Oppose Grassley Amendment (MDM12037) to the Violence Against Women Act Reauthorization (S. 1925) Regarding Removal of Drunk Drivers

- Any proposals to change the Immigration and Nationality Act (INA) that are irrelevant to VAWA’s focus on domestic violence, sexual assault, dating violence, stalking and human trafficking should be kept out of VAWA.

- Senator Grassley’s Amendment to S. 1925, elevating a third drunk driving conviction to the status of an aggravated felony for the purposes of immigration removal, does not belong in VAWA. As VAWA moves forward in the Senate and in the House, this amendment poses great risks that VAWA will be further exploited and used as a backdoor to address other immigration matters that are irrelevant to the focus of VAWA, thus threatening to undermine the integrity and purpose of VAWA legislation and placing the passage of this important legislation at risk.

- Since the enactment of the Violence Against Women Act (VAWA) in 1994, Congress has recognized that immigrant victims of domestic violence and sexual assault face significant and particular barriers to seeking safety and justice, finding that a victim’s immigration status is often used as a tool of abuse. As a result, Congress has enacted important immigration remedies, such as the VAWA self-petition, U-visa and T-visa, to encourage victims of domestic violence, sexual assault, and human trafficking to seek help and safety for themselves and their children and to hold perpetrators accountable.

- For the first time ever, since VAWA was first enacted in 1994 and subsequently reauthorized in 2000 and 2005, has VAWA been used as a political vehicle to make changes to the Immigration and Nationality Act that are not germane and that threaten to undermine VAWA’s focus on addressing domestic violence, sexual assault, dating violence, stalking and human trafficking.

- For over 15 years Congress has only voted once to expand the offenses considered to be aggravated felonies for deportation purposes within the INA, and that was for offenses related to human trafficking. Although bills have previously been introduced to elevate a third drunk driving offense to the status of aggravated felony, many objections have been raised and such provisions were not enacted.

  - Objections include concerns that such a provision reverses settled Supreme Court caselaw on the scope of crimes of violence, which the court unanimously held simple drunk driving not to be. Additionally, it sweeps in lawful permanent residents (those with “green cards”) who have been long-time members of the community, requiring their mandatory detention and permanent deportation. The change employs a “one-size-fits-all” approach, treating all drunk driving violations the same even if there is no damage to persons or property (and in some states a person can be convicted of DUI if the vehicle is not being driven, as when someone passes out in a parked car). These harsh consequences will also be based in part on drunk driving convictions that are decades old, ignoring otherwise stable and productive lives and equities in the United States.

- Regardless, VAWA is not the place to debate the merits of such a provision. Proposed legislation to change the INA that is irrelevant to VAWA’s focus on domestic violence, sexual assault, dating violence, stalking and human trafficking should be kept out of VAWA.

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