

May 17, 2012

U.S. House of Representatives

RE: Update – Manager’s amendments to VAWA (H.R. 4970) do not fix critical problems. H.R. 4970 eliminates protections for battered immigrants; harms victims.

Dear Member of Congress:

As a diverse coalition of immigration, faith, labor, civil rights, human rights and community organizations serving and advocating on behalf of immigrant victims of domestic violence, human trafficking, sexual assault, dating violence, and stalking, we urge you to oppose H.R. 4970, the Violence Against Women Reauthorization Act of 2012 (VAWA) (Adams, R-FL) when it comes to the House floor.

The amendments offered by Representative Adams (“manager’s package”) that will be considered by the Rules Committee today are inadequate and do not correct the major problems with H.R. 4970. With the manager’s package, H.R. 4970 will still roll back existing protections for battered immigrants that were created with bi-partisan congressional support.

Enacted in 1994 and reauthorized twice in 2000 and 2005, VAWA has a long history of uniting lawmakers with the common purpose of protecting survivors of domestic violence, sexual assault, and stalking. When VAWA was conceived, Congress recognized that the noncitizen status of battered immigrants can make them particularly vulnerable. Abusers often exploit their victims’ undocumented status, leaving the victim afraid to report the abuse to law enforcement and making them fearful of assisting with the prosecution of these crimes.

As modified, H.R. 4970 effectively eradicates protections created by VAWA that have been available for almost twenty years to immigrant victims of violence. The bill establishes an extremely onerous adjudication process for victims to receive protection that is not required in other areas of the law. Finally, it wastes government resources when allegations of fraud have not been substantiated.

H.R. 4970 eliminates protections for crime victims offered by the U visa.

- Deters immigrant victims from reporting crimes by denying nearly all U visa recipients the protections offered by lawful permanent resident status. By offering only temporary relief, H.R. 4970 will eliminate an important incentive for victims to report crimes and silence victims who fear deportation. A victim could be deported and be forced to leave her children behind with an abuser if he has legal status but she does not.

- Endangers crime victims by making it extremely difficult for them to obtain U visa protection. H.R. 4970 needlessly requires that an investigation or prosecution is being actively pursued. Current law already requires that law enforcement certify that the victim has been or is likely to be helpful to an investigation or prosecution.
- H.R. 4970 requires that the victim help identify the perpetrator. Many sexual assault victims never get a good look at the perpetrator.

H.R. 4970 denies battered immigrants the protections of “self-petitioning.”

- Gives perpetrators tools to interfere with a victim’s immigration case
- Forces every VAWA self-petitioner to participate in two face-to-face interviews with DHS officials, subjecting them to unnecessary additional screening that can be dangerous for victims who may have to account for their every movement to the abuser
- Requires untrained local field office staff conduct in-person interviews with victims of domestic violence and sexual assault. Long delays to secure initial interviews at local offices will put victims trying to leave abusive relationship at greater risk.
- Endangers the safety of battered immigrants by suspending adjudication of their case if there is an open criminal investigation or prosecution of the perpetrator

H.R. 4970 requires DHS officials to conduct expensive and time consuming reviews of the victims’ cases that are not required in other areas of law. These wasteful reviews are motivated by unsubstantiated claims of fraud and abuse within VAWA programs.

H.R. 4970 endangers victims, and undoes years of bipartisan progress made in previous VAWA bills by taking us to a time before 1994 when abusers were allowed to use immigration status as a tool for further abuse. When H.R. 4970 is brought to the floor of the House of Representatives, **we urge you to vote NO**. This bill goes against the core of VAWA by eliminating protections for victims and placing victims in danger.

If you have any questions or concerns, please contact Mony Ruiz-Velasco, National Immigrant Justice Center at 312/660-1360, mruizelvasco@heartlandalliance.org, or Grace Huang, Washington State Coalition Against Domestic Violence, 206/389-2515, grace@wscadv.org.

Sincerely,

Alianza Nacional de Campesinas
 America’s Voice Education Fund
 American Civil Liberties Union
 American Immigration Lawyers Association
 American Jewish Committee
 Americans for Immigrant Justice
 Artemis Justice Center

Asian American Justice Center, Member of Asian American Center for Advancing Justice
Asian American Institute, a Member of the Asian American Center for Advancing Justice
Asian American Legal Defense and Education Fund (AALDEF)
Asian Pacific American Legal Resource Center
Asian Pacific Islander Institute on Domestic Violence
ASISTA
Battered Women's Legal Advocacy Project
Benjamin N. Cardozo Human Rights and Genocide Law Clinic
Black Women's Roundtable
Boston University Civil Litigation Program
Break the Cycle
California Partnership to End Domestic Violence
Capital Area Immigrants' Rights Coalition
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
Casa De Proyecto Libertad
Casa Esperanza
Center for Gender & Refugee Studies
Center for Social Justice
Central American Resource Center (CARECEN)
Centro Legal de la Raza
Church World Service, Immigration and Refugee Program
Coalition for Human Immigrant Rights of Los Angeles (CHIRLA)
Community Safety Networks
Connecticut Legal Services, Inc.
Disciples Home Missions of the Christian Church (Disciples of Christ)
East Bay Community Law Center
East Bay Sanctuary Covenant
Empire Justice Center
The Episcopal Church
Families for Freedom
Farmworker Justice
Fiel Houston Inc.
Florence Immigrant & Refugee Rights Project
Florida Coastal Immigrant Rights Clinic
Friends of Farmworkers, Inc.
Futures Without Violence
Greater Hartford Legal Aid
Greater Rochester Coalition for Immigration Justice
Healing Abuse Working for Change
Hebrew Immigrant Aid Society
Human Rights Defense Center
Human Rights Initiative of North Texas
Hutto Visitation Program
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Defense Project
Immigrant Legal Resource Center

Immigrant Rights Clinic at Rutgers School of Law
Immigration Equality
Immigration Law Center of Minnesota
Institute on Domestic Violence in the African-American Community
International Institute of Buffalo
International Institute of the Bay Area
International Organization for Adolescents
Jacksonville Area Legal Aid, Inc.
Jesuit Social Research Institute/Loyola University New Orleans
Jewish Council for Public Affairs
Jewish Council on Urban Affairs
Jewish Labor Committee
Jewish Women International
Just Neighbors
Justice for Our Neighbors- New York
Justice Strategies
Kansas Coalition Against Sexual and Domestic Violence
Kentucky Coalition for Immigrant and Refugee Rights
Kids in Need of Defense
The Leadership Conference on Civil and Human Rights
Legal Aid Justice Center
Legal Aid Society of Minneapolis
The Legal Aid Society of San Mateo County
Legal Aid Society of Rochester, New York
Legal Aid Society of the Orange County Bar Association
Legal Services for Children in San Francisco
Legal Services of New Jersey
Life Span Center for Legal Services and Advocacy
Lutheran Immigration and Refugee Service
Lutheran Social Services of New England
MAITRI
Manavi, Inc.
Massachusetts Immigrant and Refugee Advocacy Coalition
Migrant Support Services of Wayne County
Monsoon United Asian Women of Iowa
Ms. Foundation
National Asian Pacific American Women's Forum
National Center for Victims of Crime
National Center on Domestic and Sexual Violence
National Center on Domestic Violence, Trauma & Mental Health
National Clearinghouse for the Defense of Battered Women
National Coalition Against Domestic Violence
National Coalition of Anti-Violence Programs (NCAVP)
National Coalition on Black Civic Participation
National Council of Jewish Women
National Council of La Raza (NCLR)

National Council of Negro Women
National Domestic Violence Hotline
National Employment Law Project
National Immigrant Justice Center
National Immigration Forum
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Latina Institute for Reproductive Health
National Organization for Women
National Organization of Asian Pacific Islanders Ending Sexual Violence
National Organization of Sisters of Color Ending Sexual Assault
National Network to End Domestic Violence
National Resource Center on Domestic Violence
NC Immigrant Rights Project
New Sanctuary Coalition of NYC
New York State Coalition Against Sexual Assault
New York State Defenders Association- Criminal Defense Immigration Project
Next Door Solutions to Domestic Violence
Northern Manhattan Improvement Corp.- Domestic Violence Project
Northwest Immigrant Rights Project
NY Anti-Trafficking Network
Organizacion en California de Lideres Campesinas
Paso Del Norte Civil Rights Project
The P.E.A.C.E.* Initiative
Pennsylvania Immigration and Citizenship Coalition
Physicians for Human Rights
Political Asylum/Immigration Representation Project
Public Council Law Center, Immigrants' Rights Project
Rabbis for Human Rights-North America
The Reformed Church of Highland Park, NJ
Refugee Resettlement and Immigration Services of Atlanta
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Refugio del Rio Grande
Research Institute Without Walls
Rocky Mountain Immigrant Advocacy Network
Service Employees International Union
Somos America Coalition
South Asian Americans Leading Together (SAALT)
Southwestern Law School Immigration Law Clinic
Texans United for Families
Tahirih Justice Center
Tri-City Community Action Program, Inc.
Tulsa Immigrant Resource Network- Boesche Legal Clinic at University of Tulsa College of Law
Undocumented Ohio
UNIDOS Against Domestic Violence
The Union for Reform Judaism

Unitarian Universalist Association of Congregations
United Methodist Women Immigrant & Civil Rights Initiative
United We Dream Network
University of Miami School of Law Immigration Clinic
UNO Immigration Ministry
Vermont Immigration and Asylum Advocates
VIDA Legal Assistance, Inc.
Virginia Sexual and Domestic Violence Action Alliance
Washington State Coalition Against Domestic Violence
Wayne Action for Racial Equality
The William Kellibrew Foundation
Wisconsin Coalition Against Domestic Violence
Women of Color Network
Women's Refugee Commission
Worker Justice Center of New York
World Relief
Who Is My Neighbor? Inc.
The Young Center for Immigrant Children's Rights at the University of Chicago
YWCA USA