

Virtual Senate Briefing on S. 5 (Laken Riley Act)

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My name is Casey Swegman and I am the Director of Public Policy at the Tahirih Justice Center. For those who aren't familiar, Tahirih provides free legal and social services to immigrant survivors of gender-based violence. We also co-chair the Alliance for Immigrant Survivors which is the immigration sub-committee of the National Task Force to End Sexual and Domestic Violence. Tahirih is a nonpartisan, non-profit organization and our advocacy expertise focuses on policies impacting immigrant survivors.

Laken Riley was the victim of femicide. She was a daughter, a sister, and friend who made a lasting impression on the people who knew her. Above all, she was a person and her life mattered. Our work is about building a world where *all* women are safe, in their communities and in their homes. We are motivated, every day, to eradicate gender-based violence in all its forms.

Laws written in response to someone who has been failed by our systems of safety and protection and victimized by our global culture of misogynistic violence should address the true problem. This legislation does not address the very real problem of violence against women and instead imposes immigration restrictions that will harm survivors of violence.

It is well documented that a common tactic used by domestic violence abusers is to accuse their victims of crimes they did not commit or "groom" victims to commit crimes. Anytime a survivor may try to leave or get safe, abusers then threaten to call the police and report their criminal behavior, forced or false as it may be, and to have them deported.

This legislation puts immigrant survivors at risk of prolonged, indefinite detention without bond based merely on allegations of petty offenses.

When victims of abuse are immigrants, exploiting their fear of detention and deportation becomes an additional tool for coercive control. If passed, this legislation would embolden abusers to leverage that fear at every turn.

Immigrant survivors often do not speak English as well as their perpetrators and that combined with cultural barriers, lack of information about their rights and resources, and fear of retaliation often prevents immigrant survivors from fully disclosing what is happening to them when they interact with law enforcement.

And we have seen these dynamics in our work with immigrant survivors. One client of the Tahirih Justice Center was being kept under house arrest by her family who were threatening to force her into a marriage she did not want. Her potential spouse and in-laws were also involved, and she was experiencing daily abuse inside the home. When she ultimately escaped, she was falsely accused of and charged with stealing valuable jewelry by her abusers. She was arrested and remained in jail for several days all while the abusive family members continued to tell her they would drop the charges of theft if she would only acquiesce to the marriage. Bravely she refused, but it was only with time, due process, and

the help of advocates that the charges were ultimately dismissed and she was freed from incarceration and able to finally relocate to a safe address and begin her life anew.

Should a similar situation arise here in the future, under this legislation a survivor would be detained and put in removal proceedings before any advocate or attorney had the opportunity to help her assert her rights. Under this legislation an accusation could be as good as deportation.

And we know from past experience that when fear of deportation is high immigrant survivors in general become even more vulnerable because they fear any interaction with law enforcement or the court system. In May of 2019, the Tahirih Justice Center and a coalition of national organizations gathered feedback from nearly six hundred advocates and attorneys across the country, learning that many immigrant victims of domestic and sexual violence were too afraid to call the police or go to court to get help. Over 75% of advocates reported that immigrant survivors had concerns about contacting police and over 50% of advocates reported working with immigrant survivors who dropped civil or criminal cases because they were fearful to continue lest they get caught up in the deportation machine as a result. Sadly, in recent weeks, we have again heard similar reports.

We want to live in a world where law enforcement can always quickly and accurately parse the difference between a victim and a perpetrator. We want to live in a world where survivors of gender-based violence are trusted and protected and the very nature of their victimhood does not result in further punishment. We do not live in that world today.

Instead, we live in a world where abusers know how to use law enforcement and the criminal legal system against their victims. One call to police; one accusation of a crime someone didn't commit, or was forced to commit under threat, and a victim of abuse who may be eligible for relief could be separated from the people she loves — for a lifetime.

I struggle to understand why Congress would pass this legislation instead of focusing on real solutions like the Crime Victims Fund Stabilization Act or the WISE Act or improving pathways to safety and justice and due process for all survivors.

The culture of violence against women is endemic in the United States, as well as other countries. If we want to address femicide, intimate partner violence, child abuse, rape, human trafficking and other harms, we need to recognize the roots of the problem; understand the lived experiences of survivors of violence; and enact legislation that makes *all* women safer.

I urge members of Congress to focus on real solutions to ending violence against women and not pass this bill which will only strengthen the hand of abusers.