



National Task Force to End Sexual & Domestic Violence

May 22, 2024

Honorable Members of the House Judiciary Committee

Dear Representative:

The undersigned groups that serve and advocate on behalf of victims of domestic violence, sexual assault, dating violence, stalking, and human trafficking, write to voice our **opposition to HR 7909**.

We oppose this legislation as it would expand the circumstances under which domestic violence, child abuse and neglect, stalking, and sex offenses would constitute grounds of inadmissibility, as well as expand the definition of domestic violence to be considered for inadmissibility or deportability grounds. These measures would negatively impact immigrant survivors of domestic and sexual violence, and fail to alleviate the primary barriers to safety and stability experienced by survivors seeking relief under the Immigration and Nationality Act.

We are troubled that this legislation fails to include waivers that take into account the needs of the victim or their family, and that it will limit the discretion that judges can exercise where the equities warrant, including situations where survivors who are inadvertently caught up in the criminal legal system will be harmed.

Unfortunately, immigrant victims are particularly vulnerable to being arrested and prosecuted for domestic violence if they acted in self-defense or are accused by an abuser of being a primary aggressor. A well-known tactic of abusers to maintain power and control over their victims is to report (and threaten to report) their partner to authorities, including local law enforcement, child protective services, ICE, and others—falsely claiming that their partner (the victim of their violence) is the one who is violent, neglectful, etc. These false reports (and the threats of them) are too often highly effective at keeping victims trapped in violent relationships.

Moreover, we know that parents of color are disproportionately accused of child abuse offenses, including abandonment and neglect. Domestic violence survivors are not infrequently charged with child neglect for having “failed to protect” their children from witnessing or exposure to an adult’s violence committed against the non-abusive parent, resulting in doubly penalizing the survivor and the children for violence committed by

someone else. This legislation creates grounds of inadmissibility for these offenses without requiring a conviction, in circumstances where an individual admits that they committed acts that would constitute a crime.

Language and cultural barriers, fear of the abuser and the authorities, confusion, intimidation, a lack of awareness of rights, and a lack of access to advocates and other resources, all may prevent an immigrant victim from being able to communicate what really happened. Once in custody and/or facing trial, and desperate to be released and reunited with their children, these same factors – combined with poor legal counsel, particularly about the immigration consequences of criminal pleas and convictions – could lead to ineligibility for status, or the deportation of wrongly accused victims who may have pled to or been unfairly convicted of domestic violence charges.

The legislation's expansion of the definition of domestic violence, which was expressly included in the Violence Against Women Act to allow for the provision of a greater array of victim services, to include circumstances that may not involve violence, physical force, or threats of such is also likely to sweep more survivors into the scope of the ground of inadmissibility or deportability. This will result in more victims being deported and/or bar them from obtaining lawful status. In so doing, it invites additional scrutiny of survivors during the course of their efforts to obtain immigration protections and safety from violence.

Furthermore, expanding the grounds of inadmissibility or ineligibility for status with no waivers would increase the risk that victims will decline to seek assistance from law enforcement or services if they fear that it will result in a family member being barred from legal status. When creating penalties, balance is key. Deterrence is critically important but will be ineffective if consequences are so severe that survivors will not come forward.

Although we are grateful for the efforts of lawmakers to seek to address the impact of domestic violence, sexual assault, dating violence, and stalking, we believe the best way to do so is by expanding accessibility of survivor-based immigration relief and related benefits to noncitizen survivors, and by eliminating the cap on visas available to petitioners for U and T nonimmigrant visas and the number of cases eligible for final adjudications of VAWA Cancellation of Removal. Rather than rushing to enact additional immigration penalties that could cause harm to survivors, we urge Congressional representatives to consult with service providers and survivors themselves to develop legislation that is responsive to their experiences and needs.

As a diverse coalition of organizations serving and advocating on behalf of victims of domestic violence, sexual assault, dating violence, and stalking, we thank you for paying vigilant attention to how this bill, by expanding the ways in which domestic violence arrests can prevent people from accessing or maintaining legal status, can ultimately have devastating consequences for immigrant victims of domestic violence.

Please do not hesitate to contact Grace Huang from the Asian Pacific Institute on Gender-Based Violence at ghuang@api-gbv.org or Cristina Velez from ASISTA at cristina@asistahelp.org for further information regarding these or related concerns.

Sincerely,

National Organizations

Asian Pacific Institute on Gender-Based Violence
ASISTA Immigration Assistance
Esperanza United
Tahirih Justice Center
AF3IRM
American Friends Service Committee (AFSC)
Autistic Self Advocacy
BWJP
Caminar Latino- Latinos United for Peace and Equity
Center for Constitutional Rights
Center for Gender & Refugee Studies
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Freedom Network USA
Human Trafficking Legal Center
IAmProSe
Immigrant Legal Resource Center
Japanese American Citizens League
Jewish Women International
Joyful Heart Foundation
Just Solutions
Justice and Joy National Collaborative (formerly National Crittenton)
Justice for Migrant Women
Legal Momentum
Mujeres Latinas en Accion
National Advocacy Center of the Sisters of the Good Shepherd
National Alliance to End Sexual Violence
National Association of Social Workers
National Center on Domestic Violence, Trauma, and Mental Health
National Council of Jewish Women
National Employment Law Project
National Indigenous Women's Resource Center
National LGBTQ Institute on Intimate Partner Violence
National Network to End Domestic Violence

National Resource Center on Domestic Violence
National Survivor Network
National Women's Law Center
Public Advocacy for Kids (PAK)
Reframe Health and Justice
Refugees International
Respect Together
Safe Havens Interfaith Partnership Against Domestic Violence and Elder Abuse
SAGE Empowerment
Sahiyo U.S.
South Asian SOAR
The National Domestic Violence Hotline
UltraViolet Action
VALOR
Youth First Justice Collaborative
YWCA USA

State, Territorial, and Local

Alabama

AshaKiran

Arizona

Arizona Coalition to End Sexual and Domestic Violence
William E. Morris Institute for Justice

Arkansas

Arkansas Coalition Against Sexual Assault

California

California Partnership to End Domestic Violence
Coalition to Abolish Slavery and Trafficking
Asian Law Alliance
Justice At Last
Los Angeles LGBT Center
Maitri

Colorado

Colorado Coalition Against Sexual Assault
Violence Free Colorado

American Friends Service Committee, Colorado
Compañeros: Four Corners Immigrant Resource Center
Colorado Immigrant Rights Coalition
El Corazón LLC
Swan Counseling Services
Denver Justice and Peace Committee

Delaware

Delaware Coalition Against Domestic Violence (DCADV)

District of Columbia

DC Coalition Against Domestic Violence
The Person Center

Florida

Florida Legal Services, Inc.

Georgia

Georgia Coalition Against Domestic Violence

Hawaii

Domestic Violence Action Center
Maui Economic Opportunity, Inc.

Illinois

Illinois Coalition Against Domestic Violence
Illinois Coalition Against Sexual Assault
The Porchlight Collective SAP
Illinois Alliance for Reentry and Justice
Arab American Family Services
Legal Aid Society of Metropolitan Family Services

Indiana

Indiana Coalition Against Domestic Violence, Inc.
Indiana Coalition to End Sexual Assault and Human Trafficking (ICESAHT)
Family Service Association
The Center for Women and Families, Inc.
ASSIST Indiana, Inc.
The Caring Place
Sheltering Wings

The Stepping Stone Shelter

Iowa

Iowa Coalition Against Domestic Violence
EMBARC Iowa

Kansas

Kansas Coalition Against Sexual & Domestic Violence

Kentucky

Kentucky Association of Sexual Assault Programs
ZeroV

Louisiana

Louisiana Foundation Against Sexual Assault

Maine

Maine Coalition Against Sexual Assault
Preble Street

Maryland

Maryland Coalition Against Sexual Assault
Network Against Domestic Violence

Massachusetts

Jane Doe Inc

Michigan

Michigan Coalition to End Domestic and Sexual Violence

Minnesota

Violence Free Minnesota
Transforming Generations

Michigan

SafeHouse Center

Mississippi

Mississippi Coalition Against Domestic Violence

Montana

Montana Coalition Against Domestic and Sexual Violence

Nebraska

Nebraska Coalition to End Sexual and Domestic Violence

Nevada

Nevada Coalition to End Domestic and Sexual Violence

New Jersey

New Jersey Coalition to End Domestic Violence

New Mexico

Tewa Women United

New York

New York State Coalition Against Domestic Violence

Brooklyn Defender Services

Co-Counsel NYC

Catholic Migration Services

Jahajee Sisters

Her Justice, Inc.

Safe Horizon Immigration Law Project

The Legal Aid Society

urban justice center | domestic violence project

Womankind

North Carolina

North Carolina Coalition Against Domestic Violence

NC Coalition Against Sexual Assault

Family Abuse Services

Families First, Inc.

Friend to Friend

Kearah's Place Inc.

Our Voice

Ruth's House

Safelight Inc.

Shining Light In Darkness

UCare, Inc.

Ohio

Ohio Alliance To End Sexual Violence

Ohio Domestic Violence Network

Advocating Opportunity

Oregon

Oregon Coalition Against Domestic and Sexual Violence

Pennsylvania

Pennsylvania Coalition Against Domestic Violence

Pennsylvania Immigration Resource Center

Pennsylvania Coalition to Advance Respect

Citizens Against Physical, Sexual, and Emotional Abuse, Inc. (CAPSEA, Inc.)

Congreso de Latinos Unidos

Domestic Violence Services of Southwestern Pennsylvania

Family Services Incorporated

Laurel House

Lutheran Settlement House

SEAMAAC, Inc.

Safe Monroe

Turning Point of Lehigh Valley, Inc.

Victims Resource Center

Women's Center of Greater Pittsburgh

Women In Transition

The Women's Center, Inc.

WRC

Puerto Rico

Casa Juana Colón

Centro de la Mujer Dominicana, Inc.

Rhode Island

Rhode Island Coalition Against Domestic Violence

Texas

Daya Inc.

Houston Immigration Legal Services Collaborative

Mosaic Family Services

Utah

Utah Coalition Against Sexual Assault

Utah Domestic Violence Coalition

Vermont

Vermont Network Against Domestic and Sexual Violence

Washington

WA State Coalition Against Domestic Violence

API Chaya

Northwest Immigrant Rights Project

Wisconsin

End Domestic Abuse Wisconsin

Wisconsin Coalition Against Sexual Assault

ASTOP, Inc. Sexual Abuse Center

BeLEAF Survivors

Benedict Center

Deaf Unity

FREE

Freedom, Inc.

FRIENDS, Inc.

Embrace Services, Inc.

Reach Counseling

Roots4Change Cooperative

UNIDOS Against Domestic Violence Stepping Stones, Inc.

We All Rise AARC

Wyoming

Wyoming Coalition Against Domestic Violence and Sexual Assault