

Testimony of Julie Poner

Submitted in connection with

Hearing before the

Senate Committee on the Judiciary

On

“The Violence Against Women Act: Building on Seventeen Years of Accomplishments”

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In 1994 I married a man from the Czech Republic. We were married in Prague and our children, twins a boy and a girl were born there. We moved twelve times in the three short years we were together between three countries and two continents with our young children in tow. Our moves were always explained to me as necessary for business, when in reality we were living life on the run, managing to stay one step ahead of the authorities. Sometimes we lived with furnishings and sometimes without. My children and I were often left alone for extended periods of time without the basic necessities such as food, a vehicle, and money. In 1995 following a sudden and unexpected move to the U.S., we eventually settled in Massachusetts and filed for my husband’s permanent residency status. Within days of receiving notice of our impending interview with INS, my husband reached around me for the coffee pot one morning and announced that we would be getting a divorce now. He instructed me to file for the divorce and continue to sponsor him for his green card. After filing for the divorce, my husband became abusive toward our children and threatened to take them back to the Czech Republic if I did not sponsor him for his green card. As part of the divorce proceeding, our family court judge ordered me to attend my husband’s immigration interview. While at the interview I was told by INS agents that I could face federal prosecution for marriage fraud if I continued to sponsor my husband. They explained that he met no legal requirement to be in the country except through our marriage. I was strongly encouraged to withdraw my petition. I did, with the understanding that I was complying with our government and with federal law.

Facing deportation for marriage fraud, a charge leveled by the federal government, my husband, a former professional hockey player, at 6’2” tall and over 200 lbs., self petitioned as a battered and abused spouse. It was at this point that all communication I’d had with

the 2 INS trial attorneys stopped, because once an immigrant files under this special circumstance they are protected by our federal government. Immigration officials are prohibited from entering into a discussion with the American named in the claim.

As a result, my children and I suffered unimaginable consequences. The family court judge failed to heed the testimony of a child abuse investigator for the D.A.'s office. In order to protect my children from further abuse and the continued threat of abduction, I left the state. I was subsequently arrested by 2 FBI agents and a sheriff, finger printed, photographed, strip searched, deloused, jailed and held on a \$500,000 bond. I was extradited back to the state of Massachusetts in hand cuffs and shackles by two Massachusetts state troopers. My children were placed in foster care and for a three month period we were poked and prodded by various court appointed experts to no finding before my children were returned to me. During this time, in a case unrelated to ours, my ex-husband served a year on probation for assault and battery. After 2 additional years he agreed to allow us to legally leave the state of Massachusetts. He'd wiped me out. I had nothing more for him to take. My children and I were left with no home, no car, no money, no furnishings, no insurance of any kind, and with hundreds of thousands of dollars of his debt.

Today I have sole custody of my children.

Over the years I've talked with countless men and women who have similar stories to tell, American citizens who have lost access to their children, their homes, their jobs, and in some cases their freedom because of false allegations of abuse.

Currently there are no safeguards in place to prevent fraud or to prevent an immigrant from fabricating tales of spousal abuse. Through unfounded claims, immigrant spouses can bypass the two year marriage requirement enacted by the Immigration Marriage Fraud Amendments of 1986 that were actually established to prevent marriage fraud. No one from a local USCIS Service Center investigates or conducts a face to face interview with the immigrant. The only evidence considered is what is submitted by the self petitioning immigrant. The entire process is handled via paperwork in the Vermont Service Center.

Because of confidentiality clauses and concerns for victims' safety from their alleged abuser, claims of battery and abuse go unchallenged. In cases of domestic violence, the immigrant is presumed to be the victim. It is also presumed that no one would ever lie about being a victim and that an immigrant has nothing to gain by lying about domestic violence. The evidentiary standards of proof of abuse have been relaxed to further protect the alleged victim. For instance, if the American citizen spouse discovers infidelity or other fraudulent behavior on the part of the immigrant, and as a result withdraws his/her support for the joint petition, this can be considered emotional abuse.

We respectfully ask that you please consider amending VAWA and the Immigration and Nationality Act, requiring a local USCIS agent to conduct a proper and thorough investigation into these types of cases which would include access to interview both spouses in the process.