



July 1, 2016

Dear Senator,

As the Steering Committee of the National Taskforce to End Sexual and Domestic Violence (“NTF”), comprising national leadership organizations advocating on behalf of sexual and domestic violence victims and women’s rights, we represent hundreds of organizations and thousands of advocates across the country dedicated to ensuring **all** survivors of violence receive the protections they deserve. For this reason, we write to express our deep concerns about *S. 2193*’s, the “Stop Illegal Reentry Act”, impact on victims, and about *S. 3100*, the “Stop Dangerous Sanctuary Cities Act,” which would penalize communities with “sanctuary” policies. Such legislation would harm all victims of sexual assault, domestic violence, and trafficking, and in particular, immigrant victims, and all Americans.

***Community Trust Policies Are Critical Tools for Increasing Community Safety***

*S. 2193* and *S. 3100* undermine policies that local jurisdictions have determined are Constitutionally sound and are appropriate for their respective communities, and they decrease the ability of local law enforcement agencies to respond to violent crimes and assist **all** victims of crime, U.S. Citizens, and immigrants alike.

Laws that seek to intertwine the immigration and law enforcement systems undermine the Congressional purpose of protections enacted under the Violence Against Women Act (VAWA) and will have the chilling effect of marginalizing immigrant victims and allowing criminals to walk free. As VAWA recognizes, immigrant victims of violent crimes often avoid contacting law enforcement due to fears of deportation. According to a study conducted by the National Domestic Violence Hotline and the Casa de Esperanza: National Latin@ Network, 45% of the foreign-born callers expressed fear of contacting and/or seeking help from the police or courts.<sup>1</sup> Furthermore, 12% of US-born callers expressed fear of seeking help due to the current wave of anti-immigrant sentiment. Immigrants, both victims or witnesses with critical information, already fear contacting the police, and *S.2193* and *S.3100* will only exacerbate this fear. The provisions excepting policies relating to the sharing of victim or witness information do little to alleviate fear in immigrant communities, especially in situations involving vulnerable and isolated victims.

In addition, provisions in *S.3100* strip federal funding through Community Development Block Grant (CDBG) funds and Economic Development Administration (EDA) assistance for communities with “sanctuary” policies. These programs empower communities all across America and their cuts will harm communities by reducing access to critical housing and community services that are accessed by **all** victims. Domestic violence and sexual assault victims, U.S. Citizens and immigrants alike, in jurisdictions across the country rely on the critical services provided by CDBG funds.

***Perpetrators use fear of deportation as abuse.*** Local policies that minimize entanglement of local law enforcement with ICE help encourage vulnerable victims to report by creating trust between law

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<sup>1</sup> [http://www.nationallatinonetwork.org/images/files/HotlineReport\\_2\\_2015\\_Final.pdf](http://www.nationallatinonetwork.org/images/files/HotlineReport_2_2015_Final.pdf); <http://m.huffpost.com/us/entry/7112130?>  
<http://nomore.org/nomas/>

enforcement and the immigrant community, which in turn helps protect *entire* communities.<sup>2</sup> Abusers and traffickers use their victims' fear of deportation as a tool to silence and trap them. Not only are the individual victims harmed, but their fear of law enforcement leads many others to refrain from reporting violent perpetrators, and, as a result, dangerous criminals are not identified and go unpunished. These criminals remain on the streets and pose an immense danger to our communities.

***S. 2193's Harsh Criminal Penalties Will Harm Victims of Trafficking, Sexual Assault, and Domestic Violence.***

Many immigrant victims who are seeking safety from sexual assault, domestic violence and trafficking will be harmed by S. 2193's harsh criminal penalties for re-entry. Despite extensive documentation of rampant sexual violence, trafficking and impunity for domestic violence abusers, particularly in the Northern Triangle Central American countries, many immigrant victims have been, and are being, deported after having fled to the United States to escape the violence.<sup>3</sup> Penalizing victims seeking refuge from such violence is unconscionable and a poor use of law-enforcement resources.

In addition, immigrant victims are vulnerable to being arrested and prosecuted for crimes directly connected to their victimization. For example, victims of domestic violence are arrested and convicted of domestic violence-related crimes, even when they are not the primary perpetrator of violence in the relationship, often due to language and cultural barriers. In addition, victims of sex trafficking are often arrested and convicted of prostitution-related offenses. Often, victims are desperate to be released, and in some cases, reunited with their children upon arrest and/or during trial. These factors—combined with poor legal counsel, particularly about the immigration consequences of criminal pleas and convictions—have in the past, and will likely continue to, lead to deportation of wrongly accused victims who may have pled to or been unfairly convicted of domestic violence charges.<sup>4</sup> We are deeply concerned about the impact of S.2193 on these victims.

For these reasons, we urge you to affirm the intent and spirit of VAWA and oppose *S.2193, S.3100*, and other similar legislative proposals that may be introduced. Thank you very much for taking this important step to protect and support immigrant survivors of domestic violence, trafficking, and sexual assault.

For more information, please contact Grace Huang, Asian Pacific Institute on Gender-Based Violence at [ghuang@api-gbv.org](mailto:ghuang@api-gbv.org), (206) 420-7369, or Pierre Berastain, Casa de Esperanza: National Latin@ Network at [pberastain@casadeesperanza.org](mailto:pberastain@casadeesperanza.org), (214) 957-0363.

Sincerely,

***The National Task Force to End Sexual and Domestic Violence***

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<sup>2</sup> A study conducted by the University of Illinois - Chicago found that increased involvement of local police and immigration enforcement eroded trust between the police and immigrants, undocumented and documented. 45% of documented immigrants were less likely to report a crime while 70% of undocumented immigrants responded similarly. <http://www.motherjones.com/politics/2015/07/sanctuary-cities-public-safety-kate-steinle-san-francisco>

<sup>3</sup> See, [https://www.washingtonpost.com/local/social-issues/he-forced-me-many-times-i-ran-away-but-he-always-found-me-again/2016/01/31/78209ce2-bafa-11e5-99f3-184bc379b12d\\_story.html](https://www.washingtonpost.com/local/social-issues/he-forced-me-many-times-i-ran-away-but-he-always-found-me-again/2016/01/31/78209ce2-bafa-11e5-99f3-184bc379b12d_story.html);

[http://www.nytimes.com/2016/05/14/us-us-will-step-up-deportations-focusing-on-central-americans.html?\\_r=0](http://www.nytimes.com/2016/05/14/us-us-will-step-up-deportations-focusing-on-central-americans.html?_r=0)

<sup>4</sup> [http://www.nationallatinonetwork.org/images/files/Quote\\_Sheet\\_for\\_Hill\\_Visits\\_-\\_Service\\_Providers.pdf](http://www.nationallatinonetwork.org/images/files/Quote_Sheet_for_Hill_Visits_-_Service_Providers.pdf)