



## 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](mailto:ghuang@api-gbv.org) or Cristina Velez from ASISTA at [cristina@asistahelp.org](mailto: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