

May 9, 2013

Honorable Members of the Senate Judiciary Committee

Dear Senator:

The undersigned _____ groups that serve and advocate on behalf of victims of domestic violence, child and elder abuse, sexual assault, dating violence, stalking, and human trafficking, write to voice our **strong opposition to Amendment 32 (MDM13332) sponsored by Senator Jeff Sessions (R-AL) to the “Border Security, Economic Opportunity, and Immigration Modernization Act” (S. 744).**

This amendment asserts the inherent authority of state and local police to enforce federal civil immigration laws, encourages them to do so “in the course of carrying out routine duties,” and penalizes them (by denying funding) if they have any laws, policies or practices that prohibit cooperation with federal immigration authorities. The amendment would also make it extremely difficult to terminate “287(g)” agreements (specific cooperation agreements between states/localities and federal immigration authorities).

While the amendment states law enforcement is not required to report or arrest crime victims or witnesses, it implicitly encourages police to determine the immigration status of everyone with whom they come into contact. This will put victims at risk of deportation and deny them safe access to protections provided for them under the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA).¹

We strongly oppose Sessions Amendment 32 and any efforts to enlist state and local police to enforce federal civil immigration laws. In our experience such proposals have a severe “chilling effect” on immigrant crime victims, making them afraid to seek help or report crimes – and jeopardizing public safety for all.

Numerous media articles, studies and reports demonstrate how public safety is undermined when local police are viewed as a branch of federal immigration enforcement. A report released just this week on the impact of increased police involvement in immigration enforcement found that **44% of Latinos surveyed are less likely to contact police officers if they have been a victim of crime for fear they or someone they know will be asked about immigration status – a figure that jumps to 70% among those without legal immigration status.**² Other research shows that **immigrant victims of domestic violence without legal immigration status can be half as likely to call police as those with stable status.**³

Perpetrators often use immigration status as a tool of power and control over their victims. Nearly 75% of abused immigrant women in one survey reported that their spouses had never filed immigration applications for them, even though they were eligible for legal status. Abusers who eventually filed for their immigrant

¹ VAWA and the TVPA provide for self-petitions for abused spouses of US citizens and legal permanent residents, “T” visas for human trafficking victims and “U” visas for victims of other serious crimes who assist in investigations and prosecutions.

² See Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement* (University of Illinois at Chicago (May 2013), available at http://www.uic.edu/cuppa/gci/documents/1213/Insecure_Communities_Report_FINAL.pdf.

³ Leslye Orloff, Mary Ann Dutton, Giselle Aguilar Hass, & Nawal Ammar, *Battered Immigrant Women’s Willingness to Call for Help and Police Response*, 13 *UCLA Women’s L. J.* 43, 60 (2003).

spouses waited almost 4 years to do so.⁴ Already batterers, rapists, and traffickers call or threaten to call the police to try to get their victims deported. **By encouraging local police to engage in immigration enforcement, Sessions Amendment 32 would actually help perpetrators intimidate immigrant victims into silence and avoid prosecution.**

Moreover, by penalizing local law enforcement that chooses to serve their diverse communities without acting as immigration officers, Sessions Amendment 32 undermines the independence and integrity of local law enforcement and the trust essential to effective community-based policing.

On behalf of the courageous survivors of domestic violence, child and elder abuse, sexual assault, dating violence, stalking and human trafficking that our organizations serve, **we urge you to vote against Amendment 32 (MDM13332) sponsored by Senator Jeff Sessions (R-AL) to the “Border Security, Economic Opportunity, and Immigration Modernization Act” (S. 744)**, and thank you very much for taking that important step to protect and support immigrant survivors.

Please do not hesitate to contact Heather Heiman, Tahirih Justice Center ((571) 282-6195 or heather@tahirih.org), for further information regarding these concerns.

Sincerely,

[LIST OF SIGNATORIES IN PROGRESS –

[NOTE: A sign-on letter raising similar concerns sent in November 2011 to the House Judiciary Committee about “Secure Communities”, another federal-state cooperation program re: immigration enforcement, was endorsed by nearly 50 organizations around the country, including the National Center for Victims of Crime and the National Network to End Domestic Violence and 15 statewide domestic and sexual violence coalitions (from CA, DC, IL, IA, MA, KS, MI, MN, NJ, NC, OH, PA, TN, VA, and WY)]

⁴ Mary Ann Dutton, Leslye E. Orloff, & Giselle Hass, *Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications*, 7 Geo. J. Poverty Law & Pol’y 245, 259 (2000).