



July 12, 2023

Judiciary Committee
U.S. House of Representatives
2141 Rayburn House Office Building
Washington, DC 20515

Dear Committee Members:

On behalf of Esperanza United, we respectfully submit this letter to the United States House of Representatives as it considers the topic of “The Consequences of Criminal Aliens on U.S. Communities.” In this letter, we outline some of the barriers and concerns we hear from our Latina/o communities across the country regarding undocumented individuals who have experienced domestic and sexual violence.

For some background information, Esperanza United (formerly Casa de Esperanza: National Latin@ Network), specializes in prevention, crisis intervention efforts, and technical assistance for survivors of domestic and sexual violence. Esperanza United was founded in 1982 in St. Paul, Minnesota by four Latina advocates. In 2009, Esperanza United launched a national culturally specific resource center through grants from the U.S. Department of Health and Human Services and the Office for Violence Against Women, that provides training and technical assistance, research, and policy advocacy focused on addressing and preventing gender-based violence in Latino/a communities. Part of Esperanza United’s work is to advance the protections for all survivors who have experienced domestic or dating violence, sexual assault, and/or stalking.

As a culturally specific resource center, we receive information from advocates in Minnesota and from our vast national network of experts and practitioners throughout the United States. Our networks indicate that when xenophobic policies and practices arise, immigrant victims stop calling domestic violence hotlines, withdraw from programs, or are too fearful to go to court. Even when immigrant victims cooperate with law enforcement and local agencies, they fear attending court proceedings because of the threat of deportation, lack of language access resources, and concern of not being believed by those involved in the criminal legal system. Because of these reasons, many immigrants who have experienced domestic and sexual violence find it more dangerous to seek protection and justice than stay silent. For more information, see our Intimate partner violence (IPV) factsheet: Latinas and intimate partner violence evidence-based facts.¹

¹ Esperanza United. Intimate partner violence (IPV) factsheet : Latinas and intimate partner violence evidence-based facts. November 2021. Available at: <https://esperanzaunited.org/en/knowledge-base/content-type/ipv-factsheet-latinas-and-intimate-partner-violence-evidence-based-facts-2/>

From our experiences within the Latina/o community, we know that sometimes victims of domestic violence and sexual violence are mislabeled as criminals because they responded in self-defense, cannot communicate what occurred to the first responders, and/or are met with bias from the first responders who speak to the more acculturated individual on scene, which is often the perpetrator of violence. This wrongful categorization makes the adjustment of immigration status increasingly difficult and goes against what is outlined in the Violence Against Women Act (VAWA), which provides a citizenship path for immigrants who cooperate in the prosecution of perpetrators of a crime like domestic and sexual violence. We know that immigrants are vital members of our communities. The way law enforcement agencies and the criminal legal system interact with immigrant victims should reflect the vital contributions immigrants make to society.

Congress recognized in the Violence Against Women Act of 2000 and the Trafficking Victims Protection Act of 2004 that without some form of immigration status to protect immigrant crime victims from retaliation, few undocumented victims are willing to pursue civil or criminal claims against perpetrators. The integrity of the criminal legal system is compromised when perpetrators take advantage of immigration-related fears to escape accountability. Congress created the U visa under VAWA and the T visa (under the Trafficking Victims Protection Act of 2000) to provide lawful status for immigrant victims because they strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking, and other crimes committed against immigrants.² Immigrant survivors of domestic and sexual violence face significant barriers to safety like limited language access, isolation from their community, immigration status, and lack of financial resources. Too often, perpetrators of domestic and sexual violence use a victim's immigration status as a tool of control. When our systems support that type of coercion, our criminal and legal system suffers, and more perpetrators continue without consequence. Conflating all undocumented individuals as "aliens" and/or as "criminals" is counterproductive to the safety of our communities. Moreover, it perpetuates the behaviors of those that cause harm because it does not make them accountable, and it fractures relationships within communities and criminal legal system agents. This pattern also undermines the purpose of the federal VAWA law that was reauthorized in 2022. All survivors need the opportunity to rebuild their lives with support available within their communities.

We call on Congress to recognize that immigrant communities are made up of humans who deserve safety and justice. We urge Congress to reject the harmful, dangerous, and inaccurate rhetoric that paints all immigrants as criminals and drives immigrant survivors further into the shadows—and to instead implement policies and procedures that allow survivors of gender-based violence to access critical, often lifesaving relief designed to protect themselves and their families. We appreciate the opportunity to offer this statement.

Should you have questions about the information included in this letter, please do not hesitate to reach out to us. You may contact our Director of Public Policy, Dr. Olivia Garcia at ogarcia@esperanzaunited.org.

Sincerely,

Patricia Tototzintle
President & CEO

² Sheng, Husain, Lineswala, et. al., "U VISA CERTIFICATION and T VISA DECLARATION TOOLKIT For FEDERAL, STATE AND LOCAL JUDGES, COMMISSIONERS, MAGISTRATES AND OTHER JUDICIAL OFFICERS." Available at: <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/Judges-U-and-T-Certification-Toolkit-Final-6.17.21.pdf>