



Protecting Immigrant
Women and Girls
Fleeing Violence

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Subcommittee on Immigration and Border Security
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Thank you, Chairman Sensenbrenner and distinguished members of the Subcommittee on Immigration and Border Security. I am the Chief of Policy and Programs at the Tahirih Justice Center, a national nonprofit that for 20 years has provided legal services to immigrant survivors of human trafficking, sexual violence, and domestic violence. We have offices in Baltimore, Maryland; Houston, Texas; San Francisco, California; and Falls Church, Virginia. We are a nonpartisan organization and advocate for laws and policies that help immigrant survivors of violence get themselves and their children to safety.

As an advocate for survivors of violence, I am honored to be invited to comment on the importance of protecting public safety and supporting victims of violence while enforcing our federal immigration laws.

Over the years, I have supported and represented hundreds of survivors of human trafficking, rape, and domestic violence. I have heard women and girls tell me their stories of exploitation and abuse by men who viciously capitalized on disparities in economic and social status to establish power and control over their victims. Given these dynamics, it can be painfully difficult for victims to recognize the abuse, have the courage to reach out for support, seek justice, and

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finally break free. When a woman or girl is successful in doing this, she frees herself of the violence and finds a path to safety and independence for herself and her children.

Among the most vulnerable to this type of violence, immigrant women and girls face a number of barriers to accessing help, including language barriers, resources, inability to work legally, lack of access to public benefits, and fear of deportation. For example, in a 2015 survey of 800 Latinos and Latinas across America, 41 percent cited fear of deportation as the primary barrier preventing victims of domestic violence from seeking help.¹ Many abusers are well aware of this and therefore use a victim's immigration status against her, threatening to contact immigration authorities and report the victim if she discloses abuse.² Often, perpetrators will use a woman's lack of immigration status as a potent tool in creating and maintaining power and control by threatening that their victims could be deported away from their children. This is an all too familiar narrative for my organization's clients, many of whom have been harmed by U.S. citizen men who knew that they could get away with perpetrating violence because of their victims' fear of deportation.

Congress recognized this when, in 1994, with robust bipartisan support, it passed the Violence Against Women Act, stating that “[m]any immigrant women live trapped and isolated in violent homes, afraid to turn to anyone for help. They fear both continued abuse if they stay with their batterers and deportation if they attempt to leave.” That legislation not only provided for numerous services for all victims of domestic and other gender-based violence, it also created a process by which immigrant victims of violence at the hands of American men could reach out and ask for protection. Congress created the U and T visa programs in 2000 to “strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking...and other crimes...committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States.” Furthermore, Congress created important confidentiality provisions to prevent abusers from using

the immigration system as a way to maintain power over survivors. These laws encourage victims to not only get help for themselves and their children, but to motivate them to report and cooperate with law enforcement to help seek justice for perpetrators of crime and make all of us safer.

But these absolutely critical protections and the public policy goals of community safety they serve are now at risk of being significantly undermined because of misguided immigration enforcement policies. The President's January 25, 2017 Executive Order on internal enforcement flattens deportation priorities in a way that unfairly sweeps up thousands of trafficking and abuse victims for removal who may have been charged with crimes as a result of their victimization and actually qualify for legal protection. It makes sensitive victim data potentially available to anyone, including traffickers and abusers just waiting for that bit of information that would allow them to track down and further harm their victims. And it revives harmful Secure Communities and 287(g) agreements while penalizing and shaming those jurisdictions that use tried, tested, and true community policing strategies that keep us all safer.

These harmful policies rely on a false narrative of lawlessness in jurisdictions that actually have robust and effective community policing strategies. There is no data to suggest that localities with community trust policies have more criminal activity than others, while there is data to suggest that localities with community trust policies have actually achieved a reduction in crime.³ In fact, the hundreds of jurisdictions nationwide that have enacted community policing strategies have done so precisely to serve the goal of enhancing public safety. Focusing on isolated acts of immigrant crime in localities with community trust policies will inaccurately mark these localities as reckless and unsafe, when in fact they may be safer – not only for immigrants, but for all of us. Placing a spotlight on the few incidents of crime committed by undocumented immigrants in communities with strategic policing practices is much easier than attempting to quantify the significant volume of crime that has been prevented, stopped, or successfully prosecuted because of community trust.

In the victim advocacy community, we know that victims and witnesses are much more likely to report crime and cooperate with investigations and prosecutions when they believe that there is little or no risk of deportation if they reach out. We know that local law enforcement relies heavily on these victims and witnesses to prevent and punish criminal activity. One law enforcement officer told me a few weeks ago about two undocumented men who witnessed the fatal shooting of a woman by her partner during broad daylight, but who would only offer their unique and essential evidence against this armed and violent man who had fled the scene if they could be assured that they would not be deported for doing so. For years, I have been able to convince my own clients to report abuse of themselves and their children to the police only with significant reassurance that they would not be separated from their children if they did so. Being able to report and cooperate with law enforcement can enable survivors to access immediate, short-term protections, such as emergency medical care, as well as longer-term benefits, such as restraining orders.⁴

But in jurisdictions where local police are seen as the enforcers of immigration laws, undocumented immigrants are afraid to drive, go to community organizations or churches, or even seek medical help for their children. In such jurisdictions, many survivors of domestic violence remain in the shadows—afraid to call the police, or even to reach out to organizations like mine for assistance. Effectively, for many vulnerable victims, reaching out to local law enforcement for assistance to address trafficking, assault, and domestic violence is removed as an option for safety.

The policies of the Executive Order are already having a devastating chilling effect on reporting criminal activity among immigrant survivors of trafficking, sexual assault, and domestic violence are no exception. Since January, fear has spread like wildfire through communities and victims are not reaching out for help from police. And the evidence shows that this is not an abstract fear.⁵ Less than three weeks after the President issued the Executive Order, and amidst widespread

reports of escalating immigration enforcement activity, Immigration and Customs Enforcement agents arrested an immigrant woman at a courthouse in El Paso, Texas, where she had gone to seek an order of protection from her abuser.⁶ In Denver, Colorado, City Attorney Kristin Bronson reported that since the issuance of the Executive Order, four domestic-violence victims have informed her office that they no longer wish to pursue charges against their abusers out of fear that doing so will place them at risk for deportation.⁷ The district attorney in Travis County, Texas similarly reported that at least one domestic violence case there recently stalled because the victim declined to press charges out of fear of deportation.⁸

Reports indicate that immigrant survivors of domestic and sexual violence across the country are living in fear as a result of the orders, which could “sweep up victims of domestic violence, putting them on a fast track to deportation before they can seek legal status ... or justice through the legal system.”⁹ In Los Angeles, police Chief Charlie Beck said that his city is already seeing evidence of this chilling effect: Reports of sexual assault have dropped by 25 percent and domestic violence by 10 percent among the Latino population since the beginning of the year.¹⁰

At the same time, staff at domestic-violence shelters and clinics operating in communities with large undocumented populations are reporting a “large drop in the number of women coming in for services,” indicating that undocumented victims “aren’t taking the next steps to escape abusers, such as pressing charges or moving into shelters.”¹¹ Advocacy projects are reporting a steep drop in the number of women asking for accompaniment to report crime and seek protection orders. Hotlines are reporting significant upticks in calls from immigrant victims, almost all of whom are requesting advice on working with police given their fear of deportation in light of the Executive Orders. Sometimes the questions are about abuse to adult immigrants, other times about abuse to citizen children. Thousands of advocates for victims of trafficking, sexual assault, and

domestic violence around the country report that they are uncertain how to advise immigrant survivors about what will happen if they call the police or go to court.

Policies such as 287(g) reduce the likelihood of prosecuting crimes such as trafficking, rape, and domestic violence. Studies show that when local officials enforce federal immigration law, immigrants are deterred from contacting local officials—be it in an emergency room or by dialing 911—out of fear that doing so will result in detention or deportation. For example, one study of an Alamance County, North Carolina, policy encouraging local police officers to assist in enforcing immigration laws found that after the policy took effect, immigrant interviewees were reluctant to leave their homes or drive, for fear of encountering the police.¹² When asked about crime-reporting practices, “the majority of Hispanic interviewees stated that they would hesitate before reporting crime to authorities out of fear that a friend, neighbor, or family member might be placed in danger of deportation.”¹³ Another recent report concluded that there are, on average, 35.5 *fewer* crimes committed per 10,000 people in so-called “sanctuary” counties than there are in non-sanctuary counties.¹⁴ For this reason, major policing groups, including the Major Cities Chiefs Association (“MCCA”), Major County Sheriffs Association, International Association of Chiefs of Police, and National Fraternal Order of Police have opposed efforts to defund so-called “sanctuary” jurisdictions.¹⁵ As the MCCA noted in response to the issuance of the Executive Order: “[c]ities that aim to build trusting and supportive relations with immigrant communities should not be punished because this is essential to reducing crime and helping victims.”¹⁶

As a victim advocate, I am deeply concerned that policies that mandate local police entanglement with immigration enforcement will strengthen the hand of violent perpetrators, helping them silence their victims and those who witness their crimes. By deterring immigrant women from reporting gender-based violence and accessing critical services, 287(g) and similar policies can make us all less safe. Mandating local law enforcement cooperation with immigration

enforcement will deter immigrant domestic violence survivors not only from reporting crimes, but also from seeking help for themselves and their children - depriving them not only of the law enforcement protection, but also of other critical resources and support in their communities. Building strong relationships between law enforcement and the community is important for safety in general, and it is particularly critical for victims of domestic violence.

¹ *New Study of Domestic Violence and Sexual Assault in the U.S. Latin@ Community Reveals Barriers to Reporting and High Willingness to Intervene to Help Survivors*, No Mas (Apr. 21, 2015), <http://bit.ly/1OHQ7NV>.

² Runner, *Intimate Partner Violence* at 4; PRI's The World, *Some Immigrant Women, Victims of Domestic Violence, Afraid to Seek Help* (Mar. 21, 2013), <http://bit.ly/2n4Dbi0> (quoting Sister Rosemary Welsh, Executive Director of Casa de Misericordia in Laredo, Texas, as follows: "One of the many ways men would keep [immigrant women] in a domestic violence situation was saying that 'I am a U.S. citizen' or 'I am a legal permanent resident, and you call the police, they will deport you and I will stay with the kids. ...'").

³ Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, The Center for American Progress (January 26, 2017) available at: <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

⁴ See The Superior court of California, County of Santa Clara, "Domestic Violence Restraining Orders," <http://bit.ly/2nOfVCJ>.

⁵ Brief for the Tahirih Justice Center, et al., as amicus curiae in *City and County of San Francisco v Donald J. Trump and County of Santa Clara v Donald J. Trump*, filed March 22, 2017, <http://www.tahirih.org/wp-content/uploads/2017/03/March-22-Amicus-Brief-as-Filed.pdf>.

⁶ Katie Mettler, *'This is Really Unprecedented': ICE Detains Woman Seeking Domestic Abuse Protection at Texas Courthouse*, Wash. Post (Feb. 16, 2017), <http://wapo.st/2nfpMOf>; see also Nicholas Kulish, Caitlin Dickerson, and Ron Nixon, *U.S. Immigration Agents Discover New Freedom to Deport Under Trump*, N.Y. Times (Feb. 25, 2017), <http://nyti.ms/2mie63i>.

⁷ Mark Joseph Stern, *Bad for Undocumented Immigrants, a Gift to Domestic Abusers*, Slate.com (Mar. 8, 2017), <http://slate.me/2mZIJvS>.

⁸ Nora Caplan-Bricker, *I Wish I'd Never Called the Police*, Slate.com (Mar. 19, 2017), <http://slate.me/2mYrYgC>.

⁹ Caplan-Bricker, *I Wish I'd Never Called the Police*.

¹⁰ James Queally, *Latinos are reporting fewer sexual assaults amid a climate of fear in immigrant communities*, LAPD says, L.A. Times (Mar. 21, 2017), <http://lat.ms/2nPwdva>.

¹¹ Tyler Kingkade, *Trump Deportation Vow Is Scaring Domestic Abuse Victims From Coming Forward*, BuzzFeed News (Mar. 16, 2017), <http://bzfd.it/2nNRX9L>.

¹² Mai Thi Nguyen and Hannah Gill, *Interior Immigration Enforcement: The Impacts of Expanding Local Law Enforcement Authority*, 53 Urb. Stud. J. 302, 14 (2015) https://planning.unc.edu/people/faculty/mainguyen/InteriorImmigrationEnforcement_UrbanStud2015Nguyen0042098014563029.pdf.

¹³ *Id.* at 15.

¹⁴ Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, 2, Center for American Progress (Jan. 26, 2017), <http://ampr.gs/2kxOcHX>.

¹⁵ Letter from the Major County Sheriffs' Association and Major City Chiefs Association Opposing S. 2146 (Oct. 20, 2015), <http://bit.ly/1RnPg7g>; Robbins, *Police Fear Trump Immigration Orders May Handcuff Effort to Fight Gangs* (quoting a statement by the International Association of Chiefs of Police); Andrea Noble, *Donald Trump, Police Union at Odds Over 'Sanctuary Cities' Funding*, Wash. Times (Nov. 22, 2016), <http://bit.ly/2nfrzJt> (citing National Fraternal Order of Police former Executive Director James Pasco).

¹⁶ Joint Statement, *U.S. Mayors, Police Chiefs Concerned With Sanctuary Cities Executive Order* (Jan. 25, 2017), <http://bit.ly/2n9zjf6>.