

Changes to Immigration System Policies are UNDERMINING PROTECTIONS FOR SURVIVORS OF VIOLENCE



INTERIOR ENFORCEMENT & BORDER ENFORCEMENT EXECUTIVE ORDERS, 1-2017

These Executive Orders (EOs) made sweeping changes to immigration policies that often sweep in survivors.

- 1) The Border Security EO requires detention of newly arriving individuals at the Southern border while their applications for immigration status are pending and severely limits release, re-traumatizing survivors, and preventing them from accessing help to prepare their cases.
- 2) The Interior Enforcement EO prioritizes for deportation anyone who has committed a potentially chargeable criminal offense, even if not charged or convicted, and does not consider whether acts were in self-defense or other mitigating circumstances.



GUIDANCE FOR REFERRAL OF CASES & ISSUANCE OF NTAs

U.S. Citizenship and Immigration Services (USCIS) stated that it may begin to issue "Notices to Appear" (NTAs) (the first step in starting deportation proceedings) to survivors with denied applications for survivor-based protections. USCIS has historically not done this, recognizing the chilling effect it would have on survivors coming forward to apply due to fear of deportation if their case is denied (which can happen despite bona fide abuse).



"PUBLIC CHARGE" GUIDANCE

This rule radically changes how individuals seeking immigration status or to enter the U.S. are evaluated. Under this rule, many more will be denied status because they are "likely to become a public charge" (dependent on government assistance). While some victims who qualify for certain immigration categories are exempted, the rule and how it applies is creating confusion, deterring survivors from using critical benefits such as housing, food and medical assistance for fear of jeopardizing their or a family member's immigration status.



HUD PROPOSED MIXED-STATUS FAMILY RULE

The Dept. of Housing & Urban Development (HUD) has proposed denying federal housing assistance to "mixed-status" families. Current HUD policy allows immigrants who would otherwise be ineligible for federal housing assistance, such as crime victims, to live in a home with their eligible family members. This significant policy change would prevent survivors from leaving or compel them back into abusive relationships, and puts survivors and their children at risk of homelessness.



"ZERO-TOLERANCE" POLICY, FAMILY SEPARATION & FAMILY DETENTION POLICY

The Zero Tolerance policy, put into effect in May 2018, called for detaining and prosecuting all immigrants "illegally entering" the U.S. and resulted in over 2000 children being separated from their detained parents before an EO was issued to halt family separations. However, prosecutions continue, as do family separations. In general, however, rather than keeping families together by releasing them, the Administration is detaining them together, violating the terms of the Flores Settlement, which requires children be held in the least restrictive setting for the shortest amount of time. In August 2019, the Administration proposed regulations that effectively gutted the Flores settlement agreement and authorized family detention (as of Nov. 2019 these regulations are on hold pending litigation). These policies effectively punish survivors of violence for seeking refuge and strip protections intended for children.



EXPANSION OF EXPEDITED REMOVAL NOTICE

In July 2019 DHS issued a notice implementing a provision of the Interior Enforcement EO that expanded expedited removal, the practice of swift deportation without a hearing, from its prior implementation within 100 miles of the border, to anywhere in the U.S., for anyone who cannot prove continuance presence in the U.S. for over two years. This expansion has significant impact on survivors who have been kept isolated and are unable to show proof of their presence. (A court decision put this expansion on hold in Sept 2019 but the government is likely to appeal)



INCREASED COSTS FOR IMMIGRATION CASES

USCIS has proposed limiting the types of evidence it will accept from survivors to waive the fee for survivor-based applications. Survivors fleeing abuse often do not have access to documentation to prove their financial need and these new limits will prevent many survivors from accessing protections.

In addition, in November 2019, USCIS proposed dramatic increases to immigration application fees, many of which will impact survivors who must regularize their immigration status. Hikes include unprecedented fees to apply for asylum and significant fee increases for various applications that many survivors make (i.e., to adjust status to permanent resident or remove conditions on residence, among others). The proposal further eliminates fee waivers for many applications, creating more barriers for survivors.