



January 27, 2015

Dear Senator,

As the Steering Committee 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 write *in opposition* to the **Aderholt** and **DeSantis** amendments to the Department of Homeland Security appropriations bill. These amendments are overly broad, sweep large numbers of victims into their scope and ignore the best interests of victims and their children.

We recently celebrated 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. The proposed amendments serve to undermine protections from removal for victims of domestic and sexual violence and undercut the spirit of VAWA.

We strongly urge you to vote **NO** on the following amendments:

### **DeSantis Amendment**

❖ What it does:

- This amendment prevents ICE from implementing the new detention and deportation priorities set in the November 20, 2014 Executive Action memo regarding Policies for the Apprehension, Detention and Removal of Undocumented Immigrants by preventing its implementation.
- This amendment disallows funding to support implementation, administration, enforcement, or carrying out of any policy that does not prioritize enforcement against those with domestic violence, and sexual abuse, and child abuse convictions. In particular, the November 20<sup>th</sup> guidance recognizes that immigrant victims of domestic violence may be convicted of violence themselves, and the amendment removes DHS discretion to consider the facts underlying the conviction.

❖ How it affects victims of domestic and sexual violence:

- Victims of domestic violence often do not seek help when they know that the consequences to the perpetrator (for example, a spouse or parent, or perhaps other family member) may result in the perpetrator’s deportation. This takes place due to their

financial dependence, and even close relationship to the perpetrator. As a result, this amendment will discourage victims from seeking help, reducing reporting and prosecution of crimes, making communities that are less safe and in which victims are more likely to endure abuse.

- Immigrant victims are vulnerable to being arrested and prosecuted for domestic violence, even when they are not the primary perpetrator of violence in the relationship. This frequently happens due to language and cultural barriers. Often, victims are desperate to be released and 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.
- The vast majority of sexual abuse, child exploitation and domestic violence convictions already fall within the highest priorities for enforcement; this amendment removes DHS discretion to consider the needs of victims.

#### ❖ **Aderholt Amendment**

##### ➤ What it does:

- Among other things, the amendment prevents the use of funds or fees for all of the November 20, 2014 Executive Action mandates by the president, including the renewal and continuation of the Deferred Action for Childhood Arrivals (DACA) program for young people who arrive in the United States as Children, and hinders the ability to implement the Deferred Action for Parental Accountability (DAPA) program, which provides protection for parents of U.S. citizen and Lawful Permanent Residents children. These programs grant immigrants who are not priorities for removal some protection from removal.
- The amendment also prevents the use of “funds or fees” to be used to carry out prior DHS guidance, including ICE Director Morton’s prosecutorial discretion memos (2011), USCIS referrals of Notices To Appear (2011), ICE response to Secure Communities Task Force (Apr. 2012), detainers (Dec. 2012), and adjustment of status under visa waiver program (Nov. 2013).
- The amendment prohibits any “substantially similar” policy changes to these memos in the future.
- The amendment also prohibits the use of funds or fees to “grant any Federal benefit” to any noncitizen pursuant to any of the policy changes in these memos.
- The amendment reinstates the Secure Communities Program.

- Impact on victims of domestic and sexual violence:
  - This amendment increases the vulnerability to abuse for immigrants by increasing: (1) fear of deportation and (2) financial dependence on abusers.
  - Eliminates DHS prosecutorial discretion to consider the needs of victims of domestic and sexual violence, including the trauma they have experienced, in prioritizing enforcement activities.
  - Increases victims' fear of deportation as a consequence of reporting crimes committed against them as a result of local law enforcement entanglement with ICE in implementing the Secure Communities Program. As a result, many violent crimes will go unreported.

We strongly urge members to prioritize the needs of immigrant victims of domestic and sexual violence, and reject these amendments. These recommendations are endorsed by the Immigration subcommittee and the steering committee of the National Taskforce to End Sexual and Domestic Violence, including the Asian Institute on Gender Based Violence, ASISTA Immigration Assistance, Casa de Esperanza: National Latin@ Network for Healthy Families and Communities, Futures Without Violence, National Immigrant Justice Center, the National Network to End Domestic Violence, and the Washington State Coalition Against Domestic Violence.

If you have any questions, please contact us for further information through Grace Huang, Washington State Coalition Against Domestic Violence at [grace@wscadv.org](mailto:grace@wscadv.org), or (206) 389-2515 x 209, or Andrea Carcamo, Casa de Esperanza, at [acarcamo@casadeesperanza.org](mailto:acarcamo@casadeesperanza.org) or (703)942-5582.