



February 16, 2017

Statement on the Arrest and Detention by ICE of a Survivor of Domestic Violence at a Courthouse

Organizations dedicated to supporting immigrant survivors of domestic violence join in condemning the arrest and detention of a survivor of violence in El Paso, Texas, by the Department of Homeland Security (DHS) while she was attending a court hearing in connection with her abuse.

Information so far available indicates that U.S. immigration officials were present in a courthouse during a proceeding in which a victim of abuse was seeking an order of protection. Immigration enforcement officers must refrain from enforcement activities at or near courthouses. These types of enforcement actions create an enormous chilling effect on immigrant survivors who will not feel safe seeking protection from the courts if they fear deportation.

"Victims of domestic violence have to feel safe coming forward or they will not seek help," said Grace Huang of the Asian Pacific Institute on Gender Based Violence. "We have worked for decades to strengthen protections for victims in the courts and in services, and allowing fear of deportation to create more barriers makes our communities less safe."

It also appears that in this case that DHS may have been acting on information provided by the victim's abuser. The Violence Against Women Act (VAWA) includes important provisions regarding confidentiality protections for immigrant victims of crime, including domestic violence, sexual assault, dating violence, human trafficking, and stalking. DHS should not engage in enforcement activities based on disclosures made by abusers. Abusers often use victims' lack of immigration status as a tactic of abuse – threatening to report them to DHS and have them deported. Similarly, it is common for abusers to convince victims that if they reach out for help from the police they will be arrested or separated from their children.¹

"Stories like the one out of El Paso only fuel an abuser's threats, lending them credibility and making a survivor less likely to seek the protections afforded to them by law," said Cecelia Levin of ASISTA.

"Arresting complainants at a courthouse will stop victims from reporting crimes and sadly will make us all less safe," added Archi Pyati of the Tahirih Justice Center.

The policies contained in the recent Executive Orders issued by the President on January 25 and 27 have caused confusion and chaos across the country, both among immigrant communities and DHS agents tasked with implementing the orders.

¹ Futures without Violence "Immigrant Power and Control Wheel" Available at: <https://www.futureswithoutviolence.org/power-and-control-tactics-used-against-immigrant-women/>

An action like the one in El Paso creates additional fear and will cause harm among immigrant survivors of domestic violence who need to be able to access criminal and family court systems to be able to seek protective orders and other remedies to shield themselves and their children from further violence.

“VAWA was intended to protect all victims. If immigrants are afraid to call the police or seek protections in the courts, this only heightens their vulnerability to abuse and exploitation and drives them further into the shadows,” said Rosie Hidalgo of Casa de Esperanza: National Latin@ Network for Healthy Families and Communities.

“Immigrant women play a critical role in our communities – they are mothers, workers, organizers and leaders. Our legal system has recognized how the threat of deportation is often a barrier for immigrant women seeking safety from violence. The actions of this Administration shamefully undercut those protections and send a dangerous message to immigrant communities. We call on the Department of Homeland Security to clearly articulate to the public that anyone, regardless of immigration status, can access safety and justice in our court systems,” said Sameera Hafiz, advocacy director for the National Domestic Workers Alliance and We Belong Together campaign.

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