



Testimony of

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INTRODUCTION

Thank you, Chairman Grassley and distinguished members of the Committee. As the Public Policy Program Coordinator at the Washington State Coalition Against Domestic Violence (WSCADV), I am deeply honored to be able to comment on the impact of state and local law enforcement policies regarding federal immigration enforcement on victims of domestic violence.

The issue of violence in our communities is challenging, complex and deeply emotional. I appreciate your willingness to listen. As an advocate for the survivors of crime, I know how important it is for people to feel that their voices are heard and I want to extend my heartfelt condolences to the families here today. Through open and honest dialogue I hope that we can work to find solutions that make our communities safer for everyone.

Since 1990, WSCADV, a membership organization of 74 domestic violence shelter and advocacy programs has been the leading voice in Washington State in addressing domestic violence. In partnership with the National Network to End Domestic Violence (NNEDV), the Asian Pacific Institute on Gender-Based Violence, and the National Taskforce to End Sexual Violence, we have successfully worked as an agent of change -- educating society about the severe and long-lasting impact of domestic violence, addressing victim-blaming attitudes, making systems that victims face more accessible, challenging injustice, and advocating for legislation and policies that support justice for victims of domestic violence. I have worked in the violence against women field for over 22 years, and my testimony reflects the lessons we have learned as advocates, and from the survivors of these terrible crimes, about how we can best improve the safety of our communities. The most important thing we can do is build strong police/community relationships and that means establishing an environment of trust. If victims and witnesses of crime do not feel safe to step forward, the police cannot do their jobs and we are all less safe.

As you evaluate proposals offered in response to these tragic cases, I urge you to also remember the decades of experience we have developed in the domestic violence community and victim advocacy community generally. We know that when immigrant victims are reluctant to come forward we are all less safe. Congress affirmed that principle by establishing the U visa for victims of crime and the Self-Petition process under the Violence Against Women Act and has repeatedly reaffirmed it by reauthorizing that critical law. I thank you all for everything you have done to make women and our communities as a whole more safe. Please remember these lessons as you look to tackle this new challenge.

**INCREASING ACCESS FOR IMMIGRANT COMMUNITIES
ENHANCES COMMUNITY SAFETY FOR ALL**

As a victim advocate, I am deeply concerned that mandating local police cooperation with immigration enforcement will strengthen the hand of violent perpetrators, helping them silence their victims and those who witness their crimes. I am also concerned that vulnerable immigrant victims brave enough to step forward will face detention, separation from their children, and swift deportation. This was the dangerous cycle many communities encountered with the aggressive policies of Secure Communities and the chilling effect it had on police/community relations was dramatic and counterproductive.

A good example of this chilling effect is the case of Cecilia, a young Guatemalan girl living in Colorado. Cecilia was sexually abused by a family friend at the age of five. Her parents, undocumented immigrants, learned about the abuse but were terrified of reporting the crime to the police. They were told by friends and family that the police could not be trusted and they would be reported to immigration and deported if they stepped forward. A year later, the same perpetrator sexually abused another young child. In the end, after the father of that child contacted Cecilia's parents, they went to the

police together and the perpetrator was caught and prosecuted. But because of their initial fear to report, another child was harmed. When immigrants are afraid to come forward with information about a crime, the entire community is less safe.

As another example, a few years ago in Seattle, where I live, there was a string of over two dozen sexual assaults targeting Asian women who were waiting for the bus. Because of the strong police/community relationship in Seattle, many of the immigrant victims were willing to come forward and share information with the police and the perpetrator was caught.

DOMESTIC VIOLENCE IN IMMIGRANT COMMUNITIES

Building strong relationships between law enforcement and the immigrant community is important for the safety of a community in general, but it is particularly critical for immigrant victims of domestic violence. At WSCADV, we strongly adhere to the philosophy that *all* victims deserve to live lives free from domestic and sexual violence. It takes the *entirety of our communities*: advocates, police, prosecutors and the courts, as well as friends, families, religious leaders, employers, and the community at large to support victims, and to remove barriers to their safety. It is incumbent on us that the systems we as a society have created to address domestic violence are accessible to even the most marginalized and vulnerable of victims. Immigrant victims, like all survivors of domestic violence, experience physical violence, emotional abuse, coercion, threats and intimidation, isolation, economic abuse, and sexual abuse. In addition, perpetrators of domestic violence against immigrants use culture and cultural taboos, children and child custody, and economics to enhance their control.¹ Most relevant in

¹ Raj, Anita, and Jay Silverman, “*Violence Against Women: The Roles of Culture, Context, and Legal Immigrant Status on Intimate Partner Violence*,” *Violence Against Women* Vol. 8 No. 3, March 2002, 369.

this instance, abusers often use *immigration status* as a tool of control.² Tragically, many abused immigrants do not have legal immigration status precisely because their abusive spouses have deliberately blocked or withheld that status as a tool of abuse.³ Abusers threaten their victims that they will and have them deported if they tell the police, that that they will never see their children again. I personally have worked with a survivor whose abuser contacted ICE during the pendency of divorce and child custody proceedings, resulting in my client's arrest at the courthouse during a court proceeding, ultimately resulting in my client being deported. While some humanitarian provisions of U.S. immigration law seek to reduce these vulnerabilities, many obstacles remain to immigrant victims' access to safety and justice. We greatly appreciate the work that many Senators and many members of this Committee have done in support of legislation that has offered legal protections for immigrant victims of domestic violence, sexual assault and trafficking, most notably the Violence Against Women Act, which was recently reauthorized again in 2013. These protections, first passed in 1994, have allowed tens of thousands of immigrant victims to escape daily ongoing and escalating abuse and control by batterers, sexual assault perpetrators, traffickers and other criminals.

Congress has repeatedly recognized the United States immigration laws inadvertently deter immigrant women from taking action to protect herself and her children from abuse.⁴ As Congress found, “[m]any immigrant women live trapped and isolated in violent homes, afraid to turn to anyone for help. They fear both continued abuse if they stay with their batterers and deportation if they attempt to leave.”

For immigrant victims and their children, fear of deportation is one of the primary reasons that few seek any help, unless the violence against them has reached *catastrophic*

² Mary Ann Dutton et al., *Characteristics of Help Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications*, 7 GEO. J. ON POVERTY L. & POL'Y 245, 55 (2000).

³ Leslye Orloff, Mary Ann Dutton, Giselle Aguilar Hass, & Nawal Ammar, *Battered Immigrant Women's Willingness to Call for Help and Police Response*, 13 UCLA Women's L. J. 43, 60 (2003).

⁴ H.R. Rep. No. 103-395, at 26.

proportions. A recent research report on the collaboration between ICE and local law enforcement found that 44% of Latinos overall and 70% of undocumented Latinos, are less likely to contact the police to report they have been the victim of a crime if they fear it will lead to inquiries about immigration status.⁵

The National Domestic Violence Hotline, which receives thousands of calls weekly from victims all over the United States, administered a survey over a six-week period in 2012, to over 1300 callers who identified as Latina survivors of domestic violence. Of those surveyed, 39% of Latinas who indicated that they had been born in a foreign country reported that they were afraid of calling the police or going to court for reasons relating to immigration status. For example, one caller stated: “Yes, I’m afraid because I have heard many cases of people reaching out for help and being deported instead.” In addition, survivors stated that abusers often threaten them that they will be deported if they call the police. They also feared being separated from and losing custody of their children if they were to be placed in immigration detention.

Another recent study among Asian and Pacific Island victims found that over a quarter of Asian first-generation respondents surveyed mentioned being unwilling to contact law-enforcement for help with domestic violence for reasons related to their immigration status, ranging from being undocumented to being on conditional permanent residency status (via marriage to the partner), as well as concern for their partner’s immigration status (being worried that doing so might have resulted in their partners being deported).⁶

⁵ See Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement* (University of Illinois at Chicago (May 2013), available at http://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF

⁶ Mieko Yoshihama, Deborah Bybee, Chic Dabby, & Juliane Blazeovski, “*Lifecourse Experiences of Intimate Partner Violence and Help-Seeking Behavior among Filipina, Indian, and Pakistani Women: Implications for Justice System Responses. Final Report*” (2010) NCJ 236174 (2010) Washington, DC: National Institute of Justice, available at <https://www.ncjrs.gov/pdffiles1/nij/grants/236174.pdf>

THE EFFECTS OF LOCAL POLICE COOPERATION WITH IMMIGRATION ENFORCEMENT ON IMMIGRANT VICTIMS

Mandating local law enforcement cooperation with immigration enforcement will deter immigrant domestic violence survivors not only from reporting crimes, but also from seeking help for themselves and their children - depriving them not only of the law enforcement protection, but also of other critical resources and support in their communities. In jurisdictions where local police enforce immigration laws, undocumented immigrants are afraid to drive, go to community organizations or churches, or even seek medical help for their children. In such jurisdictions, many survivors of domestic violence remain in the shadows—afraid to call the police or often, even to reach out to helping organizations for assistance.

In Washington State, the Washington State Domestic Violence Fatality Review Project, reviews events leading up to domestic violence homicides, in order to identify gaps in policy, practice, training, resources, information, and collaboration, and to make recommendations to improve the response to victims in order to prevent future deaths. The Domestic Violence Fatality Review Project has found that Hispanic and Latina and Asian and Pacific Islander women, along with other women from communities of color in Washington State, are at 2.5 to 3.5 times greater risk for domestic violence homicide than white, non-Hispanic women, in Washington. Experts on fatality review panels identified one of the explanations for these disparities to be that the legal vulnerability relating to immigration status compromises safety planning for immigrant domestic violence victims. When law enforcement agencies actively collaborate with federal Immigration and Customs Enforcement (ICE) or the Border Patrol, it can result in an immigrant victim, or the abuser being detained or deported as a result of calling police.⁷ Effectively,

⁷The reports of the Washington State Fatality Review can be found at: <http://dvfatalityreview.org/fatality-review-reports/>. Findings relating to the disparity in homicide rates can be found in the 2008 and 2010 reports.

for many vulnerable victims, reaching out to local law enforcement for assistance to address domestic violence is removed as an option for safety.

For example, not too long ago I was working with domestic violence advocates in my state who were advocating on behalf of Mirabela,⁸ who was in immigration detention. Mirabela had been arrested in a domestic violence incident, and because she did not speak English, her abuser, who had legal status, had been able to convince the police officers she had assaulted him. While in jail, she was interviewed by ICE and an immigration detainer was placed on her. When she posted bond following her arraignment, due to the ICE detainer, she was transferred to ICE custody and deported, leaving her two U.S. children behind with her abuser.

Another example is Maria,⁹ an immigrant survivor of serious domestic violence, who was represented by the National Immigrant Justice Center, fled from Texas to Northern Indiana, where her abuser tracked her down. When he came to her house at midnight, she was too afraid to call 911, instead, frantically calling her lawyer who was not at work. Ultimately her abuser was not able to get into the house, but victims are put in life-threatening danger when they feel that law-enforcement is not a safe option.

These two cases illustrate why the Secure Communities program made it much more difficult for domestic violence advocates to encourage victims to come forward and seek help from law enforcement.¹⁰ We still have very little information about how the PEP program will be implemented, which makes it extremely difficult to provide information to victims to help inform their safety planning. As you move forward, I ask that you take into account the experiences and voices of those serving victims as you

⁸ A pseudonym.

⁹ A pseudonym.

¹⁰ Radha Vishnuvajjala, “*Insecure Communities: How an Immigration Enforcement Program Encourages Battered Women to Stay Silent*,” 32 B.C.J.L. & Soc. Just. (2012)

consider any proposal and remember the experiences of the past which did not serve our communities well.

In addition to a fear of coming forward, survivors of domestic violence are not infrequently convicted of crimes as a result of their victimization, and policies that limit local police cooperation with immigration enforcement may provide just enough respite for them to access the resources that they need. For example, advocates in California worked with Cindy, a woman from Taiwan on a student visa, who was arrested on felony domestic violence charges and held in jail for almost a month. Cindy spoke English but did not have the level of comprehension and vocabulary to understand her situation. Once Cindy was able to speak to a Mandarin speaking domestic violence advocate, she was able to explain to someone what had happened. Cindy had been dating a colleague who was very controlling, forcing her to have sex with him against her will on several occasions. She never told anyone about these incidents. One day he came to her apartment unannounced and began to rape her again. This time Cindy fought him off and bit his ear. He backed away, shocked, and called the police. When they responded to the scene the police arrested Cindy. Cindy was ultimately charged and convicted of felony domestic violence. The jury had determined that she had acted to defend herself, but the force that she used was greater than the assault. Ultimately the judge sentenced her only to probation and time served, but she still had a felony assault conviction on her record. Because she was not automatically referred to ICE, Cindy was able to successfully complete her studies, expunge her criminal record, and work to be a productive member of our community. Unfortunately, not all survivors are able to access the bilingual and bicultural advocacy services needed to untangle the situation, and there are undoubtedly numerous victims who would face certain deportation, especially in circumstances where there are policies to refer all non-citizens to ICE.

FEDERAL FUNDING FOR LAW ENFORCEMENT SERVES VICTIMS FROM ALL COMMUNITIES

As mentioned earlier, we greatly appreciate the work that Congress, and many members of this Committee have done in support of legislation that has helped countless victims of domestic violence, including supporting the coordinated community response to address violence against women. Law enforcement officers play a crucial role in that response to domestic and sexual violence, and federal funding supports critical training, equipment, and agency staffing that assists domestic and sexual violence victims. Without such funding, there will be domestic violence cases that go uninvestigated, protection orders that will not be served or enforced, rape kits that will go untested, and child sexual abuse victims that will not have trained interviewers, and these victims are not limited to immigrants. Proposals that reduce resources to jurisdictions that are working hard to increase access to all communities will allow violent crimes to go uninvestigated and leave victims without redress due to reductions in funding.

CONCLUSION

We recognize the fact that there are victims, both with lawful status and without, that are harmed by some immigrants. We all want justice for victims and to prevent future crimes. We urge Congress to proceed with measured, thoughtful policies in order to enhance the safety of all of our communities.