

AIS Priority Principles Addressing Immigrant Survivors in Federal Legislation

The Alliance for Immigrant Survivors (AIS) works to ensure that the immigration system prioritizes the safety and autonomy of immigrant survivors of domestic violence, sexual assault, trafficking, and other gender-based abuses. From the very first bipartisan Violence Against Women Act (VAWA) and Trafficking Victims Protection Act (TVPA) over 25 years ago, Congress created immigration protections, like VAWA self-petitions, U and T visas, so that survivors do not have to choose between living with abuse and risking deportation or separation from their families. In each subsequent VAWA reauthorization, Congress has strengthened these provisions, recognizing that domestic violence sexual assault and other crimes cannot be fully addressed if all victims are not safe and perpetrators are not held accountable.

Over the last several years, an anti-immigrant climate combined with increased entanglement between local law enforcement and federal immigration enforcement, as well as diminished protections for immigrant survivors, have only made it more difficult, if not impossible, for immigrant survivors to seek safety and justice. As Congress looks to reauthorize VAWA in 2021, it has a special obligation to safeguard and enhance protections for immigrant survivors of abuse.

We urge members of Congress to apply the following principles to robustly protect immigrant survivors in VAWA and other federal legislation by:

Strengthening Survivor-Based Protections, including the U Visa Program

- ▶ Lift the cap on the number of U visas annually available, currently limited to 10,000, to meet the need.
- ▶ Address barriers imposed by inconsistent U visa certification policies and practices,
- ▶ Prevent the detention and removal of those eligible to apply for U-visas and other survivor-based immigration protections while their applications are still pending.
- ▶ Strengthen confidentiality provisions and limit information sharing about survivor-based immigration applications.
- ▶ Expand U visas to cover survivors of child abuse and elder abuse and to cover those harmed by workplace safety violations.



Safeguard Abused Dependent Spouses and Children

- ▶ Provide abused immigrants who rely on a spouse or parent (derivatives) for their own legal status (including derivatives of non-immigrant visa holders) the opportunity to independently petition for legal status rather than have to choose between continued abuse and deportation.
- ▶ Expand exceptions and waivers to barriers to protections under VAWA for those who have suffered extensive abuse by their abusive LPR or USC spouses and are sometimes unable to obtain immigration benefits due to past immigration violations that are often related to the abuse.
- ▶ Eliminate restrictive barriers in nonimmigrant visa programs for survivors who are eligible for VAWA, TVPRA, or Special Immigrant Juvenile Status (SIJ) protections.
- ▶ Codify the process of reunification for derivatives of U visa applicants and lift current restrictions against the use of the parole process for designated categories of individuals.

Support Survivor Self-Sufficiency and Remove Vulnerabilities to Further Victimization

- ▶ Improve and protect survivor access to critical safety-net benefits, including access to housing, health, and federal benefits.
- ▶ Grant timely employment authorization documents (EADs) to help VAWA self-petitioners, U visa, T visa and SIJS applicants survive during lengthy delays in their applications during which they face additional risk of violence, exploitation, manipulation, and trauma.

Prevent Detention and Removal Of Victims and Encourage Them To Seek Protection

- ▶ Expand protection against enforcement in protected locations where victims are likely to be found, including courts, victim advocacy programs, childcare centers, and schools.
- ▶ Expand the availability of judicial review of removal decisions based on denials of protections under VAWA, TVPRA, and for SIJ cases.
- ▶ Reject increased entanglement with local law enforcement and immigration enforcement.
- ▶ Reject expanding grounds of inadmissibility, ineligibility, or deportability for domestic violence.

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