

No. 23-1202

In The United States Court of Appeals
for the Eighth Circuit

ADA MERARY RIVAS-RAMOS,
Petitioner,

v.

MERRICK GARLAND, ATTORNEY GENERAL OF THE UNITED STATES,
Respondent.

On Petition for Review from the Board of Immigration Appeals,
No. A208-281-499

**AMICUS CURIAE BRIEF OF THE
NATIONAL IMMIGRANT WOMEN'S ADVOCACY PROJECT
IN SUPPORT OF PETITIONER AND REMAND**

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I. INTEREST OF AMICUS CURIAE¹

The National Immigrant Women’s Advocacy Project (“NIWAP”) is a non-profit public policy advocacy organization that develops, reforms, and promotes the implementation of laws and policies that improve the legal rights, services, and assistance to immigrant women and children who are victims of domestic violence, sexual assault, stalking, human trafficking, and other crimes. NIWAP offers technical assistance and training to assist a wide range of professionals at the federal, state, and local levels who work with, and/or whose work impacts, immigrant crime victims. NIWAP provides training for attorneys, advocates, immigration judges, the Board of Immigration Appeals judges and staff, state court judges, police, sheriffs, prosecutors, Department of Homeland Security adjudication and enforcement staff, and other professionals. NIWAP Director Leslye E. Orloff was closely involved with the enactment of the Violence Against Women Act (“VAWA”) legislation, including the VAWA self-petition in 1994 and the T and U visas in 2000, as well as the 1996, 2000, 2005, and 2013 VAWA confidentiality protections. She has also published legal and social science research articles on domestic violence experienced by immigrant women and children.

NIWAP has a keen interest in ensuring the proper application and development of U.S. immigration law, so that individuals seeking asylum and related relief receive fair and proper consideration under

¹ No counsel for any party authored this brief in whole or in part. No person or entity, other than amicus and its counsel, made a monetary contribution intended to fund the preparation or submission of this brief. The parties have provided written consent to the filing of this amicus brief.

standards consistent with U.S. laws and treaties. NIWAP submits this brief to correct a false premise underlying the decision in this case—namely, that when a victim of domestic violence moves out of the residence she shares with her abuser, she has succeeded in leaving the relationship. NIWAP believes the decisions of the Immigration Judge and the Board of Immigration Appeals in this case demonstrate a fundamental misunderstanding of domestic violence, coercive control in abusive relationships, and the increased difficulties and dangers facing victims who attempt to terminate relationships with abusers. If these same misunderstandings were reflected in a decision by this Court, it could adversely impact the lives of many women who have suffered domestic abuse because they found themselves unable to escape the control of their partners.

NIWAP is well suited to provide the Court with the necessary context and research on these issues. NIWAP believes this information will aid the Court in determining whether Ms. Rivas-Ramos’s case should be remanded for further proceedings as to whether her status as a woman unable to escape a relationship is an immutable characteristic giving rise to an asylum claim based on membership in a particular social group.²

II. SUMMARY OF ARGUMENT

NIWAP submits this brief to offer insight into the relationship between an abuser and a victim seeking to escape. A proper understanding of this relationship is critical to the outcome of this case. Research shows that an abusive relationship does not end when the

² See Petitioner’s Opening Brief at 18–28.

victim moves out. Indeed, when a victim attempts to leave a shared residence and move on with her life, the abuse can become even more violent and disempowering as the abuser strives to maintain control of the relationship. The fact that Ms. Rivas-Ramos and her abuser had children in common made this situation worse. With or without the kind of legal custody arrangement that might exist in the United States, having children in common gives the abuser both the opportunity and the means to continue his abuse and control over the victim—particularly in a culture that places a high priority on fatherhood and family. Further, the victim’s exit from the shared residence can often cause the abuser to sharpen his threats and violence toward their children as a way to maintain control in the relationship. For all these reasons, there is no logical basis and no evidence-based research support for the assumption that a domestic violence victim is able to end the relationship with her abuser simply by moving out.

III. ARGUMENT

A. Ms. Rivas-Ramos Was Trapped in a Violent Domestic Relationship in Honduras.

Ms. Rivas-Ramos filed an application for asylum based on past persecution and a fear of future persecution by her former partner, William Drivedas, on account of her membership in the particular social group consisting of “Honduran women who are unable to leave a domestic relationship” A.R. 3. Ms. Rivas-Ramos suffered years of physical and sexual violence as well as emotional and verbal abuse from, and at the direction of, Drivedas, the father of Ms. Rivas-Ramos’s two oldest children. A.R. 3-4. Drivedas, who was 18 years old at the time, convinced Ms. Rivas-Ramos to move in with him when she was

just 15 years old and impregnated her shortly thereafter. A.R. 167. That is when Drivedas began regularly beating and emotionally abusing Ms. Rivas-Ramos. A.R. 167-68.

At the age of 16, Ms. Rivas-Ramos moved in with her grandmother for two years in an attempt to escape the abuse but she was unsuccessful. A.R. 168. As a single, young mother with no job, Ms. Rivas-Ramos was particularly vulnerable, and Drivedas was able to manipulate her into moving back in with him. *Id.* Ms. Rivas-Ramos became pregnant with her second child and Drivedas escalated his violence against her. A.R. 169-72.

At that point, Drivedas began beating Ms. Rivas-Ramos multiple times per week. On one occasion, Drivedas hit Ms. Rivas-Ramos in the face with a bottle leaving her permanently scarred. A.R. 169-70. Drivedas repeatedly threatened to harm or kill Ms. Rivas-Ramos if she attempted to leave him and made references to the dangerous people in his circle that would harm her at his direction. A.R. 171. Horrifyingly, Drivedas instructed a group of men to drug, kidnap, and rape Ms. Rivas-Ramos to teach her a lesson. A.R. 171-72.

The rapists also threatened to harm Ms. Rivas-Ramos's daughters if she reported the crimes to the police, so she went to the doctor and attempted to leave Drivedas. A.R. 172. This enraged Drivedas. He waited outside Ms. Rivas-Ramos's workplace; physically assaulted and threatened to kill her if she did not return to him; and threatened to use his acquaintances to continue harming her. A.R. 173. During this time, she also received three letters threatening to harm her and her daughters if Ms. Rivas-Ramos ever reported the rape. A.R. 174.

Scared for her life, Ms. Rivas-Ramos took her daughter to her mother's house and fled to the United States where she gave birth to her third child—who was a product of the rape. A.R. 172, 174. Even after she came to the U.S., Drivedas attempted to locate and contact her. A.R. 176. Ms. Rivas-Ramos has desperately tried to avoid contact with Drivedas. When he contacted her via Facebook, she deleted her account. A.R. 176. Because he attempts to contact her via her daughters, she calls them through a special cell phone and number. A.R. 176-77. Drivedas has threatened her mother; abducted her daughters; and attempted to give drugs to Ms. Rivas-Ramos's oldest daughter. A.R. 175. Shortly thereafter, the oldest daughter fled the home and moved in with her boyfriend. A.R. 175.

Despite her fear for her daughters, Ms. Rivas-Ramos cannot return to Honduras because it is likely Drivedas's violence will escalate again. If forced to return to Honduras, her life will be in grave danger. Given Drivedas's gang connections and his previously documented stalking, Ms. Rivas-Ramos fears he will find her anywhere in Honduras—a country notorious for failing to protect women.

B. Coercive Control Exercised By An Abuser Prevents Their Partner From Terminating The Abusive Relationship By Merely Ending Cohabitation.

Domestic violence does not end when an abused woman physically separates from an abuser. Contrary to the assumptions made by the Board of Immigration Appeals that Ms. Rivas-Ramos did not demonstrate her membership in the particular social group consisting of "Honduran women who are unable to leave a domestic relationship" because she briefly separated from him before being manipulated back

into their relationship (A.R. 4), domestic violence is not merely a time-limited series of discrete acts that can be remedied by physical separation.³ Rather it is a continuous pattern “that includes tactics to isolate, degrade, exploit, and control” the victim “as well as to frighten them or hurt them physically.”⁴ The point of this pattern—known as “coercive control”—is to, over time, “establish a formal regime of domination/subordination behind which [the abuser] can protect and extend their privilege[s].”⁵

As the facts of this case make shockingly clear, an abuser does not simply stop the abuse when his victim leaves. To the contrary, research shows that domestic violence is more likely to *increase* upon physical separation.⁶ That is because “separation may be a signal to the perpetrator to escalate his behavior in an attempt to continue to control or punish his partner for leaving.”⁷ This is a well-known phenomenon referred to as “separation assault” which describes “the violence men use to prevent women from leaving the relationship, to force them to

³ See Petitioner’s Opening Brief at 22–23.

⁴ Evan Stark, *Looking Beyond Domestic Violence: Policing Coercive Control*, 12 J. Police Crisis Negots. 199, 201 (2012).

⁵ *Id.* at 206.

⁶ Kathryn J. Spearman, Jennifer L. Hardesty, & Jacquelyn Campbell, *Post-separation abuse: A concept analysis*, 79 J. of Advanced Nursing 1225 (2022).

⁷ Peter G. Jaffee, et al., *Common Misconceptions in Addressing Domestic Violence in Child Custody Disputes*, 54 Juvenile & Family Ct. J. 57, 59–60 (2003).

return, or to retaliate after they had left.”⁸

Experts therefore expect that violence, stalking, threats, and other kinds of coercive control that characterize abusive relationships will continue and will increase after the victim attempts to leave the abuser.⁹ Indeed, up to 90% of women report continued harassment, stalking, or abuse after separation from an abusive partner.¹⁰ The consequences can be devastating; cases involving these modes of abuse are associated with an alarming rate of femicide.¹¹ The likelihood of an escalation of the abuse is even greater in cultures with rigid gender roles, such as Honduras.¹²

Moreover, a woman’s inability to leave an abusive relationship following separation is increased where, as here, there is a lack of police enforcement and inadequate prosecution of domestic violence. In

⁸ Michelle L. Toews & Autumn M. Bermea, *“I Was Naïve in Thinking, I Divorced This Man, He Is Out of My Life”*: A Qualitative Exploration of Post-Separation Power & Control Tactics Experienced by Women, 32 J. of Interpersonal Violence 2166 (2015).

⁹ Cathy Humphreys & Ravi K. Thiara, *Neither Justice nor Protection: Women’s Experiences of Post Separation Violence*, 25 J. of Social Welfare & Family L. 195, 199–201 (2003); Jane K. Stoeber, *Enjoining Abuse: The Case for Indefinite Domestic Violence Protection Orders*, 67 Vand. L. Rev. 1015, 1025–26 (2014) (finding that an increased risk of violence continues for years after separation).

¹⁰ Spearman, Hardesty & Campbell, *supra*, n.6.

¹¹ See Esperanza Garcia-Vergara et al., *A Comprehensive Analysis of Factors Associated with Intimate Partner Femicide: A Systematic Review*, 19 Int’l J. Env’t Res. Pub. Health 7336, at 11 (2022).

¹² Mary Ann Dutton & Giselle Haas, *Expert Testimony Concerning Battering*, Manual on VAWA Immigration Relief 5 (2000).

Honduras, domestic violence is not criminalized but there are penalties for violent acts against family members.¹³ Honduran women often do not report domestic violence due to their fear of the abusers and the inadequacy of the legal system. The government tried to improve its response to domestic violence, but “[o]bservers noted this effort was insufficient due to inadequate budget allocations, limited or no services in rural areas, absence of or inadequate training about and awareness of domestic violence among police and other authorities, and male-dominant culture and norms.”¹⁴ Although Honduran law criminalizes all forms of rape, including spousal rape, the Department of State has determined that the law is not effectively enforced and weak public institutional structures contribute to the inadequate enforcement.¹⁵

Ms. Rivas-Ramos was able to leave the home she shared with her abuser for a short period of time, during which she struggled financially, raising her child alone, before Drivedas was able to draw her back into cohabitation. Once she returned to their shared home,

¹³ U.S. Dep’t of State, 2022 Country Reports on Human Rights Practices: Honduras, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/honduras/> (last accessed June 1, 2023).

¹⁴ *Id.* See also International Rescue Committee, Crisis in Honduras: Ongoing violence and climate shocks, <https://www.rescue.org/article/crisis-honduras-ongoing-violence-and-climate-shocks> (last accessed June 1, 2023) (“Gender-based violence in Honduras is also among the highest in the region and has increased during the pandemic. Indeed, Honduras is seeing a plague of ‘femicides’—a woman is murdered every 36 hours, mostly by an intimate partner.”).

¹⁵ U.S. Dep’t of State, *supra* n.13.

the abuse intensified. Drivedas physically assaulted her regularly, including during her second pregnancy. He attacked her with a bottle, causing a permanent scar on her cheek. He threatened her life and her children's lives and told her that she ever left him, he would take their children. He sent a group of men to brutally rape her. And when she did move out of their home again after years of escalating violence and attacks, he continued to stalk and threaten Ms. Rivas-Ramos. Her abuser sought to control and keep her with him, and when she attempted to take steps to protect herself, he retaliated against her. Her abuser would not let her separate from him and continued to control her regardless of where she lived.

C. Research Shows That Relationships Similar to Ms. Rivas-Ramos's Often End in Lethal Violence.

The premise of the decision denying Ms. Rivas-Ramos's asylum application is the mistaken belief that because she was able to briefly live separately from her abusive partner, she would be able to leave her relationship again without the ongoing threat of harm to her from the relationship.¹⁶ This is both at odds with the plain facts of this case and decades of research regarding intimate partner violence. Research has found that physical separation does not preclude the threat of violence, nor should it be considered as the sole determining factor, as the underlying decision in this case suggests. In fact, leaving an abuser after cohabitating increases the risk of being killed by that abuser,¹⁷

¹⁶ See Petitioner's Opening Brief at 22.

¹⁷ U.S. Dep't of Justice, Bureau of Justice Statistics, Violence Against Women: Estimates from the Redesigned Survey 4 (1995) (reporting that

particularly in abusive relationships where other lethality factors and predictors are present.

For decades, researchers have recognized that a number of separate factors must be considered in evaluating the risk of intimate partner violence or homicide. One of the first such assessments, developed in 1985, included 15 distinct factors and has been revised multiple times since.¹⁸ The original 15 factors were expanded to 20 after an 11-city study identified additional risk factors that impacted the likelihood of intimate partner homicide. Notably, these included situations similar to the facts in Ms. Rivas-Ramos's case where the victim had a child who was not the biological child of the abuser, where the victim had left the abuser after having lived with them, and where the abuser exhibited stalking behavior.¹⁹ That study found that nearly 44% of intimate partner homicides and 46% of attempted intimate partner homicides took place where the victim had separated after living with the abuser.²⁰

Clearly, leaving an abuser does not guarantee the safety of a victim of intimate partner violence or their children. One study found

75% of all reported domestic abuse complaints involve women no longer living with their abusers).

¹⁸ Jacquelyn C. Campbell, et al., *Assessing Risk Factors for Intimate Partner Homicide*, 250 Nat'l Inst. of Justice J. 15 (Nov. 2003).

¹⁹ Jacquelyn C. Campbell, et al., *The Danger Assessment: Validation of a Lethality Risk Assessment Instrument for Intimate Partner Femicide*, 24 J. of Interpersonal Violence 653, 661–62 (April 2009).

²⁰ *Id.* at 664.

that the mere act of separating from an abusive partner can *increase* the likelihood of a woman being killed by her abuser by 600%.²¹

Another study found that over three-quarters of victims surveyed experienced further abuse and harassment of varying levels after leaving their abusers, and over a third of victims surveyed experienced such abuse more than a year after separating.²² Ongoing abuse is common where the abuser and victim have a child together, whose existence binds the two regardless of whether they remain in a relationship.²³ Whether due to social or familial pressure, or cultural norms, existence of a child may require that a father be allowed to remain present even if his involvement will place their mother at

²¹ Jennifer L. Hardesty, *Separation Assault in the Context of Postdivorce Parenting: An Integrative Review of the Literature*, 8 *Violence Against Women* 597, 601 (2002). *See also* Jennifer L. Hardesty & Grace H. Chung, *Intimate Partner Violence, Parental Divorce, and Child Custody: Directions for Intervention and Future Research*, 55 *Family Relations* 200, 201 (2006) (“[S]eparation is a time of *heightened risk* for abused women. Studies indicate that violence often continues after women leave and sometimes escalates” (emphasis added)).

²² Darrell Payne & Linda Wermeling, *Domestic Violence and the Female Victim: The Real Reason Women Stay!*, 3:1 *J. of Multicultural, Gender & Minority Studies*, 4 (2009).

²³ *Id.* (stating that “child contact was a point of vulnerability for ongoing post-separation violence and abuse”); Hardesty & Chung, *supra* n.21, at 201 (“When children are involved, women tend to perceive a threat of repeat violence, in part because they are not able to sever all ties with the abuser after separation. Instead, they often have ongoing exposure to the abuser as they negotiate custody and shared parenting”).

significant risk.²⁴

Multiple factors determine the likelihood of intimate partner homicide, including whether there is prior evidence of abuse or violence.²⁵ Other factors include where the abuser is older than the victim and when the victim is a woman between 15 and 44 years old.²⁶ A meta-analysis of 17 studies from the past 20 years found that factors such as the victim being separated from the abuser or if the victim had children with someone other than the abuser doubled the likelihood of intimate partner homicide as opposed to non-lethal violence.²⁷ While some factors are given greater weight than others, research has clearly shown that every single one of them increases the likelihood of an abused woman being killed by her abusive partner.²⁸

The above research forms the basis of the “Lethality Assessment,” a tool to assess risk of lethal violence in intimate partner relationships, which has been utilized by police departments and emergency services

²⁴ Colleen Varco & Lori G. Irwin, *“If I Killed You, I’d Get the Kids”*: *Women’s Survival and Protection Work with Child Custody and Access in the Context of Woman Abuse*, 27 *Qualitative Sociology* 77, 86 (2004).

²⁵ Jacquelyn C. Campbell (2009), *supra* n.19, at 656 (finding prior intimate partner violence as “clearly the most common risk factor,” appearing in 67% to 80% of intimate partner homicide cases).

²⁶ *Id.*

²⁷ Chelsea M. Spencer & Sandra M. Smith, *Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis*, 21:3 *Trauma, Violence, & Abuse* 527, 535 (2018).

²⁸ Jill T. Messing, et al., *Police Departments’ Use of the Lethality Assessment Program: A Quasi-Experimental Evaluation*, U.S. Dep’t of Justice, 45 (March 2014) (“Each of the risk factors on the Lethality Screen has been found to increase risk for intimate partner femicide”).

personnel across the United States.²⁹ These are highly respected assessment tools which have been incorporated into state law, including states in this Circuit such as Arkansas and North Dakota.³⁰ Decades of research make clear that each of the factors identified in a lethality assessment are important in determining the safety of survivors of intimate partner violence and the likelihood that they will face further violence or death.

Ms. Rivas-Ramos's case evidences multiple examples of the most heavily weighted factors found to lead to intimate partner homicide. Ms. Rivas-Ramos was a minor, and younger than her abuser, when she became pregnant with their first child. She also suffered from years of physical, sexual, emotional, and verbal abuse, including abuse while pregnant, and stalking from her abuser before escaping to the United States. Her abuser had her followed, intimidated, and harassed by multiple men who ultimately assaulted and raped her. She now has two additional children not with her abuser, one of which is a product of her rape. After she left their shared home, he followed her, threatened and intimidated her mother, and kidnapped their two daughters.

²⁹ National Sexual Violence Resource Center, Sexual Assault Response (“The lethality assessment screening tool is currently used as a component of the LAP in 32 states, with continued success.”), <https://www.nsvrc.org/sarts/toolkit/5-7> (last accessed May 10, 2023).

³⁰ Ark. Code Ann. § 12-12-108 (2018) (codifying assessment factors providing specific “lethality assessment” questions law enforcement must ask when responding to a report of domestic violence); N.D. R. Ct. 8.11(b)(2) (2009) (identifying knowledge of “lethality assessment” in North Dakota family law as required for any court appointed parenting coordinator).

Ms. Rivas-Ramos has suffered a well-documented history of violence that includes multiple factors identified as making further and potentially lethal violence more likely.³¹ Even having only previously *threatened* a victim increases the likelihood of homicide almost 500%, let alone having orchestrated the campaign of harassment and rape that is established in this case.³²

The court failed to consider the impact of the full range of ongoing abuse perpetrated in this case, ignored the fact that her abuser's behavior became increasingly more violent toward her, and incorrectly concluded that because she had been able to separate from her abuser there was a reduced risk of harm to Ms. Rivas-Ramos. To the contrary, the record in fact established, and the scientific literature further supports, that the Ms. Rivas-Ramos is at a very high risk of lethal violence should she be forced to return to Honduras.

D. Stalking Behavior Is One Of The Strongest Factors In Predicting Continued Intimate Partner Violence And Evidences The Abuser's Attempts To Continue To Control Their Partner.

One of the strongest indicators of the likelihood of intimate partner violence is stalking behavior—a fact that was not properly

³¹ Spencer & Smith, *supra* n.27, at 536 (the “highest percentages” for intimate partner homicide include “previous violence toward the victims, such as threatening to harm the victim, threatening the victim with a weapon, perpetrating nonfatal strangulation, perpetrating forced sex, perpetrating stalking, and if perpetrator previously abused the victim while she was pregnant”).

³² *Id.* at 535.

considered in this matter.³³ The ongoing risk of violence where there is stalking is unfortunate though unsurprising, as violence, stalking, threats, and other kinds of coercive control that characterize abusive relationships often continue well after the intimate partners no longer live together.³⁴

Research has found stalking to be the most important factor in predicting post-relationship violence or homicide.³⁵ One study found that more than three-quarters of women killed in a 10-city study were stalked by their partners before their deaths.³⁶ Stalking presents a clear likelihood that an abuser will kill their victim rather than just inflict violence.³⁷ As many as 76% of women murdered by their partners were stalked before the murder took place, and 79% of victims reported

³³ See Petitioner’s Opening Brief at 26–27.

³⁴ Humphreys & Thiara, *supra* n.9; Stoeber, *supra*, n.9, *Enjoining Abuse*, 67 Vand. L. Rev. at 1025–26 (finding that an increased risk of violence continues for years after separation).

³⁵ Aaron J. Kivisto, *Male Perpetrators of Intimate Partner Homicide: A Review and Proposed Typology*, 43 J. Am. Acad. Psychiatry Law 300, 307 (2015) (“Research on the relative risk of these subtypes suggests that ex-intimate stalkers present the highest risk of engaging in fatal and nonfatal violence.”).

³⁶ *Id.*

³⁷ Jacquelyn C. Campbell, et al., *Intimate Partner Homicide: Review and Implications of Research and Policy*, 8 Trauma, Violence, & Abuse 246, 253 (2007) (“Stalking by current or former intimate partners may be an even more common risk factor of [intimate partner] homicide than [intimate partner violence], and women almost exclusively experience this form of [intimate partner violence].”).

being abused at the same time as being stalked.³⁸

Stalking in the context of intimate partner violence can be evidenced in multiple ways. The four primary categories of stalking include surveillance, life invasion (e.g., unwanted contact or harassing family members), intimidation, and interference through sabotage of attack.³⁹ There are 14 factors that help determine the risks posed by stalking, including the intensity of the conduct, threat follow through and the ability to carry out threats, history of abuse, persistence after resistance of the victim, proxy stalking by enlisting the assistance of others,⁴⁰ the abuser's use of technology, as well as the victim's fear of abuse and vulnerability.⁴¹ Scrutiny of these factors can be invaluable to identifying threats to women's lives, as stalking is often the last warning sign before intimate partner homicide.⁴²

³⁸ Stalking Prevention Awareness and Resource Center, *Stalking & Intimate Partner Violence: Fact Sheet*, https://www.stalkingawareness.org/wpcontent/uploads/2018/07/SPARC_IPV_StalkingFactSheet_2018_FINAL2.pdf (last accessed May 10, 2023).

³⁹ Stalking Prevention Awareness and Resource Center, *Judicial Officer Guide: Responding to Stalking*, p. 8, <https://www.stalkingawareness.org/wpcontent/uploads/2022/06/Judicial-Guide-For-Stalking.pdf> (last accessed May 10, 2023).

⁴⁰ The use of third parties is an important factor in considering the coercive power an abuser has on their partner. See Mary Ann Dutton & Lisa A. Goodman, *Coercion in Intimate Partner Violence: Towards a New Conceptualization*, 52 *Sex Roles* 743, 745 (2005).

⁴¹ *Id.* at 15.

⁴² *Id.* at 16 (“Prior to attempted or completed intimate partner femicide, the most common use of the criminal justice system was reporting partner stalking.”).

Ms. Rivas-Ramos's case involves some of the worst aspects of stalking behavior. Over the course of several years, Drivedas continuously through his own actions, and through others, surveilled, harassed, and threatened Ms. Rivas-Ramos, her family, and her children. He also enlisted others to follow her to work, where she was intimidated, assaulted, and raped at his direction. Even when she tried to separate from him and moved to the United States, her abuser made use of technology to follow, stalk, and harass Ms. Rivas-Ramos online.

IV. CONCLUSION

The BIA's decision, which is based on assumptions about domestic violence perpetrators and stalkers that are contrary to decades of consistent evidence based research, creates bad law and poor precedent for women fleeing abusive relationships. The case should be returned to the Immigration Court for further proceedings.

June 2, 2023

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CERTIFICATE OF COMPLIANCE

This amicus brief complies with this Court's length limitation because it contains 4,374 words, excluding exempted parts of the brief. This brief also complies with the Court's typeface requirements because it has been prepared in a proportionally spaced typeface using Microsoft Word in Century Schoolbook 14-point font.

June 2, 2023

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I hereby certify that I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

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