

# National Network on Behalf of Battered Immigrant Women

Co-Chaired by the following organizations:

Legal Momentum Immigrant Women Program 1101 14th Street, N.W. Suite 300 Washington, DC 20005 (202) 326-0040 iwp@legalmomentum.org	Family Violence Prevention Fund 383 Rhode Island St., Suite 304 San Francisco, CA 94103 (415) 252-8900 monica@endabuse.org	ASISTA 515 28th Street Des Moines, Iowa 50312 (515) 244-2469 questions@asistaonline.org
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## What Women Immigrants Need from a Comprehensive Immigration Reform Bill

The National Network to End Violence Against Immigrant Women (National Network) is co-chaired by Legal Momentum, the Family Violence Prevention Fund and Advanced Special Immigrant Survivors Technical Assistance (ASISTA). Our membership consists of over 3,000 organizations working with immigrant victims as victim advocates, lawyers, law enforcement, prosecutors, health care providers, social service providers, researchers and community organizers.

The immigration reform bill that stalled in the Senate last week in its current form is very problematic and does not address the particular needs of immigrant women. The bill rolls back bipartisan protections Congress created for immigrant victims of domestic violence, sexual assault and trafficking over the last thirteen years. It also creates an immigration system based on the lives of men, effectively leaving women without access to legal immigration status. Women are much more likely to attain legal immigration status through family-based immigration. The current Senate immigration bill dramatically cuts back on family immigration, disproportionately shutting women off from legal status. The bill ignores the vital role that immigrant women play enabling U.S. citizen and lawful permanent resident women to enter the workforce by caring for their children, homes, and elderly or disabled family members.<sup>1</sup>

When immigrant women are left undocumented, they are more dependent on others and are more vulnerable to abuse and violent victimization by husbands, family members and employers who can more easily prey on them and keep them silent by threatening them with deportation. When victims fear deportation and cannot safely call police and others for help, they remain in abusive relationships longer and suffer more severe injury from abuse.<sup>2</sup> Unfortunately, the current Senate bill increases rather than diminishes this vulnerability through harsh restrictions on immigration avenues used by women and restrictions on access to the protections of the Violence against Women Act (VAWA.) Any comprehensive immigration reform bill must help immigrant women and children by:

- **Preserving access to VAWA, T and U** visa protection for victims of domestic violence, sexual assault and trafficking developed with bipartisan support over the past 17 years beginning with battered spouse waivers in 1990 and with enhancements for immigrant victims in the Violence Against Women Act of 1994, 2000, and 2005<sup>3</sup>, and IIRAIRA of 1996.
- **Safeguarding available protections available under current law.** These protections are available for today's and future victims without regard to date of entry. The Senate immigration bill's changes to family immigration will cut off immigrant victims of incest, elder abuse and over-21 year old victims who suffered child abuse from VAWA immigration protections. In addition, post 1/1/07 entrants or those who apply for new forms of relief under new CIR provisions will not have access to VAWA, T and U visa protection and for them, it will be as if VAWA 1994, and subsequent reauthorizations, had never existed.

- **Protecting victims of domestic violence, sexual assault, and trafficking from deportation and removal.** The Senate bill as currently crafted will lead to more detention and removal of immigrant victims undermining their safety and the ability to prosecute their abusers, rapists and traffickers.
- **Maintaining VAWA confidentiality protections** that are critical to keep abusers from obtaining information about victim's immigration cases that can be used to stalk victims and manipulate immigration authorities into denying victims access to the protection from deportation offered by granting them legal immigration status through VAWA, T and U visa immigration relief
- **Allowing women to equally access the benefits of immigration reform**
  - **Equally value immigrant women's work.** The Senate bill vastly undervalues the work such as childcare, elder care, health care and cleaning services that offer critical support to families across the U.S. More than 80% of the occupations favored by this bill's employment-based system are male dominated professions that require a college degree. For immigrant women to benefit, immigration reform must offer access to legalization for immigrant working women whose jobs will value experience over degrees and may not provide access to health care.
  - **Provide access to legal immigration status for immigrant women caretakers:** Immigrant women often bear a dual responsibility to support their families through work inside and often part-time work outside the home. Immigrant women need to be home for children after school hours or before they enter school and need to care for sick and disabled family members. In order to care for their own families, immigrant women are often do not have full-time jobs, rendering them ineligible under the Senate bill for legalization. Primary caretakers of children need to be able to attain legalization without having to meet the full-time work requirement.
- **Maintain access to family based immigration.** Immigrant women rely more on family based immigration than men and instead enter as dependents.
  - 69% of all female Lawful Permanent Residents (LPRs) entered through the family immigration system, compared to just 50.6% of all male LPRs.<sup>4</sup>
  - Women are 38% more likely to attain LPR status through a family-based visa than men.<sup>5</sup>
  - Fewer than 4% of women enter the U.S. based on their employment.

## Conclusion

We believe there is a pressing need for comprehensive immigration reform. However, CIR cannot happen at the expense of women and children. Women and children must be considered in any immigration reform. Ultimately, another CIR bill must:

- **Preserve access to Violence Against Women Act (VAWA and U visa) and Trafficking Victim Protection Act (T visas) for immigrant victims**
- **Include an continuous employment exception for the primary caretakers of a child who:**
  - Has a disability
  - Is battered or subject to extreme cruelty
  - Is under 16 years of age
- **Preserve VAWA confidentiality**
- **Protect victims from deportation and removal** and provide them other protections contained in the bipartisan House passed immigration section of House VAWA 2005 introduced as the Violence Against Immigrant Women Act of 2007 (H.R. 2388) which includes the Women Immigrant Safe Harbor (WISH).
- **NOT include provisions that cut victims off from law enforcement help** and undermine the ability of law enforcement to fight crime in our communities by burdening local police with immigration enforcement.

<sup>1</sup> Kremer and Watt, "The Globalization of Household Production," Center for International Development at Harvard University, Sept. 2006 [http://www.cid.harvard.edu/bluesky/papers/kremer\\_globalization\\_0609.pdf](http://www.cid.harvard.edu/bluesky/papers/kremer_globalization_0609.pdf)

<sup>2</sup> Giselle Aguilar Hass, Nawal Ammar, and Leslye Orloff, "Battered Immigrants and U.S. Citizen Spouses" (Legal Momentum, 2006).

<sup>3</sup> VAWA 2005 was passed by Unanimous Consent on in the Senate.

<sup>4</sup> See Kelly Jeffreys, *Characteristics of Family-Sponsored Legal Permanent Residents: 2004*. Washington, DC: Office of Immigration Statistics, Department of Homeland Security, October 2005, "Table 1: Demographic Characteristics of All LPRs and Family-Sponsored Principal LPRs": Fiscal Year 2004

<sup>5</sup> *Ibid.*