



# The Harmful Impact of S. 5 on Survivors of Gender-Based Violence

**"One time, I was arrested for shoplifting because my ex-partner put things in the diaper bag while we were in a store together. He walked out of the store first, and when I walked out, the store alarm went off and I was arrested."**

-U Visa client from Mexico

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Domestic abusers often threaten to have their victims arrested for crimes they didn't commit in order to control, isolate, and terrify them. Some force or "groom" victims to commit crimes under duress, and even have them arrested for abuse they themselves inflict. Abusers of immigrant survivors have yet another tool of abuse at their disposal -threatening to have them deported.

One study of women incarcerated in New York's Rikers Island found that most of the domestic violence survivors interviewed reported engaging in illegal activity in response to experiences of abuse, the threat of violence, or coercion by a male partner.[i]

Gender-based violence is pervasive in all societies, impacting people of all ages, religions, nationalities, and cultures. Fueled by misogyny, violence against women and girls encompasses not only domestic violence, but human trafficking, sex slavery, rape, stalking, and other horrific crimes.

Tragically, Laken Riley was the victim of femicide. She was a daughter, a sister, and a friend who made a lasting impression on the people who knew her. Above all, she was a person and her life mattered. Our systems of safety and protection failed her because our global culture of misogyny persists. Laws written in response to these failures should address the true problem.

Our work at the Tahirih Justice Center is about building a world where all women are safe, in their communities and in their homes. This legislation does not address the very real problem of violence against women and fails to reckon with a global culture that tolerates and perpetuates violence against women and girls. Instead, it puts immigrant survivors at risk of prolonged, indefinite detention without bond based merely on allegations of petty offenses made by their abusers.

**WE SHOULD BE EMPOWERING WOMEN AND GIRLS TO RESIST ABUSE -  
INSTEAD THIS LAW EMPOWERS THEIR ABUSERS TO FURTHER HARM THEM.**

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## REAL-LIFE SURVIVOR STORIES

Susannah\* is a survivor who experienced abuse in her marriage. During the marriage she was arrested for shoplifting because her husband intentionally put something in her basket after she paid so that she would be arrested and deported. She ultimately overcame the shoplifting charge because her attorneys proved that framing her was a tool of abuse, power, and control to keep her scared and isolated. In the end, Susannah received VAWA relief. If S. 5 in its current form had been the law at the time, Susannah would never have gotten her day in court. Instead, she would have been immediately locked up in immigration detention without bond and likely deported.

Sofia\*, a woman from Mexico, was subjected to sex trafficking in the United States. At one point, she was falsely accused of shoplifting by the father of her children and wrongfully arrested. When she was released, her assistance in the investigation against her traffickers made her eligible for the T Visa and allowed her to remain safely in the U.S. But had S. 5 been the law at the time that one of her abusers accused her of shoplifting, it is extremely unlikely that Sofia would have ever gotten the chance to help law enforcement bring her traffickers to justice as she would have been mandatorily detained and likely swiftly removed.

Fawzia\*, a Somali woman, was subjected to cruel and prolonged domestic violence by her husband. During this relationship she was arrested on two occasions for shoplifting. These charges were directly related to the abuse she was experiencing. It was only with expert assistance from an immigration attorney that she was able to obtain immigration relief as a survivor of gender-based violence instead of facing criminal charges, or worse, mandatory detention and removal as S. 5 would require.

Anika\*, a woman from India with a child with special needs, was accused of shoplifting by her abusive spouse. She had been brave and reported his abuse to the police and he responded by accusing her of a petty crime and reporting her to immigration authorities to try to get her deported. Thankfully, she was not convicted of shoplifting because diversion was rightfully granted. Had this law been around at that time, she and her child would have been swiftly detained and likely deported back to India where her abuser's well-connected and wealthy family had threatened to take custody of her child if she were returned.

[1] See Beth E. Richie, *Compelled to Crime: The Gender Entrapment of Battered Black Women* (1996). B E. Richie & C. Johnsen also published *Abuse histories among newly incarcerated women in a New York City jail* (1996).

\*Names changed to protect survivor privacy. These stories were compiled by the Tahirih Justice Center with support from API GBV and other partner organizations. We are grateful to all who have generously trusted us with the stories of their courageous clients.