



IMMIGRATION LESSONS FROM THE FALL OF STRAUSS-KAHN

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By Cyrus D. Mehta

From an immigration lawyer's perspective, the [fall of Dominique Strauss-Kahn](#), the former head of the International Monetary Fund, who has been charged with attempted rape and other serious sex offenses against an immigrant hotel worker from Guinea in a posh New York hotel, resonates with important immigration themes.

Most important, the word of an immigrant worker who was subject to attempted rape, imprisonment and other charges has been taken extremely seriously against one of the world's most powerful men. So seriously was her word taken that the NYPD [actually arrested](#) Strauss-Kahn while his Air France plane was about to take off from JFK airport last Saturday.

It is [difficult for any victim of a sex crime to come forward](#), given that the defense will seek to turn the tables against her and undermine her credibility. It is even [more difficult for an immigrant](#) who has been a victim of a sex crime to come forward since this person's immigration status, or lack thereof, will also be put under the microscope.

While media reports indicate that Strauss-Kahn's accuser was granted asylum, and as a result, is in a lawful status, there are many survivors (rather than victims) of domestic abuse and sex crimes who may not even be in a lawful status. Despite all the flaws in the US immigration system, one

shining spot is that survivors of domestic violence and sex crimes do have recourse. The battered spouse of a US citizen or lawful permanent resident, and in some cases of a nonimmigrant, can apply on their own for status without the help of the abuser. Those who are the victims of sex crimes, even though the perpetrator may not be a spouse, can apply for U or T visas if they are helpful to the investigation or prosecution. Once the application is approved, many of the grounds of ineligibility that would apply to other prospective immigrants either do not apply to this group of vulnerable immigrants or can be more easily waived.

Another lesson can also be drawn from the sordid Strauss-Kahn saga. Even the alleged perpetrator, Strauss-Kahn, is not a citizen of the US and has been on a nonimmigrant visa, presumably a G-4 visa for officers of international organizations, while he was with the IMF. I have observed that many nonimmigrants, who are accused of crimes, even non-violent white collar crimes, have a harder time to get bail after they have been arrested. In many situations, the nonimmigrant visa status is linked to the employment in the US, which more often than not disappears after the defendant is accused of the crime. The prosecutor seizes upon this to argue that the defendant is more of a flight risk than a defendant who is a US citizen. While Strauss-Kahn is in a different league from a regular nonimmigrant who is charged with a crime, and poses additional flight risk considerations, the fact of the matter is that one who is on a temporary visa in the US has a harder time to get bailed out. Still, Strauss-Kahn has done better than most other criminal defendants on a nonimmigrant visa because he just [got bail](#).