## 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 ofinformation received from Indian Embassies in Feb-March2016

## INDEX

## **1. UNITED STATES OFAMERICA**



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

9Property Rights for aggrieved Indian wife in property of Overseas Indian spouse in foreign countrywomen without consideration of race, immigration status and nationality. Alist of such organizations in California can be found atww.cpedv.org. a list of organizations in USA can be seen athttp://www.thehotline.org/8Grant of permanent residency to Indian women/children abandoned by Overseas Indian spouse in IndiaPermanent residency is provided to the Indian women/ children if the spouse is a USA citizen or permanent residence. 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 tattered spouses of US tattered spouses in India9Property Rights for aggrieved Indian wife in property of Overseas Indian spouse in foreign countryAggrieved Indian wife has the claim to the husband's property in USA provided they are marriage and wife's unable to work or earn liwelhood due to physical/educational deficiency. Moreover, asper '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			
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rights in few cases. The Wife			
	L	1	3

		may not need to be present if
		she hires
		an attorney to work with her.
10	Abuse/Domestic violence/Ill-	The Govt of USA provides
	treatment of wife by the NRI/PIO	legal/financial unemployment
	husband	benefits to the victims
		provided the husband is a USA
		citizen or permanent residence.
		Moreover, an NGO-ASHA for
		women canbe
		contacted for legal and
		financial assistance.
11	Child abduction/Charges on wife by	As any child that is born in
	overseas Indian husband	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.
		Accordinglyjudgmentisdeliver
		ed.
		TheUSStateDepartmenthas2
		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	Sameaspoint12.
12	when	Sumeaspoint12.
	children, spouse are based abroad	
13	Ex parte decree/divorce in foreign	Divorce either mutual or in
	country	absence of the Indian spouse
	y	in the country is possible
		throughlegal
		means or with help of NGOs.
14	How much money is required to file a	Thelegalcostsmayvaryfromca
* *	case in such matters	setocaseandcan
		rangefrom\$10to
		\$50, 000. Legal fees are very
		high and mostly hourly basis
		in USA.
15	Look out circular of Overseas Indians	Execution may be facilitated
10	sent by GOI to foreign government	through Mutual Legal
	sent by GOI to foreign government	Assistance
		Treaty (MLAT)
16	Legal assistance by foreign	It is possible to seek the legal
10	5	
	government to the aggrieved woman to	assistance from the foreign
	file case against overseas Indian	government provided the
		spouse is a USA
		citizen/permanent

		· · 1
		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 tosend 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.