



VIOLENCE AGAINST WOMEN ACT 2005

TITLE VIII – IMMIGRANT ISSUES

In 1994 and 2000, Congress included in the Violence Against Women Act (VAWA) immigration provisions designed to remove obstacles inadvertently interposed by immigration laws that prevent immigrant victims from safely fleeing domestic violence and prosecuting their abusers. VAWA 2000 extended immigration relief to immigrant victims of sexual assault, human trafficking and other violent crimes who agree to cooperate in criminal investigations or prosecutions. A key goal of VAWA's immigration protections is to cut off the ability of abusers, traffickers and perpetrators of sexual assault to blackmail their victims with threats of deportation, and thereby avoid prosecution. VAWA allows immigrant victims to obtain immigration relief without their abusers' cooperation or knowledge. Congress understood that if we are to stop violence against women, all victims need protection and assistance without regard to their immigration status.

While VAWA 1994 and 2000 made significant progress in reducing violence against immigrant women, there are still many women and children whose lives are in danger today. Many VAWA eligible victims of domestic violence, sexual assault, child abuse or human trafficking are still being deported. Others remain economically trapped by abusers or traffickers in life-threatening environments. Some needy victims of family violence, including incest survivors and elder-abuse victims, are totally cut off from VAWA's immigration protections. Finally, many trafficking victims are too afraid to cooperate with law enforcement for fear that traffickers will retaliate against their family members.

THE VAWA 2005 IMMIGRATION PROVISIONS WILL:

Implement VAWA's original intent by stopping the deportation of immigrant victims of domestic violence, sexual assault, and human trafficking:

- Barring the removal of victims who qualify for VAWA immigration relief.
- Removing obstacles in immigration law that bar otherwise qualified victims from obtaining VAWA immigration relief.

Extend immigration relief to all victims of family violence:

- Preventing victims of incest and child abuse perpetrated by a U.S. citizen or permanent-resident parent from being cut off from VAWA's immigration protections when they turn 21;
- Protecting parents abused by their adult U.S. citizen sons or daughters;
- Protecting abused adopted children; and
- Securing protection for children of immigrant victims of domestic violence, sexual assault and human trafficking.

Guarantee economic security for immigrant victims and their children by:

- Granting employment authorization to adult victims who have filed valid VAWA, T-visa, and U-visa immigration cases;
- Allowing organizations funded by the Legal Services Corporation to represent all victims of domestic abuse, human trafficking, or sexual assault, regardless of immigration status;
- Removing bar that makes immigrant victims wait five years before they can access public benefits; and
- Affording cooperating witness immigrant victims of domestic violence, sexual assault, child abuse and trafficking access to public benefits.

Stabilize and secure the safety of trafficking victims by:

- Protecting their family members living abroad from retaliation by traffickers;
- Allowing trafficking victims to seek permanent residence after one year; and
- Removing barriers in immigration law that cut victims off from trafficking victim protections.