**Elena Maria Lopez**

(State-issued protected address for domestic violence victims in danger)

New Jersey

**Testified before** [**U.S. Senate Judiciary Committee**](https://www.c-span.org/video/?c4661289/elena-maria-lopezs-testimony-senate-judiciary-committee) **on March 15, 2017:**

**“Vows for Visas: Investigating K-1 Fiancé Fraud”**

**[**[**C-SPAN clip**](https://www.c-span.org/video/?c4661289/elena-maria-lopezs-testimony-senate-judiciary-committee) **or** [**written testimony**](https://www.judiciary.senate.gov/meetings/vows-for-visas-investigating-k-1-fianc-fraud)**]**

**Congressional District:** (Undisclosed for safety)

**Senators:** Cory Booker & Robert Menendez

**Representative:** (Undisclosed for safety)

**Country of Foreign Spouse:** Netherlands

**Date of Marriage:** August 2000

**Type of Fraud(s), Criminal Activities:** Visa;Marriage; False statements (K-1 visa and I-485 green card forms); “Inadmissible alien” due to criminal activities; Possibly VAWA/false abuse allegations; Assaults and terrorist threats against U.S. citizen spouse

**Foreign Spouses’ Immigration Status Prior to Marriage:** K-1 fiancé(e) visa

**Spouse Current Immigration Status:** Permanent resident; Possibly U.S. citizen

**Abuse from Foreign Spouse:** Yes

**Divorced:** Yes

**Children w/Foreign Spouse?:** No

**Agencies Contacted:** DHS (USCIS**,** ICE, FDNS, VOICE), FBI (Brussels & N.J.), Dept. of State, U.S. Attorney General, White House;alsoU.S. Senators & Representatives

**Case Summary:**

Out of the blue, Lopez’s husband changed his behavior starting on the night of their second anniversary. He coldly announced they were divorcing. His change was so abrupt that she assumed he was just going through “a phase.” She suggested marriage counseling. He refused, admitting he only married her for a green card and gloated about passing the necessary two-year marriage requirement.

Shocked by his intentions all along, she immediately applied for a legal separation and refused to remain his sponsor into the country. Upon her refusal and seeing her legal paperwork, he threatened to kill her if she ever contacted immigration authorities and physically attacked her. Lopez was able to get away, but was forced to flee her own home in West Chester, Pennsylvania. (She fled to her family’s home in New Jersey.)

When she went to her immigration office, investigators believed her story but claimed there was nothing they could do since she had been married two years. Instead, they gave her a list of government-funded domestic violence programs. *Not one of these taxpayer-funded domestic violence programs would help her since she was the U.S. citizen spouse.*

During the divorce, her husband again attacked her -- at gunpoint -- and repeatedly threatened her in the hopes of keeping her quiet. She soon discovered personal financial irregularities and fraudulent credit card applications he had made in her name. When contacting people in the Netherlands for information, she discovered a track record of drug running, money laundering, car theft, violent intimidation and quite possibly embezzlement.

With Pennsylvania police and immigration authorities refusing to help her, she was forced to hire a retired FBI special agent as a private investigator. Together, they soon found out her husband was an “inadmissible alien” and should’ve been barred from entering the country because of criminal activities in Holland. Instead, he bypassed a background check before permanently entering the country on a K-1 fiancé(e) visa (standard practice prior to Sept. 11, 2001). He also lied about material facts on his K-1 visa form and green card application (felonies and deportable offenses).

When Lopez, the retired FBI agent and her attorneys approached immigration investigators with legally admissible evidence, investigators refused to take their sworn statements or physically accept such evidence. After Lopez mailed copies of the evidence by certified mail to three different DHS offices (and the White House), the DHS claimed such evidence was lost or not on the file. (She has time-stamped receipts from multiple government offices confirming the receipt of such documents.)

After she moved back to New Jersey, state officials considered Lopez’s situation to be so grave that they issued her a special protected address for domestic violence victims in serious danger. Her ex-husband has promised to kill her if she corroborates his criminal and fraudulent activities to immigration authorities claiming he has “nothing to lose.”

Ironically, Lopez is considered to be the abusive spouse according to DHS protocol. Her [refusal to sign his immigration paperwork *makes her the abusive spouse*](http://www.alllaw.com/articles/nolo/us-immigration/abuses-qualify-immigrant-vawa-protection.html) based on immigration rules. The DHS considers such a refusal to be “emotional cruelty.” As a result, Lopez’s evidence – which clearly proves Erik Marcel Niehof’s criminal activities, violence, false statements and fraud -- is [barred by law from her husband’s immigration file based on Violence Against Women Act (VAWA)](https://www.dhs.gov/violence-against-women-act) provisions; Domestic violence laws are being used *against* the victims.

In February 2016, Fraud Detection and National Security Directorate (FDNS) staff warned Lopez that her ex-husband is “a dangerous man” and urged her to protect herself from him. (The FDNS is an investigative agency within the DHS.)

In March 2017, Lopez [testified before the U.S. Senate Judiciary Committee](https://www.c-span.org/video/?c4661289/elena-maria-lopezs-testimony-senate-judiciary-committee) about her case with Senate attorneys claiming she had one of the most credible and well documented immigration fraud cases they’ve ever seen. As an oversight committee, Judiciary staff attorneys have direct access to Niehof’s immigration file, which they used to corroborate Lopez’s evidence and testimony.

In April 2017, DHS staff confirmed the agency refuses to open an investigation on her ex-husband’s case despite officially being flagged by the FDNS and publicly cited by the Senate Judiciary Committee. Instead, the DHS launched an investigation on the FDNS investigators who contacted Lopez to make sure they didn’t overstep their authority.

In June 2017, the new [DHS VOICE office](https://www.ice.gov/voice) – which was set up to protect the American victims of immigrants’ crimes – refused to get involved in order to protect her foreign ex-husband’s privacy rights.

Despite Erik Marcel Niehof’s clearly documented violence, criminal activities and fraud, the DHS gave a green card to someone the agency clearly identified as “a dangerous man.” Lopez’s ex-husband remains eligible to renew his fraudulent green card or apply for U.S. citizenship, which he might have already attained.