



March 3, 2015

Dear Representative,

As the Steering Committee and the Immigration Subcommittee of the National Task Force to End Sexual and Domestic Violence (“NTF”), comprised of national leadership organizations advocating on behalf of sexual and domestic violence victims and women’s rights, we represent hundreds of organizations across the country that are dedicated to ensuring *all* survivors of violence receive the protections they deserve. For this reason, we write in opposition to the **Gowdy Bill (H.R. 1148)** and similar legislative proposals that expand state and local participation in the enforcement of immigration laws.

Last year marked the twentieth anniversary of the bipartisan Violence Against Women Act (“VAWA”) which has, since it was first enacted, included critical protections for immigrant victims of domestic and sexual violence. Without a doubt, H.R. 1148 undermines the spirit and protections of VAWA and will have the effect of pushing immigrant survivors and their children into the shadows and into danger.

H.R. 1148 will significantly expand state and local authority to enforce immigration laws and encourage local officials to detain individuals who they think might have violated immigration laws. This will lead many immigrant victims of crime, including many victims of domestic and sexual violence and trafficking, to fear law enforcement, which in turn strengthens the ability of abusers and traffickers to silence and trap their victims. The individual victims will be harmed, and their fear of law enforcement will lead many to not report violent perpetrators or come forward to help in the prosecution of dangerous criminals. The safety of whole communities is threatened.

Specifically, the nation’s leading national organizations that address domestic and sexual violence oppose the H.R. 1148 because:

- 1) *It will harm survivors and compromise community safety.* Immigration enforcement must be “implemented in a way that supports community policing and sustains the trust of all elements of the community in working with local law enforcement.”¹ H.R. 1148 runs contrary to community policing efforts and will deter immigrant domestic violence survivors not only from reporting crimes, but also from seeking help for themselves and their children.² In many places across the country, undocumented immigrants are afraid to go to community organizations or even seek medical help due to fear of encountering

¹ Jeh Johnson, “Secure Communities” November 20, 2014. Available At:

http://www.dhs.gov/sites/default/files/publications/14_1120_memo_secure_communities.pdf

² Major Cities Chiefs Police Association. Letter to Speaker John Boehner and the Honorable Nancy Pelosi. (October 1, 2013). Available at: <http://nilc.org/nr100113.html>

law enforcement. In such jurisdictions, many survivors of domestic violence remain in the shadows—terrified to call the police or even reach out to others for help.

- 2) *H.R. 1148 will exacerbate immigrant victims' fear of law enforcement and will have a severe "chilling effect" on immigrant crime victims* – making them afraid to report crimes, and will jeopardize public safety overall. A recent research report found that 44% of Latinos overall and 70% of undocumented Latinos are less likely to contact the police to report they have been the victim of a crime if they fear it will lead to inquiries about immigration status.³ Other research shows that immigrant victims of domestic violence without legal status can be half as likely to call police as those with stable legal status.⁴
- 3) *H.R. 1148 will heighten a victim's fears that a call to 911 will lead to deportation.* Unfortunately, immigrant victims may already have reason to fear harsh consequences if they call the police, as there have been reports of immigrants being placed in deportation proceedings despite being victims of or witnesses to violent crimes.⁵ Instead of prohibiting inquiries into the immigration status of a victim or witness, H.R. 1148 implicitly urges police to inquire into the immigration status of everyone they encounter. Many jurisdictions have adopted policies explicitly to the contrary, recognizing that such policies will silence those who are in need of help.⁶
- 4) *H.R. 1148 will lead to abusive parents having primary care of their children.* Because H.R. 1148 requires that all undocumented immigrants apprehended by police are detained and transferred to DHS custody, many abused immigrants are particularly fearful that they will be held in jail or other detention facilities located far from their children and support systems that could help them secure their legal rights or care for their children. This forced detention will lead to two dreadful situations: (1) abusive partners will become the primary caretakers for children while victims are detained; or (2) victims will remain in dangerous relationships for fear of their children's well being. For this reason, immigration detention serves as another method in which abusers use the immigration system against their victims. "Detention is a particularly strategic tool of abusers of immigrant victims because the children then remain in the abusers' care."⁷
- 5) *H.R. 1148 Poses Due Process Concerns and Retraumatizes Victims.* Section 302 (a)(2) of H.R. 1148 (p.57) would allow the Attorney General to "consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime of violence. ..." By allowing evidence outside of the official "record

³ See N. Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement* (University of Illinois at Chicago (May 2013). Available at:

http://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF

⁴ L. Orloff, M.A.Dutton, G. Aguilar Hass, & N.I Ammar, *Battered Immigrant Women's Willingness to Call for Help and Police Response*, 13 UCLA Women's L. J. 43, 60 (2003). Tragically, many abused immigrants do not have legal immigration status precisely because their abusive spouses have deliberately blocked or withheld that status as a tool of abuse.

⁵ See, e.g., <http://latino.foxnews.com/latino/politics/2012/05/24/colorado-undocumented-woman-turned-over-to-immigration-after-making-domestic/>; http://www.huffingtonpost.com/2011/02/16/honduran-immigrant-faces-deportation_n_823962.html.

⁶ L. Tramonte, "Debunking the Myth of 'Sanctuary Cities': Community Policing Policies Protect American Communities," Immigration Policy Center-American Immigration Council Special Report (April 2011). Available at:

http://www.immigrationpolicy.org/sites/default/files/docs/Community_Policing_Policies_Protect_American_042611_update.pdf

⁷ Testimony of Leslye Orloff. "Ad hoc Congressional Hearing: Emerging Issues in Ending Violence Against Women." February 11, 2011. Available at: <http://www.legalmomentum.org/sites/default/files/reports/congressional-testimony.pdf>

of conviction”, an individual could be removed based on evidence that might not be admitted at trial, violating due process. In addition, currently most criminal domestic violence cases are settled via plea bargains, thus sparing victims from having to re-experience the abuse by testifying against their abusers in open criminal court. Allowing evidence outside the record of conviction will result in more contested removal hearings, possibly making the victims’ testimony more likely to be necessary.

On behalf of the courageous survivors of domestic violence, child and elder abuse, sexual assault, dating violence, stalking and human trafficking that our organizations serve, **we urge you to vote against the Gowdy Bill and similar legislation**, and thank you very much for taking that important step to protect and support immigrant survivors.

Please don’t hesitate to contact Grace Huang, Washington State Coalition Against Domestic Violence at grace@wscadv.org, or (206) 389-2515 x 209, or Andrea Carcamo, Casa de Esperanza, at acarcamo@casadeesperanza.org or (703) 942-5582 for more information.

Sincerely,

The National Taskforce to End Sexual and Domestic Violence (www.4vawa.org)