

## **The Border Security, Economic Opportunity, and Immigration Modernization Act (H.R. 15) and Immigrant Survivors of Violence November 2013**

On October 2, 2013, H.R. 15, the Border Security, Economic Opportunity, and Immigration Modernization Act was introduced in the House of Representatives. This advisory will highlight key victim protections that were enhanced in that legislation. **We urge Representatives to support these provisions that will help immigrant survivors of violence.**

### **H.R. 15 secures/improves access to legal status for survivors by:**

- Creating a legalization program to provide immigration status and eventual permanent residency and citizenship to undocumented immigrants in the U.S. who meet eligibility criteria, bringing them out of the shadows and removing major vulnerabilities to abuse and exploitation.
  - Ensuring that, in cases of domestic violence, abused spouses and children can maintain their own legal immigration status and work authorization independent of an abusive spouse or parent. (*Section 2101*).
- Reclassifying spouses and children of Legal Permanent Residents (LPRs) as immediate relatives. Though this is a generally applicable change that will help all such relatives, it will particularly benefit survivors as it will enable abused spouses and children of LPRs who file a VAWA self-petition to gain their residency without having to wait, often for several years, for a visa to become available. (*Section 2305*).
- Protecting legal immigration status for abused spouses and children of temporary visa-holders (those with work or education visas), releasing them from economic dependence on an abuser and removing the threat of deportation if they leave an abuser. This provision also provides work authorization and the possibility of eventual permanent residency if the survivor is otherwise eligible. (*Section 4413*).
- Eliminating the one-year filing deadline for asylum cases, which bars many otherwise eligible asylum-seekers from protection and particularly impacts women fleeing gender-based persecution who often do not know that they could be eligible for asylum, let alone that there is a time limit to apply. (*Section 3401*).

### **H.R. 15 enhances U visa protections by:**

- Increasing the number of U visas available each year for immigrant victims who assist in the investigation or prosecution of designated crimes and violations. (H.R. 15 includes an increase in the annual cap from 10,000 to 18,000 U visas, with no more than 3,000 available for the new civil workplace violations listed below). (*Section 3406*).
- Making U visas available for a broader range of violations for immigrants who have suffered serious civil workplace violations such as workplace abuse, exploitation, retaliation, or violation of whistleblower protections and who assist in the investigation, prosecution, or adjudication of covered violations. (*Section 3201*).
- Adding child abuse and elder abuse as qualifying U visa crimes. (*Section 3201*).

### **H.R. 15 contains provisions that will improve survivors' safety, specifically:**

- Enabling applicants with pending VAWA self-petitions, U and T visa applications to receive work authorization no later than 180 days after their application was filed. This addresses lengthy delays in the adjudication of these petitions (in some cases, wait times are over a year and a half) that undermine survivors' access to safety and economic security and can force continued economic dependence on an abuser. (*Sections 2305 and 3207*).

- Clarifying immigrant domestic violence survivors' eligibility for public or assisted housing when they qualify for certain VAWA remedies. (*Section 2553*).
- Bolstering protections for workers who are recruited abroad by foreign labor contractors, to prevent workers from falling victim to worker exploitation, abuse or human trafficking. (*Sections 3601-3614*).

**H.R. 15 improves attention to survivors' needs and safety in immigration enforcement operations by:**

- Limiting immigration enforcement at sensitive locations by restricting Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) from engaging in enforcement actions at designated "sensitive locations," unless there are "exigent circumstances" or prior approval has been obtained. "Sensitive locations" include schools, hospitals and clinics, churches, and crime victim services, among others. (*Section 3721*).
- Ensuring screening of unaccompanied immigrant children at the border to identify victims of persecution or trafficking, and improving their treatment while in the custody of U.S. Customs and Border Protection; requiring female officers to escort female detainees during transport (to help prevent sexual assault). (*Sections 3611-3614*).
- Providing that officers deployed in border enforcement activities receive training about the identification of vulnerable populations. (*Section 1112*).

We are grateful to the bipartisan co-sponsors of H.R. 15 who recognize the importance of protecting immigrant survivors as part of a comprehensive immigration reform agenda. We also recognize that other important provisions that protect women immigrants' needs and interests were not addressed, and we will continue to support efforts to enhance the legislation.

**We urge the House of Representatives to Take Account of the Needs of Vulnerable Immigrant Survivors in Immigration Reform!**

We urge the House to incorporate all of the positive provisions outlined above and also to advance additional critical protections and supports for immigrant survivors of violence, such as:

- Enabling victims of abuse to access life-saving safety net benefits
- Strengthening access to VAWA protections for victims in immigration court proceedings

In addition, we appeal to the House of Representatives to pay careful attention to and guard against potential unintended consequences for survivors that could bar or compromise their access to vital protections under the Violence Against Women Act, the Trafficking Victims Protection Act, our asylum laws, or other humanitarian immigration laws. Provisions of concern include barring, limiting, or penalizing access to safety-net benefits; increased entanglement of local law enforcement with immigration enforcement (since this undermines community policing and drives immigrant victims further into the shadows); increased penalties (both immigration and criminal); increased use of immigration detention; and expanded grounds of ineligibility, inadmissibility, or deportability for domestic violence-related offenses without adequate humanitarian waivers, as they can sweep survivors into their scope and undermine their ability to seek safety.

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