

July 25, 2011

The Honorable Lamar Smith, Chairman
The Honorable John Conyers, Ranking Member
House Judiciary Committee

The Honorable Elton Gallegly, Chairman
The Honorable Zoe Lofgren, Ranking Member
House Subcommittee on Immigration Policy and Enforcement

Dear Representatives Smith, Conyers, Gallegly and Lofgren,

We write to express our alarm at the effect that H.R. 2497, the Hinder the Administration's Legalization Temptation Act (HALT Act) would have on immigrant victims of domestic violence, sexual assault, human trafficking and other crimes, including children. HALT will not serve the purpose implied by its title. By denying victims such vital and basic protections against deportation as "Deferred Action," HALT will instead further endanger these already vulnerable populations. As local, state and national organizations that work with survivors of these crimes, we know from personal experience that Deferred Action is essential to the safety and security of those we help.

Deferred Action is not itself a legal status or "legalization" – it is simply a bare minimum assurance that the individual does not face imminent deportation. In the domestic violence context, it also serves as an essential tool for providing economic independence to immigrant victims. For over 15 years, US Citizenship and Immigration Services (USCIS) has granted Deferred Action as an interim measure for immigrant victims of domestic violence *whose petitions under the Violence Against Women Act (VAWA) have already been approved*, but who must wait to apply for lawful permanent residence until their priority dates become current under our family preference system. For these approved self-petitioners, Deferred Action is an essential, discretionary tool for granting legal work authorization. CIS also occasionally uses Deferred Action for U and T applicants where necessary to ensure that those who have been helpful to law enforcement are not deported or denied work authorization while awaiting final adjudication of their claims. The agency's discretion to use Deferred Action is essential to ensuring abusers and crime perpetrators do not thwart victims' safety and access to justice by threatening victims with deportation if they reveal crimes and abuse.

As you may recall, the 1994 Violence Against Women Act (VAWA) that created the self-petitioning route was a bi-partisan effort. Through successive VAWA reauthorizations, and through the repeated enactment and reauthorization of related laws over more than 15 years, Congress has maintained that strong bipartisan support and reaffirmed its commitment to protect immigrant victims of domestic violence, sexual assault, human trafficking, and other crimes.¹ Because the overarching goal of VAWA was to ensure

¹ VAWA's "self-petitioning" provisions, created by the 1994 law, help victims abused by their citizen or lawful permanent resident spouses or parents to obtain independent legal immigration status. Provisions for "U" and "T" visas, created in the bi-partisan Victims of Trafficking and Violence Prevention Act of 2000, offer protections to immigrant victims of domestic violence, sexual assault and trafficking who have suffered substantial physical or emotional injury and are cooperating with law enforcement in the investigation or prosecution of the crimes.

that the legal system is not used as weapon by abusers against their victims, USCIS grants Deferred Action to approved self-petitioners awaiting adjustment so they can work legally and escape their abusers' economic control. In our experience, it is often not until a victim obtains Deferred Action and work authorization that she feels secure enough to leave her abuser. Many battered immigrants also fear they will lose custody of their children to an abusive spouse if they have no means to support themselves. If a battered immigrant cannot work, she cannot feed, clothe and care for herself and her children, and she is highly likely to remain trapped in a violent home.² Even if she is able to flee to an emergency domestic violence shelter for a month or two, without work authorization, she typically cannot access any transitional or longer-term housing programs and may feel she has no choice but to return to the abuser or face homelessness.

By eliminating Deferred Action as a tool for helping victims of domestic violence and other victims of crimes, HALT would restore a powerful weapon to batterers' and crime perpetrators' arsenals against victims vulnerable to removal. HALT would eliminate the ability of a battered immigrant to survive on her own, and would condemn her once more to be subject to the control and violence of her abuser. Considering the long history of bipartisan support for protecting immigrant survivors of domestic violence, sexual assault and human trafficking, we assume this cannot be the intent of the proposed law.

On behalf of the vulnerable women and children we serve, and with great fear of the unintended consequences to them of this proposal, we implore Representatives Smith and Gallegly to rescind your support of the HALT Act. We urge Representatives Conyers and Lofgren to raise vigorous opposition to this and any other law that would eviscerate the protections Republicans and Democrats joined together to create in the Violence Against Women Act and its progeny.

Sincerely,

National Organizations

ASISTA Immigration Assistance

Ayuda

Casa de Esperanza: National Latina Network for Healthy Families and Communities

Central American Legal Assistance

Coalition to Abolish Slavery & Trafficking

Dwa Fanm

Futures Without Violence

Heartland Alliance's National Immigrant Justice Center

Tahirih Justice Center

Violence Intervention Program, Inc.

Women's Refugee Commission

² See <http://www.legalmomentum.org/our-work/immigrant-women-program/reform-laws-wish-act.html> (citing a study that found that more than two-thirds of battered immigrant women still trapped in abusive relationships said that lack of money was the biggest obstacle to leaving).

Organizations by State

California

Asian Pacific Islander Legal Outreach
California Rural Legal Assistance Foundation, Inc
CARECEN Los Angeles
CARECEN San Francisco
Centro Legal de la Raza
Connecticut Legal Services
Immigration Center for Women and Children
International Institute of the Bay Area
Salvadorian American National Network

District of Columbia

Mil Mujeres

Florida

Florida Costal Immigrant Rights Clinic
Lucha Project—Florida Immigrant Advocacy Center

Georgia

Cherokee Family Violence Center

Illinois

Centro Romero

Iowa

Iowa Coalition Against Sexual Assault

Maine

Immigrant Legal Advocacy Project

Maryland

Centro Cultural MILPA
Mid-Shore Council on Family Violence

Massachusetts

Boston College Immigration & Asylum Project
Boston University Civil Litigation Program
Healing Abuse Working for Change (HAWC)
Neighborhood Legal Services

Minnesota

Battered Women's Legal Advocacy Project

Nebraska

Justice for Our Neighbors

New York

Barrier Free Living Family of Companies
Centro Hispano Cuzcatlan

CONNECT, Inc.
Empire Justice Center
F-E-G-S, Health and Human Services System
Good Shepherd Services
Jewish Board of Family & Children's Services
Horizon Domestic Violence Shelter (Jewish Board of Family & Children's Services)
Northern Manhattan Improvement Corp.—Domestic Violence Project
St. Brigid's Casa
Transition Center Domestic Violence Shelter (Jewish Board of Family & Children's Services)
Zonta Club of Westchester

North Carolina

Latin American Coalition

Oregon

Immigration Counseling Service
Lane County Legal Aid and Advocacy Center

Pennsylvania

Hebrew Immigrant Aid Society Pennsylvania
Southeast Asian Mutual Assistance Associations Coalition

Texas

American Gateways—Formerly the Political Asylum Project of Austin
Human Rights Initiative of North Texas, Inc.
Las Americas Immigrant Advocacy Center
Refugio del Rio Grande
Texas Civil Rights Project

Virginia

Just Neighbors

Washington

Northwest Immigrant Rights Project

Wisconsin

Domestic Violence Immigration Clinic—University of Wisconsin Law School
Wisconsin Coalition Against Domestic Violence

Additional Individual Signatories

Affiliations listed for identification purposes only

Alicia M. Heflin, Esq.
B. John Ovink, Esq.
Christina L. Milsner-Pollard, J.D., L.L.M.
Gibbs Houston Pauw
Immigration Law Offices of Mahoney & Tomlinson, P.C.
Jon Eric Garde, Esq.
Murad & Murad, P.C.

Nancy Falgout, P.C.
Perretta Law Office
Scott D. Pollock & Associates, P.C.
Sisters of St. Dominic, Congregation of the Most Holy Name
The Law Office of Jennifer Walker Gates