the American citizen who's being falsely abused? Excuse me, accused and abused. We were mentally and financially abused.” Participant 5 said:

I have to present myself, pay money in order to stop this claimed poor woman who is in the shelter, who can call for a court action at any time she wants, and she would not pay for anything, and I have to pay.

Participant 7 talked about her experience: “I really believe that it's the money, or maybe not with immigration, to look more into these lawyer filings by law, like how many do they have?” Participant 8 commented that, “So I tried to find a lawyer and I didn't know about the cost, and I ended up having three different lawyers. I didn't have money to pay for a lawyer, right.”

Evidence of how the VAWA-based petition process allowed attacks towards U.S. citizen spouses was provided by statements like that from Participant 5 who said, “That someone can just come to this country and attack me. I mean, this is almost like the Twilight Zone. Attack me, and go to a shelter, at the same day, after I was attacked.” Participant 7 stated in the interview that, “I think that it's abusive and that these foreign

spouses know they're looking for people who have values, like family values, all these values and using that against us." Participant 8 responded, "And so he was expecting that we were going to go to a doctor who was going to declare me crazy and whatever, you know, um, I mean, like he was trying to use my past against me." Participant 1 talked about the process, saying, "You have to have evidence. You can't just scream rape. You have to prove it." Statements by U.S. citizen spouse participants also provided data of how the VAWA-based petition process did not serve its true purpose.

Example statements collected were from Participant 3, who stated, "There's a recipe or a checklist or a how to have, how to get your green card through VAWA, okay? And your U.S. petitioner can do nothing." Participant 4 opined about the process, saying, "Are you going to tell me that all of a sudden there's an epidemic of American spouses abusing their foreign spouses? No, it's if you look at the numbers, it's being abused. It's so much fraud, so much fraud." Participant 5 shared feelings about the process: "It's totally a joke. I would say, if you want me to be blatant and frank, that I think it is a joke." Participant 1 responded with, "I'm presuming he didn't get it, which is why he had to keep applying because if he had gotten it, it would have ended there."

There were also data from the AAO appeals response review related to the U.S. citizen spouse effect on the VAWA-based petition process and was all related to fraud found on behalf of the foreign spouse. The category of fraud was expressly included in the U.S. citizen spouse participant interview coding as there were multiple references from all participants pertaining to this subject, their efforts to handle the fraud, and their efforts to report the fraud to the agency. Inclusion of this category supports the data from

the experience of the U.S. citizen spouses. Approximately 18% of the appeals response statements contained information related to some form of “fraud found.” These statements are from various acts in violation of immigration law, criminal conduct, or evidence against the credibility of the petitioner (i.e., foreign spouse). Examples of some of these statements are:

- The petitioner minimized his involvement as his two declarations materially differed in the degree of his culpable conduct.
- The petitioner presented a fraudulent passport misrepresenting her citizenship.
- The petitioner was in an extramarital relationship and resulted in ex-nuptial children.
- The petitioner’s statements were inconsistent with the police report.
- He stayed with J-R because he was in removal proceedings.
- USCIS revoked the approval finding the petitioner submitted a forged lease agreement.
- Contradictory and conflicting nature of the petitioner's evidence undermines her credibility.
- Petitioner's U.S. marriage was not valid because she was still married to her first husband.
- The petitioner presented a Nigerian passport and visitor visa that did not belong to her.
- Petitioner’s use of an alias to reenter the United States and his criminal convictions.
- Petitioner entered into his marriage with D-O solely to obtain immigration benefits.
- This documentation is inconsistent with the petitioner’s claims of cohabitation with A-D.

Another emerging theme from the data was how some U.S. citizen spouses felt the VAWA-based petition process was “too generous.” The descriptive phrase of “too generous” applies to services or leeway given to foreign spouses making claims under the process. Some examples of this are where Participant 5 stated, "Well, she's staying at the shelter in a shelter apartment given to women in her situation." Participant 6 responded

that, “She can just go there and say made-up stuff and...I mean this makes no sense. If this the level of proof, then what's the real outcome?”

The data collected show the client experience of these U.S. citizen spouses with the VAWA-based petition process as one of lacking fairness in administration of the process, and one of being a valuable target as a U.S. citizen able to be exploited through a process. Other data showed how this client experience also tainted the ideals of these U.S. citizen spouses where they denounced immigration-based marriage, of which they originally believed in enough to partake in the practice. These data suggest the client experience of these U.S. citizen spouses achieves negative results in customer satisfaction and client relations.

What Would Be an Appropriate Level of Discretion From the VAWA-Based Petition Process?

The U.S. citizen spouses provided information and data pertaining to the outcomes they faced from being implicated in the VAWA-based petition process. These data are used to answer what would be considered an appropriate level of discretionary consideration for U.S. citizen spouses from the petition process. This is derived from data accounting for the opinions of U.S. citizen spouses about the petition process. The themes present in these data covering U.S. citizen spouse thoughts about the process were: (a) the process was directly harmful to U.S. citizens, (b) administration of the process was unclear and confusing, and (c) the process was politically-based and used exploitatively against U.S. citizen spouses. These themes indicated that an inappropriate level of discretionary consideration is given to U.S. citizen spouses associated with the petition

process, and U.S. citizen spouses feel the process is adverse (harmful), ambiguous (unclear and confusing), politicized (politically based), and manipulative (exploitative) to U.S. citizen spouses. Examples of the process being harmful to U.S. citizen spouses were from statements by Participant 4, who said, “So U.S. citizens are a super juicy target, plus there's all these groups online that train these people like on what you have to do, what they have to say.” Participant 8 shared: “Why wasn't it used for me when I was calling for help, I was calling for help while I was in the middle of this and I couldn't get any help.” Participant 2 responded: “They had enough evidence in front of them that it was nothing but fraud all the way across the board.” Participant 7 shared her thoughts” “Even when you can tell us how they did something; they listen to the talk and see what they did.” Participant 6 said, “I saw that like, since we are probably the source, we cannot defend ourselves, so I don't know if there's some kind of excuse or what.” Finally, Participant 1 shared: “So the minute you married, uh, I guess an immigrant or non-U.S. citizen, the minute it's done you're sitting duck because you do not have an outlet to protect yourself in the event.”

There were also a majority of the U.S. citizen spouses describing the VAWA-based petition process as ambiguous and confusing. Examples of this description were from Participant 2 stating: “VAWA's biggest thing is that you can't have due process because you're inviting the so-called abuser into the, uh, equation.” Participant 3 responded: “It's like they get this total secrecy, the U.S. person cannot turn in their evidence, and it will not be reviewed in the process, even more amazing is there is no face-to-face interview of the foreigner.” Participant 7 stated, “I think that the test should

be tighter to make sure that this is the right, you know, um, two years they can fake for two years. If they really want that green card, they can, they will work hard.” Participant 6 commented that, “We should protect those people that really got, you know, but they don't have proof to really be abused, then this is just like really just keeping the system, uh, against everyone.” Participant 1 described the process, saying, “Like the detective told me, I'll have to investigate it. Right, I know it's a bogus allegation, but I have to investigate it.” Other themes emerging from data on U.S. citizen spouse thoughts about the petition process were how the process was exploitative, politically based, and not being administrated properly.

The VAWA-based petition process was also viewed as politically based on other statements these U.S. citizen spouses provided. Participant 2 remarked that, “Because it's funding for the DOJ, local, law enforcement agencies, and like, the more cases they can put under there, the more money they get. It's all about funding. No bucks, no Buck Rogers.” Participant 3 said, “The first component is the fact that in 1994 when the violence against women act was written, um, they slipped in this clause for immigration.” Participant 5: “Those people want the immigrant voice, the immigrant vote and they want the female vote, so those two will be attractive if they create those laws that would be in favor of those people.” There were also instances describing how the petition process was not being administrated properly. These statements from the U.S. spouses were from Participant 2, who said, “It's, uh, it's a loose cannon.” Participant 4 made a statement saying, “It's a horrible act with too many loopholes.” Participant 7 remarked: “This

process needs to be redefined because it's, it's not working properly. It's hurting people more than helping.”

Statements supporting how the process was exploitative were from Participant 2 who noted that, “VAWA started out on a good note but like most government programs, they morph into something ugly. You know, like food stamps.” Participant 3: “The I-360 program and the VAWA unit in Vermont has, I want to say exacerbated, promulgated and expanded to protections that these people get through the various reauthorizations of follow up.” Participant 4 declared: “Uh, Oh, it's a loophole for terrorists.” Participant 8 responded: “I do think the protection needs to be there, but when people are using it left and right, just to get getting Visa papers, so they can get in the United States, I just think that's wrong.” These data reveal themes showing that U.S. citizen spouses view the petition process as being an bureaucratic activity detrimental to U.S. citizen spouses.

Summary

This study sought to answer the extent to which discretionary consideration given to U.S. citizen spouses adversely affects the outcomes they experience during the VAWA-based petition process. In order to explore this phenomena, three research questions were developed to gain information about the U.S. citizen spouse experience with the VAWA-based petition process. In answering these research questions, data were triangulated to validate the data collected about the U.S. citizen spouse experience with the process.

In answering the first research question of *How has the VAWA-based petition process affected U.S. citizen spouses?*, analysis of data collected from case study

interviews with selected U.S. citizen spouse participants showed that the U.S. citizen spouses suffered adverse outcomes from the petition process covering the areas of financial loss, disturbance of mental health, unfavorable employment conditions, damage to social status, and medical issues. An online survey given to the U.S. citizen spouse participants further confirmed how they suffered adverse outcomes from the petition process. These data also showed that a majority of the U.S. citizen spouse participants attempted to handle the emotional trauma of the process on their own, but approximately half of the U.S. citizen spouses required outside assistance. Some U.S. citizen spouses received treatment for a psychotic break.

Additionally, half of the U.S. citizen spouse participants experienced a loss of opportunity in their employment or career, which also corresponded to a loss of social status from involvement with the VAWA-based petition process. These data also confirmed the adverse experiences related to U.S. citizen spouse participants' financial losses due to medical costs and treatment for their mental health issues experienced during the process. These data showed the interrelated nature of the adverse outcomes experienced by U.S. citizen spouses from involvement with the process.

The second research question of *What is the U.S. citizen client experience with USCIS administration of VAWA- based petitions?* was answered directly through analysis of the data collected from the U.S. citizen spouse participant interviews, the online survey, and VAWA-based appeals response information. Based upon these data, the U.S. citizen client experience with the process was broken down into three major themes: (a)

receipt and response to information about the process, (b) resolving the petition, and (c) U.S. citizen spouse assessment of the process.

The receipt and response theme data showed that none of the U.S. citizen spouses were informed about the VAWA-based petition process as administrative practice. U.S. citizen spouses were prevented from functional contact with USCIS in order to gain information about the process. These data revealed that U.S. citizen spouses had to rely upon their own personal research to find out how the process was initiated, showing that the foreign spouses possessed the capability to organize life events for their own self-interests. A review of the AAO appeals response information confirmed that the secondary type of contact USCIS had with the U.S. citizen spouses during the process was solely based upon evidentiary needs of the foreign spouse.

The resolving the petition theme data show that U.S. citizen spouse's actions had no effect on the VAWA-based petition process, even in instances where the foreign spouse's actions necessitated a negative outcome. This is contrary to the chief mission of efficient and fair immigration benefit processing by having second-party contact with the U.S. citizen spouse through the foreign spouse's evidentiary submissions. The totality of these data showed that despite making multiple requests for contact and information, U.S. citizen spouses were disregarded, not given any discretionary consideration, and left open to experiencing adverse outcomes from the process.

The last question, *What would be an appropriate level of discretion from the VAWA-based petition process?*, was answered through analysis of the U.S. citizen spouse interviews, online survey, and VAWA-based appeals response data. All of the data

collected revealed that the U.S. citizen client experience with the petition process was harmful, unclear, politicized, and exploitative. The U.S. citizen spouses felt the process was unfair, promoted mistreatment of U.S. citizen spouses, and did not live up to the immigration ideals espoused by the agency. These data formed the theme of an existing petition process that is adverse, ambiguous, politicized, and manipulative to U.S. citizen spouses.

This was supported by data showing the process systemically targeting U.S. citizen spouses, providing no path for U.S. citizen spouse assistance, ineffective immigration fraud prevention, and lack of protection against misuse of the petition process. Data also revealed how the process was ambiguous to the U.S. citizen spouse by there being no due process for fairness, the process operating in near secrecy, accommodating all allegations, both impractical and unreasonable. Other themes revealed how the petition process was politicized and manipulative by respectively pointing out the funding protocols associated with VAWA and the partisan VAWA reauthorization process. The process was shown as inefficient, full of obstacles, and contained loopholes to national safety.

An appropriate level of discretionary consideration would be the direct opposite of the observed theme where the process gave prevention-based support to sponsoring U.S. citizen spouses; was clearly explained at the start and at critical points in the U.S. spouse-sponsoring process; was depoliticized and based upon relative social and immigration data; and required full U.S. citizen spouse understanding of the consequences of sponsorship, avoiding fraud and mistreatment, and that U.S. citizen

spouses have no remedy to being indifferently damaged by involvement with the petition process.

Therefore, an appropriate level of discretionary consideration would create a VAWA-based petition process described by U.S. citizen spouses as impartial, transparent, depoliticized, and ethical. The data suggest outreach with U.S. citizen spouses is needed to ascertain what they would consider to be an appropriate level of discretionary consideration. The totality of these data suggest that an inappropriate level of discretion currently exists for U.S. citizen spouses from the petition process, and disproportionately fosters negative outcomes for U.S. citizen spouses.

The research questions for this study were answered through coding of data collected from the U.S. citizen spouses, a formal online survey, and AAO appeals response information. The research questions explained the lack of discretionary consideration given to U.S. citizen spouses based upon the relevant, useful knowledge obtained during the study from the data, and themes emerging from coding of this data. Conclusions based upon the most prevalent data are introduced, with notable data summaries following. It is vital to mention that the petition process is an all-encompassing event in the lives of U.S. citizen spouses. The process operates in the present, where a claim of domestic violence or abuse is made by a foreign spouse about the U.S. citizen spouse. The actions, events, and choices surrounding a U.S. citizen spouse and foreign spouse are linked to the process, where the outcome determines future immigration benefits, fiscal responsibilities, and socioeconomic realities. While the

experiences of these U.S. citizen spouses with the process may appear minor and detached, these experiences are connected to the VAWA-claim and petition process.

These U.S. citizen spouses may be unexpectedly faced with an intrusive and ongoing life situation which denies them personal power and recourse. The findings from the data were consistent with research by Kandel (2012) highlighting official legislative requests for enhanced credibility and USCIS contact with sponsoring spouses of VAWA petition applicants, with research by Wilkerson (2015) that highlighted complaints from U.S. citizen spouses about the lack of discretionary consideration given them during the petition process, and research by Anderson (2020) highlighting the stalemate of VAWA reauthorizations from divisiveness over increasing VAWA mandates and reform efforts.

RQ1. How Has the VAWA-Based Petition Process Affected U.S. Citizen Spouses?

For Research Question 1, the data conclusively showed that U.S. citizen spouses implicated in the petition process largely experienced negative outcomes in multiple major life areas. While the outcomes experienced in these areas varied as much as the lives of the U.S. citizen spouse participants, the commonality was that these spouses did not receive clarification or assistance at any time during the process. Helpful contact from USCIS could have prevented the unnecessary losses and suffering experienced by these U.S. citizen spouses. While USCIS does not have jurisdiction to investigate, enforce, or prosecute for violations of domestic violence or abuse, USCIS does have sole jurisdiction or responsibility for conveying of the immigration benefits associated with the petition outcome.

These VAWA-based petition outcomes granting immigration benefits have considerable value to the foreign spouse. These claims are not required to be validated by law enforcement reporting, court conviction, or the preponderance of the evidence standard; the lowest standard of proof—usually civil proceedings—meaning “that it is more likely than not that the facts are as that which one of the parties claim” (HG.org Legal Resources, 2020, p. 6). This means that a foreign spouse can make a VAWA claim with no substantiated evidence. USCIS and VAWA advocates claim this is a special privilege for a vulnerable population of foreign spouses unfamiliar with the U.S. system of safety and support, with little to no family ties, and may have communication challenges using English.

Data from the survey, interviews, and AAO appeals response review negated these as present realities of the foreign spouse experience. This is a direct example of how Gil’s (1973) conceptual perspective of social policy explains how given a common domain of interrelated social elements, the overall focus and structure of these elements create shortcomings for a particular group, clarifying an underlying unique relationship of social policies and social problems. It appears that USCIS administrative policy protects the rights of noncitizens (i.e., foreign spouses) over citizens (i.e., U.S. citizen spouses) and created an imbalance of evenhandedness in execution of public policy.

The VAWA provisions were developed as safeguards and a remedy for immigrant spouses from various domestic abuses believed to be perpetuated due to of the power the U.S. citizen spouse wields as the sponsor of the foreign spouse. The data disproves this notion and USCIS should seek to correct its overreach into dismantling the rights and

privileges of one group in favor of assisting another group, even if identified as a vulnerable population, which the research data also shows is a subjective matter when taking the background of these U.S. citizen spouses into account.

RQ₂. What is the U.S. Citizen Client Experience With USCIS Administration of VAWA-Based Petitions?

To answer Research Question 2, the data collected show the client experience of these U.S. citizen spouses with the VAWA-based petition process was one of being exposed to unfair administration, an imbalanced process, and becoming marked as a valuable target by being an exploitable U.S. citizen of a foreign spouse. Data obtained from review of the AAO appeals responses were unique to the second research question, revealing how USCIS administrative policy and practices of the process does not allow U.S. citizen spouses to actively interact with USCIS. The analysis of this data revealed that the U.S. citizen spouses felt an unevenness in the administration of the process and tainted the positive ideals of these U.S. citizen spouses, leading them to later criticize immigration-based marriage. A totality of the data shows the U.S. citizen spouse client experience was full of dissatisfaction and disappointment, damaging to the USCIS public image, and exasperates client relations; also known as bad business.

RQ₃. What Would Be an Appropriate Level of Discretion From the VAWA-Based Petition Process?

To answer Research Question 2, the total data collected revealed that USCIS administration of the VAWA-based petition process was an equivocal bureaucratic activity detrimental to U.S. citizen spouses. U.S. citizen spouse participants felt the

process was unfair, promoted exploitation of U.S. citizen spouses, and failed to measure up to the highly touted values commitment of USCIS and national ideals for immigration. The themes present in these data covering U.S. citizen spouse thoughts about the process were: (a) The VAWA-based petition process was directly harmful to U.S. citizens, (b) Administration of the VAWA-based petition process was unclear and confusing, and (c) The process was politically-based and used exploitatively against U.S. citizen spouses.

These themes indicated that an inappropriate level of discretionary consideration is given to U.S. citizen spouses associated with the VAWA-based petition process, and U.S. citizen spouses feel the process is adverse (harmful), ambiguous (unclear and confusing), politicized (politically based), and manipulative (exploitative) to U.S. citizen spouses. These themes indicate that an inappropriate level of discretionary consideration is given to U.S. citizen spouses associated with the process. An appropriate level of discretionary consideration would basically be the direct opposite of this theme from the data. An appropriate level of discretionary consideration would have a petition process operating impartially, transparently, and ethically with a depoliticized position. The research data suggest that communication with U.S. citizen spouses is key to providing that appropriate level of discretionary consideration.

Recommendations

There are several recommendations that can be made based on the findings from this study. First, USCIS should discontinue operating from a belief that a U.S. citizen spouse wields total power in a domestic situation, police presence, court room, or immigration office. This is based upon a bias from an earlier period of immigration and

social history. USCIS should consult and collaborate with proven proactive domestic violence and abuse advocates utilizing effective technological and social strategies in and preventing eliminating domestic violence/abuse and intimate partner violence.

The next recommendation is that USCIS should examine and discontinue the use of VAWA-based petition process administrative rules allowing flexibility in evidentiary standards in making the VAWA claim. This is not the current practice with U-based visa claims, which is used for victims of certain U.S.-based crimes who suffer mental or physical abuse (e.g., particular to sexual based crimes). U-based visa claims require the victim to assist to law enforcement or government officials during reporting, investigation, and prosecution and also possess specific useful knowledge about the qualifying criminal activity (USCIS, 2020). VAWA-based petitions and U-based petitions mimic the same aims of assisting vulnerable populations against crime.

Additionally, USCIS should require stricter evidentiary standards for VAWA-based claims, notwithstanding circumstances requiring a necessary level of flexibility. The existing broad range of considerations and allowances not provided to U.S. citizen spouses by USCIS based upon unfounded beliefs of their advantage in a domestic situation are outdated on its surface and not supported by a totality of the data. In contrast, the study data—the U.S. citizen spouse participant interview data in particular—revealed that present societal conditions attach distinct disadvantages to the U.S. citizen spouse, as recounted in the background information concerning vulnerabilities.

Unanticipated Limitations or Outcomes

A major unanticipated outcome of the findings was that interview data from the U.S. citizen spouse participants provided information showing that negative actions and behaviors of the foreign spouses were part of a pattern of exploitation. This was from the foreign spouse recognizing an internally rooted vulnerability of the U.S. citizen spouse. Contrasting the findings of favoritism and bias of the VAWA-based petition process towards the foreign spouses, the interview data revealed that present society has formed unique disadvantages for U.S. citizen spouses. These disadvantages are capitalized upon by manipulative foreign spouses seeking to unfairly use the U.S. citizen spouse's vulnerabilities in subtle ways for their own personal gains. A majority of the U.S. citizen spouse participants showed recognizable vulnerabilities that could be exploited by a foreign spouse.

Recognizing this phenomenon raised the question of whether the U.S. citizen spouses themselves had become a vulnerable population. Several indicative factors were present, suggesting further study across the entire data set of the VAWA-based petition process could reveal extenuating circumstances which explain variables such as the similar positions and careers of the U.S. citizen spouses, the socioenvironmental conditions surrounding their employment, their facts associated with their exposure to different cultures, and their family structure. An extensive mixed-method study could produce results that explain much of these factors and provide detailed data from in-depth analysis for forecasting and identification of easily overlooked problem areas.

Additional data worth noting were that the interviews with the U.S. citizen spouse participants revealed the overall group held no knowledge of the immigration marriage process other than a necessary filing of unfamiliar forms. They had not been informed about the specifics and responsibilities of the immigration marriage process. Associated with not having foundational knowledge of this process, the data showed the participants had no knowledge of the VAWA-based petition program, VAWA claim process, or the consequences of being implicated in a petition claim. This unfamiliarity and lack of comprehension about the process was also reflected in the U.S. citizen spouse statements. It was evident that a genuine shortcoming existed in the level of information provided to them as a U.S. citizen sponsoring spouse by the agency. This shortcoming creates harmful inefficiencies in the administration of the immigration-based marriage process as well as the petition process. The direct behaviors and actions of the foreign spouses support this view of the agency's faulty administration.

The actions and behaviors of the foreign spouses of these U.S. citizen spouse participants were calculating and shrewd in their manner of making a VAWA claim of domestic violence and/or abuse. The actions and behaviors were harassment with few repercussions to the foreign spouse. Even when USCIS and authorities were supplied with evidence of disparaging conduct by the foreign spouse, it was ignored or overlooked. All of the U.S. citizen spouse participants spoke about attempts to avoid, report, research, and document negative behaviors and actions of their foreign spouse. Additional data showed how aggravated contact from their foreign spouses during the

petition process accelerated to adverse outcomes for these U.S. citizen spouses. This contact was noted as unpleasant and disagreeable via phone, letter, or subpoena.

These actions and behaviors also show a significant level of shrewdness from the foreign spouses about the immigration marriage process, the VAWA-based petition process, and human relationships. This contradicts the reasoning behind the VAWA program administrative rules restricting USCIS contact and provision of discretionary consideration for U.S. citizen spouses. This limiting of discretionary consideration was based on beliefs that U.S. citizen spouses have the ability to hamper the VAWA-claims and immigration benefits of foreign spouses. The data reveal those beliefs as incorrect. The actual accounting from the data reveals the petition process provides an advantage to the foreign spouse.

Implications

Implications for Individuals, Organizations, and Communities

The implications are direct for the affected U.S. citizen spouses requiring a remedy to the unjust and unbalanced VAWA-based petition process. The implications are both intrinsic and broad for USCIS as an organization, and as a central component of the Department of Homeland Security. The process is shown to lack any discretionary consideration for these U.S. citizen spouses and establishes a path of negative outcomes for these U.S. citizen spouses. The foreign spouses would be better served by a more efficient and balanced process that dissuades manipulative foreigner spouses from engaging in immigration fraud, providing confidence for those spouses seeking to safely marry and gain their immigration benefit.

USCIS, as the agency administering the VAWA-based petition process, should seek the service recovery of sponsoring U.S. citizen clients by sincerely addressing VAWA program shortcomings. The petition process would then operate more efficiently and as intended. Ideally, USCIS must take measures to properly inform, educate, and follow through with U.S. citizen sponsoring clients while also discouraging insincere foreign spouses plotting to be bad actors by attempting to manipulate the immigration-based marriage process using the process. The broader community contains a variety of U.S. immigrants and U.S. citizens who will benefit from the agency's efficient use of resources and commitment to equitable operations. Making such corrections increases the public trust, safety, and wellbeing necessary for cooperative national security and worthwhile political investment.

Implications for Positive Social Change

The major implication for positive social change is to ensure proper administration of this public program. Eliminating administrative redundancy, unmitigated fraud, and wasteful resource allocation are the immediate aims of evaluative analysis of an administrative program. The increased efficiency could potentially free up resources for overall quality USCIS operations.

More importantly than efficient USCIS operations, is the administrative responsibility USCIS has in conducting its mission of ensuring secure and equitable immigration benefits. This mission is rooted in public policy meant to serve the public good. The inequitable and exploitable VAWA-based petition process was shown by the research data to be harmful to the U.S. citizen spouse clients by not providing them

discretionary consideration when implicated in a VAWA-based claim. By not providing any form of discretionary consideration to these U.S. citizen spouses, the public policy principles of Gil's (1973) theoretical social policy framework are violated. Gil's framework indicated that the outcomes of social policy should not be harmful to the citizens the policy was created to serve.

This lack of discretionary consideration created conditions leading to U.S. citizen spouses experiencing harmful outcomes. Faulty administrative policy by a public agency, like USCIS, has detrimental effects on the rights and safety of affected U.S. citizen spouses, who represent the public. This means that USCIS administration of the VAWA-based petition process is bad policy and should be further researched for innovative changes revising the policy for improvement and less harmful administration. Reasonable accommodations should be considered to alleviate the negative effects by revising the administrative policy by balancing the core factors of social policy, secular improvement as resource development, social stratification as status allocation, and civil rights as rights distribution (Gil, 1973). Administrative social policy created from a balance of these factors reflects USCIS adherence to its mission and national values which benefit all citizens.

Recommendations

It is recommended that USCIS should discontinue operating from a belief that a U.S. citizen spouse wields total power in a domestic situation, police presence, court room, or immigration office. This is based upon a mode of bias from an earlier period of immigration and social history. USCIS should consult and collaborate with proven

proactive domestic violence and abuse advocates utilizing present technological and social strategies proven effective in eliminating and preventing domestic violence/abuse.

The next recommendation is that USCIS must examine and discontinue the use of VAWA-based petition process administrative rules allowing extensive flexibility in evidentiary standards in making the VAWA claim. This is not the current practice with U-based visa claims, used for victims of certain U.S.-based crimes suffering mental or physical abuse—mainly particular to sexual based crimes—requiring the victim to be helpful to law enforcement or government officials during reporting, investigation, and prosecution and possess specific useful knowledge about the qualifying criminal activity (USCIS, 2020).

VAWA-based petitions and U-based petitions mimic the same aims of assisting vulnerable populations against crime. USCIS should require stricter evidentiary standards for VAWA-based claims, notwithstanding circumstances requiring a necessary level of flexibility. The existing broad range of considerations and allowances not provided to U.S. citizen spouses by USCIS based upon unfounded beliefs of their advantage in a domestic situation are outdated and not supported by a totality of the data. In contrast, the study data—the U.S. citizen spouse participant interview data in particular—revealed that present societal conditions attach distinct disadvantages to the U.S. citizen spouse as recounted in the background information concerning vulnerabilities.

Strengths and Limitations

The strengths of this study were chiefly that the data obtained for analysis was direct information from U.S. citizen spouses affected by the VAWA-based petition

process. The study utilized a triangulation approach by surveying the U.S. citizen spouses, conducting a structured private interview with these U.S. citizen spouses, and reviewing available AAO petition appeals responses to gain credible data for analysis. This method provided a whole-picture look at the petition process in relation to U.S. citizen spouses. The controversial nature of this study topic, lack of literature and means of acquiring the necessary data further affirmed the methods used in this study. Another strength of this study was its look at the customer service element of a public agency, as this directly speaks to equitable policy and practices that work for the citizenry. This study also provides a method of evaluation for the petition process to determine if the administration of this process functions as intended.

The obvious limitation of this study is that it singled out only the affected U.S. citizen spouses and was not inclusive of a larger pool of USCIS U.S. citizen clients. Although largely due to mandated privacy and risk concerns, the resource and capability of this study were not able to overcome this present situation. Also, the study was limited in its scope as there were several other areas present in the data about the VAWA-based petition process significant enough for study. These areas were noted as fraud prevention, U.S. citizen spouse vulnerabilities, and overreach in social issue programs. Cynicism renders some public participation and collection of data difficult, especially in sensitive areas involving marriage and family, divorce, personal losses, and romantic relationships.

Dissemination of the Findings

This study can assist USCIS in making policy and practice adjustments to the VAWA-based petition process, emphasizing customer service recovery with its U.S.

citizen clients, and regaining the vital public trust and buy-in needed to successfully meet agency goals and carry out the USCIS mission. USCIS has emphasized its reception of feedback from both stakeholders and the public for input in the development of policies and procedures. Therefore, the findings of this study will be shared with the director of the USCIS Fraud Detection and National Security Directorate (FDNS), the USCIS policy feedback section, the supervising librarian at the USCIS Historical Reference Library, and the open contact for the USCIS public engagement activity that partners with government contracting firm Barbaricum, charged with conducting satisfaction surveys and focus groups on behalf of USCIS.

Additionally, the findings of this study will be shared with the supervising librarian at USCIS's parent organization, the Department of Homeland Security (DHS) Research Library which actively reports on topics of special interest to stakeholders. The findings will also go to the supervising research analyst at the DHS Science and Technology Directorate (S&T), Office of University Programs (OUP), which fosters a homeland security presence within the academic community. Also, the study will be disseminated to the administrators of the two support groups which allowed access to its members, providing the data essential for the study. The participants of the study were informed during the informed consent process that they would be supplied with summaries of the study and can contact the university or researcher for a full copy. Other organizations appropriate for dissemination of this study to a broader audience are the Immigration Reform Law Institute (IRLI), The Center for Immigration Studies, Immigration Advocacy Services, Inc., Alliance to Counter Crime Online (ACCO),

Society of Citizens Against Relationship Scams (SCARS), Advocating Against Romance Scammers (AARS), and in accordance with the respective submission processes of the peer-reviewed *Journal of Marriage and Family* and *Journal of Social and Personal Relationships*.

Concluding Statement

The goal of this study was to explore the extent to which the lack of discretionary consideration given to U.S. citizen spouses adversely affects the outcomes that they experience during the VAWA-based petition process. This study answered three research questions about the effects of the process on U.S. citizen spouses, the client experience of these spouses, and what an appropriate level of discretionary consideration would be for these spouses. The findings revealed that the effects of the petition process on U.S. citizen spouses were adverse, mainly through financial losses. The client experience data showed that U.S. citizen spouses were ignored and exposed to subjection to unfavorable actions. These spouses dealt with an inappropriate level of discretionary consideration, making the petition process adverse, ambiguous, politicized, and manipulative, whereas an opposing appropriate level of discretionary consideration makes this process impartial, transparent, depoliticized, and ethical.

Although there were some limitations to the study, more research is necessary and important to ensure proper consideration of the citizen client in USCIS policy and practice. Study in this area would directly improve USCIS efforts in customer service, fraud prevention, and national security. This study contributes to the scarce body of

literature on this topic and adds knowledge for assisting positive change to social policies addressing equitable practices by public agencies for the citizenry.

Further study of this topic would be beneficial to future social policy development that addresses public agency consideration of policy and practice effects on citizen clients, customer service, and safeguards to the public. Any future study of the VAWA-based petition process should focus on making this process more streamlined and transparent. This would allow researchers to evaluate the effectiveness of the USCIS VAWA-program and process in a broader structured study.

This study was completed with the goal of determining the service effects of a lack of discretionary consideration has on U.S. citizen spouses involved with the VAWA-based petition process. It was is important to understand that the petition process is an invasive and powerful event shown to adversely affect U.S. citizen spouses. While this study revealed vulnerabilities of the U.S. citizen spouses, it also showed inequity and indifference in administration of the petition process by not providing discretionary consideration to these U.S. citizen spouses.

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Appendix A: U.S. Spouse Web Group Survey

- 1) Did your foreign spouse file a CIS VAWA-based petition, Form I-360?
(a) YES (b) NO (Conclude Survey)
- 2) Are you currently involved in any criminal legal proceedings associated with your foreign spouse? **(a) YES (Conclude Survey) (b) NO**
- 3) Are you a U.S. citizen? **(a) YES (b) NO (Conclude Survey)**
- 4) Within the last 10 years (2009-2019) were you a U.S. citizen that legally married a foreign spouse? **(a) YES (b) NO (Conclude Survey)**
- 5) Were you over 18 years old when you married your foreign spouse?
(a) YES (b) NO (Conclude Survey)
- 6) What is your current age? **Enter a numerical value ##**
- 7) What is your gender? **Choose “M” for male “F” for female.**
- 8) Select a letter below that identifies where your foreign spouse comes from (home country).
 - a) *Central America*** (Guatemala, Belize, Honduras, Nicaragua, Costa Rica, Panama)
 - b) *Southeast Asia*** (Malaysia, Cambodia, Indonesia, Philippines, East Timor, Laos, Singapore, Vietnam, Brunei, Myanmar/Burma, Thailand)
 - c) *South Asia*** (Afghanistan, Bangladesh, Bhutan, Maldives, Nepal, India, Pakistan, Sri Lanka)
 - d) *North Asia*** (China, Hong Kong, Japan, Macau, South Korea, Taiwan)
 - e) *North America*** (Canada, Mexico)
 - f) *South America*** (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay, Venezuela)
 - g) *Caribbean*** (Anguilla, Antigua and Barbuda, Aruba, The Bahamas, Barbados, Bermuda, Bonaire, British Virgin Islands, Cayman Islands, Cuba, Curacao, Dominica, Dominican Republic, Grenada, Guadalupe, Haiti, Jamaica, Martinique, Montserrat, Saint Barthelemy, Saint Kitts and Nevis, Saint Lucia, Saint Martin/Saint Maarten, Saint Vincent and The Grenadines, Trinidad and Tobago, Turks and Caicos) **Puerto Rico and The U.S. Virgin Islands are U.S. territories*

- h) *Europe*** (Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kosovo, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia (FYROM), Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, Vatican City/Holy See)
- i) *Middle East*** (Algeria, Bahrain, The Comoros Islands, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Mauritania, Oman, Palestine, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, Yemen, Israel, Iran)
- j) *Sub-Saharan Africa*** (Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo (Brazzaville), Congo (Democratic Republic), Côte d'Ivoire (Ivory Coast), Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritius, Mayotte, Mozambique, Namibia, Niger, Nigeria, Réunion, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, St. Helena, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia, Zimbabwe)
- k) *Oceania*** (Australia, Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu)
- 9) Do you currently reside in the U.S.? **(a) YES (b) NO**
- 10) Did you and your foreign spouse live in the U.S. after becoming legally married?
(a) YES (b) NO
- 11) How long were you married before there was conflict within the marriage?
Enter a Numerical value ## Year ## Months
- 12) Was the marital conflict documented in any way? **(a) YES (b) NO**
(Skip to Question 13) If yes then:
- a) Was this a police report? (a) YES (b) NO**
- b) Was this a counseling report or documentation from a counselor or clergy/religious representative? (a) YES (b) NO**
- c) Was this from a personal journal, media, or phone? (a) YES (b) NO**

- 13) Were you ever arrested for anything associated with your marriage?
(a) YES (b) NO (Skip to Question 14)
If yes then:
- a) Was this arrest domestic violence related? **(a) YES (b) NO**
 - b) Was a protection order issued? **(a) YES (b) NO**
 - c) Did you move or vacate the marital residence? **(a) YES (b) NO**
- 14) Was your foreign spouse ever arrested for anything associated with your marriage?
(a) YES (b) NO (Skip to Question to 15)
If yes then:
- a) Was this arrest domestic violence related? **(a) YES (b) NO**
 - b) Was a protection order issued? **(a) YES (b) NO**
 - c) Did your foreign spouse move or vacate the marital residence? **(a) YES (b) NO**
- 15) Did they receive any external support (e.g., legal, housing, financial, transportation) during the marital conflict? **(a) YES (b) NO (c) Don't know**
- 16) How did you find out your foreign spouse filed a VAWA-based petition?
Choose One Response
- a) From a related correspondence from CIS
 - b) From personal contact with CIS
 - c) From my foreign spouse
 - d) From some third-party
- 17) Did you contact CIS regarding your foreign spouse before they filed the VAWA-based petition? **(a) YES (b) NO (Skip to Question 18)**
If yes then:
- a) Was it about your marriage? **(a) YES (b) NO**
 - b) Was it about your support or petition as a U.S. citizen spouse? **(a) YES (b) NO**
 - c) Was it about something general or not related to your marriage? **(a) YES (b) NO**

18) Did you contact CIS regarding your foreign spouse after they filed the VAWA-based petition? **(a) YES (b) NO (Skip to Question 19)**

If yes then:

a) Was it about the VAWA-based petition? (a) YES (b) NO

b) Was it about your marriage? (a) YES (b) NO

c) Was it about your support or petition as a U.S. citizen spouse? (a) YES (b) NO

d) Was it about something general or not related to your marriage? (a) YES (b) NO

19) Were you ever directly contacted by CIS regarding your foreign spouse? **YES (b) NO (Skip to Question 20)**

If yes then:

a) Was it about your support or petition as a U.S. citizen spouse? (a) YES (b) NO

b) Was it about or concerning the VAWA-based petition process? (a) YES (b) NO

c) Was it about something general or not related to your marriage? (a) YES (b) NO

20) Did you ever request contact or a written response from CIS about the VAWA-based petition? **(a) YES (b) NO (Skip to Question 21)**

If yes then:

a) How many times or attempts? Enter a numerical value ###

21) Did your foreign spouse receive Legal Permanent Residence (green card)? **(a) YES (b) NO (c) Don't know**

22) Was there any determination that your foreign spouse made any false report? **(a) YES (b) NO (Skip to Question 23)**

If yes then:

a) Was this from a judge or a court? (a) YES (b) NO

b) Was this from an official law enforcement report? (a) YES (b) NO

c) Was this from a representative of a public or private agency? (a) YES (b) NO

d) Was this from a CIS official or correspondence? (a) YES (b) NO

23) Did you and your foreign spouse get divorced? **(a) YES (b) NO (Skip to Question 24)**

If yes then:

a) Did you file for the divorce from your foreign spouse? (a) YES (b) NO

b) Did you get ordered to pay support for your foreign spouse? (a) YES (b) NO

c) Did you have to pay any legal fees for your foreign spouse? (a) YES (b) NO

d) Did you get ordered to pay support for any children? (a) YES (b) NO

e) Did you get ordered or arrange to pay a settlement? (a) YES (b) NO

24) Do you still have any contact with your foreign spouse (or ex-foreign spouse)? **(a) YES (b) NO**

25) Did you suffer a financial loss not related to divorce costs during or after the VAWA-based petition process? **(a) YES (b) NO (Skip to Question 26)**

If yes then:

a) Was related to the loss of employment or reduced employment? (a) YES (b) NO

b) Was it related to a loss of property or real estate? (a) YES (b) NO

c) Was it related to medical costs? (a) YES (b) NO

d) Was it related to paying out other costs outside of the marriage? (a) YES (b) NO

26) Did you suffer a loss of social status during or after the VAWA-based petition process? **(a) YES (b) NO (Skip to Question 27)**

If yes then:

a) Was it a loss of opportunity related to your employment or career? (a) YES (b) NO

b) Was it related to a loss of property or real estate? (a) YES (b) NO

c) Was it related to your friends and family? (a) YES (b) NO

d) Was it related to something outside of you and your family? (a) YES (b) NO

27) Did you have any emotional trauma during or after the VAWA-based petition process? **(a) YES (b) NO (Skip to Question 28)**

If yes then:

- a) You handled it alone and did not receive any assistance? **(a) YES (b) NO**
 - b) It was enough to receive assistance from family and friends? **(a) YES (b) NO**
 - c) You received professional help or counseling? **(a) YES (b) NO**
 - d) Severe enough for ongoing treatment or medication? **(a) YES (b) NO**
 - e) You had a psychotic break (nervous breakdown) from trauma? **(a) YES (b) NO**
- 28) Was there a judgment or ruling that your foreign spouse made any false report? **(a) YES (b) NO (Skip to Question 29)**
If yes then:
- a) Was this from a judge or a court? **(a) YES (b) NO**
 - b) Was this from an official law enforcement report? **(a) YES (b) NO**
 - c) Was this from a representative of a public or private agency? **(a) YES (b) NO**
 - d) Was this from a CIS official or correspondence? **(a) YES (b) NO**
- 29) Did the false report judgment or ruling change anything related to your foreign spouse? **(a) YES (b) NO (Skip to Question 30)**
If yes then:
- a) It changed the outcome of the VAWA-based petition process? **(a) YES (b) NO**
 - b) It changed the divorce proceedings and rulings? **(a) YES (b) NO**
 - c) It changed the type or amount of support received? **(a) YES (b) NO**
 - d) It changed the level of social or family support given? **(a) YES (b) NO**
 - e) It changed their employment or career? **(a) YES (b) NO**
- 30) Are you willing to participate in a short interview related to your experiences with CIS, your foreign spouse, and the VAWA-based petition process? **(a) YES (Label for recruitment) (b) NO (End survey)**

Appendix B: U.S. Spouse Participant Interview Guide

Immigrant Marriage

1. How did you wind up joining the web group?
2. How did you and your foreign spouse meet and start your relationship?
(Who, What, When, Where, Why, How follow-ups if needed)
3. What led you to get married?
(Use follow-ups “What do you mean by...”)
4. Please describe what you knew about U.S. immigration guidelines and rules when you decided to marry your foreign spouse?
(Use “Do you mean...” or “I hear you saying...” interpreting questions)
5. Would you share the details of your marriage ceremony?
6. Tell me about your marriage life in the U.S.?
(Use “Can you say more about...” follow up questions)
7. How did you handle marital conflict?

Domestic Violence Incidence

1. Please describe any event of domestic violence or abuse between you and your foreign spouse?
(Who, What, When, Why, How follow-ups if needed)
2. How were these events resolved?
3. Please describe what you knew about U.S. immigration guidelines and rules concerning your foreign spouse?
(Use “Do you mean...” interpreting questions)
4. Please describe the reaction of your foreign spouse to the marital conflict.
5. Tell me about any actions that were taken by you in response to the marital conflict?
6. Please describe any contact or actions taken with immigration during this or any period of marital conflict?

VAWA Claim Fundamentals (secular improvement – social stratification – civil rights)

1. Please describe how you found out about the VAWA-based petition process?
(What, When, How follow-ups if needed)

2. What was your reaction to finding out about the VAWA-based petition process?
(Use “I hear you saying...” interpreting questions)
3. Please describe the actions or behavior of your foreign spouse leading up to you finding out about the VAWA-based petition process?
4. Please describe any contact or correspondence you had with USCIS after finding out about the VAWA-based petition process?
5. Please describe your foreign spouse’s contact with you after you found out about the VAWA-based petition process?

VAWA Outcomes

1. How did the VAWA-based petition decision affect your life?
(What, How follow-ups if needed – i.e., financial, emotional, medical)
2. How did your contact with USCIS affect the VAWA-based petition process?
(Use “Do you mean...” or “I hear you saying...” interpreting questions)

VAWA Social Policy Outcome

1. How do you view the immigration marriage process?
(Use interpreting questions)
2. How do you view the VAWA-based petition process?
(Use interpreting questions)
3. How do you view the outcome of the VAWA-based petition process for your foreign spouse?
(Use interpreting questions)