COMMENTS

BATTERED IRANIAN IMMIGRANT WOMEN AND THE INEFFECTIVENESS OF U.S. ANTIVIOLENCE REMEDIES

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I. INTRODUCTION

Violence against women plagues millions of women and children around the world every year.1 Studies have shown that up to seventy percent of women are victims in their lifetimes.2 The United Nations Declaration on the Elimination of Violence Against Women defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”3 The most prevalent form of violence is abuse perpetrated by an intimate partner.4

Although violence against women occurs around the globe, it is even worse in societies that have entrenched structural discrimination against women.5 Sex

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2. Id.
5. See, e.g., Julie Goldscheid, Domestic and Sexual Violence as Sex Discrimination: Comparing
stereotypes that portray men as “strong, independent, reasonable, and aggressive,” and women as “weak, dependent, emotional, and passive,” are used to justify male violence.6

Iran is one such country where “[t]he patriarchal structure, cultural traditions and religious edicts . . . create a climate in which women are seen as men’s property and domestic violence thus becomes an accepted expression of male dominance.”7 Accordingly, most victims are forced to endure the abuse and live in silence.8 While an increasing number of countries are implementing laws combating violence against women,9 Iran refuses to join their ranks.10

In contrast, the United States (U.S.) is one country that has implemented laws against domestic violence. Not only is domestic violence a chargeable offense, but federal and local governments have also enacted legislation to ban violence, and antiviolence advocates have created institutions to support victims.11 The U.S. has gone so far as to extend these remedies, such as the U Nonimmigrant Visa (U Visa) and the Violence Against Women Act self-petition (VAWA self-petition), to protect battered immigrant and nonimmigrant women who come to the U.S.12

This Comment focuses on whether these U.S.-created remedies for noncitizen women13 protect Iranian victims who immigrate to the U.S. More specifically, this Comment explores the following questions: What happens to battered Iranian women who immigrate to the U.S. with their abusive partners? Do these women know they are victims of a crime? Do they know of the legal resources available in the U.S. that can protect them from abuse? Are the legal antiviolence resources in the U.S. reaching these victims?


8.  See infra Part II.A for a discussion on the impact of culture, the law, and the judiciary on domestic violence matters in Iran.


12.  See infra Part II.C for a more detailed analysis of the U Visa and the VAWA self-petition. Immigrants are individuals who are living permanently and lawfully in the U.S. Univ. of Cal., Nonimmigrant v. Immigrant Status, BERKELEY INT’L OFF., http://internationaloffice.berkeley.edu/nonimmigrant_vs_immigrant (last visited Feb. 1, 2016). Nonimmigrants are individuals who enter the U.S. on a temporary basis (e.g., tourism, business, temporary work, or study). Id.

13.  I will use the term “noncitizen” to encompass both nonimmigrants and immigrants.
Section II provides an overview of domestic violence in Iran, an overview of the Iranian population that has immigrated to the U.S., and an overview of the U Visa and VAWA self-petition as remedies for battered noncitizen women in the U.S. Section III, drawing upon information gleaned from legal grassroots organizations throughout the U.S. that provide services to battered Iranian noncitizen women, discusses the lack of use of the U Visa and VAWA self-petition by this population of women. Section III also proposes solutions to connect these resources to battered Iranian noncitizen women in the U.S. Ultimately, this Comment argues that the U Visa and VAWA self-petition are inaccessible to Iranian victims in the U.S. and proposes solutions to address this problem. Without a substantial change to the current system, many Iranian noncitizen victims will continue suffering in silence.

II. OVERVIEW

To understand the current situation facing battered Iranian noncitizen women in the U.S., it is critical to have an understanding of the tolerance of domestic violence in Iran, how this tolerance persists when Iranian families immigrate to the U.S., and the resources that are available to assist these women in the U.S.

Part II.A focuses on (1) domestic violence under the Islamic Penal Code and judicial system in Iran; (2) domestic violence in marriage, divorce, and custody in Iran; and (3) the lack of resources to assist victims of violence in Iran. Part II.B generally discusses the Iranian population that has immigrated to the U.S. and, more specifically, focuses on battered Iranian noncitizen women in the U.S. Part II.C provides information about the U Visa and VAWA self-petition as avenues of protection for battered noncitizen women. Part II.D discusses available resources in the U.S for battered Iranian noncitizen women.

A. Domestic Violence in Iran

_I was married at the age of 12, and I had my first child when I was 13. My husband was unemployed and we fought all the time. We never applied for a divorce because I was afraid of losing my children. . . . [O]ne night, he poured a bucket of acid over my body and I was completely burned. When I rushed to the sink to flush my face and body[,] I realized that he had shut off the main water supply. I was taken to the hospital. My operation was held up pending advance money for the surgery, and permission from my husband to operate on my face. My mother sold all of her valuables and provided the money. My husband said he would only permit my operation if I consented to not seeing my children for the rest of my life._

14. While this Comment refers to “battered Iranian noncitizen women” as a general population, these findings are not true or relevant for all battered Iranian noncitizen women. Rather, it is a reflection of the obstacles facing a number of these women.

This chilling account of one victim’s experience is common for many women in Iran. In 2004, the Ministry of Internal Affairs conducted a study of twenty-eight provinces in Iran, which concluded that over 66% of women in Iran have experienced at least one instance of abuse since the beginning of their marriages. A study of 1,800 pregnant Iranian women found that 60% were victims of domestic violence during their pregnancies. Among this group, women suffered from psychological violence (60.5%), physical violence (14.6%), and sexual violence (23.5%). Further, 53% of female homicide victims in Iran were killed by their husbands or boyfriends. Such violence remains an unfortunate reality for many Iranian women because there are no laws criminalizing domestic violence in Iran.

1. Domestic Violence Under the Islamic Penal Code and Judicial System in Iran

The Islamic Penal Code (formally, The Islamic Penal Code of the Islamic Republic of Iran) and the Iranian judicial system tolerate violence against women. After Iran became the Islamic Republic in 1979, the laws of the country became centered on Shari’a law, which some scholars have argued not only disfavors women, but is also “arguably one of the causes for the establishment of gender inequality leading to a ‘gender apartheid’ in Iran.” The Islamic Penal Code enforces a patriarchal system that justifies the oppression of women and fails to punish perpetrators of abuse, even when such violence ends in severe injury or death. While the code criminalizes assault and battery,
victims of domestic violence rarely prevail on these claims in court due to cultural and social norms that recognize a husband’s role as the head of the family, and as having the “managerial duty” to punish his wife when he sees fit. Because Iran’s legal system ignores claims of domestic violence, women have no redress and the problem continues.

Even if a woman could get her case to a court, the Islamic Penal Code assigns a woman’s testimony half the worth of a man’s testimony, requiring corroboration by at least one male witness to the alleged crime. The rationale behind this requirement is the belief that women are emotional and forgetful. An Iranian victim of abuse who resorts to family court is actually condemned for causing her husband’s abusive behavior and is expected to understand that the violence is for the ultimate good of the family.

The Islamic Penal Code further discriminates against women by affording greater value to a man’s life than to a woman’s life. Under Article 300 of the Islamic Penal Code, the family of a female murder victim can receive only half the “blood money” (compensation from the perpetrator in lieu of an execution) that a male victim’s family would have received. Further, the penal code explicitly grants men the privilege to be violent towards their wives. Article 630...
of the penal code allows a husband to kill his wife if he finds her engaging in adulterous conduct. The same right is not given to the wife.

2. Domestic Violence in Marriage, Divorce, and Custody

In addition to judicial practices and the Islamic Penal Code, the laws in the Iranian Civil Code (formally, the Civil Code of the Islamic Republic of Iran) regarding marriage, divorce, and custody matters encourage domestic violence under certain circumstances. In the realm of marriage, girls as young as thirteen years old are permitted to marry. For most women, the marriage contract consists of an offer from the woman or her parents for marriage, an acceptance from the man, and the payment of a dower (“mahr”) to the woman. Under the Iranian Civil Code, women have certain duties to their husbands. These duties include a range of obligations, such as the duty to sexually submit to a husband’s desires (“tamkin”), or obtain permission to leave the house or travel. This forced dependency increases women’s exposure to domestic violence. Tamkin condones marital rape by treating it as part of a wife’s duty to satisfy her husband’s sexual wishes. When wives violate these obedience duties, their husbands will typically “turn to the judicial system, stop financially supporting [them], or hurt [them] physically with little constraint.” At times, husbands will even deprive women of shelter, food, or clothing.

Iranian victims of domestic abuse often have no choice but to remain in abusive marriages for a number of reasons. First, police typically will either not respond to domestic violence complaints or will send women back to their abusive homes. One Iranian woman endured repeated episodes of abuse by her

35. Islamic Penal Code, supra note 25, art. 630; Judith Armatta, Getting Beyond the Law’s Complicity in Intimate Violence Against Women, 33 Williamette L. Rev. 773, 785–86 (1997) (explaining that some laws in Iran permit the killing of wives for certain behavior like adultery).


38. Tiefenbrun, supra note 23, at 63.


40. See Amnesty Int’l et al., supra note 27, at 2 (explaining that a woman’s duty to submit includes obtaining permission to leave the house and that violence is an accepted response to a woman’s unwillingness to submit).

41. Id.

42. Esfandiari, supra note 22.


44. Armatta, supra note 35, at 790.

45. Esfandiari, supra note 22.
husband in which he would burn her with cigarettes, sear her with skewers, and beat her with a cable. On one occasion, he locked her in a shed for twelve days. When the woman turned to her father for help, he rejected her: “You went to your husband’s home with a bridal gown. You should leave that home with a white burial shroud.” As a last resort, she attempted to report the beating and burning to the police but was turned away. Shortly thereafter, her husband murdered her.

Second, victims of domestic abuse cannot find protection in the Iranian judicial system. Women rarely utilize the court system to punish or leave their abusers, as courts tend to recognize the right of husbands to punish their wives. Further, even if a woman can get her claim to court, she faces great difficulty in trying to convince the court that she is in danger. For instance, “prior history of abuse is considered evidence of danger only if the battery has caused major injury,” which suggests that violence is tolerated until it results in a permanent injury.

Third, cultural and societal pressures demand that women remain quiet about the abuse, as some violence is considered a socially acceptable form of “educating” women. In a male-dominated country, like Iran, women stay in abusive marriages because “the actions of a woman who leaves her husband, reports [him] to the authorities, or disobeys [him] in the home, can constitute violations of deeply rooted beliefs in the sacredness of the family and the subordinate position of women.” The violent subjugation of women by their husbands has become so engrained in Iranian custom that most women are unaware they are victims of a crime. Instead, they consider the physical and verbal abuse to be normal, as opposed to a form of subordination and oppression. When incidents of violence become very severe, they are dealt with in the private realm. The issue is typically taken to an elderly family member,

46. Palmer & Ramsay, supra note 7, at 15.
47. Id.
48. Id.
49. Id.
50. Id.
51. Esfandiari, supra note 22.
52. Palmer & Ramsay, supra note 7, at 19.
53. Id. (explaining that the level of abuse must be severe to even be considered in battery cases).
54. See Soltani, supra note 29, at 28 (explaining that “[i]n Iran . . . years of cultural pressure mandates a woman to remain silent about her experiences of violence”).
57. Id.
58. See Nat’l Comm. of Women For a Democratic Iran, supra note 15 (noting that Iranian law fails to consider domestic violence and “prosecutors often overlook violence in the family”).
who then mediates with the end goal of reconciliation.59 Victims are often blamed for the violence,60 and frequently, members of the extended family pressure the victim to maintain a positive family image at all costs.61

Fourth, women often stay with their abusers out of fear for their children’s safety.62 One survivor explained: “During our life together, I allowed him to beat me [because] I knew it would stop him from torturing the child. . . . I still have nightmares about those days and nights . . . .”63 Finally, financial dependency can deter women from leaving their abusers. Since women do not have ownership of anything more than a dower and their personal wealth in marriage,64 most women are unable to survive financially outside of their toxic relationships.

In addition to these pressures, the difficulty for women in obtaining a divorce, and the social stigma attached, forces Iranian women to stay in abusive marriages. Under the Islamic Civil Code, men and women do not hold equal rights to obtain a divorce.65 A woman is permitted to request a divorce only if she obtains the consent of her husband or if she can prove that the marriage presents an extremely difficult hardship.66 While domestic violence is at times grounds for a divorce, the Islamic Civil Code states that the violence must reach the point where it is “intolerable.”67 “Of course the courts do not consider every sort of violence as being maltreatment and causing hardship since rows, rough treatment and beating are current in many Iranian families. . . . [T]he judge uses his own criteria to define violence.”68 One woman, who petitioned the court for a divorce on the grounds of domestic violence, argued that she lost her hearing due to her husband repeatedly striking her head.69 Although she provided medical evidence of her hearing loss and witnesses who testified to seeing bruise marks on her body, the court denied the petition because no witness had seen her husband actually hit her.70

59. Soltani, supra note 29, at 5; see also TIZRO, supra note 17, at 18 (explaining that domestic violence is typically confined to the private realm).
60. Aliaskari, supra note 55, at 244–46.
62. See Esfandiari, supra note 22.
63. Id.
64. Tiefenbrun, supra note 23, at 63.
65. Nayyeri, supra note 30, § 2.2.
66. Id.; see also S.I. Strong, Law and Religion in Israel and Iran: How the Integration of Secular and Spiritual Laws Affects Human Rights and the Potential for Violence, 19 Mich. J. Int’l L. 109, 169 (1997) (“Women . . . find it much more difficult to extricate themselves from a troubled marriage and can obtain a divorce only with their husband’s consent or, in limited circumstances, through a court order.”).
67. See Nayyeri, supra note 30, § 2.2 (providing that a wife could claim battery as grounds for a divorce, but even then the abuse must be “intolerable”).
68. PALMER & RAMSAY, supra note 7, at 21; see also Kristen Cherry, Comment, Marriage and Divorce Law in Pakistan and Iran: The Problem of Recognition, 9 Tulsa J. Comp. & Int’l L. 319, 341 (2001) (explaining that “[a]lthough a woman may get a . . . divorce if she can prove physical or mental cruelty, it is in the judge’s discretion to determine whether such cruelty is actually harmful”).
69. Cherry, supra note 68, at 341.
70. Id.
Even when a divorce is granted, there are still many repercussions for the woman. First, there is social stigma associated with divorce that arises from the scripture of the Quran, on which the Islamic Civil Code is based.71 The Quran declares divorce “an abomination in the sight of God.”72 Second, while a recent law permits women to own half the marital property, this is not the case if the woman petitions for divorce or was at fault when the husband petitioned for divorce.73 Third, the woman does not have the legal right to custody over her children.74 The woman maintains custody only until the child is seven years old and after that, the child goes to the father.75 Where the child is younger than seven but the wife remarries, she loses custody altogether.76 The possibility of the woman receiving custody of her child depends primarily on her husband’s agreement to waive his right to custody.77 In one case, a husband had a long history of domestic violence but the court granted him custody because the children were above the age requirement.78 Shortly after, he killed all three children.79

3. Lack of Resources in Iran to Assist Victims of Domestic Violence

Iran provides little to no protection for victims of domestic violence. There are no safe shelters for women who choose to leave their husbands.80 Victims will use the homes of their relatives for refuge,81 but only on the rare occasion where they have not been sent back to their homes.82 Women activists in Iran urge the creation of women’s shelters and health centers for victims of violence because there are currently no rehabilitation centers for victims of violence.83 While restraining orders are an option for victims, women who are living with their abusers can rarely obtain them.84 Further, because judges are generally unsympathetic toward abused women, some women are denied petitions.85 As such, women are forced to stay in abusive marriages because the legal system, state religion, and customs provide no avenues of protection or escape from their abusers.86

72. Cherry, supra note 68, at 343.
73. Id.
74. Id.
75. PALMER & RAMSAY, supra note 7, at 24.
76. Nayyeri, supra note 30, § 2.3.
77. PALMER & RAMSAY, supra note 7, at 25.
78. Id.
79. Id.
81. Id.
82. See, e.g., PALMER & RAMSAY, supra note 7, at 15 (describing one instance where a father returned his daughter to her abusive home where she was eventually murdered).
83. Soltani, supra note 29, at 40–41.
84. PALMER & RAMSAY, supra note 7, at 19.
86. See Wing & Nadimi, supra note 43, at 438.
B. Battered Iranian Noncitizen Women in the U.S.

Domestic violence statistics in the U.S. illustrate the severity of violence inflicted against women. Every year, 4,774,000 women experience domestic violence by a partner. Every day, three women are murdered by a violent male partner. The experience and effect of domestic violence on immigrant women in the U.S. is grave. In the U.S., approximately 30% to 50% of immigrant women are victims of domestic violence. Immigrant victims of violence face a number of barriers: “lack of knowledge of legal protections, language barriers, fear or misperception of law enforcement, cultural pressures, and social isolation.” Battered immigrant women also have a “fear of deportation, fear of retribution by abusers, fear of being . . . arrested and separated from children, and fear of future economic, social and/or employability repercussions.”

A large number of Iranians come to the U.S. each year as immigrants and nonimmigrants. In 2013 alone, 39,007 Iranians came to the U.S. Overall, the Iranian population in the U.S. is estimated to be between 500,000 and one million individuals. Iranians are spread throughout the U.S., with high concentrations in California, New York, New Jersey, Washington, D.C., and Texas. Statistics on the number of Iranian noncitizen women in the U.S. are

88. Id.
89. Refugee and Immigrant Community, WASH. COALITION SEXUAL ASSAULT PROGRAMS (Oct. 8, 2015), http://www.wcsap.org/refugee-and-immigrant-community. “The actual incidence of intimate partner violence is difficult to verify because it varies widely among communities, many incidents are unreported, and there is little specific data.” Id.
93. 12,863 Iranians arrived as immigrants whereas 26,144 Iranians arrived as nonimmigrants. Id. at 12 tbl.3 (showing that 12,863 Iranian immigrants came to the U.S. in 2013); id. at 71 tbl.26 (showing 26,144 Iranians arrived as nonimmigrants in the U.S. in 2013).
94. Demographics & Statistics, PUB. AFF. ALLIANCE IRANIAN AM., http://www.paaia.org/CMS/demographics—statistics.aspx (last visited Feb. 1, 2016); see also Shirin Hakimzadeh, Iran: A Vast Diaspora Abroad and Millions of Refugees at Home, MIGRATION POL’Y INST. (Sept. 1, 2006), http://www.migrationpolicy.org/article/iran-vast-diaspora-abroad-and-millions-refugees-home (explaining that statistical studies have estimated the population of Iranian Americans in the U.S. to be between 691,000 to 1.2 million).
not available, but experts in the U.S. “confirm that many victims of domestic abuse are of Iranian descent.”

Studies have found that noncitizen women, as compared to women who are citizens, are at a higher risk of being victims of violence. After emigrating from their home countries, the struggle to maintain their “native culture and identity manifests itself” in the preservation of “culturally acceptable masculine-feminine values and roles.” The preservation of such gender roles becomes difficult as Iranian women enter the workforce to contribute money to the household. Some Iranian men feel threatened by the upset in these traditional gender roles. One Iranian American woman’s account explained that the more money she would contribute, the more aggressive her husband would become towards her.

Domestic violence is “a silent epidemic” for battered Iranian women who come to the U.S. Victims who benefited from the support of all-female networks during times of marital hardship in Iran experience a loss of security and support when uprooted to the U.S. Further, some victims are not aware that domestic violence is a crime in the U.S., and “[a]busers may play upon this ignorance to isolate, further abuse, and prevent the victim . . . from seeking help from the authorities.”

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96. Ali Akbar Mahdi, Perceptions of Gender Roles Among Female Iranian Immigrants in the United States, in WOMEN, RELIGION AND CULTURE IN IRAN 185, 185–86 (Sarah Ansari & Vanessa Martin eds., 2001), http://go.owu.edu/~aamahdi/Perception.htm; NIAC Offers Resources on Its Website to Help Battered Immigrant Women, NAT’L IRANIAN AM. COUNCIL (Sept. 19, 2005), http://www.niacouncil.org/niac-offers-resources-on-its-website-to-help-battered-immigrant-women/. No explanation is provided as to why these statistics are unavailable, but both sources confirm the absence of such figures.

97. NIAC Offers Resources on Its Website to Help Battered Immigrant Women, supra note 96.

98. Id.


100. Id. at 210–11.

101. See id. (explaining that women entering the workforce in the U.S. causes uneasiness in the gender power dynamic).

102. Interview by Haideh Moghissi with Minoo, in Toronto, Ont. (Mar. 2006), in Moghissi, supra note 99, at 211 (“[T]he more dependent he becomes on me and the money I bring home, the more aggressive his behaviour becomes.”).

103. NIAC Offers Resources on Its Website to Help Battered Immigrant Women, supra note 96.

104. Moghissi, supra note 99, at 209. Some Iranian women benefited from the support of all-female networks during marital hardships in Iran. Id.

Even if these Iranian women were able to escape abuse in the U.S., many women are afraid to try. Soraya Fata, an Iranian American attorney, explained, “Their vulnerability is rooted in their immigration status, language barriers, religious and cultural beliefs, and most importantly, their fear of coming forward.” Further, since the police in Iran rarely respond to domestic violence matters and police intervention is viewed negatively in Iran, battered Iranian women are unlikely to utilize the police in the U.S. Finally, for some battered noncitizen women, a divorce will not always mark an end to the patriarchal power; given that a divorce granted in the U.S. will not always be recognized in Iran, this can be problematic for women who still have family there. One Iranian woman was married and moved to the U.S. with her husband, who began beating her after they arrived. At the end of a long battle, she was eventually granted a divorce in the U.S. and remarried. She started making plans to visit her parents in Iran but was informed that her divorce was not valid in Iran. Further, she learned that if she made it back to Iran, she would not only return to the control of her ex-husband’s family, but since she had remarried in America, “her ex-husband’s family could accuse her of adultery and have her stoned.” Thus, domestic violence remains a harsh reality for many immigrant Iranian women who come to the U.S.

C. The U Visa and the Violence Against Women Act Self-Petition as Avenues of Protection in the U.S.

As a response to the needs of battered noncitizen women in the U.S., Congress created a number of protections. Among these protections are the U Visa and the VAWA self-petition.

106. See NIAC Offers Resources on Its Website to Help Battered Immigrant Women, supra note 96 (“For the Iranian-American community in the US, the problem may represent a silent epidemic because the fear of coming forward prevents women from reporting abuse.”).

107. Id.

108. See Soltani, supra note 29, at 22 (discussing how police intervention is viewed negatively in Iran); see also Leslye Orloff & Olivia Garcia, Dynamics of Domestic Violence Experienced by Immigrant Victims, in NAT’L IMMIGR. WOMEN’S ADVOCACY PROJECT ch. 1.1, at 18 (stating that research has found the reporting rate for immigrant victims to be particularly low, suggesting that police are not sources of help).


110. Id.

111. Id.

112. Id.

113. See, e.g., Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, § 102(a), 114 Stat. 1464, 1466 (codified at 22 U.S.C. § 7101(a) (2012)) (“The purposes of this division are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.”).

1. Process, Requirements, and Pitfalls of the U Visa

Congress created the U Visa under the Violence Against Women Act in 2000\(^{115}\) to ensure the protection of victims of violent crimes, regardless of immigration status.\(^{116}\) The U Visa encourages victims to report violent crimes against them, as well as to assist with the investigation and prosecution of the crime.\(^{117}\) The U Visa confers nonimmigrant status on eligible victims, allowing individuals to temporarily remain in the U.S.\(^{118}\) and to apply for work authorization.\(^{119}\) It lasts for four years, but after three years the holder may apply for permanent residency on humanitarian grounds.\(^{120}\) The U Visa therefore addresses the understandable hesitancy of undocumented victims to report abusive crimes\(^{121}\) by “strengthen[ing] the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault[,] . . . and other crimes while offering protection to victims of such crimes without the immediate risk of being removed from the country.”\(^{122}\) Criminal activity covered by the U Visa includes a broad array of crimes, such as rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, and prostitution.\(^{123}\)

Congress has limited the number of U Visas to 10,000 per year.\(^{124}\) This cap applies to only “principal aliens” and does not include derivative relatives.\(^{125}\) Family members eligible to be derivative U Visa recipients include (1) unmarried children under the age of twenty-one, (2) spouses, (3) parents if the U

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\(^{118}\) Id. at 2.

\(^{119}\) Jensen, supra note 116, at 695 (citing 8 C.F.R. § 214.14(c)(7) (2009)).


\(^{121}\) Jensen, supra note 116, at 694.

\(^{122}\) U Visa RESOURCE GUIDE, supra note 117, at 2.


Visa holder is under twenty-one years of age, and (4) unmarried siblings (under eighteen years of age) of U Visa recipients who are under twenty-one.\textsuperscript{126} Accepted derivative relatives have the right to both live and work in the U.S.\textsuperscript{127}

The petition process for a U Visa begins with filing both an I-918 Petition for U Nonimmigrant Status and an I-918 Supplement B Form (Supplement B Form)\textsuperscript{128} with United States Citizenship and Immigration Services (USCIS).\textsuperscript{129} This process requires the applicant to establish the following statutory requirements: (1) the immigrant victim has “suffered substantial physical or mental abuse resulting from having been the victim of [criminal activity]”; (2) the immigrant victim possesses information regarding that criminal activity; (3) the immigrant victim “has been helpful, is being helpful, or is likely to be helpful” in the investigation or prosecution of the corresponding criminal activity; and (4) the criminal activity “violated the laws of the United States . . . or occurred in the United States or the territories and possessions of the United States.”\textsuperscript{130}

The Supplement B Form must be signed by an authorized certifying official of a law enforcement agency and confirm that the victim was helpful, or will be helpful in the investigation or prosecution of the criminal case.\textsuperscript{131} At times, a victim is required to assist with an investigation or prosecution even after the U Visa is granted.\textsuperscript{132} If a victim “unreasonab[ly] refus[es]” to help, USCIS has the authority to revoke her U Visa.\textsuperscript{133} Because there is no statute of limitations on signing and submitting this form, a certification can be submitted for an applicant in a closed case.\textsuperscript{134} Since a victim will not be eligible for a U Visa without a certification form, certifying agencies have significant discretion over whether an applicant has the ability to obtain a U Visa.\textsuperscript{135} Further, if an applicant is not an authorized immigrant, she must also file a Form I-192,
Application for Advance Permission to Enter as Nonimmigrant.136

Once the forms have been submitted to USCIS, it is in USCIS’s discretion to decide if the victim qualifies for a U Visa.137 In deciding the merit of the application, USCIS reviews inadmissibility issues such as criminal history, immigration violations, and security concerns.138 If an inadmissibility issue arises, this will likely bar admission into the U.S.139 and void an individual’s qualification for a U Visa. Evidence from law enforcement and immigration authorities can be used to determine eligibility for a U Visa.140

The U Visa has significant limitations. First, as noted earlier, only certified law enforcement agencies retain the discretion to submit a Supplement B Form, without which a victim is not eligible to apply for a U Visa.141 A U Visa applicant must have a certification to be considered, which means that law enforcement agencies, that may not be versed in working with victims of violence, have a great deal of power in deciding the victim’s fate.

Second, as more than 10,000 immigrant victims apply for U Visas each year, eligible victims are forced to wait months before receiving the visa.142 The American Immigration Council reported that USCIS filled the 10,000 cap for 2014 after only two months.143 Those who qualify in the remaining months of the year will receive conditional approvals.144 Conditional approvals grant victims employment authorization and protection from deportation.145 However, victims receiving conditional approvals must wait longer to apply for permanent residency.146 Moreover, their children and families are not permitted to join them yet, and their work authorization is for a shorter period of time.147 Congress has thus far rejected proposals to increase the number of U Visas.148
Third, even if applicants have certifications, if they fail to meet any of the requirements for the U Visa, they could still be denied.\textsuperscript{149} And, if denied a U Visa, they may be deported.\textsuperscript{150}

Finally, until 2007 a prolonged absence of regulations created a large backlog of U Visa applications that prevented adjudications of U Visa applications.\textsuperscript{151} It was not until 2007, seven years after the creation of the U Visa, that the Department of Homeland Security (DHS) finally issued regulations on the issuance of U Visas.\textsuperscript{152} USCIS could not approve or issue U Visas before the regulations were published.\textsuperscript{153} Prior to 2007, victims who cooperated with law enforcement were granted only “interim relief” or “deferred action,” which required renewals every year and failed to provide victims with permanent legal status.\textsuperscript{154} USCIS still has the option of using deferred action today.\textsuperscript{155}

2. Process, Requirements, and Pitfalls of the VAWA Self-Petition

VAWA was the first piece of federal legislation specifically designed to tackle issues of domestic violence.\textsuperscript{156} VAWA’s goal was “to enhance justice system protection for battered women,” as well as “to expand collaboration . . . between . . . supportive services and the criminal and civil justice systems.”\textsuperscript{157} Congress created the immigration provisions in VAWA to ensure that battered immigrant women would have an avenue through which to access lawful immigration status, without their abuser’s help or knowledge.\textsuperscript{158} Once approved for a VAWA self-petition, an immigrant victim may file to become a lawful permanent resident directly.\textsuperscript{159} The reauthorization of VAWA in 2005 “also

\textsuperscript{149} See 8 C.F.R. § 214.14(c)(5) (2016) (providing that once the forms have been submitted to USCIS, it is in USCIS’s discretion to decide if the victim qualifies for a U Visa).


\textsuperscript{151} Joey Hipolito, Illegal Aliens or Deserving Victims?: The Ambivalent Implementation of the U Visa Program, 17 ASIAN AM. L.J. 153, 163 (2010).

\textsuperscript{152} Id.


\textsuperscript{154} Id.

\textsuperscript{155} Id.

\textsuperscript{156} See Leslye E. Orloff & Janice v. Kaguyutan, Offering a Helping Hand: Legal Protections for Battered Immigrant Women: A History of Legislative Responses, 10 AM. U. J. GENDER SOC. POL’Y & L. 95, 108 (2002). The protections offered by the VAWA included new judicial and law enforcement tools to combat violence and improved services for victims. Id.

\textsuperscript{157} Id.

\textsuperscript{158} Id. at 113.

grants access to legal services for immigrant battered women by authorizing any Legal Services Corporation funded program to represent any victim of domestic abuse, regardless of the victim’s immigration or marital status.’

To be eligible to apply for a VAWA self-petition, a petitioner must be a covered individual, which includes (1) a spouse or former spouse of a U.S. citizen or lawful permanent resident, (2) a child of a U.S. citizen or lawful permanent resident, or (3) parents who are victims of elder abuse by a U.S. citizen child over twenty-one. Unlike the U Visa, there is no cap on VAWA self-petitions. Further, the petitioner’s children under twenty-one years of age at the time of filing can qualify as derivatives.

In order to file a self-petition, the immigrant self-petitioner must establish eight factors. First, the abusive spouse must be a U.S. citizen or lawful permanent resident of the U.S. If the spouse lost his citizenship or lawful permanent resident status within the past two years, the petitioner must establish this loss of status. Second, the petitioner must show that she is eligible for immigrant classification as either an immediate relative (e.g., spouse, parent of a U.S. citizen who is at least twenty-one years old, or child under twenty-one) of the citizen-perpetrator, or a spouse of a lawful permanent resident in the U.S. Typically, a petitioner can prove marriage by a valid marriage certificate.

Third, the self-petitioner must currently reside in the U.S. Fourth, the self-petitioner must have resided in the U.S. with the abusive spouse. The petitioner need establish only that, at one point, she resided with the spouse—she does not have to be living with the spouse at the time of filing the petition. Fifth, the petitioner must show that she was battered or subjected to “extreme
cruelty” at the hands of the citizen or lawful permanent resident husband during the marriage. The regulations governing immigrant petitions provide that extreme cruelty includes threats or acts of violence that result in physical or mental injury, such as forceful detention, psychological or sexual abuse, and forced prostitution. Evidence of battery or cruelty includes “civil protection orders, police and court records, medical reports, and affidavits of school officials, social workers, and shelter workers.”

Sixth, the petitioner must establish that she has “good moral character.” A petitioner’s good moral character is established by submitting a local police clearance or state-issued criminal background checks for each place the petitioner has lived for more than six months during the three years preceding the application date. If the petitioner has any criminal convictions, USCIS will evaluate them on a “case-by-case basis,” as some acts of violence, such as those connected to the battering or extreme cruelty, will be waived. Seventh, the petitioner must establish that “deportation would result in extreme hardship to . . . herself . . . or her child.” Finally, the petitioner must show that she entered into the marriage in good faith.

Self-petitioners must file a petition with DHS establishing each of the above elements. If DHS approves the petition, the petitioner then applies for an “adjustment of status” to gain lawful permanent residency in the U.S. by filing the appropriate application. If DHS denies the petition, the petitioner is

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172. 8 C.F.R. § 204.2(c)(1)(i)(E).
173. See id. § 204.2(c)(1)(i)(vi) (“For the purpose of this chapter, the phrase ‘was battered by or was the subject of extreme cruelty,’ includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation[,] . . . or forced prostitution . . . .”).
174. Preda et al., supra note 105, at 5.
175. 8 C.F.R. § 204.2(c)(1)(i)(F).
176. Preda et al., supra note 105, at 6.
178. 8 C.F.R. § 204.2(c)(1)(i)(G).
179. Id. § 204.2(c)(1)(i)(H).
180. Preda, supra note 105, at 6. Evidence of this could be proof that one spouse has the other listed on his insurance policy, income tax forms, or bank accounts. 8 C.F.R. § 204.2(c)(2)(vii).
181. The specific form is the I-860, Petition for Amerasian, Widow(er), or Special Immigrant.
notified in writing and is given a chance to appeal.184 Once the petition has been filed, the petitioner likely receives a notice of “prima facie eligibility,” which allows her to apply for different federal benefits.185 This eligibility is “valid for six months, and may be renewed throughout the time that the [petition] is being adjudicated.”186 Once the petition is approved and the adjustment of status form has been submitted, the petitioner is interviewed by USCIS for a green card.187 USCIS then either accepts or denies the application.

While the VAWA self-petition is a valuable tool for empowering victims to leave their abusers and to lead independent lives, it has some drawbacks. First, victims whose spouses are on a nonimmigrant or temporary visa are ineligible for the VAWA self-petition.188 Second, the evidentiary burden on victims is heavy. For instance, a battered immigrant woman is required to prove her husband’s status through the relevant documentation,189 which is especially difficult when the woman has already left the home.190 A victim risks experiencing additional harm by attempting to go back to the abusive house for the relevant documentation.191 Finally, proving the abuse may be insurmountable for victims, especially in cases of emotional abuse: “[T]he self-petitioner is often forced to rely on affidavits from acquaintances and social services practitioners. However, affidavits alone are often deemed insufficient by the immigration service.”192

D. Resources for Battered Iranian Immigrant Women in the U.S.

There are a significant number of victims of violence193 among the thousands of Iranians who immigrate to the U.S. each year. Providing access to legal protections such as the U Visa and VAWA self-petition is therefore vital for this population. USCIS does not release statistics on the number of U Visas issued and VAWA self-petitions granted in the U.S. to Iranian women due to the sensitive nature of the matter.194 The only statistics available are the number of

184. 8 C.F.R. § 204.2(c)(3)(ii).
185. Shmuely, supra note 120, at 22.
186. Id.
187. Id.
188. Shaw, supra note 160, at 674.
190. Shaw, supra note 160, at 674.
191. See id.
192. Id. at 676.
193. NIAC Offers Resources on Its Website to Help Battered Immigrant Women, supra note 96.
194. I spoke with a representative from USCIS, who told me that USCIS does not release statistics on U Visas or VAWA self-petitions issued in the U.S. due to the sensitive nature of the topic.
U Visas issued to Iranians who applied outside the U.S. According to those statistics, since the creation of the U Visa in 2000, only one has been issued to an Iranian.

While U Visas and VAWA self-petitions exist to protect battered noncitizen women, they are ineffective if they do not reach this population. Because Iranian society deals with matters of violence in the private realm, internal forces prevent Iranian noncitizen women from knowing what resources are available to them and seeking outside help. Most times, the only relationships that battered noncitizen victims have in the U.S. are with their abusers. Scholars have explained, “Battered immigrant women often feel isolated from their communities, both domestically and internationally. Moreover, foreign-born women are frequently uninformed, unfamiliar with or simply confused about, their legal rights and the social services available to them in the United States.” To add to this problem, “governmental and nongovernmental agencies that help to redress domestic violence are not always prepared to meet the diverse needs of battered immigrant women.”

This Comment's Discussion shows that Iranian victims in the U.S. are neither receiving information about nor utilizing the U Visa and VAWA self-petition. There are a limited number of grassroots organizations that offer tailored services to assist Iranian noncitizen victims in obtaining these resources. Furthermore, there are many formidable access barriers between Iranian women and the U Visa and VAWA self-petition that stop victims from accessing these resources. As such, this Comment offers proposals to connect these resources to Iranian victims.

III. DISCUSSION

The U Visa and the VAWA self-petition have assisted over thousands of noncitizen victims in the U.S., but at least one population remains underrepresented in these figures—Iranian women. The U Visa and the VAWA self-petition were created to help noncitizen women gain immigration independence without their abusive spouses. The success of the U Visa and VAWA self-petition has been greatly limited for Iranian women due to “deeply entrenched cultural factors.” An understanding and recognition of these
cultural factors by lawmakers can break down the legal barriers that keep these victims silent.

As statistics and research on this matter are lacking, this Comment turned to legal grassroots organizations and service providers throughout the U.S. to grasp the current use of legal protections by Iranian noncitizen women. This Comment lays the foundation for future substantive research and concludes, through interviews with these organizations, that there is a gap between battered Iranian women and the legal protections available to assist them. Ultimately, this Comment proposes statutory changes, as well as greater outreach and education efforts to close this gap.

Part III.A discusses grassroots organizations found across the U.S. that assist battered Iranian women with procuring U Visas and VAWA self-petitions. Part III.B discusses the reasons why a gap exists between Iranian women and the U Visa and VAWA self-petition. Part III.C proposes remedies to connect these legal protections to Iranian victims in the U.S.

A. Organizations in the U.S. Qualified to Assist Battered Iranian Noncitizen Women

Because there are no statistics or published research on the adequacy of the U Visa and VAWA self-petition as legal protections for battered Iranian women in the U.S., I turned to grassroots organizations for information on the current state of battered Iranian women.

I turned to grassroots organizations because such entities are specifically tailored to identify and address the needs of particular communities, such as noncitizen victims. Accordingly, these organizations are best equipped to provide firsthand information about the problems facing a certain community and for offering proposals to assist victims.

In order to identify organizations nationwide that have the capacity and resources to assist Iranian noncitizen women, I searched the National Immigration Legal Services Directory (NILSD), compiled by the Immigration Advocates Network. I also searched the Directory of Domestic Violence

2011) (arguing that “the success of domestic violence legal reform has been limited by deeply entrenched cultural factors”).

202. Please note that the findings in this Section are based on my understanding of the information gained in the organizational interviews conducted for this Comment. Further, the proposals and discussion in this Comment are not necessarily representative of the beliefs of any of the organizations or individuals cited in this Comment. The organizational interviews were used only to gain an understanding of the possible reasons why the U Visa and VAWA self-petition are underused by many Iranian noncitizen victims.

203. See supra Part II.D for a discussion of the lack of publicly available statistics or data relating to the adequacy of the U Visa and VAWA self-petition as legal protections for battered Iranian women in the U.S.

204. See National Immigration Legal Services Directory, IMMIGR. ADVOC. NETWORK, http://www.immigrationadvocates.org/nonprofit/legaldirectory/ (last visited Feb. 1, 2016) [hereinafter NILSD Directory]. The directory is online and allows for searches by state, zip code, and detention facility. Id.
Programs Serving Asians, Native Hawaiians, and Pacific Islanders (DDVP), compiled by the Asian and Pacific Islander Institute on Domestic Violence.\footnote{205}{See Asian & Pac. Islander Inst. on Domestic Violence, Directory of Domestic Violence Programs Serving Asians, Native Hawaiians, & Pacific Islanders (2011), http://www.api-gbv.org/files/API-ServiceProgramsDirectory-3.2011.pdf (last updated Mar. 2011) [hereinafter DDVP Directory].} I filtered the search for organizations nationwide that offered the following services: (1) preparation and filing assistance for U Visas, (2) preparation and filing assistance for VAWA self-petitions, and (3) services in Farsi.\footnote{206}{The NILSD is an online database searchable by state, zip code, or detention facility. NILSD Directory, supra note 204. I conducted a search using the “state” function, which allowed me to search through a list of organizations in each state. Within each state listing, I first filtered the “languages spoken” to Farsi and refined the “areas of immigration legal assistance” to U Visas and VAWA self-petitions. The DDVP has a list of nationwide organizations listed alphabetically with specific information about each organization. See DDVP Directory, supra note 205. In this search, I filtered the results by first narrowing the “language capacity” to Farsi and then narrowing the “legal services” to “immigration law assistance (VAWA petitions, U-Visas, etc.).”} This last element is crucial because linguistic limitations can affect a woman’s ability to seek help.\footnote{207}{Orloff & Garcia, supra note 108, at 15–16.} If services in Farsi are not offered, Iranian women often rely on family members or friends to translate. Yet, relying on friends and family to interpret may prove dangerous because it is difficult to determine whether the interpreter is allied with or is likely to be contacted by the perpetrator.\footnote{208}{Id. at 16.}

A search of organizations across the U.S. uncovered only forty that offer both assistance in preparing and filing U Visas or VAWA self-petitions and assistance in Farsi.\footnote{209}{See infra Appendix for a list of the organizations. One limitation is that there may be other organizations that were not included in these databases. Nonetheless, these directories were the largest to which I had access online, and other smaller directories included the same organizations.} This total includes (1) organizations found on the NILSD and DDVP databases, and (2) other agencies that I learned about from speaking with the aforementioned organizations. While there are likely organizations not captured in this search, the interviews reveal a common theme, suggesting that the conditions described below explain the legal protection gap. I randomly selected thirty-one organizations\footnote{210}{See infra Appendix. The organizations I contacted have the symbol “Φ” next to their names.} from the list of forty to contact via email or telephone, and ultimately connected with eleven of them.

B. The Legal Gap Between Iranian Victims and Legal Protections in the U.S.

Domestic violence laws in the U.S. assume all battered women fit into one mold and that one standard of legal measure will work for all cases.\footnote{211}{Goldfarb, supra note 201, at 67.} Uniform laws, such as the U Visa and VAWA self-petition, that require victims to leave their abusers and that mandate arrests,\footnote{212}{See id. (explaining that the U.S. has uniform laws that mandate arrests and require women to leave their abusers).} ignore several types of cultural barriers
to legal protection. These barriers include the sanctity of the family, loyalty to one’s marital relationship, and cultural pressures to tolerate violence as the right of a husband over his wife. Thus, U.S. immigration laws centered on domestic violence are inaccessible and ineffective.

The interviews I conducted with organizations across the nation reveal a “clash of cultures” between U.S. domestic violence laws and Iranian culture. Only one Iranian woman had ever completed the VAWA self-petition process among all of the organizations interviewed. Further, most organizations have only helped very few, if any, Iranian women. These findings alone demonstrate the dire situation facing Iranian women in the U.S.—there are legal protections available but no one is using them. Accordingly, this Part explores the cultural and legal obstacles facing Iranian noncitizen women in the U.S., as revealed in the interviews. Examining the influence of cultural norms on the effectiveness of existing laws is vital, as “[a]n awareness of the role of culture in shaping the legal response to domestic violence can help point the way to effective future reforms.”

The ultimate question is: If the U Visa and VAWA self-petition have proven to be effective tools for other noncitizen women, then why not for Iranian women?

1. Iranian Women Are Unaware of or Misinformed About the U Visa and the VAWA Self-Petition

The organizational interviews suggest that one possible reason why the U Visa and VAWA self-petition are not reaching battered Iranian women is because many battered Iranian women are unaware that the U Visa and the VAWA self-petition even exist. Most Iranian women either have never heard of these options or are misinformed about their rights in the U.S. Commentators suggest that one reason many Iranian women are uninformed is

213. Id.

214. See supra Part II.A for a discussion on the sanctity of family, the importance of loyalty to one’s marital relationship, and cultural pressures to tolerate violence in Iranian culture.

215. Goldfarb, supra note 201, at 55. A clash of cultures arises because Iranian culture heavily values loyalty to one’s family, whereas U.S. domestic violence laws are heavily separation-based, leaving Iranian women with an option that not only fails to offer family reunification, but also clashes with inherent beliefs surrounding family.

216. See Email Interview with Erika Gonzalez, Program Manager, Opening Doors, Inc. (Oct. 13, 2014) (on file with author); Email Interview with Brynne L. Howard, Reg’l Att’y and Church and Cmty. Worker, Iowa Justice for Our Neighbors (Oct. 20, 2014) (on file with author).

217. Goldfarb, supra note 201, at 77.


because they do not recognize they have suffered a crime.\textsuperscript{220} Considering there are no laws criminalizing domestic violence in Iran and police enforcement fails to respond to abuse reports,\textsuperscript{221} many battered Iranian women do not view violence as a punishable crime.\textsuperscript{222} As such, Iranian noncitizen women hesitate to report violence because they are unaware of their legal rights.\textsuperscript{223} Instead, they believe they just have to endure the violence against them.\textsuperscript{224}

Take the case of Sanaz Nezami, an Iranian woman who came to the U.S. after marrying her Iranian–U.S. citizen husband.\textsuperscript{225} Instead of coming on an immigrant visa as the spouse of a U.S. citizen, Sanaz came on a student visa.\textsuperscript{226} Whereas an immigrant visa provides permanent status, a student visa provides only temporary immigration status.\textsuperscript{227} Because she came to the U.S. on a temporary visa, Sanaz needed her husband’s assistance to gain future permanent status in the U.S.\textsuperscript{228} After they arrived, Sanaz became isolated, having little to no contact with anyone except her husband.\textsuperscript{229} On various occasions he would beat her, but no one knew because he was the only family she had in the U.S.\textsuperscript{230} One fateful night, he tortured her until she was unresponsive and had to be taken to the hospital.\textsuperscript{231} Sanaz suffered severe brain injuries and died shortly thereafter.\textsuperscript{232} The U Visa and VAWA self-petition were created to prevent such tragedies,\textsuperscript{233} and Sanaz could have been eligible for both. She was never given a chance to escape because she did not know she had any protections available to her.\textsuperscript{234}

The organizational interviews also suggest that another reason many Iranian women are uninformed about the U Visa and VAWA self-petition is the
lack of resources connecting Iranian women to these resources. The low number of battered Iranian noncitizen women who have sought legal assistance through grassroots organizations suggests that this population is unaware and misinformed about their rights in terms of the U Visa and VAWA self-petition. While a number of the organizations interviewed for this study have yet to help an Iranian woman with either resource, others have helped only a handful. Even among this handful, the interviews suggest that most Iranian women either had never heard of these resources or were hesitant to use them because no one in their communities had ever received one.

A majority of states do not have organizations that are able to assist Iranian victims of abuse. Thirty-five states in the U.S. have no organizations that both (1) provide U Visa and VAWA self-petition assistance, and (2) have the capacity to speak to clients in Farsi. Even among the areas in the U.S. with the highest concentrations of Iranians, the number of organizations that meet these criteria is extremely small. The study revealed the following figures: (1) California has ten organizations, (2) New York has six organizations, (3) New Jersey has zero organizations, (4) Washington, D.C. has one organization, and (5) Texas has three organizations. Of these organizations, a number of them have yet to help an Iranian victim. While some of these organizations target specific communities, such as the South Asian community or Muslim community, only one focuses outreach primarily on Iranian populations in the U.S. Absent legal organizations or service providers with the capabilities and initiative to do outreach to Iranian women in their communities, many battered Iranian women will remain uninformed about their rights in the U.S.

Commentators have suggested that because most battered Iranian women are misinformed about the U Visa or VAWA self-petition process, many are afraid that these options may lead to deportation. This fear is common among battered immigrant women, causing them to remain silent. A lack of information counteracts the U Visa’s intended purpose to expel such fears of deportation.

One organization found that some battered Iranian women seek help from

235. E.g., Email Interview with Erika Gonzalez, supra note 216; Email Interview with Brynne Howard, supra note 216.
236. E.g., Telephone Interview with Stacey Vu, supra note 220.
237. See e.g., Telephone Interview with Sima Alizadeh, supra note 218.
238. See supra Part II.B for statistical data on the areas in the U.S. with the highest concentrations of Iranians.
239. See infra Appendix for a list of these organizations.
240. For example, Domestic Harmony Foundation serves primarily the Muslim and South Asian communities, and Hamdard Center serves primarily the Muslim community. See infra Appendix.
241. PARS Equality Center, in California, provides social and legal services to Iranians and Persian speaking communities.
242. See, e.g., Telephone Interview with Mojdeh Rohani, supra note 218.
244. Id.
private attorneys who themselves are uninformed about the U Visa or VAWA self-petition.245 Private attorneys, unfamiliar with the U Visa and VAWA self-petition processes, are typically willing to assist with only asylum claims,246 which generate more profit. This presents another obstacle, as Iranian women are not getting information about their rights from the one person they should be getting it—their immigration attorney.

Altogether, these obstacles contribute to a lack of information for the Iranian immigrant community, which in turn creates an access gap between Iranian women and the U Visa and VAWA self-petition remedies. Without this information, eligible battered Iranian women are left to suffer in silence. As it stands, the purpose of the U Visa and the VAWA self-petition—to help battered immigrant women gain security and independence—remains unfulfilled.

2. Iranian Women Do Not Utilize the U Visa or the VAWA Self-Petition Due to Safety Concerns

The organizational interviews in this study also suggest that most Iranian women, even if they do know about or qualify for either a U Visa or VAWA self-petition, hesitate to pursue either option. One organization, which has assisted hundreds of individuals at its multiple clinics, reported that many of the Iranian women who contacted it were eligible for the U Visa or VAWA self-petition.247 However, none had been willing to pursue either option.248 The organizational interviews suggest safety concerns as one possible reason for this reluctance.249 Some commentators have found that many Iranian women in the U.S. are afraid that if they attempt to pursue such options, and their husbands find out, this could lead to further abuse.250

This fear closes the U Visa door for many battered Iranian women as the U Visa requires victims to obtain a certification form stating that they have, are, or will be working with law enforcement to prosecute their cases.251 As the court in Mondragon v. United States252 explained, “A petition for a U visa must include a certification from a certifying agency . . . stating that the alien meets each of [the] eligibility criteria.”253 Advocates for battered immigrant women have explained that participation in the prosecutorial effort, as required by the U Visa, “can make immigrant women less safe.”254 As Leslye Orloff, former director of the

245. Telephone Interview with Sima Alizadeh, supra note 218.
246. Id.
247. Id.
248. Id.
249. Id.; see also Telephone Interview with Stacey Vu, supra note 220.
250. See, e.g., Telephone Interview with Stacey Vu, supra note 220.
253. Mondragon, 839 F. Supp. 2d at 828–29 (citing 8 U.S.C. §§ 1101(a)(15)(U)(iii), 1184(p)(i) (2012); 8 C.F.R. § 214.14(c)(2)(i) (2012)). In Mondragon, the court held that while the plaintiff victim had obtained a certification from law enforcement, it could not review the U Visa denial because it lacked subject matter jurisdiction over U Visa denials.
254. Leigh Goodmark, A Troubled Marriage: Domestic Violence and the Legal
Immigrant Women Program at Legal Momentum, explained to Congress, “[L]ots of times you have women who . . . are legitimately terrified that if in fact they cooperate with law enforcement they will get killed.”

This fear is real for Iranian women and is rooted in a cultural upbringing where the community, government, and legal system all tolerate domestic violence. An illustrative case is that of Golnaz, a bride sent from Iran to marry an Iranian man she barely knew. The man “slapped her, stripped her of her money, cell phone and other possessions, and locked her inside their house.” On top of all of this, Golnaz was pregnant. Months later, Golnaz courageously escaped her house and ended up in a battered women’s shelter. Eventually, a family took her in and cared for her. During this time, her husband called her family in Iran and demanded they deliver the following message: “I know where you live. I can make your life miserable. I can even kill you.” Only after receiving help and guidance through the process did Golnaz finally work with the legal system to obtain a restraining order.

Fulfilling the certification requirement of the U Visa proves unfeasible for many who fear the consequences of pursuing this avenue of protection. This reluctance to seek legal protection is exacerbated when fear of retribution is compounded with traditional Iranian views of domestic violence. In this way, the U Visa fails to take into consideration the unique needs of the Iranian immigrant community.

Commentators have explained that the U Visa door is also closed for many Iranian victims because fear prevents them from reporting. Without reporting a crime of domestic violence, a victim will not receive a certification form, and without a certification form, a victim is not eligible to apply for a U Visa. One
commentator suggested that the problem of unreported crimes is one of the biggest issues facing many battered Iranian women in the U.S. \(^{269}\) While the U Visa allows retroactive application, where victims can apply for the U Visa for past crimes, the victim often still has to show some sort of assistance with an investigation into the crime. \(^{270}\) As such, Iranian women are at a disadvantage in the U Visa process.

Even if a battered Iranian woman were to report the crime and assist with the prosecution of the case, receipt of a U Visa is not guaranteed. \(^{271}\) The federal government establishes U Visa law, but local law enforcement’s role in its implementation has led to nationwide inconsistencies in its application. \(^{272}\) Given local law enforcement’s ultimate discretion in granting or denying requests for U Visa certification, scholars have argued that the potential for abuse of power is tremendous: “Especially in jurisdictions where law enforcement may be skeptical about doing anything to support an unauthorized immigrant victim’s access to legal immigration status, any statutory or regulatory language that is less than clear on this issue may very well be interpreted to the detriment of the immigrant victim.” \(^{273}\) As the U Visa is still a somewhat new remedy, and because of this discretionary element, it remains unclear to both legal professionals and immigrants as to how to construct a successful U Visa application. \(^{274}\)

On the other hand, the VAWA self-petition actually avoids a great deal of the safety concerns of Iranian women. The VAWA self-petition tends to promote safe reporting by allowing immigrant victims to file the petition confidentially without separating from or notifying the perpetrator. \(^{275}\) This allows the victim to plan and assess how and whether she can safely leave. \(^{276}\) The drawback of the VAWA self-petition, however, is that it does not apply to Iranian women whose spouses do not have immigrant status, as the statute mandates the victim be “the spouse of a citizen or lawful permanent resident of

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\(^{269}\) Telephone Interview with Sima Alizadeh, supra note 218.


\(^{271}\) See 8 C.F.R. § 214.14(c)(5) (2016) (providing that once the forms have been submitted to USCIS, it is in USCIS’s discretion to decide if the victim qualifies for a U Visa).

\(^{272}\) Costantini, supra note 243.

\(^{273}\) Elizabeth M. McCormick, Rethinking Indirect Victim Eligibility for U Non-Immigrant Visas to Better Protect Immigrant Families and Communities, 22 STAN. L. & POL’Y REV. 587, 622 (2011). Professor McCormick further argued that “[b]ecause the law enforcement agency ultimately has complete discretion to grant or deny requests for U visa certification, the potential for abuse of power is tremendous.” Id.

\(^{274}\) Sarah Morando Lakhani, From Problems of Living to Problems of Law: The Legal Translation and Documentation of Immigrant Abuse and Helpfulness, 39 LAW & SOC. INQUIRY 643, 644 (2014).


\(^{276}\) Id.
the United States.” Women who are not married to U.S. citizens are left with only the U Visa, and the safety concerns that accompany it.

3. Iranian Women Do Not Utilize the U Visa or the VAWA Self-Petition for Fear of Ostracization

The organizational interviews also suggest that another possible reason why battered Iranian noncitizen women hesitate to pursue a U Visa or VAWA self-petition is that they fear being ostracized from the Iranian community. Studies have shown that fear of ostracization by a battered woman’s ethnic community is a significant barrier to reporting domestic violence. In Iranian culture, simply discussing domestic violence could result in family or community ostracization, as the culture places a high value on marriage and the victim is seen as destroying the sanctity of the family by trying to leave her abuser. Seeking outside assistance for domestic violence is highly unacceptable because the culture mandates that such matters be dealt with in private. This fear of ostracization is worse for battered Iranian noncitizen women who are linguistically and culturally isolated from the dominant culture. As a result of this fear, most Iranian battered women remain silent about domestic violence.

Take the case of one young Iranian woman who suffered severe abuse by her U.S. citizen boyfriend. There were times when he would put a gun to her head and threaten to pull the trigger. After years of abuse, the victim finally went to a legal clinic and learned that she was eligible for a U Visa. The organization referred her to free counseling services provided to victims of rape and violence before moving forward with the U Visa. The victim chose not to get the U Visa, though, because she feared that the Iranian community would find out and ostracize her for reporting the abuse.

Experts in this field have also heard that on the rare occurrence that an Iranian woman did come to discuss her legal options, some translators employed by the service provider would breach the confidentiality of that session by informing the Iranian community about her visit. It is highly likely that an

278. See, e.g., Telephone Interview with Sima Alizadeh, supra note 218; Telephone Interview with Mojdeh Rohani, supra note 218; Telephone Interview with Stacey Vu, supra note 220.
280. See Amani, supra note 219 (noting that “women in Iran continue to be ostracized, blamed and re-victimized whenever they choose to leave, not stay in, abusive relationships”).
281. Id.
282. See supra Part II.A for a discussion on how matters of domestic violence are dealt with in the private realm in Iran.
283. See Goldfarb, supra note 201, at 68 for the contention that immigrant women will find it difficult to leave abusers in a community where they are in the minority linguistically and culturally.
284. The organization that provided this information asked to remain anonymous in order to maintain client confidentiality.
285. The organizations providing this information asked to remain anonymous.
Iranian woman in this position would stop pursuing the U Visa or VAWA self-petition out of fear of ostracization from her community. This community reaction reflects the traditional way that matters of abuse are dealt with in Iran—“maintain[ing] a positive family image at all costs.”286 As the U Visa requires an immigrant woman to report domestic violence and assist with the prosecution, it is inevitable that the community will discover that she spoke about the violence outside of the private realm. As such, the U Visa is not truly accessible to many battered Iranian women.

By contrast, the VAWA self-petition avoids this likelihood of ostracization. Because the VAWA self-petition’s process is more confidential and can be completed without even notifying the husband,287 the process is quicker and more discreet. Yet, there remains a real possibility that the Iranian community will discover what happened after a VAWA self-petition is issued.

In the end, laws in the U.S. reflect the dominant culture that fosters a supportive community for women who leave their abusers,288 which clashes with the legitimate fear of ostracization in Iranian culture. This clash creates an insurmountable obstacle for many battered Iranian women to access these resources.

4. The Separation-Based U Visa and VAWA Self-Petition Models Deter Iranian Women

Finally, the organizational interviews also suggest that another possible reason why Iranian women are unlikely to pursue U Visas or the VAWA self-petition is because the Western model of intervention focuses heavily on separation,289 whereas Iranian culture values the sanctity of the family. The U Visa and VAWA self-petition are legal remedies that follow the Western model of intervention because they promote separation of victims from abusers. While the dominant culture in the U.S. is supportive and accepting of battered women leaving their abusers, many cultures see this action as “immoral” or “selfish.”290

This is especially evident in Iranian culture where domestic violence is seen as a private matter and women are punished for speaking out.291 For Iranians, the “sanctity of the family” is embedded in the culture,292 and the specific role of women as mothers, daughters, and wives is highly respected. Further, marriage is considered permanent and sacred in Iranian culture, while divorce is considered taboo.293

Some commentators have suggested that U.S. separation-based remedies

287. Orloff et al., supra note 275, at 6–7.
288. Goldfarb, supra note 201, at 68.
289. See, e.g., Telephone Interview with Mojdeh Rohani, supra note 218.
290. Goldfarb, supra note 201, at 68.
292. See id.
293. See supra Part II.A.2 for a discussion of marriage and divorce in Iranian culture.
are undesirable for Iranian women because Iranian culture often punishes women who break up a family based on allegations of abuse, and the remedies are not guaranteed to succeed. Thus, the law’s focus on separation is one of the principal reasons women are reluctant to utilize available domestic violence legal remedies.

C. Proposals to Close the Gap Between Iranian Victims and the U Visa and VAWA Self-Petition

This Comment argues in favor of immigration reform to assist battered Iranian women. As it stands, current legal protections are out of reach for many battered Iranian women in the U.S. who desperately need those resources. Moreover, reform will ultimately help not only Iranian victims but also other immigrant communities that maintain similar beliefs surrounding domestic violence.

The preceding critique of the U Visa and VAWA self-petition suggests a few directions for future immigration reform efforts. Although further research is needed to fully develop each proposal, the following suggestions provide a groundwork for such research.

1. Antiviolence Legislation Should Be Enacted to Shift Cultural Views on Domestic Violence

A country’s laws can effect a change in broader cultural norms in that country. “The law’s symbolic function in distinguishing right from wrong, as well as its ability to impose punishment and allocate resources, contribute to its power to create standards and categories that come to seem normal and inevitable.” As such, laws in the U.S. can address and shift opposing attitudes to undercut the acceptance of Iranian domestic violence in the U.S.

In the U.S., the dominant culture holds that women have a right to be free from domestic violence. Laws such as VAWA, which created both the U Visa and the VAWA self-petition, are manifestations of this national nonacceptance of violence against women. Congress created the original VAWA with the specific intent to change attitudes toward domestic violence by creating awareness of the issue, improving services for victims, and instructing the

294. See, e.g., Telephone Interview with Mojdeh Rohani, supra note 218.
295. See supra note 254, at 103. For instance, the U Visa is not guaranteed even if a battered Iranian woman were to report the crime and assist with the prosecution of the case. See 8 C.F.R. § 214.14(c)(5) (2016) (providing that once the forms have been submitted to USCIS, it is in USCIS’s discretion to decide if the victim qualifies for a U Visa).
296. Goldfarb, supra note 201, at 67.
297. Id. at 61.
298. Id. at 62.
criminal justice system to respond to domestic violence and sex crimes.300 Effective enforcement and broad accessibility establish and spread the culture of nonacceptance for all who live in the U.S.

It was not long ago that the dominant culture in the U.S. tolerated some form of abuse against women as a way of “keeping [women] in line.”301 Gradually, through activism in the 1970s, laws began to reflect a disdain towards violence against women.302 Over time, more laws, like VAWA, came into effect. Thus, whereas the dominant culture once tolerated some form of violence, antiviolence laws today send the message that domestic violence will not be accepted.

Accordingly, there is the possibility that individuals from immigrant cultures that do tolerate domestic violence will shift their perception of the acceptability of violence against women while in the U.S. The Keyholders, a group of Iranian American businessmen and male community leaders in California, reflects the possibility of this shift. The group was created to raise awareness about domestic violence in the Iranian community.303 One of the members explained that only men are allowed in this group as “[n]inety-four percent of domestic violence is done from men to women . . . . (Men) are the ones who have to learn to face the fact, to control, and don’t be abusive.”304 Because domestic violence is not discussed in Iranian communities, a requirement of membership in the group is that members must discuss matters of domestic violence with family, friends, and colleagues.305 One of the members of this group went as far as assisting an Iranian woman with procuring a restraining order against her abusive husband.306 Comprised of individuals who lived in a country tolerant of domestic violence, but who now live in a nation whose laws reject domestic violence, the Keyholders reflect the positive effect that the law itself can have on changing cultural norms. In this case, these men have not only collaborated to combat a culture acceptant of domestic violence, but they have also proactively used U.S. legal resources to stop abuse by other Iranian men.

Effective implementation of the U Visa and the VAWA self-petition can provide resources to unreached populations and also foster a cultural shift towards antiviolence in the U.S. Accomplishing this implementation involves spreading information about the U Visa and VAWA self-petition to those who are in need,307 especially those whose cultures and communities traditionally

301. Goldscheid, supra note 5, at 359.
302. See id.
303. Driscoll, supra note 258 (quoting Mohsen Alinaghian, a member of the Keyholders).
304. Id.
305. Id.
306. Id.
307. See infra Part III.C.4 for proposals to better disseminate information about the U Visa and VAWA self-petition.
force women to stay private about abuse.  

2. The U Visa Must Be Made More Accessible to Battered Noncitizen Iranian Women

The organizational interviews in this study strongly suggest that the U Visa’s certification requirement deters many Iranian women, as well as other immigrants, from considering this option. This deficiency points to a need for immigration reform in terms of the structure and implementation of the U Visa. This reform can begin to take place by making the U Visa more accessible to Iranian noncitizen women in the U.S.

a. The U Visa Certification Requirement Should Be Eliminated

Scholars have argued the U Visa certification requirement discourages battered immigrant women from using this remedy. One scholar has argued, “Both victim safety and the safety of our communities are being jeopardized by the U-visa’s mandatory certification requirement. Certification should be a form of evidence victims can present to prove helpfulness, but must no longer be a prerequisite that blocks immigrant victim access to U-visa protections.”

Specifically, scholars have argued against the requirement that the only way to prove helpfulness is through a law enforcement certification. Rather, these scholars have argued that, instead of a law enforcement certification, “any credible evidence” should be acceptable to prove the victim has been helpful, is helpful, or will be helpful with prosecuting the crime suffered. This would be a liberal evidentiary standard, meaning that victims could provide the best evidence they could muster up to prove helpfulness. A law enforcement certification could be used as primary evidence of helpfulness but, alternatively, the U Visa victim should be allowed to provide “any credible evidence” to prove helpfulness. The reasoning behind this is twofold. First, attorneys and service providers have reported on the reluctance of law enforcement officials to certify victims due to the extensive and complex certification process. This, in turn, has caused some law enforcement agencies to cease U Visa certifications

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308. See infra Part III.C.2 for a discussion of proposals to effectively implement the U Visa and VAWA self-petition.
309. E.g., Telephone Interview with Sima Alizadeh, supra note 218; Telephone Interview with Stacey Vu, supra note 220.
311. Orloff et al., supra note 310, at 632.
312. Id. at 646–47.
313. Id. at 621.
314. Id. at 626.
315. Id. at 646.
316. Id. at 637.
altogether.\textsuperscript{317} Second, the process discourages victims who were already hesitant to work with law enforcement.\textsuperscript{318}

Further, these scholars have argued that the VAWA Unit of DHS should be responsible for determining the “helpfulness” element, as they are qualified experts familiar with abuse matters.\textsuperscript{319} The VAWA Unit already determines whether a trafficking victim applying for a T Visa,\textsuperscript{320} through “any credible evidence” provided, has been helpful or will be helpful to prosecuting the case.\textsuperscript{321} Accordingly, instead of requiring a separate certification for U Visa applicants, the VAWA Unit should use the same process used for T Visa applicants.\textsuperscript{322} In this way, control over whether battered immigrant women receive a U Visa would be in the hands of trained professionals who deal with such issues on a daily basis. This change is preferable because certifying agencies, such as law enforcement, are not fully versed in the process or knowledgeable about what is at stake for victims. Further, for those that have argued the certification protects against fraudulent claims, “[r]equiring mandatory certification is unnecessary as a fraud check when U-visa cases are adjudicated by the same division of DHS, the VAWA Unit, that has years of expertise making similar adjudicatory decisions based on ‘any credible evidence’ in T-visa cases.”\textsuperscript{323}

This proposal can preserve the U Visa’s purpose of prosecuting crimes of abuse while breaking down the barriers that kept this resource from certain immigrant communities. First, if victims were able to provide evidence that they previously assisted law enforcement or are currently helping law enforcement prosecute the crime, then they would meet the helpfulness prong. Second, for women from cultural communities that have a great deal of unreported crimes, a different route should be used. In this alternate route, the victim would present credible and reliable evidence showing that a crime of violence had been committed against her. Once the VAWA Unit found the evidence to be credible, the unit could require that, in exchange for being given a U Visa, the victim must agree to assist law enforcement in the future prosecution of this crime. At this point, the VAWA Unit or a legal organization could educate the victim on the role of law enforcement in the U.S., as this would help to alleviate victim distrust of the legal system.

In a case where the abuse was unreported and was too far-gone to be properly prosecuted, the VAWA Unit could then educate the victim on the

\begin{itemize}
  \item \textsuperscript{317} Id.
  \item \textsuperscript{318} Id.
  \item \textsuperscript{319} Id. at 646.
  \item \textsuperscript{321} Orloff et al, supra note 310, at 646.
  \item \textsuperscript{322} Id. at 646–47.
  \item \textsuperscript{323} Id.
\end{itemize}
VAWA self-petition process. In the end, allowing the VAWA Unit to decide the merits of a victim’s case would make the U Visa more accessible to Iranian women.

One drawback to this proposal is the additional workload it would impose on the VAWA Unit. This increased workload, in turn, could also require an increase in the VAWA Unit staff. However, an increase in both these areas could still be more efficient than the alternative of training all legal service agencies throughout the U.S. to proficiently carry out the certification process. Even if the latter were to be accomplished, this would do nothing to remedy the fears and resistance of immigrant women who are already hesitant to work with law enforcement. Allowing trained professionals to handle such a sensitive and life-altering matter would save more lives and protect more immigrant women. In Oropeza-Wong v. Gonzales, the Ninth Circuit explained that through VAWA, Congress intended “to require that immigration officials consider all of the available evidence and cease dismissing claims for lack of credible evidence whenever battered women had difficulty corroborating the facts of their abuse.” Law enforcement agencies are not necessarily reviewing cases with this standard in mind, especially since some certifying agencies are confused about the process.

The U Visa will “never fully achieve its dual goal of enhancing public safety and protecting immigrant crime victims and their families, unless all immigrant families feel confident that they will be protected if they come forward and cooperate with law enforcement.” Without such a certainty, many immigrant victims will be forced to remain silent in their abusive homes, and law enforcement agencies will not have the chance to prosecute these crimes.

b. The Number of U Visas Issued per Year Should Be Increased

Congress has capped the number of U Visas issued at 10,000 per year. Last year alone, issuance reached the cap within a matter of weeks. Individuals who qualify for the U Visa, but who do not receive one of the 10,000 granted, receive conditional approvals. USCIS reported that the number of U Visa applicants has grown extensively every year: in 2011, there were 16,768 individuals; in 2012, there were 24,768 individuals; in 2013, there were 25,432 individuals; in 2014 there were 26,039 individuals; and in 2015 there were 30,106 individuals. These large numbers do not include the countless women who did

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324. 406 F.3d 1135 (9th Cir. 2005).
325. Oropeza-Wong, 406 F.3d at 1145.
326. See supra Part II.C.1 for a discussion on certifying agencies and their review of certification requests.
327. McCormick, supra note 273, at 632.
328. Id.
330. See supra notes 142–48 and accompanying text for a brief summary of this phenomenon.
331. Id.
332. U.S. CITIZENSHIP & IMMIGRATION SERVS., NUMBER OF 1-918 PETITIONS FOR U
This finding alone shows the dire need to expand the number of U Visas issued per year. While raising the cap has been a topic of immigration debates, and while bills have been proposed to expand the U Visa cap, the most recent reauthorization of the VAWA failed to address the shortage of U Visas. Though the Senate approved the increase in yearly U Visa cap from 10,000 to 15,000, House Republicans denied such a proposal. Republican Senator Chuck Grassley from Iowa noted, “We have caps for a reason. The US can’t take everybody who comes to our shores . . . . [Caps] are a stop-gap measure against fraud.” The U Visa evidentiary burden on victims is already a safeguard against false claims of violence. Supporters of increasing the cap say that reaching the U Visa limit shows how effective it is in combating violent crimes, rather than demonstrating fraud.

To be an accessible and effective resource for battered immigrant women, especially Iranian women who are underrepresented in the recipient group, USCIS should grant more U Visas. If the statutory cap is not raised, USCIS risks running out of U Visas for 2015 before the end of 2014. U Visa applicants cannot afford to wait years for their U Visa to be adjudicated. The dual purpose of the U Visa cannot be achieved if victims are unable to use the one resource that was made for them.

3. Congress Should Lessen the High Evidentiary Burden of the VAWA Self-Petition

Between the U Visa and the VAWA self-petition models, the VAWA self-petition seems to be the more accessible tool to address violence in the Iranian community. The VAWA self-petition’s discreet process provides a safer route than the U Visa and counters Iranian women’s fear of safety and ostracization. Congress created the immigration provisions in VAWA specifically to ensure that battered immigrant women would have an avenue through which to access lawful status, without their abusers’ help or knowledge. A further advantage of
the VAWA self-petition model is that there is no cap on the number of individuals who can receive it.340

One major drawback to the VAWA self-petition is the high evidentiary burden it imposes on petitioners. Specifically, the requirement that a woman must prove her husband’s status through relevant documentation can be dangerous for victims.341 This is especially true for women who have already left their homes.342 Since U.S. citizens and legal permanent residents usually have social security numbers,343 instead of asking the victim to prove the status of the perpetrator, USCIS should request information from the Social Security Administration to see whether the spouse has a U.S. citizen or legal permanent resident social security number. This process would model the E-Verify system used by employers to determine if a new employee is lawfully authorized to work in the U.S.344 Only as a last resort should a victim be asked to find relevant documentation proving a spouse’s immigration status.

4. Outreach Efforts to Iranian Communities Should Be Increased Throughout the U.S.

Organizations and service providers must identify barriers and connect themselves with women in the Iranian community to counteract the obstacles blocking women from leaving their abusers and pursuing the U Visa and the VAWA self-petition.345 Given that there are currently thirty-five states with no organizations that both speak Farsi and provide assistance with the U Visa or VAWA self-petition, along with the cultural factors already discouraging many Iranians from reaching out to existing organizations, Iranian women are not receiving the information they need. Accordingly, this Comment urges the following changes to outreach efforts.

First, organizations throughout the nation that offer VAWA self-petition and U Visa assistance should expand their outreach into the Iranian communities within their respective areas. Outreach efforts do not necessarily need to be costly. For instance, agencies could provide informational flyers346 to

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340. AM. IMMIGRATION CTR., supra note 114, at 4-5.
341. See Preda et al., supra note 105, at 4-5 (noting that documentation of the residency status of an abusive spouse or parent is required to file a VAWA self-petition, thereby requiring the victim to potentially confront her abuser and subject herself to further violence). See also Section II.C.2 for further analysis of the pitfalls of the VAWA self-petition.
342. Id.
345. See Orloff & Garcia, supra note 108, at 20–21 (discussing how service providers must break the isolation by identifying and connecting with women’s groups in their own cultural community).
346. Some outreach organizations use informational flyers to reach victims of domestic violence
emergency rooms and doctors’ offices where battered women seek medical assistance. Doctors could inform their battered patients of the resources available to them and provide them with a list of organizations in the area. These flyers could also be placed in highly frequented areas such as grocery stores and pharmacies. Further, organizations could choose to advertise information sessions on those flyers for victims and friends of victims to attend. This way the information is accessible to victims who are not aware of these remedies and who are initially hesitant about seeking help.

For localities with the highest population of Iranians, organizations should do on-air advertisements or hire a staff member focused on outreach to the Iranian community. For these larger outreach projects, organizations can seek any necessary additional funding through project grants. Further, if future research establishes that there are many unreached women from cultural groups that hold similar beliefs about domestic violence as Iranians, local governments should consider creating task forces or designating a certain amount of funds toward spreading information to these noncitizen women.

Second, these organizations should expand their language capacities to include Farsi. While this may not be financially feasible for all organizations, those in the areas with the highest concentration of Iranians should consider bringing on a staff member designated to working with this community. For other organizations near smaller Iranian communities, an agency could make clear on its website that assistance can be offered in Farsi and then provide such service through a translation company.

Third, organizations in this study have suggested that more direct efforts should be made to reach Iranian women in the U.S., such as making the U Visa and VAWA self-petition available in Farsi online. While a battered noncitizen Iranian woman may be unable to complete the petitions by herself, online availability would inform her of available resources and assist those individuals (perhaps family members, friends, or attorneys) who would be willing to complete the process with her.

Fourth, USCIS should have information on both remedies in Farsi on its website. Finally, translators should be required to respect confidentiality when translating for Iranian clients. Confidentiality is especially crucial to both quenching fears and reducing instances of retribution and ostracization for the Iranian women who do seek help. Organizations could require that translators undergo confidentiality training to emphasize and instill the need for confidentiality, and demand they sign confidentiality agreements.

These steps for outreach are necessary to link Iranian victims to service providers and to provide accurate information about their rights in the U.S. With and apprise them of their services. See, e.g., The National Domestic Violence Hotline Number, GRIEF SPEAKS, http://www.griefspeaks.com/id79.html (last visited Feb. 1, 2016).

347. E.g., Telephone Interview with Sima Alizadeh, supra note 218.
348. Id.
349. See supra Part III.B.3 for a discussion of translators violating confidentiality in sessions with Iranian victims.
accurate information about the process and resources available, Iranian women could feel more empowered to pursue the U Visa or VAWA self-petition.

5. There Should Be Greater Access to National Domestic Violence Statistics

Finally, this Comment urges the publication of statistics regarding the number of U Visas and VAWA self-petitions filed and granted, according to nationality. As explained earlier, USCIS does not release statistics evidencing the number of U Visas issued and VAWA self-petitions granted in the U.S. to Iranian women due to the sensitive nature of the matter.350 U Visas and VAWA self-petitions do concern a sensitive topic, but publicizing these statistics by nationality does not reveal any identifying information about the individuals who applied for these legal protections.

Without such statistics, policymakers and lawmakers cannot tell whether the current VAWA remedies are accessible to battered immigrant women. These statistics could reveal which immigrant women are suffering in silence. This revelation would trigger further research into why these populations do not utilize the VAWA resources and, in turn, create an effective avenue for comprehensive immigration reform. Successful reform requires that the obstacles facing battered immigrant women be defined and addressed.

As Sally Goldfarb wrote, “Listening to battered women is a source of . . . information for people and institutions that seek to meet their needs. Accordingly, women’s voices must be given primacy in the development and application of legal remedies.”351 Legislative advocacy and change will not happen unless we identify and address the needs of women who are without access to available resources. The publication and release of national statistics would help identify these women.

IV. CONCLUSION

In his acceptance speech for the Nobel Peace Prize, Elie Wiesel said, “We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.”352 By remaining silent when it comes to their protection, we allow the abuse of battered Iranian women to

350. When speaking with a representative from USCIS, I was told it does not release statistics on U Visas or VAWA self-petitions issued in the U.S. due to the sensitive nature of the topic. No further explanation was given as to why these statistics are unavailable. The only statistics available are the number of U Visas issued to Iranians who applied outside the U.S. According to those statistics, since the creation of the U Visa in 2000, only one U Visa has been issued to an Iranian. Nonimmigrant Visa Statistics, supra note 196.

351. Goldfarb, supra note 201, at 70.

continue, and we justify and encourage the actions of male perpetrators. In a country that has taken a strong stance against violence and has specifically enacted legislation to assist immigrant women, silence cannot be the answer. The U Visa and VAWA self-petition were specifically created to help victims of violence, but they are inaccessible to many Iranian women.

This Comment has shown that the U Visa and the VAWA self-petition are inaccessible to battered Iranian noncitizen women for many reasons: (1) lack of information, (2) safety concerns, (3) fear of ostracization, and (4) the separation-based U Visa and VAWA self-petition clash with Iranian ideals of family loyalty. As such, the U Visa and the VAWA self-petition fail to accomplish the government’s goal of assisting battered immigrant women, leaving Iranian victims feeling devalued as they suffer in silence.

This conclusion rings true for other noncitizen women whose cultures hold similar beliefs surrounding domestic violence. The implication of this conclusion is that, in the U.S., many noncitizen women suffer in this painful, silent existence. By declining to sufficiently assess the extent of this problem, the U.S. government and organizations, specifically established to help such groups, have taken a neutral stance. As Mr. Wiesel explained, “Neutrality helps [only] the oppressor, never the victim.”

## APPENDIX

**U.S. ORGANIZATIONS OFFERING VAWA SELF-PETITION AND U VISAM ASSISTANCE IN Farsi**

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>ORGANIZATION NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
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</tr>
<tr>
<td>Alaska</td>
<td>None</td>
</tr>
<tr>
<td>Arizona</td>
<td>None</td>
</tr>
<tr>
<td>Arkansas</td>
<td>None</td>
</tr>
<tr>
<td>California</td>
<td></td>
</tr>
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</table>
1) Access California Services  
2) Asian Pacific Islander Legal Outreach  
3) Human Rights Project  
4) Legal Aid Foundation  
5) Legal Aid Society  
6) Neighborhood Legal Services of Los Angeles County  
7) PARS Equality Center  
8) Opening Doors, Inc.  
9) Pangea Legal Services  
10) Interval House |
| Colorado |  
1) Mi Gente – VAWA Legal Solutions |
| Connecticut | None |
| Delaware | None |
| Florida | None |
| Georgia |  
1) Refugee Resettlement and Immigration Services of Atlanta |
| Hawaii |  
1) Domestic Violence Action Center |
| Idaho | None |
| Illinois |  
1) RefugeeOne  
2) Apna Ghar  
3) Asian Human Services  
4) Hamdard Center |
| Indiana | None |
| Iowa |  
1) Iowa Justice for Our Neighbors |
| Kansas | None |
| Kentucky | None |
| Louisiana |  
1) Diocese of Lafayette – Migration and Refugee Services |
| Maine | None |

354. The “Φ” symbol signifies the organizations I reached out to for an interview. I ultimately connected with eleven of these organizations.

355. This organization has a few branches.

356. This organization has a few branches.
<table>
<thead>
<tr>
<th>State</th>
<th>Branches</th>
</tr>
</thead>
</table>
| Massachusetts | 1) Community Legal Services and Counseling Center Φ  
               | 2) Lutheran Social Services of New England Φ |
| Michigan      | None     |
| Minnesota     | None     |
| Missouri      | None     |
| Montana       | None     |
| Nebraska      | None     |
| Nevada        | None     |
| New Hampshire | None     |
| New Jersey    | None     |
| New Mexico    | None     |
| New York      | 1) Catholic Family Center  
               | 2) Legal Services NYC Φ  
               | 3) Safe Horizon–Immigration Law Project Φ  
               | 4) Domestic Harmony Foundation Φ  
               | 5) International Institute of Buffalo Φ  
               | 6) Mohawk Valley Resource Center for Refugees |
| North Carolina| None     |
| North Dakota  | None     |
| Ohio          | 1) Cleveland Catholic Charities: Migration & Refugee Services Φ  
               | 2) Asian American Community Services |
| Oklahoma      | None     |
| Oregon        | 1) Catholic Charities of Portland – Immigration Legal Services  
               | 2) Immigrant and Refugee Community Organization Φ |
| Pennsylvania  | 1) International Service Center – Immigration Services Φ |
| Rhode Island  | None     |
| South Carolina| None     |
| South Dakota  | None     |
| Tennessee     | None     |
| Texas         | 1) Catholic Charities – Immigration Services Φ  
               | 2) Chetna Φ  
               | 3) Mosaic Family Services, Inc. Φ |
| Utah          | None     |

357. This organization has a few branches.
<table>
<thead>
<tr>
<th>State</th>
<th>Services</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>Virginia</td>
<td>1) Northern Virginia Family Service Φ</td>
</tr>
<tr>
<td>Washington</td>
<td>1) Chaya Φ</td>
</tr>
<tr>
<td></td>
<td>2) Refugee Women’s Alliance Φ</td>
</tr>
<tr>
<td>Washington, D.C.</td>
<td>1) Asian/Pacific Islander Domestic Violence Resource Project Φ</td>
</tr>
<tr>
<td>West Virginia</td>
<td>None</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>1) Catholic Charities of Milwaukee – Legal Services for Immigrants Φ</td>
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<tr>
<td>Wyoming</td>
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