



July 12, 2023

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

Dear Committee Members:

ASISTA Immigration Assistance (“ASISTA”) respectfully submits this statement to the United States House of Representatives as it considers the topic of “The Consequences of Criminal Aliens on U.S. Communities.” ASISTA’s mission is to advance the dignity, rights, and liberty of immigrant survivors of violence. For over 15 years, ASISTA has been a leader on policy advocacy to strengthen protections for immigrant survivors of domestic violence, sexual assault, human trafficking, and other crimes identified in the Violence Against Women Act (“VAWA”) and the Trafficking Victims Protection Act (“TVPA”). ASISTA advises advocates and attorneys across the United States in their work on behalf of immigrant survivors.

Congress created the U and T visa programs as part of the VAWA reauthorization in 2000, to “strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking...and other crimes...committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States.”¹ Congress previously created the VAWA self-petition in 1994, recognizing that abusive spouses often use a victim’s immigration status as a tool of power and control, and added important confidentiality provisions to prevent abusers from using the immigration and criminal legal systems to exercise power over survivors.²

Increased criminalization of immigrants only harms those most in need of supportive services, deepens inequality, and undermines the critical protections created by VAWA and TVPA. This is not conjecture. **In May 2019, a coalition of organizations, including ASISTA, conducted a national survey of advocates and attorneys, finding that increasingly aggressive immigration enforcement policies had a chilling effect on the reporting of crimes by immigrant survivors.**³

¹ Section 1513(a)(2)(A), Public Law No: 106-386, 114 Stat. 1464.

² See 8 USC §§ 1101(a)(51), 1367.

³ *Joint Statement on May 2019 Advocate Survey Regarding Immigrant Survivors*, Asian Pacific Institute on Gender-Based Violence (APIGBV), ASISTA, Casa de Esperanza: National Latin@ Network (now

The severe immigration enforcement policies adopted in the prior administration sent a dangerous message to immigrant communities, namely that reaching out for help will likely result in deportation. Human traffickers, perpetrators of sexual assault (including sexual abuse in the workplace), and domestic abusers prey on vulnerable immigrants, and often threaten their victims that seeking assistance from the police or courts will result in deportation. There was no clearer example of this danger than the 2017 arrest of Ms. I. Gonzalez in the courthouse in El Paso, TX immediately after she obtained a protection order against her abuser.⁴ When these threats were realized, they had a significant and widespread chilling effect and drove immigrant victims further into the shadows. During this time, advocates around the country reported uncertainty about how to advise immigrant survivors what would happen if they called the police or went to court. Indeed, advocates reported that between 2017 and 2019, “[t]here [was]...a decrease in survivors wanting to engage with systems.”⁵ Specifically, one survey respondent noted that **“immigrant survivors no longer want to go to family court. They are too scared. They put up with abuse and they refuse to get child support because they are scared they will be reported to immigration [authorities].”**⁶

The broad conflation of migration with criminality actually weakens the ability of federal, state and local law enforcement to investigate and prosecute crimes.

Studies show that the entanglement of local and state law enforcement authorities and immigration enforcement authorities in Section 287(g) agreements are ineffective to reduce crime.⁷ Instead, these agreements result in increased racial profiling and civil rights violations.⁸ Such measures undermine decades of law enforcement efforts to build relationships and trust with immigrant communities, and exacerbate survivors’ and witnesses’ fears that calling or cooperating with the police may result in their removal, detention, and separation from their families.

Esperanza United), National Alliance to End Sexual Violence (NAESV), National Domestic Violence Hotline (NDVH), National Network to End Domestic Violence (NNEDV), and Tahirih Justice Center, <https://www.tahirih.org/pubs/joint-statement-on-may-2019-advocate-survey-regarding-immigrant-survivors/>.

⁴ Associated Press, *Texas officials say ICE detained immigrant inside courthouse*, February 16, 2017, <https://apnews.com/article/dd62ab04c12d40e0bd40996979e2dd68>.

⁵ *May 2019 Findings, Joint Statement on May 2019 Advocate Survey Regarding Immigrant Survivors*, Asian Pacific Institute on Gender-Based Violence (APIGBV), ASISTA, Casa de Esperanza: National Latin@ Network (now Esperanza United), National Alliance to End Sexual Violence (NAESV), National Domestic Violence Hotline (NDVH), National Network to End Domestic Violence (NNEDV), and Tahirih Justice Center, <https://www.tahirih.org/wp-content/uploads/2019/06/2019-Advocate-Survey-Final.pdf>.

⁶ *Id.*

⁷ Joel A. Capellan & Evan T. Sorg, *Do Local-Federal Immigration Enforcement Agreements Reduce Crime? A Nationwide Evaluation Of The Crime Reduction Benefits of Section 287(g) of the United States Immigration and Nationality Act* (November 2022), <https://nij.ojp.gov/library/publications/do-local-federal-immigration-enforcement-agreements-reduce-crime-nationwide> (finding no evidence that 287(g) arrangements were linked to meaningful crime reduction, and questioning the continued use of such agreements under 287(g) due to their potential adverse consequences).

⁸ See *id.*; ACLU, *License to Abuse: How ICE’s 287(g) Program Empowers Racist Sheriffs and Civil Rights Violations* (2022), <https://www.aclu.org/report/license-abuse-how-ices-287g-program-empowers-racist-sheriffs>.

Sanctuary policies, in contrast, protect the valuable mechanisms for public safety created by VAWA and TVPA and have no deleterious effect on crime rates.⁹ **Ongoing research shows that sanctuary policies may, in fact, have an almost immediately positive effect on immigrant survivors’ willingness to come forward and report the crimes they have experienced,** while increased interior immigration enforcement curtails the filing of VAWA self-petitions over time, reducing law enforcement and community awareness of abuse and thus the ability to respond to it effectively.¹⁰

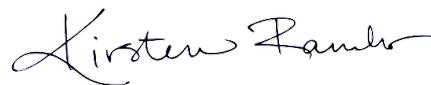
Finally, the anti-immigrant rhetoric underpinning the patently false claim that harsh immigration enforcement tactics are necessary to eradicate crime leads to tragedy. On another day in El Paso, two years after Ms. Gonzalez’s arrest at court, a gunman consumed by anti-immigrant fervor committed a mass shooting that killed 23 people, a horror that continues to reverberate throughout the community.¹¹ These incidents should remind us that vilifying immigrants serves no public safety purpose, flies in the face of Congressional intent, and ultimately endangers us all.

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.

Sincerely,



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⁹ David K. Hausman, *Sanctuary policies reduce deportations without increasing crime*, The Proceedings of the National Academy of Sciences (PNAS), Vol. 114, No. 44 (October 19, 2020), <https://www.pnas.org/doi/10.1073/pnas.2014673117>.

¹⁰ Catalina Amuedo-Dorantes & Esther Arenas-Arroyo, *Police Trust and Domestic Violence: Evidence From Immigration Policies*, Institute for the Study of Labor (IZA), IZA Discussion Paper No. 12721 (October 2019, last revised April 16, 2023) (provisional research paper), <https://deliverypdf.ssrn.com/delivery.php?ID=449064097090117091104066000109010018073010039080036071121099002009087001063102123007124099086026010023105086070067000002126028118113122027076068087070076031073119004011001064082066&EXT=pdf&INDEX=TRUE> (noting that there were no statistically significant variations in domestic homicide rates in locations with sanctuary policies and interior enforcement policies, suggesting that the primary difference was in reporting).

¹¹ Associated Press, *The Texas shooter in a racist Walmart attack is going to prison. Here’s what to know about the case* (July 5, 2023), <https://apnews.com/article/el-paso-walmart-texas-crusius-bf7d25f3567959ee8b121deabcf1d9a1>.