



March 3, 2015

Dear Representative,

As the Steering Committee and Immigration Subcommittee of the National Task Force to End Sexual and Domestic Violence (“NTF”), comprised of national leadership organizations advocating on behalf of sexual and domestic violence victims and women’s rights, we represent hundreds of organizations across the country that are dedicated to ensuring *all* survivors of violence receive the protections they deserve. For this reason, we write in opposition to the Asylum Reform and Border Protection Act (H.R. 1153) and similar legislative proposals that limit the ability of survivors of domestic and sexual violence to access protections under our immigration laws.

In particular, the NTF has specific concerns about the following provisions in H.R. 1153:

- a. Sec. 2, which would prohibit government funded counsel in removal proceedings,
- b. Sec. 4, which would replace the current standard for screening of credible fear from a “significant possibility” to establish eligibility for asylum, withholding of removal, or protection under the Convention Against Torture to a “more probable than not” standard, and
- c. Sec. 6, which limits humanitarian parole to the following situations: medical emergencies where the individual cannot get treatment abroad; transplant donors for close family members; close family members who are near death; lawful applicants for adjustment of status; asylees or refugees. Public interest parole is limited only to those who help law enforcement *and* whose presence in the U.S. is required or whose life is threatened.

Section 2.

The NTF is troubled by the limitations placed on providing counsel for victims of domestic and sexual violence in removal proceedings. Domestic and sexual violence victims are often isolated and unfamiliar with protections available for them, not only by law enforcement and the courts in general, but particularly in removal proceedings. This provision undermines the spirit and protections of the Violence Against Women Act (VAWA), a bipartisan act of Congress, which supports legal representation for victims, and will have the effect of pushing immigrant survivors and their children into the shadows and into danger.

Section 4.

This section will likely limit the ability of otherwise eligible asylum-seekers from protection, and particularly impacts women fleeing gender-based persecution (like female genital cutting, forced marriage, domestic and sexual violence, or “honor” violence). It would not be unusual for survivors of domestic or sexual trauma to fail to raise qualifying persecution during an initial screening due to trauma. For example, inconsistencies or omissions may arise in an individual’s case because of the cultural taboos and personal trauma involved in speaking of violations like

female genital mutilation or rape. A woman may not reveal to a male border inspector who initially questions her that she was raped by her persecutor, but may later – after working with a therapist and with the support of an advocate – testify to having been sexually assaulted. Reasonable explanations for such inconsistencies must be taken into full and fair account.

Section 6.

The NTF opposes limiting DHS's parole authority to cases involving medical emergencies or situations involving law enforcement assistance. Parole has been a critical protection for survivors of domestic and sexual violence, in particular those who have established eligibility for protections under VAWA and who are waiting for a visa to become available and need the protection of US criminal and civil domestic and sexual violence laws.

On behalf of the courageous survivors of domestic violence, child and elder abuse, sexual assault, dating violence, and stalking that our organizations serve, **we urge you to vote against the HR 1153 and similar legislation**, and thank you very much for taking that important step to protect and support immigrant survivors.

Please don't hesitate to contact Grace Huang, Washington State Coalition Against Domestic Violence at grace@wscadv.org, or (206) 389-2515 x 209, or Andrea Carcamo, Casa de Esperanza, at acarcamo@casadeesperanza.org or (703)942-5582 for more information.

Sincerely,

The National Taskforce to End Sexual and Domestic Violence (www.4vawa.org)