



# AT RISK, AGAIN: Protections for Immigrant Survivors of Gender-Based Violence Should be Expanded, Not Ended

Everyone deserves safety and a life with dignity and purpose; to thrive in a violence-free home and community; and to build their best lives. But gender-based violence is endemic in many societies, including the United States. For nearly three decades, the Tahirih Justice Center has been working to co-create a U.S. legal system that supports women, girls, and all survivors of gender-based violence. While primarily focusing on protections in U.S. immigration law, Tahirih is also one of the nation's leading advocates working to end forced and child marriage in the United States.

**The changes we seek should transcend partisan politics. But we know that the protections we have fought so hard for will soon be under attack.**

Within weeks, we expect to see attempts to increase the militarization of our borders and further erode access to asylum — a life-saving legal process. We expect immigrants and their families to face immigration raids, round-ups, arrest, detention, and deportation in record numbers, resulting in families torn apart, businesses shuttered, and lives lost.

We expect that immigrant women and girls who have survived violence could lose access to critical pathways to safety under the law — like the U visa and VAWA protection — that have helped them thrive after the trauma and violence they already survived. Everyone deserves to live a life free of violence, with safety, dignity, and opportunity — including women, girls, and others who are taking action to save their own lives.

**Here are the core policy issues we are working on, and why they matter.**

## ASYLUM AND SAFETY AS A HUMAN RIGHT

From fleeing forced marriage to female genital mutilation, domestic violence, sexual assault, and gangs, women and girls around the world are seeking safe places to live and the right to control their bodies and their futures. When their own governments and law enforcement cannot or will not protect them, they have the legal right to seek asylum in the United States.

Asylum is a form of legal protection under U.S. and international law. For years, Tahirih has been advocating an expansion of asylum and other legal protections, to ensure women and girls fleeing gender-based violence obtain stable immigration status and the opportunity to build a new life. Instead, multiple administrations have attempted to narrow or eliminate their access to asylum and other protections.

We expect the incoming administration to continue this trend by drastically limiting the grounds upon which someone can obtain asylum protection in the U.S., leaving women, girls, and other survivors of gender-based violence without this lifeline.



## PROTECTIONS FOR IMMIGRANT SURVIVORS OF CRIME

First enacted in 1994, the Violence Against Women Act broke new ground in expanding access to safety and permanent immigration status for people who are victims of crime in the United States, including domestic and sexual violence. It also created programs like the U visa for victims of crimes, who work with police to bring perpetrators to justice; the T visa for survivors of human trafficking; and the immigration self-petition process (VAWA self-petition or Battered Spouse Waiver), for people whose abusive spouses may hold their lack of immigration status over their heads, to keep them from escaping and seeking help.

We anticipate the incoming administration may attempt to erect greater barriers to access for these crucial forms of legal protection, and even call on Congress to eliminate them completely. Doing so would be a tremendous step backward for women and girls, among others, who are seeking a life free of violence and harm.

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## MASS DEPORTATION WILL FURTHER TRAUMATIZE SURVIVORS OF GENDER-BASED VIOLENCE, AND CUT THEM OFF FROM LIFESAVING PROTECTION

This is a harrowing time to be an immigrant in the United States. The incoming administration has signaled that it plans to deploy a deportation dragnet that is breathtakingly broad. The freedom and futures of anyone with temporary immigration status including a U visa, Deferred Action for Childhood Arrivals, Temporary Protected Status, Humanitarian Parole, Withholding of Removal, and those at various stages of the asylum application process could be at risk, in addition to people who have not yet applied for relief, or had their applications fully processed.

**To build the mass deportation machinery, there are plans to allow immigration enforcement to take place at “sensitive” community locations — including hospitals, churches, schools, and courthouses — and dramatically expand immigration detention.**

Eliminating safe spaces in our communities discourages people from participating in critical processes, such as seeking protection orders against abusers. Between 2017-2021, during a similar climate of fear, Tahirih documented a marked increase in survivors’ mistrust of law enforcement. Three out of four legal advocates reported that their clients — immigrant survivors of gender-based and other forms of violence — were afraid to seek protection from courts or police, out of fear that any contact with authorities could lead to their own deportation. Forty-three percent saw one or more clients drop their pursuit of legal cases, like protection orders, for this reason. Fear of deportation even kept victims of crime from calling 911. One person reported that their client, a 16 year-old survivor who worried about her abuser contacting Immigration and Customs Enforcement, attempted suicide.

Incarceration is also harmful and retraumatizing for survivors of sexual and domestic violence, as the conditions of detention replicate the power and control dynamics that survivors have been trying to escape for years. In detention, sexual abuse by guards and medical mistreatment are also endemic. People seeking safety from torture and abuse belong at home, with their support systems, not in jails.



## ENDING FORCED AND CHILD MARRIAGE IN THE UNITED STATES

Everyone should have the right to determine whether, when, and whom to marry. Forced marriage has long been a persistent, but seldom addressed, form of gender-based harm and child abuse in the U.S. Tahirih founded the Forced Marriage Initiative in 2011, and is a national leader in the movement to end child and forced marriage in the United States.

We offer direct services to people facing child and forced marriage, as well as training and technical assistance to service providers. We also use our expertise to change systems, including state laws governing the minimum age at time of marriage and related federal immigration policies. We championed statutory changes to VAWA, which now includes forced marriage as a designated form of harm in the United States. We have seen 13 states ban child marriage outright, and dozens more take steps to limit it.

Much work remains to end forced and child marriage on U.S. soil, both at the state and federal levels. This has consistently been a non-partisan issue. However, we are also seeing a deliberate assault on the rights of women and girls to control their own bodies and destinies. Tahirih will continue to help lead the broad network of leaders working to end forced and child marriage in the United States — alongside survivors — to ensure no one is forced into a marriage as a way to control them or hide abuse.

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## WHAT WE ALL DESERVE — A LIFE OF SAFETY, DIGNITY, AND OPPORTUNITY

Everyone has the right to live a life of dignity and safety, and to bring their best selves to the world we are building together. U.S. law currently contains protections to help immigrant survivors of gender-based violence move on from the most challenging and terrifying moments in their lives, achieve stable immigration status and citizenship, and embrace their full potential as members of the human family. Alongside survivors and community partners, the Tahirih Justice Center has worked to build these protections into the system over the course of decades.

**We will continue our advocacy to defend and expand protections for survivors of gender-based violence in communities, courts, and Congress so that all women and girls have the opportunity to live lives free from violence.**

At Tahirih, we have a clear vision for the world we want to live in — one that we believe any policymaker in the United States, at any level of government, should share. With offices in the Washington DC Metro Area, Baltimore, Atlanta, Houston, and the San Francisco Bay Area, Tahirih is working to build a world where all survivors — regardless of immigration status — can attain safety and justice. This is our duty under our own laws and as a nation of abundance and opportunity.

**Read our [five principles for a trauma-informed, survivor-centered framework](#) and [join the movement to protect all women and girls from abuse](#).**

Tahirih's clients are, by definition, people who have survived persecution and crime — whether in the United States or their countries of origin. They are brave, strong, and resilient. The threat of detention and mass deportations, workplace and community raids, arrests at court hearings or appointments with USCIS or ICE, or re-victimization following deportation adds an existential layer of trauma and anxiety to their lives, when what they need and deserve is safety, stability, and healing.