



National Alliance to
End Sexual Violence

Congress Must Protect Immigrant Survivors of Sexual Assault

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Congress has oversight authority over the Department of Homeland Security and Department of Justice and the ability to shape the nation's immigration laws and systems. As such, it has a special obligation to safeguard protections for immigrant survivors of domestic violence, sexual assault, human trafficking and other abuses. The Administration's approach to immigration enforcement strengthens the hands of perpetrators, helping them silence their victims by undermining access to justice through the police and the criminal and civil legal systems.

- **The Administration's threats to sanctuary city jurisdictions and encouraging the enmeshment of state and local police and immigration enforcement makes communities less safe.**
 - If immigrants are afraid to call the police because of fear of deportation, they become more vulnerable to abuse and exploitation and are driven further into the shadows. Since the beginning of 2017, the Los Angeles Police Department reported that the "sexual assaults reported by Latinos in Los Angeles have dropped 25 percent, and domestic violence reports by Latinos have decreased by 10 percent compared to the same period last year."ⁱ
 - The Houston Police Department reported similar findings, indicating the number of Hispanics reporting rape is down 42.8 percent from last year.ⁱⁱ Houston Police Chief Art Acevedo stressed that that government agencies should enforce immigration laws "in a manner that does not have a chilling effect on victims of violent crimes coming forward regardless of their immigration status."
 - Abusers commonly use the threat of deportation or family separation as a means to maintain power and control over the victim. The Administration's encouragement of increased entanglement between state and local police and immigration enforcement (like 287(g) programs) makes an immigrant survivor less likely to contact the police for help, and therefore lends credibility to these threats. King County Prosecutor Daniel Satterburg recently stated, "When victims of crime are afraid to trust police and the courts, the only winners are violent people."ⁱⁱⁱ

- **DHS's continued policy to conduct immigration enforcement actions at courthouses diminishes a sexual assault survivor's ability to seek safety and justice.**
 - The Denver City Attorney reported that their office had to dismiss four separate domestic violence prosecutions because the undocumented *victims were afraid to continue with the case for fear of deportation.*^{iv}
 - On April 4, 2017, twelve prosecutors from California wrote a letter to DHS Secretary Kelly and Attorney General Sessions stating that courthouse arrests "deter residents concerned about their immigration status from appearing in court — including as crime victims and witnesses — jeopardizing effective prosecution of criminals."^v

- **The Administration’s approach to immigration enforcement undermines existing protections for sexual assault survivors.**
 - Congress created the U and T visa programs in VAWA 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.”^{vi} These provisions offer important tools for local law enforcement to help them fight violent crime and hold perpetrators accountable – but the Administration’s approach to immigration enforcement diminishes these congressionally created tools and undermines prevention efforts by making immigrant victims less likely to reach out for help.
 - The extremely overbroad enforcement priorities spelled out by the Administration’s executive orders mean that immigrant survivors of sexual assault may be detained and removed before they have an opportunity to apply for immigration relief for which they may be eligible. This includes survivors who have a criminal arrest or immigration violation as a result of the violence they have suffered.
 - The expanded use of detention at the southern border would have a tremendous impact on those survivors of sexual assault who are seeking asylum in the U.S based on the sexual violence they have suffered, as it will exacerbate the trauma they have experienced and limit their access to effective representation and their ability to present their stories.

The National Alliance to End Sexual Violence calls on Members of Congress to:

- Oppose any efforts to restrict federal funding grants from sanctuary cities jurisdictions.
- Oppose the expansion of immigration detention centers.
- Support efforts like the “Protecting Sensitive Locations Act” (S.845/H.R. 1815) which protects sensitive community locations, like courthouse and rape crisis centers and victim service providers from harmful immigration enforcement.
- Enhance their oversight of DHS to ensure that their policies and procedures do not undermine VAWA and TVPA protections, deter survivors from accessing critical protection, or violate their due process rights.

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ⁱ Michael Balsamo.¹“LAPD: Latinos report fewer sex crimes amid immigration fears” Associated Press (March 22, 2017). Available at: <https://apnews.com/b1fb6bf0d0264463a81f65faa50c59fb>

ⁱⁱ Brooke A. Lewis “HPD Chief Announces Decrease in Hispanics Reporting Rape and Violent Crimes Compared to Last Year” Houston Chronicle (April 6, 2017). Available at <http://www.chron.com/news/houston-texas/houston/article/HPD-chief-announces-decrease-in-Hispanics-11053829.php>

ⁱⁱⁱ Dan Satterburg “Crackdown on Immigrants Undermines Public Safety” Seattle Times (March 24, 2017). Available at: <http://www.seattletimes.com/opinion/crackdown-on-immigrants-undermines-public-safety/>

^{iv}Mark Joseph Stern “Bad for Undocumented Immigrants, a Gift to Domestic Abusers” Slate March 8, 2017) Available at: (http://www.slate.com/articles/news_and_politics/jurisprudence/2017/03/denver_city_attorney_kristin_bronson_on_the_trump_immigration_crackdown.html)

^v CA Prosecutors Letter to DHS Secretary Kelly and Attorney General Sessions available here: <http://freepdfhosting.com/b3da7bbbf5.pdf>

^{vi} See section 1513(a)(2)(A), Public Law No: 106-386, 114 Stat. 1464.