

Questions for the Record to Sally Wolfgang Wells
Chief Assistant
Office of the Maricopa County Attorney
From Senator Charles Schumer
June 10, 2009

One of the greatest problems we have, and that we have tried to address through VAWA, are the incidents of domestic violence in which spouses of immigrants threaten to call immigration enforcement if they report their beatings to the police.

1. Where are we, based on your experience, on making sure that women who are victims of domestic violence know they can call the police and will not be reported to immigration?

In our jurisdiction, we have a large number of cases involving victims who reported domestic violence and who were vulnerable to a threat of that nature. In fact, victims of domestic violence, generally, are subject to a number of similar threats: threats to report outstanding warrants, threats to report alleged drug use, threats to kidnap children, threats to report true or untrue information to employers, etc. The list is endless. In our experience, victims report domestic violence because they feel that their immediate safety is of primary importance.

With respect to victim cooperation in prosecution, we have used a number of methods, some described below, to ensure that victims receive the services they need. We do not recommend creating a legal situation that might be viewed as a shelter against immigration consequences.

2. Do we need to do more to make sure that local officials enforcing immigration law under 287(g) agreement know not to do so in this context?

We have seen no problems with local law enforcement using 287(g) against victims.

Although suspects may be asked about immigration status, there is no similar practice with respect to victims. Obviously, when the perpetrator is a family member or a domestic partner, the perpetrator knows the victim's immigration status. It is not unusual for the defendant or defense attorney to try to leverage that information to gain an advantage. In our experience, ICE does not usually respond to defendant or defense attorney allegations of a victim's possible illegal immigration status. In the event that the immigration status of a victim does become an issue, we work with ICE to confer some type of temporary legal status on the victim, at least during the pendency of the case.

In addition, we have a staff of victim advocates who specialize in caring for victims who have immigration issues. Our Victim Compensation program, of course, offers compensation without regard to immigration status.