

February 1, 2012

Sen. Patrick Leahy, Chairman (D-VT)
Sen. Herb Kohl (D-WI)
Sen. Dianne Feinstein (D-CA)
Sen. Chuck Schumer (D-NY)
Sen. Dick Durbin (D-IL)
Sen. Sheldon Whitehouse (D-RI)
Sen. Amy Klobuchar (D-MN)
Sen. Al Franken (D-MN)
Sen. Christopher Coons (D-DE)
Sen. Richard Blumenthal (D-CT)
Sen. Chuck Grassley, Ranking Member (R-IA)
Sen. Orrin Hatch (R-UT)
Sen. Jon Kyl (R-AZ)
Sen. Jeff Sessions (R-AL)
Sen. Lindsey Graham (R-SC)
Sen. John Cornyn (R-TX)
Sen. Michael Lee (R-UT)
Sen. Tom Coburn (R-OK)
Sec. Janet Napolitano, Department of Homeland Security

Re: Request to Support VAWA Provisions that Encourage Immigrant Crime Victims to Seek Help and Cooperate in Investigations and Prosecutions of Enumerated Crimes

Dear Honorable Members of the Senate Judiciary Committee and Secretary Napolitano:

We write to request your strong support for the upcoming reauthorization of the Violence Against Women Act (VAWA) which includes provisions that will increase the number of U visas available each year for immigrant crime victims assisting law enforcement and prosecutors. The bill also corrects problems and fills gaps in protections for immigrant victims of domestic violence, sexual assault, and stalking.

Immigrant women who are victimized by the physical, psychological, and emotional abuse of partners or spouses face special challenges: their abusers often use women's lack of immigration status as a tool for control, threatening to report these women and girls to the authorities and gain custody of their children if they call the police for help. Additionally, immigrant women who are too afraid to call the police because of their immigration status are extremely vulnerable to sexual assault and exploitation. Those who perpetuate such crimes with impunity further undermine public safety. In 2000, Congress recognized this and created the U visas in 2000 that allow noncitizen-victims who cooperate in an investigation or prosecution of certain enumerated crimes to seek protection in the form of a U visa. Among other requirements, U visa applicants must obtain a signed law enforcement certification stating that the individual cooperated in the investigation or prosecution of an enumerated crime.

Law enforcement agencies across the country have expressed strong support of the U visa as a valuable law enforcement tool that encourages victims to seek help and fosters cooperation with law enforcement while providing a safety net for victims. U visas also make communities safer

by strengthening relationships with law enforcement. The U visa plays an important role in strengthening law enforcement's ability to investigate and prosecute crimes and provide protection for immigrant victims.

We also ask for your support and assistance in assuring that VAWA includes language that allows all victims, in all jurisdictions, with sufficient evidence of cooperating in an investigation or prosecution of a crime to submit an application for U visa when law enforcement certification is unavailable. Unfortunately, there are some jurisdictions where law enforcement certifications for a U visa are not available to immigrant victims regardless of the merits of their case and the extent of their willingness to cooperate with law enforcement in the investigation and prosecution of a designated crime. In such cases, the immigrant victim is denied the opportunity to submit an application for a U visa for consideration. Without this provision, immigrant victims in those jurisdictions will remain in the shadows, too afraid to seek help and to hold offenders accountable.

Additionally, victims who are eligible to seek U visas often face long delays in the processing of their applications. Without work authorization and lawful status, women face enormous barriers and may have no choice but to return to an abuser if they have no other options. Allowing victims access to employment authorization is crucial to ensuring their path to safety and cooperation with law enforcement. We ask that you support including in VAWA provisions that will allow victims earlier access to employment authorization.

On February 2, 2012, when the Senate Judiciary Committee considers the reauthorization of the Violence Against Women Act, we ask that you support VAWA's immigration provisions that increase the numbers of U visas that can be issued each year and that you consider language that will make our communities safer by providing protections to all immigrant victims. Our groups have extensive expertise in direct services and based on our collective experience, we believe providing early access to work authorization and improving access to U visas will significantly strengthen law enforcement's ability to investigate and prosecute crimes and will make communities safer.

We urge you to consider these issues and adopt our recommendations. We welcome the opportunity to discuss this recommendation with you in more detail. Please do not hesitate to contact Mony Ruiz-Velasco, director of legal services at the National Immigrant Justice Center at 312-660-1360 or via email at mruizvelasco@heartlandalliance.org.

Sincerely,

African Services Committee
American Immigration Lawyers Association
American Jewish Committee
Americans for Immigrant Justice
Artemis Justice Center
Asian and Pacific Islander Institute On Domestic Violence
Battered Women's Legal Advocacy Project
Binational Front of Indigenous Organizations (FIOB)
Break the Cycle
Casa de Esperanza

Central American Research Center (CARECEN)
Centro LatinoAmericano
Cowan Miller & Lederman
Dady & Hoffmann LLC
Daya Inc.
Futures Without Violence
Goldman & Goldman P.C.
Hebrew Immigrant Aid Society
HIV & AIDS Legal Services Alliance
Human Right Initiative of North Texas, Inc.
Immigrant Law Center of Minnesota
Immigration Counseling Service
Institute on Domestic Violence in the African American Community
International Institute of the Bay Area (Oakland Office)
Iowa Coalition Against Domestic Violence
Iowa Coalition Against Sexual Assault
Jaime Barron, P.C.
Jewish Women International
Justice for Our Neighbors-Northern Illinois Conference
Kansas Coalition Against Sexual and Domestic Violence
Kentucky Coalition for Immigrant and Refugee Rights
Kids in Need of Defense
Lane County Legal Aid and Advocacy Center
Law Office of Jennifer Walker Gates
Legal Momentum
Lutheran Immigration and Refugee Service
Lutheran Social Services
Massachusetts Immigrant and Refugee Advocacy Coalition
Massachusetts Law Reform Institute
National Alliance to End Sexual Violence
National Asian Pacific American Women's Forum
National Center for Transgender Equality
National Center for Victims of Crime
National Coalition Against Domestic Violence
National Coalition of Anti-Violence Programs
National Congress of American Indians Task Force
National Council of Jewish Women
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Network for Immigrant and Refugee Rights
National Network to End Violence
National Organization for Women
National Resource Center on Domestic Violence
National Women's Law Center
Network/La Red
Nevada Hispanic Services, Inc.

New Jersey Coalition for Battered Women
Peck Law Firm, LLC
Physicians for Human Rights
Placer Women's Center dba PEACE for Families
Progressive Leadership Alliance of Nevada
Rainbow Services, Ltd.
Refugee and Immigrant Center for Education and Legal Services
Restaurant Opportunities Center of Chicago (ROC)
Ross Silverman LLP
SAHELI for Asian Families
Service Employees International Union (SEIU)
South Asian Americans Leading Together
The Advocates for Human Rights
The Community Immigration Law Center (CILC)
United Migrant Opportunity Services/UMOS Inc
VIDA Legal Assistance
Virginia Poverty Law Center (VPLC)
Washington Defender Association's Immigration Project
Wisconsin Coalition Against Domestic Violence
Women of Color Network
Working Hands Legal Clinic
Wyoming Coalition Against DV/SA

Cc:

Cecilia Muñoz, White House Director of Intergovernmental Affairs and Director of the Domestic Policy Council

Lynn Rosenthal, White House Advisor on Violence Against Women