

## VAWA 2005 Guide for Attorneys

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On January 5, 2006, President Bush signed the Violence Against Women Act of 2005 (VAWA 2005) into law. Like its predecessors, VAWA 1994 and VAWA 2000, VAWA 2005 is primarily a mechanism by which funding is authorized by Congress to provide support services, training for judges, criminal justice responders, and civil legal assistance to victims of domestic violence, dating violence, sexual assault and stalking, among other things. VAWA 2005 covers reauthorizations for fiscal years 2007 to 2011 and includes new programming in areas such as the health care response to domestic violence, dedicated funding for sexual assault providers, and a focus on prevention.

Importantly, VAWA 2005 also amended some federal criminal law definitions, created some legal protections for victims of domestic violence in public housing, and increased protections for victims of domestic violence who are immigrants or victims of trafficking. This document is a brief summary of the legal provisions of VAWA 2005 that affect the provision of legal representation to victims of domestic violence, sexual assault, stalking, dating violence, and trafficking. This document is not intended to be a comprehensive analysis of these provisions, but rather a reference tool for attorneys to ensure that they are incorporating VAWA 2005 provisions into their representation of survivors of domestic violence, sexual assault, dating violence, and stalking. This summary is organized by issue area, and the sections listed are the sections from HR 3402, also known as VAWA 2005, the text of which is available at <http://thomas.loc.gov>. Citations to amended code sections are also included where possible.

A comprehensive summary of VAWA 2005, including the funding amounts authorized, has been compiled by the National Network to End Domestic Violence and the National Task Force on Sexual and Domestic Violence Against Women at <http://www.nnedv.org/vawa.php>.

A detailed summary of the immigration, trafficking and international marriage broker provisions of VAWA 2005 has been created by Legal Momentum at [http://www.legalmomentum.org/issues/vio/vawa\\_immigration\\_provisions.pdf](http://www.legalmomentum.org/issues/vio/vawa_immigration_provisions.pdf) and by ASISTA at <http://www.asistaonline.org/legalresources>.

The ABA Commission on Domestic Violence would like to recognize the assistance and expertise of Legal Momentum, the National Network to End Domestic Violence and ASISTA in the development of this resource. Please contact Robin Runge at the Commission with any questions at [runger@staff.abanet.org](mailto:runger@staff.abanet.org).

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### LEGAL ASSISTANCE FOR VICTIMS

#### **Sec. 103. Legal Assistance for Victims Improvements.**

In this section, VAWA 2005 increases the amount of funding authorized to provide civil legal assistance to victims of domestic violence to \$65 million annually for fiscal years 2007-2011, to be administered by the Attorney General. Funds from this grant program are specifically to provide legal services to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking. The funds from this grant program may be used to assist these victims to obtain protection orders and related family, tribal, territorial, immigration, housing, employment, and administrative agency, including campus administrative or protective or stay away order proceedings and other similar matters as well as criminal justice investigations, prosecution and post-trial matters including sentencing, parole, and probation that may impact victim safety and privacy. The prohibition on using this funding for civil representation in a law suite based on a tort claim remains. For more information about this grant program, please refer to the Office on Violence Against Women website at [www.usdoj.gov/ovw](http://www.usdoj.gov/ovw).

### INCREASING IMMIGRANT-VICTIMS' ACCESS TO LSC-FUNDED LEGAL SERVICES ORGANIZATIONS

#### **Sec. 104. Ensuring Immigrant Crime Victim Access to Legal Services.**

This section includes an amendment to ensure that legal services organizations that receive funding from the Legal Services Corporation (LSC) may assist a victim of domestic violence, sexual assault or trafficking without regard to the victim's immigration status. The organizations may use any source of funding they receive – Legal Services Corporation, Violence Against Women Act, foundation, faith-based – to provide legal assistance that is directly related to overcoming the victimization, and preventing or obtaining relief for the crime perpetrated against them that is often critical to promoting victim safety. Modifying Section 502 of the Department of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act of 1998 (Public Law 105-119; 111 Stat. 2510).

### CLARIFICATION OF FULL FAITH AND CREDIT PROVISIONS

#### **Sec. 106. Full Faith and Credit Improvements.**

This section bolsters existing federal provisions requiring enforcement of protection orders issued in a different state by stating that custody, visitation, and support provisions included in a protection order and issued under the state protection order

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statute must also receive full faith and credit and thus are enforceable across state lines. Law enforcement and courts are required to enforce these orders. *Amends 18 U.S.C § 2266 & 18 U.S.C. § 2265(a).*

Also in this section, increased internet security and confidentiality for victims is provided by prohibiting courts from publishing information regarding registration or filing of a protection order, restraining order, or injunction on the internet (e.g., no internet posting of information or evidence contained in court jackets). *Amends 18 U.S.C. § 2265(d).*

### IMPROVEMENTS TO FEDERAL STALKING PROVISIONS

#### **Sec. 113. Preventing Cyberstalking.**

To strengthen federal stalking prosecution tools, this section amends the Communications Act of 1934 to expand the definition of a telecommunications device—in regard to the current prohibition against anonymous communications with the intent to annoy, abuse, threaten, or harass the recipient—to include “any device or software that can be used to originate telecommunications or other types of communications that are transmitted in whole or in part by the internet.” *Amends 47 U.S.C. § 223(h)(1).*

#### **Sec. 114. Clarifies Criminal Provision Relating to Stalking.**

Improves the existing federal stalking law by borrowing state stalking law language to criminalize stalking by surveillance (this could include surveillance by new technology devices such as Global Positioning Systems (GPS)) or through an interactive computer service and to expand the accountable harm to include substantial emotional harm to the victim. The provision also enhances minimum penalties if the stalking occurred in violation of an existing protection order. *Amends 18 U.S.C. § 2261A & 18 U.S.C. § 2261(b).*

#### **Sec. 115. Repeat Offender Provision.**

This section updates the criminal code to permit doubling the maximum penalty for repeat federal domestic violence offender or stalker – a sentencing consequence already permissible for repeat federal sexual assault offenders. *Amends 18 U.S.C. § 2265 by adding §2265A.*

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### CREATION OF INTERSTATE DATING VIOLENCE CRIME

#### **Sec. 116. Prohibiting Dating Violence.**

Amends the federal interstate domestic violence prohibition to include dating violence. *Amends 18 U.S.C. § 2261(a).*

### CLARIFYING FEDERAL JURISDICTION AND CRIMINAL PENALTIES

#### **Sec. 117. Prohibiting Violence in Special Maritime and Territorial Jurisdiction.**

This section expands the interstate domestic violence criminal provision to include special maritime and territories of the United States within the scope of federal jurisdiction. *Amends 18 U.S.C. § 2261(a)(1).*

#### **Sec. 905. Tracking of Violence Against Indian Women.**

Allows Indian law enforcement agencies in cases of domestic violence, dating violence, sexual assault or stalking to enter information into Federal crime databases and receive information from them. *Amends 28 U.S.C. § 534.*

#### **Sec. 908. Enhanced Criminal Law Resources.**

Expands the Firearms Possession Prohibition to include tribal law conviction by amending the federal criminal code to include under the term "misdemeanor crime of domestic violence" any offense that is a misdemeanor under Tribal law. Also allows Bureau of Indian Affairs officers to arrest without a warrant in certain domestic violence, dating violence, stalking or violence of protection order cases where the officer has reason to believe that the person to be arrested has committed the offense. *Amends 18 U.S.C. § 921(33)(A)(i) & 25 U.S.C. § 2803(3).*

#### **Sec. 909. Domestic Assault By A Habitual Offender.**

Amends the federal criminal code to impose criminal penalties upon any person who: (1) commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country; and (2) has a final conviction on at least two separate prior occasions in federal, state, or tribal court for offenses that would be, if subject to federal jurisdiction, an assault, sexual abuse, or serious violent felony against a spouse or intimate partner, or a domestic violence or stalking offense.

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### CLARIFYING FEDERAL DEFINITION OF PROTECTION ORDER

#### **Sec. 118. Updating Protection Order Definition.**

The definition of protective order was updated to include: “any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendent elite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and...any support, child custody or visitation provisions, orders, remedies, or relief issued as a part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunction for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.” Many protective provisions issued by courts are not in protection orders, but are instead issued as temporary injunctions in divorce or criminal cases. This clarifies that these all are considered “protection orders” ~~also~~, so long as their purpose is to provide safety and protection for survivors of violence against women. *Amends 28 U.S.C. § 534(e)(3)(B).*

### HOUSING PROTECTIONS FOR VICTIMS

#### **Sec. 606 & Sec. 607. Amendments to the Low-Income Housing Assistance Voucher Program and Public Housing.**

This section of VAWA 2005 states that someone who otherwise qualifies for admission or assistance cannot be denied admission to public housing or denied a Section 8 voucher on the grounds that the person is or has been a victim of domestic violence, dating violence or stalking. These provisions further provide incidents of “actual or threatened” domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of a lease and cannot be “good cause” for terminating the tenancy or participation in the voucher program. Additionally, they provide that the one-strike rule does *not* permit termination of the tenancy of an individual who is a victim of domestic violence, dating violence, or stalking based on criminal activity “directly relating” to such violence. However, the one-strike rule may still apply if the Public Housing Authority (PHA) or Section 8 landlord can show an “actual and imminent threat to other tenants or those employed at or providing service to the property” if the tenancy or voucher assistance is not terminated. Additionally, PHAs and Section 8 landlords may still terminate an abuser’s tenancy, bifurcating a lease if necessary to allow the rest of the household to remain.

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The amendments also provide that when a family holding a Section 8 voucher moves out of a unit to protect the safety of a victim of domestic violence, dating violence, or stalking who reasonably believed she would be in danger if she remained in the unit, the family may retain the voucher even if the move was in violation of a lease (so long as the family has met all other lease requirements). Previously, moving out in violation of a lease would have rendered a family ineligible for voucher assistance.

When an individual claims that her tenancy or assistance should not be terminated because she is a victim of domestic violence, dating violence, or stalking, a PHA or Section 8 landlord may request proof that she is a victim. Acceptable proof includes certification from an attorney, domestic violence service provider, or medical professional, or a police or court record. An individual has at least 14 business days to provide the documentation. However, the public housing agency is not required to demand documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to grant the protection described above.

The provisions also require PHAs and Section 8 landlords to provide notice to tenants of their rights under VAWA and to revise leases and housing assistance payment contracts with Section 8 landlords in accordance with these protections.  
*Amends 42 U.S.C. § 1437f & 42 U.S.C. § 1437d.*

### **INCREASED PROTECTION FOR IMMIGRANT SURVIVORS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND TRAFFICKING**

In 1994, the Violence Against Women Act included specific provisions providing protections for immigrant survivors of domestic violence intended to remove obstacles inadvertently interposed by immigration laws that prevent immigrant victims from safely fleeing domestic violence and prosecuting their abusers. VAWA 2000 extended immigration relief to immigrant victims of sexual assault, human trafficking, and other violent crimes who agree to cooperate in criminal investigations or prosecutions through the creation of the U Visa. VAWA 2005 eliminates some of the major obstacles immigrant crime survivors face in achieving safety and legal immigration status. Most of these amendments are to portions of the Immigration and Nationality Act and many are technical in nature, but are very powerful in their impact.

#### **Sec. 825. Implements VAWA's original intent by stopping deportation of immigrant victims of domestic violence, sexual assault, or trafficking.**

This section provides VAWA-eligible applicants the opportunity to file one VAWA motion to reopen to pursue VAWA relief. Exempts VAWA cancellation of removal or

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suspension of deportation applicants from the motion to reopen filing deadlines and numerical limits, provided that they are physically present in the U.S. at the time of filing. *Amends 8 U.S.C. 1229a(c)(7).*

**Sec. 813(a). Adds battery or extreme cruelty to the list of exceptional circumstances in removal proceedings for motions to reopen *in absentia* orders.**  
*Amends 8 U.S.C. § 1229a(e)(1).*

**Sec. 812. Exempts victims of domestic abuse, sexual assault, or trafficking from sanctions for failing to voluntarily depart.**

VAWA petitioners, VAWA cancellation of removal applicants, and VAWA suspension of deportation applicants are not subject to the penalties for failing to depart after agreeing to voluntary departure if the extreme cruelty or battery was at least one central reason for the overstay of voluntary departure. *Amends 8 U.S.C. § 1229c(d)*

**Sec. 813(b). Encourages the use of the I-212 process that allows the U.S. Department of Homeland Security to waive prior entry and removal problems** so that immigrant victims who qualify for VAWA, T, or U relief can overcome reinstatement of removal problems.

**Sec. 805(c). Self-Petitioning for Sons and Daughters (up to 25).**

Children who were eligible to self-petition before they turned 21 but did not, and are now over the age of 21, may still file a VAWA self-petition up to the age of 25 if they can show the abuse was “at least one central reason” for the filing delay. (This only applies to children of U.S. citizens, not children of legal permanent residents). *Amends 8 U.S.C. §1154(a)(1)(D).*

**Sec. 816. Expands VAWA self-petitioning to abuse victims who have been battered or subjected to extreme cruelty by their adult U.S. citizen son or daughter.**

Extends VAWA self-petitioning eligibility to the parents of abusive U.S. citizen sons and daughters. To be eligible, the person must qualify as a parent, be able to show good moral character, be eligible as an immediate relative, have resided with the abusive citizen son or daughter, and be able to demonstrate battery or extreme cruelty. Parents remain eligible if the abuser died within the last two years or lost or renounced citizenship status in the past two years related to an incident of domestic violence. *Amends 8 U.S.C. § 1154(a)(1)(A).*

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### **Sec. 805(d). Removes 2-year custody and residency requirement for abused adopted children.**

Adopted children who have been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household no longer need to reside in the legal and physical custody of the adoptive parent for two years before qualifying as a child under immigration law. *Amends 8 U.S.C. §1101(b)(1)(E)(i).*

### **Sec. 805(a) & (b) Protects Abused Immigrant Children and Derivative Children From being Cutoff From VAWA Immigrant Protection Because They Turn 21.**

Assures that child VAWA self-petitioners and derivative children have access to VAWA's aging out protections and can additionally access any Child Status Protection Act relief for which they qualify. *Amends 8 U.S.C. § 1154(a)(1)(D) & 8 U.S.C. § 1151(f).*

### **Sec. 814(e) provides that successful VAWA petitioners, T visa applicants and U visa applicants may not file an application on behalf of the person who committed the battery, extreme cruelty, or trafficking against the individual, which established the individual's eligibility as a VAWA petitioner, or for T or U status.**

*Amends 8 U.S.C. § 1154(a)(1).*

## **U AND T VISA AMENDMENTS**

**Sec. 801(a)(2). Protects trafficking victims' family members living abroad and reunites family members** by allowing them to receive T visas without having to show extreme hardship. *Amends 8 U.S.C. § 1101(a)(15)(T).*

**Sec. 801(a)(3). Allows trafficking victims whose physical or psychological trauma impedes their ability to cooperate with law enforcement to seek a waiver of this requirement.** *Amends 8 U.S.C. §1101(a)(15)(T)*

**Sec. 801(b). Improves protection for children of U visa recipients.**

Eliminates the "extreme hardship" and separate certificate requirements for U derivatives and adds certain siblings as a category of derivative family members. *Amends 8 U.S.C. § 1101(a)(15)(U).*

**Sec. 802. Improves access to permanent residency for trafficking victims.**

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Provides an exception to the penalties for being unlawfully present where the trafficking was at least one central reason for the unlawful presence. *Amends 8 U.S.C. § 1182(a)(9)(B)(iii).*

### **Sec. 803(a). Allows some trafficking victims earlier access to permanent residency**

Trafficking victims who have been continuously present throughout the investigation and if DHS determines the investigation is complete may have the three year residency requirement for adjustment lifted. *Amends 8 U.S.C. § 1255(l).*

### **Sec. 804(b) Clarifies that for the purposes of T Visa certification for public benefits determinations victims of trafficking are participating in investigations and prosecutions when they respond to and cooperate with requests for evidence and information.** *Amends 22 U.S.C. § 7105(b)(1)(E).*

**Sec. 821(c). Allows change of status to T or U for nonimmigrants who entered the U.S. on C (transit), D (crewmen), K (fiancée, non-immigrant spouse, child), S (criminal informant), or J (exchange visitor) visas;** as visitors under the visa waiver program; or as visitors from Guam. *Amends 8 U.S.C. § 1258.*

**Sec. 821(a) and (b). Extends duration of U and T visas** for up to 4 years, with the option to extend year by year if law enforcement certifies that such extension is necessary to assist in the criminal investigation or prosecution. *Amends 8 U.S.C. §1184(o) & 8 U.S.C. §1184(p).*

## **SAFETY OF VICTIMS OF DOMESTIC VIOLENCE, STALKING, SEXUAL ASSAULT, AND TRAFFICKING**

### **Sec. 817. Strengthens VAWA Confidentiality Enforcement.**

In 1996, Congress created special protections for victims of domestic violence against disclosure of information and the use of such abuser-provided information. In 2000 and VAWA 2005 Congress extended these protections to cover victims of trafficking and others who qualify for VAWA immigration relief. This section makes the following improvements to VAWA confidentiality *Amending 8 U.S.C. §1367:*

- Extends VAWA confidentiality to trafficking victims
- In addition to the Department of Justice, the Department of Homeland Security and the Department of State shall be covered by VAWA confidentiality rules
- Provides for Congressional oversight by permitting disclosure, in a manner

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that protects victim confidentiality and safety, to the chairs and ranking members of the House and Senate Judiciary Committees, including the Immigration Subcommittees

- Gives the specially trained VAWA unit the discretion to refer victims to non-governmental organizations with expertise serving immigrant victims for victim and legal services
- Establishes a system to verify that removal proceedings are not based on information prohibited by section 384 of IIRIRA. When removal proceedings are initiated based on immigration enforcement actions taken at a domestic violence shelter, a rape crisis center, or a courthouse (where the alien is appearing in connection with a protection order or child custody case), DHS must disclose these facts in the Notice to Appear issued against the alien. DHS must certify that it did not violate the requirements of Section 384 of IIRIRA
- The Department of Homeland Security and the Department of Justice provide guidance to their officers and employees who have access to information protected by Section 384 of IIRIRA including the purposes to protect victims of domestic violence, sexual assault, trafficking and other crimes from the harm that could result from inappropriate disclosure of information.

### **Sec. 827. Protects driver's license information for limited group of crime victims whose confidential address is critical for their safety.**

With respect to rules governing identification cards and drivers' licenses (as enacted by REAL ID), DHS and the Social Security Administration shall give special consideration to victims of domestic abuse, sexual assault, stalking, or trafficking who are entitled to enroll in state address confidentiality programs, whose addresses are entitled to be suppressed under State or Federal law, VAWA confidentiality, or suppressed by a court order.

### **Sec. 826. Provides that special immigrant juveniles shall not be compelled to contact the abusive family member** at any stage of the SIJS application process. *Amends 8 U.S.C. 1357.*

## **ECONOMIC SECURITY FOR IMMIGRANT VICTIMS AND THEIR CHILDREN**

### **Sec. 814(b). Employment Authorization for victims with approved VAWA Self-Petitions.**

Once a VAWA self-petition has been approved, the self-petitioner is eligible for work authorization. *Amends 8 U.S.C. 1154(a)(1).*

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### **Sec. 814(c). Employment authorization for abused spouses of certain non-immigrant professionals.**

Derivative spouses admitted to the U.S. under the A, E(iii), G, or H non-immigrant visa programs who are accompanying or following to join the principal shall be granted work authorization if the derivative spouse demonstrates that during the marriage he or she (or a child) has been battered or subjected to extreme cruelty perpetrated by the principal. *Amends Title I of the Immigration and Nationality Act by adding §106.*

### **IMPROVEMENTS IN PROCESSING VAWA CASES AND TECHNICAL AMENDMENTS**

### **Sec. 813(c). Improves VAWA cancellation of removal through technical amendment so judges can grant VAWA 2000 domestic violence victim waivers.**

Applicants for VAWA suspension of deportation or cancellation of removal must show, among other requirements, that they are of good moral character and that they do not fall under the criminal deportation grounds. The criminal deportation grounds include conviction of certain crimes of domestic violence and stalking and violation of certain protection orders but waives those deportation grounds for persons acting in self-defense. VAWA 2005 clarifies that this waiver may be used in applications for VAWA suspension and cancellation to waive failure to meet the requirement so good moral character and to overcome criminal ineligibility grounds. *Amends 8 U.S.C. § 1229b(b).*

### **Sec. 822(a) & (b). Amends good moral character definition.**

Clarifies that a prior removal order does not constitute a bar to establishing good moral character. Note: this amendment fixes a prior legislative drafting error and applies to all aliens, not just VAWA eligible aliens. *Amends 8 U.S.C. § 1240A(b)(2).*

### **Sec. 815. Fixes the filing deadline problem for VAWA NACARA 202 applicants.**

Allows abused spouses and children eligible for legal immigration status as a Nicaraguan or Cuban under the Nicaraguan Adjustment and Central American Relief Act of 1998 to apply even if the abuser did not apply for status and even through the filing deadline has passed. *Amends 8 U.S.C. § 1255.*

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### **Sec. 824. Improves access to VAWA HRIFA.**

Provides that if an abuser was eligible for status under the Haitian Refugee Immigration Fairness Act of 1998 but did not apply for status, the abused spouse or children at the time may now apply for adjustment of status on their own. *Amends 8 U.S.C. 1255 note.*

**Sec. 823. Grants Cuban Adjustment to the spouse of a Cuban eligible for adjustment** under the Cuban Adjustment Act for two years after the date on which the Cuban spouse died, or for two years after the date of termination of the marriage, if the abused spouse demonstrates a connection between the termination of the marriage and being battered or subject to extreme cruelty by the Cuban. *Amends 8 U.S.C. 1255 note.*

### **INTERNATIONAL MARRIAGE BROKERS**

#### **Sec. 832(a). Requires U.S. citizen filing K petitions to disclose criminal background information.**

Mandates that U.S. citizens filing K visa petitions disclose criminal background information to international marriage brokers and to DHS/CIS. Relevant crimes include domestic abuse crimes, other violent crimes, and multiple convictions for substance and/or alcohol abuse. DHS will be required to transmit this criminal history information, along with results of any database search, to the foreign fiancé or spouse. *Amends 8 U.S.C. § 1184(d).*

#### **Sec. 832. Prevents abusive U.S. citizens from sponsoring multiple foreign fiancées and/or spouses.**

DHS cannot issue a K visa (unless DHS grants a waiver or the domestic violence victim exception applies) if the U.S. citizen has previously filed two K visa petitions, and less than two years have passed since the date of filing of the most recent K visa petition. DHS can waive this bar, but not when the U.S. citizen has a history of committing domestic abuse or other violent crimes. *Amends 8 U.S.C. § 1184(d) & 8 U.S.C. § 1184(r).*

#### **Section 832. Government tracking of serial K visas.**

Creates government database to track serial K petitions filed by same U.S. citizen petitioner and to notify foreign fiancé or spouse of prior K petitions. Notification requirement triggered after petitioner has filed three K petitions within the past 10 years. *Amends 8 U.S.C. § 1184(r).*

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### **Sec. 833. Domestic abuse pamphlet to be distributed to all foreign fiancées and spouses.**

DOS, DHS, and DOJ shall create pamphlet on domestic abuse laws and resources for immigrant victims in the U.S. The pamphlet must be sent to all foreign fiancés and spouses. DHS shall also send results from any criminal background checks conducted in the course of adjudicating the K visa petition, along with the petitioner's disclosure of any criminal history. U.S. consular officers shall orally inform foreign fiancées/spouses of the petitioner's criminal history. DOS and DHS cannot disclose geographical or personal information about prior victims of the U.S. citizen petitioner.

### **Sec. 833. International Marriage Broker (IMB) Duties.**

IMBs are prohibited from sharing any information on minors with any person or entity. IMBs cannot give U.S. clients information on a foreign national until the IMBs have searched sex offender registries, collected criminal and family background information, provided background information to the foreign national, given the domestic abuse pamphlet, and received written consent from the foreign national to share her contact information. Violation of these requirements can result in civil penalty up to \$25,000.