

Oppose Amendments in Proposed VAWA Reauthorization - HR 4970- that Endanger Immigrant Victims and Increase Barriers to Safety

- HR 4970 not only leaves out moderate improvements to VAWA's protections for immigrant survivors that were included in S1925, the widely supported bipartisan Senate bill that just passed by a vote of 68-31, but it also seeks amendments that would dramatically undercut existing protections for immigrant survivors in VAWA.
- The changes proposed in HR4970 to VAWA's current protections for immigrant survivors would create obstacles for immigrant victims seeking to report crimes, increase the danger to immigrant victims by eliminating important confidentiality protections, undermine current anti-fraud protections, and roll back years of progress and commitment on the part of Congress to protect vulnerable immigrant victims.

Background

- Since its enactment in 1994, VAWA has always received broad bipartisan support and has always included special protections for immigrant survivors of domestic violence, recognizing that the abusers of immigrant victims often exploit the victims' immigration status, leaving the victim afraid to seek services or report the abuse to law enforcement.
- VAWA "self-petitioning" was created in 1994 to assist those victims married to U.S. Citizen or Legal Permanent Resident spouses, who use their control over the victims' immigration status as a tool of abuse (either failing to file paperwork to keep them in legal status, or threatening to withdraw it).
- In 2000, the "U" Visa was created in VAWA, to reassure vulnerable victims of a specific list of particularly serious crimes that they could safely come forward to report those crimes without fearing that their immigration status could be questioned and that they, rather than the perpetrator, could wind up detained or deported. To be eligible for a U visa, victims must obtain law enforcement certification demonstrating that they have assisted in a criminal investigation or prosecution. Likewise, the "T" visa was created to help victims of human trafficking and to gain their help in turn with investigations and prosecutions of traffickers.
- In 2005, the "International Marriage Broker Regulation Act" (IMBRA) was enacted as part of VAWA, to regulate the so-called "mail-order bride" industry and make changes to the process by which Americans petition to sponsor visas for foreign fiancé(e)s and spouses to protect against abuse and exploitation.
- Congress has repeatedly reaffirmed its commitment to these provisions in each reauthorization of VAWA, reflecting bipartisan recognition that domestic

violence is a serious crime and public safety issue that cannot be fully addressed if all victims are not safe and all perpetrators are not held accountable.

How Will HR 4970 Provisions Harm Immigrant Victims?

- Section 801 eliminates crucial confidentiality protections for victims in the VAWA self-petition and cancellation of removal processes who are married to U.S. citizen or Legal Permanent Resident spouses. By requiring notification to the alleged abuser that his/her spouse has filed a VAWA self-petition, this endangers victims (many of whom may still be living with an abusive spouse since their options are extremely limited as a result of their undocumented status). It would also allow abusers to continue to manipulate the immigration process as a tool of abuse by providing them an opportunity to block her access to legal status. Additionally, it creates duplicative and unnecessary bureaucracy by dispersing VAWA adjudications from specially trained officers in a centralized unit, and increases barriers to safety for vulnerable victims by imposing a stricter standard for approval of VAWA cases than for other forms of humanitarian relief under immigration law .
- Section 802 imposes arbitrary and unreasonable barriers for victims, and undermines the law enforcement purpose of the U visa, by narrowly restricting the circumstances in which law enforcement certifications can be issued.
- Section 806 discourages crime victims from cooperating with law enforcement, especially in complex or dangerous criminal investigations or prosecutions, and eliminates stability for vulnerable crime victims by terminating their eligibility for permanent residence.

How Do Other Provisions in HR 4970 Fall Short in Protecting Immigrant Victims?

- Sections 803 and 804, which amend IMBRA, omit critical amendments that were included in S. 1925 to prevent serial abuse and exploitation of so-called “mail-order brides” and other immigrating foreign spouses and fiancé(e)s of US citizens, as well as abuse of the visa system.

*Created by the Immigration Committee of the National Task Force to End Sexual and Domestic Violence.
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