

May 15, 2021

Senator Dick Durbin
Chair, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 205150

Senator Gary Peters
Chair, Senate Homeland Security and
Government Affairs Committee
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Durbin and Chairman Peters:

On behalf of the 105 undersigned organizations that directly or through their membership assist and advocate on behalf of immigrant survivors of gender-based violence, we urge you to support enhanced protections for immigrant survivors of gender-based violence in this next reauthorization of the Violence Against Women Act (VAWA).

With VAWA's enactment in 1994, a bipartisan majority in Congress created life-saving protections for immigrant survivors who are experiencing domestic violence, sexual assault, and other crimes. The goal of this landmark legislation was "to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships."¹ Congress recognized that abusive partners, rapists, traffickers, and other abusers often manipulate the immigration system to maintain power and control and to keep victims silent.

In *all* subsequent bipartisan reauthorizations of VAWA, Congress continued to support and improve protections for immigrant survivors, as it recognized there are several groups of battered immigrants "who did not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and [immigration authorities] cannot offer them protection no matter how compelling their case under existing law."²

For over 25 years, VAWA has served as a rare example of how a bipartisan Congress can protect survivors and strengthen their ability to overcome abuse. Now, as the Senate considers its next actions on VAWA, it must continue the tradition of safeguarding protections for *all survivors*, including immigrant survivors of abuse.

The time to strengthen these protections is right now, and VAWA is the right vehicle to do it. For the last several years, survivors have faced increased barriers accessing relief designed for their protection. Changes in immigration priorities during the last administration have sharpened the tools of abusers and resulted in increased risks of harm to survivors. Unfortunately, abusers' threats that victims will be deported and separated from their children have been actualized. Victims have been arrested at courthouses;³ abusers have manipulated the legal system

¹ Pub. L. No. 106-386, § 1502(a)(1), 114 Stat. 1464, (2000).

² Pub. L. No. 106-386, § 1502(a)(3), 114 Stat. 1464, (2000)

³ See e.g. Michael Gordon. "Mother and her son turned up for a domestic-violence case. Then ICE arrested them" Charlotte Observer (July 20, 2018), available at: <http://bit.ly/2SXzmfw>

against survivors;⁴ survivors have been deported before their applications for relief have been decided;⁵ and immigrant survivors around the country are afraid to reach out for help to address domestic violence and sexual assault due to fears of deportation.⁶

These barriers are exacerbated by substantial delays in processing for humanitarian-based applications like VAWA self-petitions, U and T visas,⁷ which create increased instability and risk of danger for survivors. For these reasons, it is critical that Congress reinforce the intent of protecting all victims and safeguarding and strengthening the immigration protections in VAWA. We call on Congress to:

- Ensure that survivors are not deported before their applications are adjudicated as this clearly undermines the bipartisan purpose that survivors have the ability to seek protection against deportation;
- Raise the U visa cap so that more survivors have access to these critical protections, an effort that was supported by President Biden given its inclusion in the [U.S. Citizenship Act of 2021](#);
- Add hate crimes and other qualifying crimes to the U visa statute to ensure that those who are victims of racist violence may seek paths to safety and justice;
- Strengthen confidentiality in protections for survivors who apply for VAWA self-petitions, U visa and T visa applications by limiting information sharing about their applications.
- Ensure access to work authorization for survivors given the egregious delays in the processing of VAWA self-petitions, U visa and T visa applications. These significant delays, coupled with other barriers, such as a lack of access to financial supports, can subject survivors to additional risks.
- Provide access to basic economic and housing supports for immigrant survivors in order to escape and overcome abuse & exploitation.

We urge Congress, in accordance with its long-standing commitment to provide protections for all victims, to continue to protect victims in immigrant communities, safeguard the immigration provisions currently contained in VAWA, and oppose any rollbacks that would undermine protections and safety for immigrant survivors so that the protections of VAWA continue to be available to all survivors.

⁴ See e.g. Matthew Haag. [Texas Deputy Accused of Molesting 4-Year-Old and Threatening to Deport Her Mother \(June 18 2018\)](#).

⁵ Adolfo Flores. [“An Asylum-Seeking Mom Who Applied for a Special Visa For Victims of Violence Is About to be Deported Anyway.”](#) Buzzfeed (August 28, 2019)

⁶ See e.g Claudia Boyd-Barrett. “Facing Anti-Immigrant Rhetoric and ICE Raids, Fewer Undocumented Victims Willing to Report Domestic Violence” California Health Report (Feb. 21, 2019), available at <http://bit.ly/2H2rzpK> ;

⁷ Processing times for U visa applications are at 59-59.5 months (time from initial filing to waitlist determination); adjudication of VAWA self-petitions are taking 19.5-25 months, and adjudication of T visa applications are taking 17 to 29 months. See USCIS. “Check Case Processing Times” available at <https://egov.uscis.gov/processing-times/>

National Organizations (35)

Alianza Americas

Alianza Nacional de Campesinas

Asian Pacific Institute on Gender-Based Violence

ASISTA

Asylum Seeker Advocacy Project (ASAP)

Casa de Esperanza: National Latin@ Network for Healthy Families and Communities

Center for Gender & Refugee Studies

Coalition to Abolish Slavery and Trafficking (Cast)

DeafHope

FAIR Girls

Freedom Network USA

Futures Without Violence

GABRIELA DC

Global Rights for Women

Haitian Bridge Alliance

Hispanic Federation

Immigration Center for Women and Children

International League of Advocates

Justice for Migrant Women

Kids in Need of Defense

National Council of Jewish Women

National Immigrant Justice Center

National Immigration Law Center

National Partnership for Women & Families

National Resource Center on Domestic Violence

National Network to End Domestic Violence

National Resource Center on Domestic Violence

NIWAP, Inc. (National Immigrant Women's Advocacy Project)

Oxfam America

Planned Parenthood Federation of America

Refugees International

Tahirih Justice Center

Union for Reform Judaism

Voto Latino

World Relief

State and Local Organizations (70)

Alaska

Alaska Network on Domestic Violence & Sexual Assault (ANDVSA)

Arizona

Arizona Coalition to End Sexual and Domestic Violence

California

California Partnership to End Domestic Violence

Coalition for Humane Immigrant Rights (CHIRLA)

Colin Immigration Law

Immigration Institute of the Bay Area

Los Angeles Center for Law and Justice

Maitri

Southwestern Law School Immigration Clinic

Stopping Domestic Violence

Colorado

Rise Above Violence

San Luis Valley Immigrant Resource Center

Connecticut

Apostle Immigrant Services

District of Columbia

Ayuda

Florida

Florida Council Against Sexual Violence

Americans for Immigrant Justice

MIRA USA

Oak Grove Church of God

Georgia

Georgia Coalition Against Domestic Violence

Georgia Network to End Sexual Assault

Sur Legal Collaborative

Illinois

Illinois Coalition Against Domestic Violence

Law Office of Carol A Waldman

Legal Action Chicago
Mujeres Latinas en Accion

Iowa

Iowa Coalition Against Domestic Violence

Kansas

Kansas Coalition Against Sexual and Domestic Violence

Kentucky

Kentucky Coalition Against Domestic Violence

Cumberland Valley Domestic Violence Services
D.O.V.E.S. of Gateway, Inc. (DOMestic Violence Emergency Services)
GreenHouse17, INC.
Merryman House Domestic Crisis Center
Safe Harbor of NE KY
SpringHaven, Inc.

Maryland

Maryland Network Against Domestic Violence

The Women's Law Center of Maryland

Massachusetts

Jane Doe, Inc.

Central West Justice Center

Minnesota

Violence Free Minnesota

Immigration Law Center of Minnesota
Roberts Immigration Law office, Ltd.

Nebraska

Nebraska Coalition to End Sexual and Domestic Violence

New Jersey

Legal Services of New Jersey
Wind of the Spirit Immigrant Resource Center

New Mexico

New Mexico Immigrant Law Center

New York

Erie County Bar Association Volunteer Lawyers Project, Inc.
Her Justice
New York Immigration Coalition
Safe Horizon
Sanctuary for Families
The Legal Aid Society (New York)
The Legal Project
Urban Justice Center Domestic Violence Project
Violence Intervention Program

Ohio

Ohio Domestic Violence Network
Advocating Opportunity
Crime Victim Services

Oregon

Center Against Rape and Domestic Violence (CARDV)
Impact NW
Meadowlark Immigration PC

Pennsylvania

Pennsylvania Coalition Against Domestic Violence

Rhode Island

Rhode Island Coalition Against Domestic Violence
Progreso Latino

Texas

Texas Council on Family Violence (TCFV)
Human Rights Initiative of North Texas

Virginia

Action Alliance
Just Neighbors Ministry

Washington

Washington Coalition of Sexual Assault Programs (WCSAP)
Washington State Coalition Against Domestic Violence
Northwest Immigrant Rights Project