

have a copy of your materials distributed to each member of the committee or working group should reach the Coast Guard on or before September 2, 2008.

**ADDRESSES:** The full Committee will meet at Marine Safety Unit Galveston, 2101 FM 2004, Texas City, Texas 77591, (409) 978-2700. The working group meeting will be held at Marine Safety Unit Galveston, 2101 FM 2004, Texas City, Texas 77591, (409) 978-2700. Send written material and requests to make oral presentations to LT Sean Hughes, Assistant to the Executive Secretary of HOGANSAC, 9640 Clinton Drive, Houston, Texas 77029. This notice is available in our online docket, USCG-2008-0566, at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Commander Hal R. Pitts, Executive Secretary of HOGANSAC, telephone (713) 671-5164, e-mail [hal.r.pitts@uscg.mil](mailto:hal.r.pitts@uscg.mil) or Lieutenant Sean Hughes, Assistant to the Executive Secretary of HOGANSAC, telephone (713) 678-9001, e-mail [sean.p.hughes@uscg.mil](mailto:sean.p.hughes@uscg.mil).

**SUPPLEMENTARY INFORMATION:** Notice of these meetings is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92-463).

*Agendas of the Meetings:*

*Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC).* The tentative agenda is as follows:

(1) Opening remarks by the Committee Sponsor (RADM Whitehead) or the Committee Sponsor's representative, Executive Director (CAPT Diehl) and Chairperson (Ms. Tava Foret).

(2) Approval of the May 22, 2008 minutes.

(3) Old Business:

(a) Navigation Operations (NAVOPS)/Maritime Incident Review subcommittee report;

(b) Dredging subcommittee report;

(c) Technology subcommittee report;

(d) Waterways Optimization subcommittee report;

(e) Harbor of Safe Refuge subcommittee report;

(f) HOGANSAC Outreach subcommittee report;

(g) Commercial Recovery Contingency subcommittee report; and

(h) Area Maritime Security Committee (AMSC) Liaison's report.

(4) New Business:

*Working Groups Meeting.* The tentative agenda for the working groups meeting is as follows:

(1) Presentation by each working group of its accomplishments and plans for the future;

(2) Review and discuss the work completed by each working group; and

(3) Put forth any action items for consideration at full committee meeting.

#### Procedural

Both meetings are open to the public. Please note that meetings may close early if all business is finished. At the Chairs' discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at the Committee's September 16 meeting, please notify the Coast Guard no later than September 9, 2008. Written material for distribution at a meeting should reach the Coast Guard no later than September 2, 2008. If you would like a copy of your material distributed to each member of the committee in advance of the meetings, please submit 19 copies to the Coast Guard no later than September 2, 2008.

#### Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Secretary or Assistant to the Executive Secretary as soon as possible.

Dated: June 24, 2008.

**J.H. Korn,**

*Captain U.S. Coast Guard, Commander, 8th Coast Guard District, Acting.*

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**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

**[CIS No. 2435-07; DHS Docket No. USCIS-2007-0061]**

**RIN 1615-ZA66**

### Domestic Violence Guidance Pamphlet for K Nonimmigrants

**AGENCY:** U.S. Citizenship and Immigration Services, DHS.

**ACTION:** Notice.

**SUMMARY:** U.S. Citizenship and Immigration Services is soliciting comments from the public on a pamphlet discussing the rights and resources available to individuals coming to the United States under the K nonimmigrant classification as the fiancé(e) or the spouse of a U.S. citizen. The pamphlet is required by the International Marriage Broker Regulation Act of 2005 and is intended

to help such aliens understand the immigration process and prevent domestic violence.

**DATES:** Written comments must be submitted on or before September 19, 2008.

**ADDRESSES:** You may submit comments, identified by DHS Docket No. USCIS-2007-0061, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529. To ensure proper handling, please reference DHS Docket No. USCIS-2007-0061 on your correspondence. This mailing address may be used for paper, disk, or CD-ROM submissions.

- *Hand Delivery/Courier:* Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529. Contact Telephone Number (202) 272-8377.

**FOR FURTHER INFORMATION CONTACT:**

Andrew Perry, Family and Victim Protection Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., Suite 2304, Washington, DC 20529. Contact Telephone Number (202) 272-1470.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

Citing the fact that K nonimmigrants may face a higher risk of domestic violence in relationships arranged by International Marriage Brokers (IMBs), Congress enacted the International Marriage Broker Regulation Act of 2005 (IMBRA), subtitle D, Public Law No. 109-162, 119 Stat. 3066-3077 (2006). A K nonimmigrant is an alien who:

(1) Is the fiancé(e) of a U.S. citizen (USC) who has petitioned for the alien to enter the United States solely to conclude a valid marriage with him or her (referred to as "K-1" nonimmigrants);

(2) Is married to a U.S.C. who has petitioned the alien for lawful permanent residence and is seeking to enter the United States to await approval of the petition and availability of an immigrant visa (referred to as "K-3" nonimmigrants); or

(3) Is the minor child of the alien accompanying or following to join the alien (referred to as "K-2" or "K-4")

nonimmigrants). Immigration and Nationality Act (INA) sec. 1101(a)(15)(K); 8 U.S.C. 214.1(a)(2).

Pursuant to the requirements established by IMBRA, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, must develop and distribute to K nonimmigrant visa applicants an information pamphlet explaining the legal rights and resources for immigrant victims of domestic violence. 8 U.S.C. 1375a(a)(1). The pamphlet must include information on the following eight topics:

(1) The K nonimmigrant visa application process and the marriage-based immigration process;

(2) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence;

(3) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline and the National Sexual Hotline;

(4) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters, including access to protection orders;

(5) The obligations of parents to provide child support;

(6) Marriage fraud under United States immigration laws and the penalties for committing such fraud;

(7) A warning concerning the potential use of K nonimmigrant visas by U.S. citizens who have a history of committing domestic violence, sexual assault, child abuse, or other crimes and an explanation that such acts may not have resulted in a criminal record for such a citizen; and

(8) Notification of the requirement under IMBRA that international marriage brokers provide their foreign national clients with background information gathered on U.S. citizen clients from searches of Federal and state sex offender public registries and collected from U.S. citizen clients

regarding their marital history, and domestic violence or other violent criminal history. But that such information may not be complete or accurate because the U.S. citizen clients may not have a criminal record or may not have truthfully reported their marital or criminal record. 8 U.S.C. 1375a(a)(2).

The pamphlet must be translated by the Secretary of State into Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, Hindi, and such other languages as the Secretary of State, in the Secretary's discretion, may specify. 8 U.S.C. 1375a(a)(4)(A). The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, must determine every 2 years at least 14 languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants. 8 U.S.C. 1375a(a)(4)(B).

The law includes specific requirements for distribution of the information pamphlet to aliens seeking K nonimmigrant status. The Secretary of State must mail the information pamphlet to the alien seeking K nonimmigrant status along with the instruction packet for K nonimmigrant visa applications. 8 U.S.C.

1375a(a)(5)(A)(i). In addition, consular officers must provide a copy of the information pamphlet to all applicants for a K nonimmigrant visa during their interview for the visa. 8 U.S.C. 1375a(b)(1)(B).

The law also requires that the pamphlet be distributed to each alien seeking to obtain lawful permanent resident status. For each alien applying for a family-based immigrant visa outside the United States or adjustment of status (on Form I-485, Application to register Permanent Residence or Adjust Status) within the United States, a copy of the information pamphlet must be

provided at such alien's consular or adjustment of status interview. 8 U.S.C. 1375a(b)(2). The information pamphlet must be made available at all consular offices abroad, posted on the Web sites of the Department of State, and Department of Homeland Security, and all consular posts processing K nonimmigrant visa applications, and made available to IMBs, government agencies, and nongovernmental advocacy organizations. 8 U.S.C. 1375a(a)(5)(B), (C) and (D).

## II. Solicitation of Comments on the Information Pamphlet

U.S. Citizenship and Immigration Services (USCIS) is developing the information pamphlet required by IMBRA and is inviting the public to submit comments on all aspects of the pamphlet before its issuance and distribution. Comments that will provide the most assistance to USCIS will reference a specific portion of the pamphlet, explain the reason for any recommended change, and include data, information, or authority that supports the recommended change.

*Instructions:* All submissions received must include the agency name and DHS Docket No. USCIS-2007-0061 for this Notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Submitted comments may also be inspected at the Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529.

Dated: July 14, 2008.

**Jonathan Scharfen,**

*Acting Director, U.S. Citizenship and Immigration Services.*

**BILLING CODE 9111-97-P**

# *Legal Rights and Resources for Immigrant Victims of Domestic Violence*

## *Facts about immigrating to the United States as a Fiancé(e) (K-1 visa) or as a Spouse (K-3 visa) of a U.S. Citizen*

### **What is the purpose of this pamphlet?**

The purpose of this pamphlet is to caution that certain U.S. citizens with a history of committing domestic violence, sexual assault, child abuse or other crimes, but who may not have a criminal record for such acts, may use the K nonimmigrant visa process to help a foreign national fiancé(e) or spouse to immigrate to the United States.

Though the length of a courtship with your fiancé(e) is not necessarily indicative of your chances of being a victim of domestic violence, the more fully you know your fiancé(e), the more likely you are to know his or her character and temperament. Brief courtships conducted over long distances do not usually allow an immigrant the time to know his or her fiancé(e) as completely as one might if the courtship was conducted over a longer period of time and over shorter distances.

This pamphlet is intended to inform you of your legal rights, obligations and of the possibility that your

fiancé(e) or spouse may not have provided all of the information you might want to know about his or her character. In addition, this pamphlet explains the legal immigration process and penalties for marriage fraud under U.S. law.

To help you better understand the immigration process and legal rights and obligations you will have after your admission to the United States based upon your marriage or engagement to a U.S. citizen, USCIS has put together the following questions and answers.

### **What are the K-1 fiancé(e) visa and adjustment application requirements?**

As someone who will be entering the United States in K-1 nonimmigrant status (as the fiancé(e) of a U.S. citizen), you are required to either marry the U.S. citizen within ninety (90) days of entry into the United States or to depart the United States at the end of the ninety (90) day period. Following your marriage to the U.S. citizen fiancé(e) who petitioned for you, you must file an Application to Register Permanent Residence or Adjust Status (Form I-485). If your Form I-485 is approved, your status will be adjusted from a K-1 nonimmigrant to that of a conditional permanent resident. You will have that conditional status for two years.

Ninety (90) days before the two-year anniversary date of your conditional permanent residency, you and your U.S. citizen spouse will be required to jointly file a Petition to Remove Conditions on Residence (Form I-751). Failure to file this form timely will result in the termination of your status as a conditional permanent resident. Other requirements for this petition are included in the instructions to the Form I-751.

If you are unable to jointly file the Form I-751 with your U.S. citizen spouse, some waivers of this

requirement may be available. For instance, in certain situations, such as the death of your U.S. citizen spouse, divorce, or domestic violence, you may still be eligible to file a Form I-751 on your own, without the assistance of your U.S. citizen spouse.

In cases of domestic violence, you may also qualify for permanent resident status as the abused spouse of a U.S. citizen by filing a Petition for Amerasian, Widow(er) or Special Immigrant (Form I-360).

### **What are the adjustment of status requirements for the spouse of a U.S. citizen who enters as a K-3 nonimmigrant?**

As someone who will be entering the United States in K-3 nonimmigrant status (as the spouse of a U.S. citizen), you will be required to complete your immigrant process in the United States in lieu of waiting for issuance of an immigrant visa. You must file an Application to Register Permanent Residence or Adjust Status (Form I-485) to seek adjustment of your status to permanent resident. If your Form I-485 is approved and you are adjusting your status based on a marriage of less than 24 months in duration, your status will be adjusted from a K-3 nonimmigrant to that of a conditional permanent resident. You will have that conditional status for two years.

Ninety (90) days before the two-year anniversary date of your conditional permanent residency, you and your U.S. citizen spouse will be required to jointly file a Petition to Remove Conditions on Residence (Form I-751). Failure to file this form timely will result in the termination of your status as a conditional permanent resident. Other requirements for this petition are included in the instructions to the Form I-751.

If you are unable to jointly file the Form I-751 with your U.S. citizen spouse, some waivers of this requirement may be available. For instance, in certain situations, such as the death of your U.S. citizen spouse, divorce, or domestic violence, you may still be eligible to file a Form I-751 on your own, without the assistance of your U.S. citizen spouse.

In cases of domestic violence, you may also qualify for permanent resident status as the abused spouse of a U.S. citizen by filing a Petition for Amerasian, Widow(er) or Special Immigrant (Form I-360).

#### **What is domestic violence?**

The term "domestic violence" refers to crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the violence occurs, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. It includes, but is not limited to, acts of physical violence, forced sexual acts, child abuse, and mental or emotional cruelty.

Domestic violence occurs among all national, ethnic and social groups. While most recorded incidents of domestic violence involve men abusing women or children, men can also be victims of domestic violence.

Immigrants are particularly vulnerable to domestic violence because many do not speak English, are often separated from family and friends, and may not understand the laws of the United States. For these reasons, immigrants are often afraid to report acts of

domestic violence to the police or to seek other forms of assistance. Such fear causes many immigrants to remain in abusive relationships.

Domestic violence may range from "punishment" from the U.S. citizen spouse for any transgressions (either real or imagined) by the immigrant spouse to forms of intimidation, isolation and control exerted by the U.S. citizen spouse on the immigrant.

Intimidation and control can take the form of not allowing any access to the immigrant's own finances (or those allegedly shared by the couple), restricting access to everyday necessities (such as food or medical services) or threatening to take or deport the immigrant's child (either a child of the marriage to the U.S. citizen or a child from a prior relationship).

Isolation may include preventing attendance at worship services for the immigrant's chosen religion and monitoring or restricting the immigrant's communication with others (family, neighbors, or others in his or her national origin or ethnic group). The means of prevention are not always as direct as physically restraining the immigrant. Other more subtle forms of abuse can be employed, such as the use of degrading and insulting language, berating of the immigrant's culture, insulting the immigrant's appearance or intelligence in an effort to erode his or her self-esteem and sense of self-worth, thus making the immigrant completely dependant upon his or her U.S. citizen spouse.

#### **Who is entitled to protection from domestic violence?**

All people in the United States (regardless of race, color, creed, sex, age, national origin, citizenship status, or ethnic background) are guaranteed basic protections under the law. Domestic violence is illegal in the United States. All spouses of U.S.

citizens are entitled to protection from domestic violence.

#### **What are the legal rights for victims of domestic violence?**

Immigrant victims of domestic violence may seek the protection of law enforcement. They may also seek orders of protection, abuse prevention orders, or restraining orders against their U.S. citizen abusers.

Abusive U.S. citizens will often threaten their immigrant spouses with deportation in an attempt to prevent their immigrant spouses from calling the police or from otherwise seeking legal protection from the domestic violence. *Please note that seeking law enforcement protection from domestic violence cannot be the basis of termination of your immigration status. You will not be deported for being the victim of domestic violence.*

#### **What are the child support obligations of U.S. citizens?**

In the United States, parents are required to provide financial support for their children. In the event of separation, you may be entitled to child support from your child's other parent. You may wish to contact a lawyer or voluntary help agency for additional information on how to obtain this support.

#### **What are the penalties for marriage fraud?**

Immigrants cannot receive immigration benefits if they knowingly enter into a marriage for the purpose of evading immigration laws or solely for an immigration benefit. Conviction for marriage fraud can involve imprisonment for up to five (5) years and fines up to \$250,000 (U.S. currency). Immigrants who commit marriage fraud may be removed from the United States and may be permanently barred from future immigration benefits in the United States.

**Can I depend on an international marriage broker to provide criminal background information on my U.S. citizen fiancé(e) or spouse?**

The International Marriage Broker Regulation Act of 2005 (IMBRA) requires that international marriage brokers provide their foreign national clients with background information on their U.S. citizen clients. The information includes searches conducted through Federal and State sex offender public registries, as well as information provided by the U.S. citizen clients.

Even if there is a lack of adverse criminal information on a U.S. citizen, it is possible that the individual has perpetrated acts of domestic violence, but has no arrests or convictions for these acts. Lack of adverse information regarding the U.S. citizen may also be due to the U.S. citizen's failure to fully disclose his or her prior marital or criminal history.

**For more information please contact:**

National Domestic Violence Hotline

1-800-799-SAFE (7233)

1-800-787-3224 (TTY)

National Sexual Assault Hotline

1-800-656-HOPE (4673)

**USCIS General Information**

In the United States, telephone toll free to:

**1-800-870-3676** or

Visit our internet website at:

<http://www.uscis.gov>

