



**Statement for the Record from the Asian Pacific Institute on Gender-Based Violence
Submitted to Committee on the Judiciary, Subcommittee on Immigration Integrity,
Security, & Enforcement**

“The Impact of Illegal Immigration on Social Services”
Thursday, January 11, 2024 at 10:00AM

Dear Chairman McClintock, Ranking Member Jayapal, and Members of the Committee:

Thank you for the opportunity to submit a written statement on behalf of the Asian Pacific Institute on Gender-Based Violence (“API-GBV”). We appreciate the opportunity to submit this testimony relating to how the immigration system impacts services provided by victim serving organizations in Asian, Asian American and Pacific Islander (“AAPI”) communities. We respectfully request that this statement be made part of the record for the January 11, 2024 House Committee on the Judiciary, Subcommittee on Immigration Integrity, Security, and Enforcement’s hearing, “The Impact of Illegal Immigration on Social Services.”

Introduction

The Asian Pacific Institute on Gender-Based Violence (“API-GBV”), is a national resource center on domestic violence, sexual assault, human trafficking, and other forms of gender-based violence, serving a national network of advocates and community-based programs that work with AAPI survivors of gender-based violence. API-GBV co-chairs the Alliance for Immigrant Survivors (AIS), supporting domestic violence and sexual assault victim advocates and their statewide and national coalitions by providing up-to-date information about immigration policy changes and their particular impacts on the safety-planning that victim advocates engage in with immigrant survivors to mitigate risks to their well-being. API-GBV promotes culturally relevant intervention and prevention, provides expert consultation, technical assistance and training, and conducts and disseminates critical research; and works to inform public policy. We focus on promoting policies that support the safety, autonomy, and well-being of AAPI and immigrant survivors of gender-based violence, including policies that impact survivors’ access to stable immigration status, economic security, health care, housing, human services programs, education, training, employment, and childcare.

We urge Congress to refrain from enacting legislation that increases the barriers to vulnerable victims seeking help, that exacerbates trauma by keeping them trapped in abusive relationships

or exploitative situations, that increases the likelihood that abusers' or harm-doers' threats that victims will be deported if they seek help will be actualized, or that undermines the critical work of local programs seeking to prevent and intervene to interrupt violence and trauma in our communities.

While current attention is focused on the processing of individuals arriving at the US Southern border, changes in immigration policy, including increasing the burden for applicants seeking asylum, expediting removal of individuals across the United States, or changes in parole, will necessarily impact the ability of immigrant survivors throughout the country and US territories to access protections from abuse or exploitation.

Federal Policies Should be Revised Reduce Barriers for Immigrant Survivors of Domestic and Sexual Violence and Human Trafficking

Data from the Centers for Disease Control and Prevention National Intimate Partner and Sexual Violence Survey (NISVS) reveals that domestic violence, sexual assault, and stalking are widespread in the United States. Approximately 47% of women and 40% of men surveyed experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime.¹ Over 26 percent (26.8%) of women and 3% of men have experienced a completed or attempted rape in their lifetime, and almost 9.5 million women and almost 4.5 million men experienced sexual violence in the past year.² Within AAPI communities, between 21-55% of AAPI women report experiencing domestic or sexual violence during their lifetimes.³

Like in all communities, immigrant and refugee community members experience physical and sexual violence.⁴ Immigrant and refugee victims tend to stay in abusive relationships longer and sustain more severe physical and emotional harm due to the abuse and the duration of the abuse than other intimate partner violence victims in the United States.⁵ Among intimate partner homicide victims in the United States, immigrant victims are disproportionately represented compared to their representation in the U.S. population.⁶ According to a review of 147,902 intimate partner homicides from 2003-2013 across 19 U.S. states, foreign-born victims were more likely than U.S. born victims to be associated with intimate partner violence related deaths.

¹ Centers for Disease Control, National Intimate Partner and Sexual Violence Survey, retrieved from https://www.cdc.gov/violenceprevention/pdf/nisvs/NISVSReportonIPV_2022.pdf

² Centers for Disease Control, National Intimate Partner and Sexual Violence Survey, <https://www.cdc.gov/violenceprevention/pdf/nisvs/nisvsReportonSexualViolence.pdf>

³ Yoshihama, M., Dabby, C., & Luo, S. (2020) Asian Pacific Institute on Gender-Based Violence. Facts & Stats Report: Updated and Expanded 2020-Domestic Violence in Asian and Pacific Islander Homes, Oakland, CA: Retrieved from: <https://www.api-gbv.org/resources/facts-stats-dv-api-homes/>

⁴ Leung, P., and Cheung, M., (2008). A prevalence study on partner abuse in six Asian American ethnic groups in the USA *International Social Work*; 51; 635.

⁵ Amanor-Boadu, Y., Messing, J. T., Stith, S. M., Anderson, J. R., O'Sullivan, C., & Campbell, J. C. (2012). Immigrant and non-immigrant women: Factors that predict leaving an abusive relationship. *Violence Against Women*, 18, 611-633.

⁶ Runner, M., Yoshihama, M., & Novick, S. (2009). Intimate partner violence in immigrant and refugee communities: Challenges, promising practices and recommendations. Robert Wood Foundation, retrieved from: <https://folio.iupui.edu/bitstream/handle/10244/788/ipvreport20090331.pdf?sequence=1>

In addition, foreign-born women killed by their intimate partners were more likely than U.S. born women to be married, young, and killed by a young partner who strangled, suffocated, or stabbed them.⁷

One of the most daunting challenges for many immigrant victims is how those who victimize them exploit their legal vulnerability with threats of deportation. Research conducted among immigrant victims from diverse countries of origin across the U.S. found that 65% of immigrant victims reported that their abusive partner used some form of a threat of deportation after arrival in the U.S. as a form of abuse.⁸ Similarly, a survey among South Asian immigrant women in Massachusetts found a strong correlation between immigration related abuse and physical and sexual abuse in intimate partner relationships.⁹ For victims with insecure immigration status (including those with lawful status dependent on a family member or employer sponsor), the lack of stable immigration status puts them in a disempowering position that prevents them from taking steps that can help them address the victimization, such as accessing law enforcement or social services.¹⁰

Recognizing that abusers and others seeking to exploit others leverage immigration status in order to control and abuse their victims, Congress has provided for immigration protections in the Violence Against Women Act (VAWA),¹¹ noting that the “[law fosters domestic violence in such situations by placing full and complete control of the alien spouse’s ability to gain permanent legal status in the hands of the citizen ... Consequently, a battered spouse may be deterred from taking action to protect himself or herself, such as filing a civil protection order, filing criminal charges or calling the police, because of the threat or fear of deportation.”¹² Congress continued to strengthen the immigration protections in VAWA in 2000,¹³ 2005¹⁴, and 2013.¹⁵

Legal Immigration Status Can Protect Against Victimization

Congress’ failure to act to modernize the immigration system by increasing lawful pathways to immigrate, as well as provide sufficient resources to process immigration applications has

⁷ Sabri, B., Campbell, J., & Messing, J., (2018). Intimate Partner Homicides in the United States, 2003-2013: A Comparison of Immigrants and Nonimmigrant Victims. *Journal of Interpersonal Violence*, 1-23.

⁸ Erez, E. & Ammar, N. (2003). Violence Against Immigrant Women and Systemic Responses: An Exploratory Study. National Network on Behalf of Battered Immigrant Women, *National Institute of Justice Report* grant # 98-WT-VX-0030.

⁹ Raj, A., Silverman, J., McCleary-Sills, J. & Liu, R (2005). Immigration policies increase South Asian immigrant women’s vulnerability to intimate partner violence. *Journal of the American Medical Women’s Association*, 60 (1), 26-32

¹⁰ Liang, B., Goodman, L., Tummala-Narra, P., & Weintraub, S., (2005). A Theoretical Framework for Understanding Help-Seeking Processes Among Survivors of Intimate Partner Violence, *American Journal of Community Psychology*, 36, 71-84.

¹¹ Violence Against Women Act of 1994, P.L. No. 103-322, 108 Stat. 1902-1955 (1994)

¹² H.R. Rep. No. 103-395 p. 26 (1993)

¹³ Victims of Trafficking and Violence Protection Act of 2000, P.L. 106-386.

¹⁴ Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162 (2005)

¹⁵ Violence Against Women Reauthorization Act of 2013, P.L., 113-4, 127 Stat. 54 (2013)

contributed to the current immigration crisis. For example, included in the over nine-million pending immigration applications¹⁶, are currently approximately 207,133 U-visa (crime victim) principal applicants pending in the USCIS backlog.¹⁷ Ultimately, victims currently applying to for a U visa will likely face an over 15 year wait to obtain their U-visa, given the existing annual 10,000 visa cap. In addition, it is virtually certain, given national crime victimization rates¹⁸, and the vulnerability of individuals without secure immigration status to victimization,¹⁹ that the U-visa program will continue to face pressure for available visas, and delays to safety and security for victims will continue to grow.

These significant delays to securing legal status has implications for human services providers and the work they do in providing victim advocacy, as they face increased challenges in helping victims access critical supports that would help them recover from and overcome abuse and/or exploitation. For example, victims who in protracted waits for lawful immigration status face challenges in obtaining drivers' licenses or other identification necessary to enroll in programs intended to support victims become self-sufficient, such as education and training programs for themselves and their children, to be able to drive, to be able to access victim housing, or obtain employment, resulting in more extensive shelter stays and increased dependence on community organizations.

Congress must adopt common sense and humane immigration solutions, including updating victim related immigration protections through the Working for Immigrant Safety and Empowerment or "WISE" Act (H.R. 5145), and providing legalization programs for those who have community ties or who are contributing to their communities. In addition, Congress must adequately fund federal immigration agencies to screen and process humanitarian cases more quickly, to adequately ensure protection from removal for those eligible for legal protections, and provide legal representation to ensure that asylum seekers with valid claims have a meaningful opportunity to present their claims.

Access to Economic Stability is Critical for Immigrant Survivors: Employment Authorization

Despite the existence of victim related immigration protections, there continue to be barriers to safety, healing, and autonomy for immigrant survivors. A significant impediment to victim safety is the lack of access to economic resources. Lack of economic stability can seriously constrain a victim's ability to escape from or recover from abuse.²⁰ Many immigrant victims may

¹⁶ https://www.uscis.gov/sites/default/files/document/forms/quarterly_all_forms_fy2023_q4.pdf

¹⁷ https://www.uscis.gov/sites/default/files/document/data/i918u_visastatistics_fy2023_q4.pdf

¹⁸ <https://bjs.ojp.gov/library/publications/criminal-victimization-2022>

¹⁹ Xie, M., & Baumer, E. (2021), Immigrant Status, Citizenship, and Victimization Risk in the United States: New Findings from the National Crime Victimization Survey (NCVS), *Criminology*. 2021 November; 59(4): 610-644. doi:10.1111/1745-9125.12278.

²⁰ Postmus, J. L., Plummer, S. B., McMahon, S., Murshid, N. S., & Kim, M. S., (2012). Understanding economic abuse in

face economic barriers due to a lack of employment authorization, or an inability to obtain certain public assistance due to their immigration status.²¹ Immigrant victims without economic resources often must depend on their violent partners to support them and their children. This economic dependency discourages victims from disclosures about intimate partner violence and puts them at increased risk of ongoing harm.²²

As previously mentioned, even immigrant survivors who are eligible for survivor-related or humanitarian protections face ongoing risk of abuse or exploitation, hunger, homelessness, or continued trauma due to extensive USCIS case backlogs and protracted processing times. For example, crime victims have an average of a 5-year wait for employment authorization based on Bona Fide Determinations in pending U visa (crime victim) petitions.²³ Such extensive delays undermine the purpose and effectiveness of VAWA and the Trafficking Victim Protection Act's provisions, including civil and criminal legal protections. Timely access to employment authorization increases victims' financial and housing stability, their willingness to contact law enforcement to address abuse, and their willingness to seek court remedies to protect their children.²⁴

To address these protracted wait times, Congress should specifically appropriate funding for USCIS Service Centers to address the backlogs of survivor related and humanitarian applications. Congress should further prioritize enactment of the WISE (H.R. 5145) and Asylum Seeker Work Authorization (H.R. 1325) Acts.

Access to Safety Net Supports for Victims

In addition to lack timely access to employment authorization, immigration eligibility restrictions often limit immigrant victims' access to economic safety net resources.²⁵ Many immigrant victims are ineligible for supportive health, housing, and economic programs, which can often be critical for victims to escape or recover from physical violence and psychological abuse. Even those who successfully obtain legal permanent resident status are subjected to a 5-year bar following entry to the United States before being eligible for many federally-funded benefits²⁶

the lives of survivors. *Journal of Interpersonal Violence*, 27(3),411–430.

²¹ Kasturirangan, A., Krishnan, S., and Riger, S., (2004) The Impact of Culture and Minority Status on Women's Experience of Domestic Violence, *Trauma Violence & Abuse* 5, 318-332.

²² Sabri, B., Nnawulezi, N.,Njie-Carr, V., Messing, J.,Ward-Lasher, A., Alvarez, C., & Campbell, J., (2018). Multilevel Risk and Protective Factors for Intimate Partner Violence Among African, Asian, and Latina Immigrant and Refugee Women: Perceptions of Effective Safety Planning Interventions, *Race and Social Problems*, 1-18.

²³ See, Form I-918 at <https://egov.uscis.gov/processing-times/>

²⁴ Her Justice (2023), Stories from Immigrant Survivors of Gender-Based Violence; The Impact of Work Authorization, Retrieved from: <https://herjustice.org/wp-content/uploads/2023/11/Her-Justice-Policy-Report-Impact-of-Work-Authorization.pdf>

²⁵ Broder, T. & Lessard, G., (2023) Overview of Immigrant Eligibility for Federal Programs, *National Immigration Law Center*, Retrieved from: <https://www.nilc.org/issues/economic-support/overview-immeligfedprograms/>

²⁶ Bhuyan, R., (2008) The Production of the "Battered Immigrant" in Public Policy and Domestic Violence Advocacy, *Journal of Interpersonal Violence* 23,153.

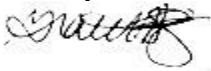
due to restrictions enacted in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Removing restrictive federal laws and policies could significantly improve the ability of immigrant survivors to overcome and recover from abuse and exploitation.

Congress should pass the LIFT the BAR, (H.R. 4170), HEAL for Immigrant Families, (H.R. 6033), and the WISE (H.R. 5145), and appropriate resources that help states and local communities provide support to new arrivals, such as increasing funding for the Shelter and Services Program as well as programs that provide longer term investments to support immigrant integration, such as providing supports for education and workforce development, health and human services navigation, and culturally appropriate programs.

Conclusion

In sum, **we urge Congress** to finally modernize our outdated immigration system, to consider the **needs of vulnerable survivors and their families**, and to pass legislation that works to strengthen communities and families. Thank you for your consideration. Please feel free to contact me with questions or concerns at ghuang@api-gbv.org.

Sincerely,



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