February 3, 2021

The National Taskforce to End Sexual and Domestic Violence (NTF), comprised of national leadership organizations advocating on behalf of sexual assault and domestic violence victims and representing hundreds of organizations across the country dedicated to ensuring all survivors of violence receive the protections they deserve, write to express our deep concerns about the impact of proposed amendments to Senate Concurrent Resolution #5 that seek to limit access to public supports for non-citizens, or that impose blanket immigration penalties for those with criminal offenses on victims fleeing or recovering from sexual assault, domestic violence, or human trafficking, and on communities at large.

Since the bipartisan Violence Against Women Act ("VAWA") was first enacted, the NTF has continued to work hard to support its critical protections for immigrant victims of domestic and sexual violence. Proposed amendments Blackburn #141, Fischer #151, Grassley #342, Tillis #174, Marshall #20, Young #54, and Tillis #175, and will have the effect of punishing immigrant survivors and their children and pushing them into the shadows and into danger, undermining the very purpose of VAWA. Specifically, the nation’s leading national organizations that address domestic and sexual assault oppose these amendments for the following reasons:

Amendments Blackburn #141, Fischer #151, and Grassley #342 Will Unfairly Punish Victims

Greatly expanding mandatory detention of those convicted of domestic violence or sexual assault, indiscriminately expediting the removal of all non-citizens with criminal convictions, or indiscriminately barring individuals charged or convicted of any felony from obtaining residency, will impose unduly harsh consequences for many immigrant survivors.

Victims of human trafficking, sexual assault, and domestic violence are often at risk of being arrested and convicted. Nearly half of the participants in one study of incarcerated women described assaults that they had committed as defensive or retaliatory efforts to end abuse. In recognition of this fact, ICE guidance cites the example of when police respond to a domestic violence call, both parties may be arrested, or a survivor who acted in self-defense may be wrongly accused. In addition, if a domestic violence abuser speaks English more fluently than the survivor, or if other language or cultural barriers (or fear of retaliation from the abuser) prevent the survivor from fully disclosing the abuse suffered, a survivor faces charges

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and tremendous pressure to plead guilty (without being advised about the long-term consequences). These survivors are often desperate to be released and possibly to be reunited with their children following their arrests or pending trial. These factors—combined with poor legal counsel, particularly about the immigration consequences of criminal pleas and convictions—have in the past and will likely continue to lead to deportation of wrongly accused victims who may have pled to or been convicted of domestic violence charges. Grassley #342 would not even be limited to those who’ve been convicted, raising the likelihood that a survivor would be unfairly punished for the abuse or trauma they have endured.

Moreover, in many situations, victims of domestic violence or sexual assault will be discouraged from reaching out for assistance from the police if the consequences of doing so means that their partner or family member will be subjected to mandatory detention or exclusion or deportation, for fear of loss of support, housing, or other consequences. We are deeply concerned about the harmful impacts of Blackburn #141, Fischer #151 and Grassley #342 on these victims.

Amendment Tillis #174 Undermines Community Trust Policies, which are Critical Tools for Increasing Community Safety. Laws seeking to intertwine immigration and local law enforcement undermine policies that local jurisdictions have determined are Constitutionally sound and are appropriate for their respective communities, and they decrease the ability of local law enforcement agencies to respond to violent crimes and assist all victims of crime, U.S. Citizens, and immigrants alike. In addition, they undermine the Congressional purpose of protections enacted under the Violence Against Women Act (VAWA) and will have the chilling effect of marginalizing immigrant victims and allowing criminals to walk free. As VAWA recognizes, immigrant victims of violent crimes often avoid contacting law enforcement due to fears of deportation.

In addition, Amendment Tillis #174 would strip Economic Development federal funding for communities with “sanctuary” policies. These programs empower communities all across America and their cuts will harm communities by reducing access to critical housing and community services that are accessed by all victims. Domestic violence and sexual assault victims, U.S. Citizens and immigrants alike, in jurisdictions across the country rely on the critical services provided by economic development grants.

Perpetrators use fear of deportation as tool of abuse. Local policies that minimize the intertwining of local law enforcement with U.S. Immigration and Customs Enforcement (ICE) help protect the most vulnerable victims by creating trust between law enforcement and the immigrant community, which in turn help protect entire communities.³ Abusers and traffickers use the fear of deportation of their victims as a tool to silence and trap them. If immigrants are afraid to call the police because of fear of deportation, they become more vulnerable to abuse and exploitation. Not only are the individual victims and their children harmed, but their fear of law enforcement leads many to abstain from reporting violent perpetrators or seeking protection and, as a result, dangerous criminals are not identified and go unpunished. As VAWA recognizes, immigrant victims of violent crimes often do not

contact law enforcement due to fear that they will be deported. Immigrants are already afraid of contacting the police and Tillis Amendment #174 proposes to further intertwine federal immigration and local law enforcement systems, which will only exacerbate this fear. The result is that perpetrators will be able to continue to harm others, both immigrant and U.S. Citizen victims alike.

Amendments Marshall #20, Young #54, and Tillis #175 Serve to Exacerbate the Harmful Impacts of Domestic Violence and Sexual Assault. Abusers notoriously manipulate and trap their victims through isolation and financial dependence. Indeed, 99% of relationships involving domestic violence include economic abuse. Barring immigrant survivors of abuse from being able to access financial resources such as economic stimulus payments, may contribute to them being compelled back into abusive or exploitative relationships, or face destitution and homelessness. Financial supports are thus a critical prerequisite to escaping and overcoming abuse.

In addition, access to health care is critical for survivors to overcome abuse and trauma. The Centers for Disease Control and Prevention (CDC) reports that more than 550,000 injuries due to intimate partner violence require medical attention each year. Data from the Behavioral Risk Factor Surveillance Survey (BRFSS), which is conducted annually and is the largest U.S. nationally representative phone survey about general health behaviors and conditions, highlight the increased risk of chronic conditions such as asthma, arthritis, stroke, and cardiovascular disease in individuals who have ever experienced partner violence. Sexual violence can also have harmful and lasting physical and psychological consequences including chronic pain, gastrointestinal disorders, gynecological complications, migraines or other frequent headaches, sexually transmitted infections, cervical cancer, as well as post-traumatic stress disorder, or attempted or completed suicide.

On behalf of the courageous survivors of domestic violence, sexual assault, dating violence,

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4 A study conducted by the University of Illinois-Chicago found that increased involvement of local police and immigration enforcement eroded trust between the police and immigrants, undocumented and documented. 45% of documented immigrants were less likely to report a crime while 70% of undocumented immigrants responded similarly. http://www.motherjones.com/politics/2015/07/sanctuary-cities-public-safety-kate-steinle-san-francisco.


stalking and human trafficking that our organizations serve, we urge you to vote against amendments Blackburn #141, Fischer #151, Grassley #342, Tillis #174, Marshall #20, Young #54, and Tillis #175, and to affirm the intent and spirit of VAWA by supporting vulnerable survivors in immigrant communities.

Sincerely,
The National Taskforce to End Sexual and Domestic Violence (www.4vawa.org)

For more information, please contact: Grace Huang, Asian Pacific Institute on Gender Based Violence ghuang@api-gbv.org; or Archi Pyati, Tahirih Justice Center, ArchiP@tahirih.org.