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## Statement of the Tahirih Justice Center:

House Committee on the Judiciary

Subcommittee on Immigration Integrity, Security, and Enforcement

Hearing on “The Consequences of Criminal Aliens on U.S.  
Communities”

July 12, 2023

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The Tahirih Justice Center (Tahirih) respectfully submits this statement to the United States House Committee on the Judiciary, Subcommittee on Immigration Integrity, Security, and Enforcement for the hearing addressing “The Consequences of Criminal Aliens on U.S. Communities.” **We write to urge Congress to refrain from passing laws that require or provide incentives for local law enforcement agencies to enforce federal immigration laws, as contrary to the safety of immigrant survivors of gender-based violence and all members of our communities.**

The Tahirih Justice Center is the largest national policy and direct services organization in the United States that focuses on assisting immigrant survivors of gender-based violence. Tahirih has served over 33,000 survivors and their families over the past 26 years. Our clients are particularly vulnerable to horrific crimes such as human trafficking, domestic abuse, and sexual assault. They are in dire need of legal relief such as asylum, U visas, and other remedies, hoping for the opportunity to rebuild their lives in safety and with dignity.

As the Subcommittee considers proposals to enhance local enforcement of our immigration laws in an effort to combat crime, we note that doing so puts survivors like those we serve and ultimately society at large at greater risk of harm and emboldens violent criminals in the process. Tahirih urges lawmakers, policymakers, and the public to diligently educate themselves about the consequences of these proposals when determining whether to support them.

### Local Enforcement of Federal Immigration Laws Compromises Public Safety

Perpetrators of domestic violence and human trafficking routinely manipulate and isolate victims to limit their access to information about their legal rights. They notoriously control victims by warning them –

falsely or not – that they will be deported if they seek help from the police. Following passage of a state law several years ago designed to increase local immigration enforcement, one of our clients aptly noted, *“This is exactly what [my abuser] has been waiting for.”*

Bipartisan laws such as the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA) were specifically passed to encourage survivors to call 911 without fear of deportation. These laws recognize that incentivizing survivors to help police get dangerous criminals off the streets is sound policy and results in safer communities for all of us. The TVPA and VAWA have enjoyed longstanding, broad bipartisan support. Consistent with these laws, policies that maintain a firm distinction between federal and local immigration enforcement send a clear message to criminals that they cannot exploit victims’ fears of deportation with impunity.<sup>i</sup>

Conversely, erasing the distinction between federal and local immigration enforcement erodes immigrant communities’ trust of police leading to decreased reporting of domestic violence and other crime. When this happens, police become the unwitting accomplices of abusers and traffickers in perpetuating a climate of fear for the most vulnerable among us. For some survivors, deportation means sentencing a US citizen child to the custody of a violent abuser. A survivor might therefore face the impossible “choice” of risking separation from her young children and forfeiting custody to her abuser upon deportation or continuing to endure life-threatening violence at home.

Abusers and traffickers may also be recidivists who engage in unrelated criminal activity. Law enforcement officers rely on victims and witnesses for critical, firsthand information to help solve crimes that afflict all members of our communities. We are all less safe when immigrants are too afraid to come forward or are swiftly deported and unable to provide eyewitness testimony.

While measures to increase local enforcement of immigration laws may aim to target criminals, all immigrants including survivors and even those with lawful status succumb to intimidation and threats of deportation if they come forward. This has been well documented, for example, through a 2019 national survey conducted by a group of advocates including Tahirih.<sup>ii</sup>

### Victim Exemption Policies Miss the Mark, Deter Survivors from Accessing Critical Services, and Reward Abusers

Well-intended federal and state proposals that exempt crime victims and witnesses from immigration status inquiries by local police unfortunately fall short and fail to preserve community trust. Specific exemptions within broad punitive measures are insufficient to quell the sweeping, chilling effect that punitive policies have on entire immigrant communities. Despite outreach efforts to immigrant communities, victims may remain afraid to come forward.

Some exemptions miss the mark by protecting a victim *only if* she encounters police for the exclusive purpose of reporting a crime. Victims may encounter police in a variety of contexts including car-seat safety checks and community outreach or school education programs, and they should not fear participating in such programs. Nor should victims fleeing abusers be afraid to drive, access support networks at places of worship, attend court hearings, or even seek medical care for themselves or their children. Advocates in Central California are reporting that over the last six months, as immigration

checkpoints have increased along a road leading to a local rape crisis center, there has been a significant decrease in services provided to immigrant survivors of sexual assault.

In addition, proposals that encourage immigration enforcement against survivors who are arrested or charged with certain categories of crimes ignore the unique dynamics of domestic violence. Perpetrators routinely retaliate against victims who report violence by fabricating serious criminal allegations against them. This is a deliberate tactic abusers use in part to heighten a victim's risk of deportation. Tahirih is aware of an example where an abuser planted drugs in his wife's car and then smashed her taillight to get her pulled over and arrested. In another example, an abuser set fire to his home himself and called the fire department to report that his wife did it. She was arrested and jailed for weeks. A victim may also face charges arising from an act of self-defense or a false counter claim for domestic abuse.

Immigration enforcement ultimately remains a federal function. **Policies that respect the distinction between federal and local enforcement support local agencies in prioritizing community trust for the benefit of us all.**

We appreciate the opportunity to offer this statement and we urge the Subcommittee to unequivocally reject harmful proposals that undermine the safety of survivors of gender-based violence and others.

Respectfully,



Irena Sullivan  
Senior Immigration Policy Counsel

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<sup>i</sup> See 8 USC §§ 1101(a)(51), 1367.

<sup>ii</sup> <https://www.tahirih.org/wp-content/uploads/2019/06/2019-Advocate-Survey-Final.pdf>