

ALLIANCE FOR IMMIGRANT SURVIVORS

Alliance for Immigrant Survivors, January 13, 2025

The Alliance for Immigrant Survivors urges members of Congress to VOTE NO on H.R. 30 (“Violence Against Women by Illegal Aliens Act”) to protect survivors.

H.R. 30 unnecessarily and imprudently increases the likelihood that victims will be deported by expanding the grounds of removability related to domestic violence, stalking, child abuse, child neglect, child abandonment, and sexual assault, while failing to provide exceptions or waivers, thereby sweeping survivors into their scope and ignoring the best interests of survivors and their children. **Instead of strengthening protections for survivors of violence, H.R. 30 contributes to the harmful demonization and divisive stereotyping of immigrant communities.** Immigrant victims of domestic and sexual violence often internalize these harmful narratives, further isolating them and discouraging them from reaching out for help.

Current immigration laws already mete out harsh consequences to those who commit serious crimes, including offenses related to domestic violence. HR 30 creates new grounds of inadmissibility for those convicted of (or admitting to) crimes of domestic violence, stalking, child abuse, child neglect, child abandonment, or certain violations of protection orders. However, these new grounds do not include adequate exemptions or waivers for survivors of domestic violence, raising concerns about how they could impact immigrant victims.

In our experience, immigrant victims are vulnerable to being arrested and prosecuted for domestic violence. Abusers may be more familiar with the criminal legal system and able to manipulate survivors into violating protection orders or accepting other criminal charges against them. When police respond to a domestic violence call, both parties may be arrested, or a survivor who acted in self-defense may be wrongly accused of being the primary aggressor. If the abuser speaks English better than the survivor, or if other language or cultural barriers (or fear of retaliation from the abuser) prevent the survivor from fully disclosing what happened, a survivor can then be faced with charges and experience tremendous pressure to plead guilty in order to be released from jail and reunited with their children. Lack of resources and limited access to effective assistance of counsel that understands the immigration consequences of criminal pleas and convictions further compounds immigrant victims' vulnerability to domestic violence-related prosecutions.

Victims of domestic violence are also vulnerable to child neglect charges and convictions in situations where they are alleged to have “failed to protect” their children from harm perpetrated by an abuser, or due to false allegations by their abusers. Once in custody and/or facing trial, and desperate to be released and/or reunited with their children, immigrant victims may readily agree to plead guilty to lesser crimes for time served. Under H.R. 30, such wrongly accused victims could be disqualified from accessing legal status, with no waiver available to take into account any humanitarian considerations.

On the other hand, immigrant survivors charged with deportability for having incurred a domestic violence or stalking-related conviction may present evidence of their victimization and that they meet one or more of the criteria for the waiver of deportability set forth in INA section 237(a)(7). By failing to make the same waiver available to immigrant survivors charged with inadmissibility under INA section 212(a) for the same offenses, H.R. 30 leaves them at risk of being denied immigration status for which they are otherwise eligible. This outcome would only deepen the isolation and vulnerability of immigrant survivors, and leave their families in danger of separation as a result of their inability to waive this newly proposed ground of inadmissibility.

In addition to concerns about the absence of a waiver of inadmissibility for immigrant survivors, we are worried that the bill's expansion of the definition of domestic violence further endangers immigrant survivors charged with removability under the terms of this bill. The definition of domestic violence in 34 U.S.C. 12291 is intentionally broad so as to enable family violence service providers to address wide ranging patterns of behaviors that contribute to domestic violence. It is not intended to be used as a basis for determining criminality, or as a means of limiting access to immigration benefits.

As organizations serving and advocating on behalf of victims of domestic violence, child and elder abuse, sexual assault, dating violence, and stalking, we thank you for paying vigilant attention to how this legislation can have devastating consequences for immigrant victims and their children. **We strongly urge a NO vote on H.R. 30.**

Please do not hesitate to contact Cristina Velez at cristina@asistahelp.org or Casey Swegman at caseys@tahirih.org if you have any questions or concerns.