

New York Times

Do You Take This Immigrant?

By Nina Bernstein

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THE retired mechanic from Michigan looked shell-shocked beside his bride, a classical pianist from Moscow who clutched the printed e-mail exchanges of their Internet romance. Young newlyweds from Long Island, still recovering from their reception for 600 guests the previous weekend, faltered as their lawyer quizzed them on the details of their City Hall ceremony four months before. A Manhattan woman bickered with her Turkish spouse about the kinds of questions they had been warned to expect.

Did they know the color of each other's toothbrush? The pattern of the bathroom tile? What had they done last New Year's? And were they ready to answer far more intimate queries from a government official hunting for signs their marriage was fake?

"Embarrassing questions," explained the Manhattanite, Lindsay Garvy-Yeguf, 28, the butterfly tattoo on her foot growing jittery, as her husband, Gunes Yeguf, 31, turned paler in his dark suit. "They might ask you about your sex life."

These three were among dozens of couples inside federal immigration headquarters in Manhattan one recent Tuesday, seated in a crowded waiting room where posters exhorted everyone to "Celebrate Citizenship, Celebrate America."

Having flunked their first interviews with United States Citizenship and Immigration Services, they had entered the mysterious world of the "Stokes unit," a uniquely New York variation on the marriage interviews conducted nationwide whenever a citizen seeks a green card for a foreign spouse. Named for a 1976 federal court settlement that gave couples, among other protections, the right to bring a lawyer to a second, recorded interview if their first one raised suspicions of fraud, the Stokes unit recently doubled its staff to 22 officers.

It is a story line familiar from pop culture: "The Proposal" last year, "Green Card" in 1990. And while the authorities do not question the validity of the marriage of Faisal Shahzad, the failed Times Square bomber, his arrest last month did renew questions about the process of scrutinizing spousal green-card petitions. Nationwide, the number of such petitions denied for fraud is tiny: 506 of the 241,154 filed by citizens in the last fiscal year, or two-tenths of 1 percent (an additional 7 percent were denied on other grounds, like failing to show up for an interview).

Some critics contend that the low numbers simply show the system is easily fooled, while others say that exaggerated estimates of marriage fraud over the years have created a bureaucratic monster, thwarting legitimate, if unconventional, couples and spurring unconstitutional intrusion into their lives.

In some parts of the country, the authorities stage dawn bed checks. “Someone shows up at your house with a badge and a gun, unannounced,” said Laura Lichter, an immigration lawyer in Denver. “ ‘Hi, we’re here from immigration. Do you mind if we come in to look and see if two towels are wet?’ ”

While Stokes makes such home visits off-limits in New York State, lawyers and immigrant advocates complain that, at its worst, the process is a Kafkaesque version of “The Newlywed Game,” with dire consequences: those who fail can be put on a path to deportation. Couples’ futures together depend on proving separately to a skeptical bureaucrat that, as the law states, they did not marry “solely” for a green card. (Passing the interviews simply makes a foreign spouse eligible for a green card; getting one requires a separate application and security clearance.)

In the modern jambalaya of online dating, arranged weddings, bicoastal relationships, open marriages and serial divorce, a bona fide union can be harder than ever to discern, leaving lovers who are unable to produce a land-line telephone bill facing questions about birth control. That Tuesday in the Stokes unit, one couple volunteered that the wife was eight weeks pregnant only to have the husband be asked: “Is it yours?”

“The latitude that officers have is broad, and one that has to be exercised with a lot of care,” said Andrea Quarantillo, the immigration agency’s district director for New York. “Is it perfect? No. It’s judgmental.”

According to an agency worksheet that was recently leaked online, red flags include “unusual cultural differences,” a large age discrepancy, an “unusual” number of children and a citizen with meager means. Daniel Lundy, an immigration lawyer, said the boxes on the worksheet “pretty much invite racial profiling and other stereotypes.”

“You could be married 50 years and still find it difficult to pass,” Mr. Lundy said of the Stokes process.

The unit’s lore is worthy of its own reality TV series — sham couples caught red-handed, yes, but also quirky ones whose authenticity surprised everyone. The gay man who claimed he had suddenly found his female soul mate (denied); the recovering alcoholic who had lost his memory (approved); the man who volunteered that he had erectile dysfunction in an attempt to explain why his mate did not know the location of his nine tattoos (unsuccessful); the elderly citizen who lost an arm in a subway accident, but found happiness with a young Caribbean wife (successful).

“We can’t impose our definition of marriage, especially being in New York,” said Maria Guerra, a Stokes supervisor. “We’ve seen it all.”

AN officer looked out on the waiting room, trying to read body language. Were some couples over the top, snuggling and holding hands? Did some seem like strangers?

In one corner were the newlyweds from Long Island: Ersan Kahyaoglu, 25, a robustly built electrician, American born of Turkish descent, his rumpled shirt hanging out; and Dilek Kahyaoglu, 21, Turkish but having lived in America for a decade, slim in her fitted black suit.

“I think it’s impossible to know all the answers,” Mr. Kahyaoglu complained. “I don’t remember what color her dress was at the civil ceremony. It was, like, different colors.”

His wife prompted him, gently: “Black and white, flowery.”

“Who cooks?” asked their lawyer, Raj Jadega, practicing. “I cook,” she said proudly.

“When was the last time you made dinner?” She looked blank.

“Then you don’t cook,” he said.

It would have been funny if the stakes were not so grave. The couple was an automatic Stokes referral because the wife was in deportation proceedings. She had come with her family on a tourist visa at 11 and was 13 when their applications for green cards derailed because their first “lawyer” was not one.

“The questions can be arbitrary and very detailed, and they’re on the firing line right now,” Mr. Jadega said, as the couple discussed the fine points of each other’s favorite music and food (Techno? More like rock. Chicken parmigiana or stuffed peppers? Chicken.) “If a certain number of questions are answered incorrectly,” he said, “they can stop the interview right there.”

It was hours later when the nervous groom emerged from his interview. The officer had mainly asked “basic stuff,” he said: “birth dates, the type of house we live in, how much rent we pay — maybe 25 questions.”

But then: was his wife on birth control?

“I said no,” Mr. Kahyaoglu said. “He said that could mean using condoms. I said, ‘No sir, we’re not using anything.’”

Separately, his wife was pressed about condom use, and said, “Once in a while.”

“How am I supposed to explain it to him?” the groom asked later. “ ‘Well, sometimes I feel like reaching into the drawer by the bed — ’?”

Despite the discrepancy, they passed, and left rosy-cheeked, elated.

THE idea of marriage as a gateway for terrorists, and prosecutions of scandalous fake-marriage rings, have periodically stirred alarm. In 1986, an estimate by the immigration agency that one in three marriages were counterfeit spurred Congressional preoccupation and tough laws, but turned out to be a gross exaggeration — it was later revised to 8 percent.

An agency audit of marriage fraud, conducted in 2007, has never been released. When The New York Times filed a request for such data under the Freedom of Information Act, the agency identified 656 relevant pages, but blacked out 655, saying the information would disclose the deliberative process or law enforcement techniques. The Times has appealed.

Agency officials said they could not provide New York statistics to compare with national numbers, or even count what share of New York couples were referred to the Stokes unit, because of a flawed computer system. Officials did agree to track results during two weeks in April: 93 of the 114 couples interviewed were approved, or 81 percent. In addition to the 21 interviewed couples whose denial was pending, 2 other marriages were deemed invalid because prior divorces were flawed, and 22 couples were no-shows denied out of hand.

On that Tuesday, 5 of the 25 couples in the Stokes waiting room were headed to rejection because of discrepancies, though none were among those The Times had interviewed beforehand, and none were classified as fraudulent.

“We’re not mind readers,” Ms. Guerra, the Stokes supervisor, said. “If we lived with them for a month, we might see they have a marriage. But if they get everything wrong in the interview, we have to deny the case.”

Stokes supervisors said that officers were trained to avoid questions about sex, but they cannot stop X-rated answers, like one from the citizen wife who was asked what she did for her spouse’s birthday and began recounting their night together in explicit detail. Some couples offer photographic evidence in the mistaken belief that the government requires proof of a marriage’s consummation.

“It’s not something a normal couple would do,” Ms. Guerra said. “They’re overcompensating.”

Occasionally the cubicle turns into a confessional, with one spouse revealing infidelities — even children — unknown to the other. And though the criminal penalties for marriage fraud are up to five years in prison and a \$250,000 fine, a few citizens risk prosecution, withdraw their petition and exit by a back door, leaving officers to break the news to the immigrant spouse.

Barbara Felska, a star of the Stokes unit, said her message to couples was: “Do not fear Stokes if your marriage is real — all you need is love!” But her method is to seek evidence of three aspects of a marriage: legality (like valid divorce decrees); the commingling of assets and other joint documentation (which young or poor couples often lack); and “mental and emotional connection through shared life experience.”

The last is the most subjective, and Ms. Felska, 38, a naturalized citizen from Poland who won the green card lottery, likes to dream up creative questions while doing dishes. Like: “What piece of jewelry means the most to your wife?”

On this Tuesday she was examining the three-year marriage of Yusuf Mohammed and Sally Bines. Mr. Mohammed, 42, a twice-divorced and Muslim taxi driver, had not seen his sons in Ghana for seven years; his first American wife had dropped her petition for his green card. Ms.

Bines, 41, a Christian divorcée of Puerto Rican descent, was studying to be a teacher at Hostos Community College, where they met.

They were ushered past a cubicle where an officer could be heard demanding, “But are you the bill-payer?” and again, louder, after some Spanish translation, “So you’re the bill-payer, yes or no?”

Ms. Felska has a lighter touch. She tells couples: “I should never know more after interviewing your husband or your wife for 45 minutes as a federal officer than you know about her or him after two years of marriage.” The key moment, she finds, is when couples try to explain mismatched answers.

Indeed, Ms. Bines left that afternoon in a huff over one of her husband’s responses. “Some jewelry he said he bought me that he didn’t buy, he’s going to buy me right now!” she announced, as he tried to explain that he had always meant to buy her that necklace.

The very real quarrel helped convince Ms. Felska that the marriage was real, too.

ANOTHER union approved that day was the Internet romance between the retired mechanic, Larry Christiansen, 66, and his Russian bride, Alla, 53, who has a Ph.D. in music and a daughter at Baruch College.

Theirs was the kind of international courtship that Congress moved to regulate in 2005, requiring that the citizen disclose any criminal record to the foreigner —the first such law to cast the American husband as potential villain. It was a striking shift from 1986, when Congress passed the Immigration Marriage Fraud Amendments after hearings that harped on “the devious foreign husband trying to dupe some poor American citizen into marrying him,” said Kerry Abrams, a legal scholar at the University of Virginia.

Mr. Christiansen, a white-haired man with an arthritic gait who was divorced in 2001 after 35 years of marriage, called his new union “the best thing that ever happened in my life,” and was shocked when “they even asked me if she paid me to marry her!”

The couple’s lawyer, Irina Matiychenko, was pleased to report that when the officer reunited them and asked, “Who’s the boss?” there was instant disagreement.

“He said, ‘I’m the boss.’ And she said, ‘No, you’re not’ ” — a good sign that she was not playing the part of docile mail-order bride vulnerable to an abusive husband, Ms. Matiychenko explained.

Yes, there was a cultural gulf. “I’m basically a redneck and she’s very sophisticated,” Mr. Christiansen said. “The princess marrying the frog.

“She’s a sweetheart,” he added. “That’s what drew me to her. When she smiles, it’s real.”

NO lawyer helped Miguelina Montalvo Diaz, a 32-year-old mother from Yonkers, show that she and her Dominican husband of six months had a life together. The letter summoning them listed documents to bring, including a letter from their bank about joint accounts. So they quickly opened a joint account.

Red flag! Documents dated close to the interview immediately raise suspicion. A Stokes officer asked Ms. Diaz to explain. "I didn't want to have a joint account," Ms. Diaz said she protested. "You guys asked for that!"

But the couple emerged later arm-in-arm, giddy. Their separate answers to questions like "Where do you keep the hamper?" and "Where do you keep the shoes?" were "100 percent on target," said Ms. Diaz, who was recently laid off from a department store, and describes her husband, Ramon Emilio Diaz, who has four sons in the Dominican Republic, as a wonderful father to her 3-year-old boy. "We did good."

Still, they were not home free. The immigration officer had noticed that Mr. Diaz still had a separate account, in addition to their joint one. "They said he needs to put me on that account," Ms. Diaz said, adding, "My mom has been married 25 years and they don't have a joint account."

She was not about to argue. In the balance was the green card that would let Mr. Diaz easily visit the Dominican Republic and return. And because they had been married less than two years, Mr. Diaz could be granted only a "conditional" green card. In two years, they could be back in the Stokes waiting room, facing another round of personal questions from another stranger.