

**FAQs: eLgal and other provisions in foreign
countries on Indian women cheated/abandoned/
abused by Overseas Indian Spouses***

**Data has been compiled on the basis
of information received from Indian Embassies in Feb-
March 2016*

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1. UNITED STATES OF AMERICA



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S. No.	Problems faced by Indian women married to Overseas Indians	Current Legal and other provisions in the foreign country
1	Mechanisms to verify background of PIO/NRI in foreign country prior to marriage-education, job, salary, marital status, etc.	Informed candidates can get the information through open source available on Internet. However, there is no mechanism to verify such details in USA due to privacy law.
2	Unregistered marriage of Indian women with Overseas Indian spouse (only social marriage)	In USA, marriages are always registered. Hence, the consulate has not come across any social marriages.
3	Dowry demanded by spouse/parents-in-law who are living abroad	Dowry demand is totally prohibited in USA.
4	Overseas Indian hides the fact that he is already married in the foreign country	Suppressing of facts hidden is serious offence. One can legally challenge the case.
5	Finding out location or whereabouts of husband in foreign country	Privacy act of the country does not allow them to share the information; However legal course can be perused to find the details through the court. Information can also be ascertained through his/her employer or from foreign government immigration etc.
6	Disappearance of spouse/Abandonment of Indian women by overseas Indian husbands (NRI/PIO/foreign spouse)	Once we receive complaint about missing/ abandoned spouse we try to help them through our empanelled NGO's and local Indian communities support. An NGO-ASHA can be contacted for legal and financial assistance.
7	Providing shelter to abandoned woman/children abandonment by overseas Indian	Same as point 7. Along with this, there are some other organizations located in USA

		<p>who provide shelter for women without consideration of race, immigration status and nationality. A list of such organizations in California can be found at www.cpedv.org. a list of organizations in USA can be seen at http://www.thehotline.org/</p>
8	Grant of permanent residency to Indian women/children abandoned by Overseas Indian spouse in India	<p>Permanent residency is provided to the Indian women/children if the spouse is a USA citizen or permanent residence. Govt. of USA is very supportive to the victims of domestic Violence. Other than this, (according to an NGO-‘Maitri’) there are few visa categories that individuals undergoing domestic violence may be eligible for: Removal of Conditions on Permanent Residency Residency option for battered spouses of US citizens or permanent residents (VAWA Self Petition) U visa for victims of crimes (Applicable in crimes in the US) Trafficking visa for Spouses in limited cases</p>
9	Property Rights for aggrieved Indian wife in property of Overseas Indian spouse in foreign country	<p>Aggrieved Indian wife has the claim to the husband’s property in USA provided they are married for more than 3 years, with a child from the same marriage and wife is unable to work or earn livelihood due to physical/educational deficiency. Moreover, as per ‘Maitri’, for any family law case (Protective Order, divorce, separation etc), there is an option for asking for alimony depending on the circumstances and property rights in few cases. The Wife</p>

		may not need to be present if she hires an attorney to work with her.
10	Abuse/Domestic violence/Ill-treatment of wife by the NRI/PIO husband	The Govt of USA provides legal/financial unemployment benefits to the victims provided the husband is a USA citizen or permanent residence. Moreover, an NGO-ASHA for women can be contacted for legal and financial assistance.
11	Child abduction/Charges on wife by overseas Indian husband	As any child that is born in USA is a citizen of USA. If parent take their child/children to India without notifying the other parent illegally the law and justice system takes a serious note about it. Accordingly judgment is delivered. The US State Department has 2
		employees dedicated for South Asian cases of Abduction out of which one full time and a part time employee deal with Indian cases.
12	Child Custody sought by Indian woman when children, spouse are based abroad	Same as point 12.
13	Ex parte decree/divorce in foreign country	Divorce either mutual or in absence of the Indian spouse in the country is possible through legal means or with help of NGOs.
14	How much money is required to file a case in such matters	The legal costs may vary from case to case and can range from \$10 to \$50,000. Legal fees are very high and mostly on an hourly basis in USA.
15	Look out circular of Overseas Indians sent by GOI to foreign government	Execution may be facilitated through Mutual Legal Assistance Treaty (MLAT)
16	Legal assistance by foreign government to the aggrieved woman to file case against overseas Indian	It is possible to seek the legal assistance from the foreign government provided the spouse is a USA citizen/permanent

		residence.
17	Foreign government/court recognising the jurisdiction of Indian courts	All legal issues are dealt under the arrangement of Mutual Legal Assistance Treaty (MLAT)
18	Serving summons/arrest warrants order by Indian court on Overseas Indian spouse who lives abroad	Summons/ arrest warrants are sent to the accused through regular post by this consulate. US state department discourages us to send these through them.
19	Extension of Visa of aggrieved Indian wife (as dependent) of overseas Indian spouse even after she is abandoned in India/ill-treated by spouse	Yes, but it is done on case to case basis.
20	Payment of Maintenance for Indian wife by Overseas Indian spouse	The USA courts pass order to provide maintenance to the spouse and the amount depends on several criteria.
