

September 20, 2006

Dear Member of Congress,

We, the undersigned advocates for immigrant survivors of domestic violence, sexual assault, human trafficking and other serious crimes, are alarmed at recent proposals that would have devastating consequences for the populations we serve, some of which may come to a floor vote this week. **We strongly oppose any efforts to enlist state and local police to enforce federal civil immigration laws.** Such proposals as the “CLEAR Law Enforcement for Criminal Alien Removal Act” (CLEAR Act) and related provisions in HR 6089, the “Illegal Immigrant Deterrence and Public Safety Act of 2006” would actually prevent immigrant crime victims and their children who are facing violence from reaching safety and accessing justice. **We urge you to reject these proposals that would seriously endanger immigrant crime victims and jeopardize the security of all our communities.**

Proposals to enlist police to act as immigration agents have taken various direct forms, from granting state and local police broad immigration enforcement powers to encouraging states and localities to enter specific cooperation agreements with federal immigration authorities (Memoranda of Understanding, or “MOUs”). Other indirect attempts to force the hand of local police include dumping data on even minor civil immigration violations in the national law enforcement database that police routinely consult (the “NCIC”), and penalizing localities that have enacted prudent policies to encourage crime reporting and witness cooperation by reassuring immigrant victims that police will not inquire into their status.

Whatever form they take, these proposals will destroy the trust of immigrant communities that they can safely turn to the police for help or to offer assistance in solving crimes. Moreover, these proposals would undo more than a decade of work by Congress to create special forms of immigration relief for crime victims to encourage them to report crimes and cooperate with the police without fear of automatic deportation. The life-saving relief provided under the Violence Against Women Act (VAWA) and the Victims of Trafficking and Violence Protection Act (VTVPA) includes self-petitions for battered women, “T” visas for human trafficking victims and “U” visas for victims of other serious crimes. Deputizing police as immigration agents would in one fell swoop undermine these painstakingly elaborated protections, and cause law enforcement’s focus to revert from the victim’s safety to her immigration status.

Precious law enforcement resources should not be misdirected from fighting violent crime to becoming federal functionaries. In fact, any such proposal would actually *help perpetrators* intimidate their victims into silence and avoid prosecution. Already batterers, rapists, and traffickers call the police to get their victims deported; such proposals will provide an additional weapon crime perpetrators can use against their immigrant victims. Dangerous criminals will be granted a “free pass” to continue to prey not only on immigrant victims but also on everyone in our communities. The chilling effect that these proposals will have on the reporting of crime by immigrant crime victims and witnesses – and on public safety generally – will be immediate and severe.

A number of specific elements of these proposals raise serious concerns:

- **They do not require that state or local police be trained in immigration law before they may enforce immigration law, and grossly underestimate the amount of training that is necessary.** Even with federal reimbursement of training costs, resource-strapped police departments will be unable to spare officers for any training, let alone for the 5 solid weeks that state troopers in MOU

states have undergone – still only a fraction of the 17 weeks of training and ongoing legal and policy guidance thereafter that federal immigration officers receive. Immigration law is more complex than the tax code, and protections for immigrant crime victims require a heightened level of sophistication and expertise. Untrained and non-specialist officers will inevitably make terrible, even irreparable, mistakes.

- ***They do nothing to reassure immigrant crime victims and witnesses that if they contact police they will not be detained or deported.*** Although these proposals “do not require” local police to turn immigrant crime victims over to immigration enforcement (ICE), they implicitly encourage police to call ICE to determine a crime victim’s status. ICE has received *no* training on identifying or assisting immigrants qualified for status under VAWA or the U visa, they have *no* policies designed to help these victims of crimes, and they provide *no* information to crime victims about the immigration options Congress has created for them. Turning crime victims over to ICE will inevitably result in their swift removal. And while – despite the significant coercive pressure exerted by these proposals – some police departments may continue to instruct their officers not to inquire into crime victims’ status, inconsistency in law enforcement policies and uncertainty by immigrants will prevail from state to state and even town to town. Even documented immigrants will avoid contact with the police, fearful that their status (or that of a family member) will be called into question.
- ***Practically speaking, it is not possible to “carve out” an exception for immigrant crime victims and witnesses.*** If police are enforcing immigration law, immigrants will perceive them as *de facto* “INS” officers for all purposes. Nominal carve-outs intended to encourage immigrant crime victims and witnesses to come forward will be meaningless, as most immigrants will not understand or trust the weak distinctions made to differentiate treatment. Furthermore, police will not be able to distinguish immigrant crime victims and witnesses entitled to legal relief from other undocumented immigrants. For example, an officer at a routine traffic stop will simply inquire into a woman’s immigration status – or be broadcast that data by the NCIC – and will not learn whether she has been battered or has other special circumstances that entitle her to protection. Finally, once a battered woman has been placed in deportation proceedings, it is much more difficult and unlikely for her to get the help Congress clearly envisioned for her through VAWA and the VTVPA. She will be forced to apply for immigration relief defensively (through an adversarial process) rather than affirmatively (before specially trained officers).

Thank you for your careful attention to these serious concerns. We recognize that comprehensive immigration reform is badly needed and that enforcement is a necessary component of any solution – but we feel the enforcement proposals described above do not take into consideration the true and very steep human costs they will exact. On behalf of the vulnerable women and children we serve, and with great fear of the unintended consequences to them of these proposals, we urge your vocal opposition against the CLEAR Act, HR 6089, and all other proposals to enlist state and local police to act as immigration agents.

Sincerely,

## **National Coalitions/Organizations**

American Federation of State, County and Municipal Employees (AFSCME)  
American Humanist Association  
American Immigration Lawyers Association (AILA)  
American-Arab Anti-Discrimination Committee  
Break the Cycle  
Breakthrough: Building Human Rights Culture  
Center for Community Change  
Coalition Against Trafficking in Women  
Episcopal Migration Ministries  
Fair Immigration Reform Movement  
Family Violence Prevention Fund  
Hmong National Development  
Humanatis, LLC  
Immigrant Women Program, Legal Momentum  
Immigration Equality  
Kurdish Human Rights Watch, Inc  
The Multiracial Activist  
National Center on Domestic and Sexual Violence  
National Coalition Against Domestic Violence  
National Council of Jewish Women  
National Council of La Raza  
National Immigration Law Center  
National Immigration Project, National Lawyers' Guild  
National Network to End Violence Against Immigrant Women  
National Organization of Sisters of Color Ending Sexual Assault  
Network Against Human Trafficking  
Polaris Project  
Refugio Del Rio Grande, Inc.  
Shelter from the Storm  
Unitarian Universalist Association of Congregations  
YWCA USA

## **Local Organizations**

### **Alabama**

Hispanic Interest Coalition of Alabama

### **Arizona**

The Brewster Center Domestic Violence Services, Inc.  
Verde Valley Sanctuary

### **California**

African Immigrant and Refugee Resource Center  
Asian Law Caucus  
Casa Cornelia Law Center  
Coalition to Abolish Slavery and Trafficking (CAST)  
International Institute of the East Bay  
Jacobson & Hale, LLP  
Lawyers' Committee for Civil Rights of the San Francisco Bay Area  
San Pedro Community Legal Services  
Sisters of the Holy Names  
Southbay Justice and Peace Committee

### **Colorado**

Denver Domestic Violence Coordinating Council

### **District of Columbia**

African Resource Center  
Asian Pacific Islander Domestic Violence Resource Project  
Ayuda, Inc.  
Break the Chain Campaign  
Capital Area Immigrants' Rights Coalition  
Immigrant and Refugee Rights Project, Washington Lawyers' Committee for Civil Rights and Urban Affairs  
Latin American Youth Center  
Neighbors Consejo  
Women Empowered Against Violence, Inc. (WEAVE)

### **Florida**

Florida Immigrant Advocacy Center, Inc.

### **Hawaii**

Coordinated Rural Community Response Project - Lana'i  
Na Loio - Immigrant Rights & Public Interest Legal Center

### **Illinois**

Heartland Alliance for Human Needs & Human Rights  
Midwest Immigrant & Human Rights Center

### **Indiana**

Community Anti-Violence Alliance (CAVA)

### **Iowa**

Iowa Coalition Against Domestic Violence  
Sisters of the Presentation of Dubuque, Iowa

### **Kansas**

Kansas Coalition Against Sexual and Domestic Violence

### **Kentucky**

The Center for Women & Families

### **Maine**

Immigrant Legal Advocacy Project  
Peace Action Maine

### **Maryland**

Maryland Multicultural Youth Centers  
The Migrant and Refugee Cultural Support, Inc (MIRECS)

### **Massachusetts**

Political Asylum/Immigration Representation Project

### **Michigan**

Michigan Coalition Against Domestic and Sexual Violence

### **Minnesota**

Immigrant Law Center of Minnesota  
Jewish Community Action

**Missouri**

Franciscan Sisters of Our Lady of Perpetual Help

**Nebraska**

Nebraska Appleseed Center for Law in the Public Interest

**Nevada**

Nevada Hispanic Services Inc.

**New Jersey**

NJ Coalition for Battered Women

**New York**

Battered Women's Rights Clinic, CUNY School of Law

Catholic Daughters of the Americas

Church Women United of Chemung County NY

Church Women United of NYS

Court Past Regents Club of the Diocese of Rochester

Empire Justice Center

Immigrant Initiatives, CUNY School of Law

inMotion, Inc

Ladies of Charity of Chemung County NY

Safe Horizon

**Ohio**

Svetlana Schreiber & Associates

**Pennsylvania**

Pennsylvania Coalition Against Domestic Violence

**Tennessee**

Abused Women's Services, YWCA of Greater Memphis

**Texas**

BARCA, Inc.

Political Asylum Project of Austin

Texas Association Against Sexual Assault

The Texas Civil Rights Project

**Utah**

Multi-Cultural Legal Center

**Vermont**

Vermont Network Against Domestic Violence

& Sexual Assault

**Virginia**

All Patriots Political Action Committee (APPAC)

Boat People SOS

Dyer & Hwang

Fairfax County Privacy Council

Law Offices of Karla Harr

Rappahannock Council on Domestic Violence

Reston Interfaith, Inc.

The Multiracial Activist

Somali Family Care

Tahirih Justice Center

Unity in the Community

Virginia Justice Center for Farm and Immigrant Workers

**Washington**

A Legacy of Equality, Leadership, and Organizing (LELO)

Asian Counseling & Referral Service

Hate Free Zone Washington

King County Coalition Against Domestic Violence

Northwest Women's Law Center

Washington Defender Association's Immigration Project

**Wisconsin**

UNIDOS Against Domestic Violence

**Wyoming**

Wyoming Coalition Against DV/SA