

National Network to End Violence Against Immigrant Women

www.immigrantwomennetwork.org

Co-Chaired by the following organizations

Legal Momentum
Immigrant Women
Program
1522 K Street, N.W. Suite
550
Washington, DC 20005
(202) 326-0040
iwp@legalmomentum.org

Family Violence Prevention
Fund
383 Rhode Island St., Suite
304
San Francisco, CA 94103
(415) 252-8900
leni@endabuse.org

National Immigration Project of
the National Lawyers Guild
14 Beacon St., Suite. 602
Boston, MA 02108
(617) 227-9727

Advanced Special
Immigration for Survivors
Technical Assistance
(ASISTA)
515 28th St.
Des Moines, Iowa 50312
www.asistaonline.org

March 29, 2005

For more information, please call:

Joanne Lin, Senior Staff Attorney, Legal Momentum – 202/326-0041

“REAL ID” JEOPARDIZES LIVES AND SAFETY OF DOMESTIC ABUSE VICTIMS, INCLUDING U.S. CITIZENS AND PERMANENT RESIDENTS

Dear Senator:

The undersigned 138 anti-violence organizations urge you to oppose the REAL ID Act. Although purported to be an anti-terrorism measure, REAL ID will harm thousands of battered women and children, including U.S. citizens and permanent residents, and will erode critical protections passed by Congress in the Violence Against Women Acts (“VAWA”) in 1994 and 2000.

- **REAL ID would jeopardize the lives of domestic abuse victims, including U.S. citizens and lawful permanent residents, by requiring them to use their residential address on driver’s licenses and making many noncitizen victims ineligible for a driver’s license.**

REAL ID would require all individuals to use their principal residential address on their driver’s license or state identification card. This new requirement would trump over 20 state laws that permit people to use P.O. Box addresses or addresses designated by the secretary of state on their driver’s license or identification card.ⁱ For people fleeing domestic abuse or stalking, the option to use an alternate address is not a matter of convenience or preference; it can be a matter of life or death.

Leaving an abusive relationship can be a life-threatening decision for many battered women. Nearly three quarters of states have documented that the rate of domestic violence homicide increases after the victim has left the abusive partner.ⁱⁱ If a victim of domestic abuse or stalking is forced to disclose her physical residence in order to get a federally approved driver’s license, she risks the possibility that she and her children will be tracked down by the abuser. If she declines to disclose her residential address on the

face of her license, then she will be refused a federally-valid driver's license or identification card. Without government-issued identification, victims cannot board airplanes or Amtrak trains, cannot enter federal buildings such as federal courthouses, cannot obtain a U.S. passport, and cannot use a post office box. For domestic violence victims and their children who are often forced to flee with short notice, such restrictions can mean the difference between freedom to start a new safe life and continued imprisonment in a dangerous, even life-threatening environment.

In the Violence Against Women Act ("VAWA"), Congress specifically granted noncitizen victims of trafficking, sexual assault, domestic abuse, stalking, and other crimes the ability to live and work in the U.S. while their visa applications are being adjudicated. This option to remain in the U.S. while their applications are pending is necessary to ensure that victims can cooperate with law enforcement in the investigation or prosecution of trafficking and other crimes. REAL ID, however, would deny these victims temporary driver's licenses and state identification cards while their applications are pending. REAL ID would also preempt state laws that permit all battered women, regardless of immigration status, to obtain driver's licenses or state identification cards.

- **REAL ID undermines landmark legislative reforms enacted by Congress in the Violence Against Women Act ("VAWA") and erodes 10 years of progress in the campaign to end domestic abuse.**

Since Congress passed VAWA with broad bipartisan support in 1994, VAWA has saved lives and helped millions of abused women and children find safety, security, and self-sufficiency. VAWA '94 created avenues for abused spouses and children of U.S. citizens and permanent residents to obtain permanent residency without having to rely on the batterer. In 2000 Congress expanded and strengthened the VAWA immigration provisions and created new visas for victims of trafficking, sexual assault, stalking, or other crimes. In enacting these important reforms, Congress sought to free noncitizen victims of violence from the threat of deportation – a threat that many batterers use to lock family members in abusive relationships. As discussed in the following section, REAL ID would undermine all these advances by making it extremely difficult for victims of domestic abuse, child abuse, trafficking, stalking, or sexual assault to obtain immigration relief – the very relief that Congress created specifically for them.

- **REAL ID would jeopardize the lives of battered immigrant women and children, including U.S. citizen children, who would be forcibly deported to countries that afford little or no legal protections for domestic abuse victims.**

REAL ID would permit immigration judges to deny VAWA and asylum relief to victims who cannot produce corroborating evidence of the domestic abuse, who provide inconsistent testimony on minor facts irrelevant to the domestic abuse claim, or whose demeanor is inconsistent with a judge's preconceived expectations. In addition, asylum applicants would have to prove that the *central* motive of the persecutor was on account of one of the five protected grounds. Victims fleeing violent homes, speaking little or no English, could be denied immigration relief because they did not recount in detail the horrors of the violence to an immigration inspector upon first entering the U.S. Victims

could be denied VAWA and asylum relief if they cannot present “corroborating” evidence of the violence (e.g., police reports, conviction records), even if they fled countries where the police do not respond to domestic violence calls and the courts do not punish domestic violence.

In addition, REAL ID would permit the DHS to forcibly deport victims of domestic abuse or trafficking before the federal courts have had an opportunity to review their case. Finally, REAL ID would insulate virtually all discretionary immigration determinations of the DHS from federal court review, no matter how erroneous or gender-biased the determination may be. The practical effect of these new requirements would be to facilitate the deportation of thousands of battered immigrant women and children, including U.S. citizen children, to other countries – many of which offer little or no protection for domestic abuse victims.

- **REAL ID would jeopardize the lives of battered immigrant women and children by disclosing their confidential location to bond agents.**

REAL ID creates financial incentives for immigration bond agents to arrest persons seeking immigration relief in removal proceedings, even if the person has not breached the bond. Bond agents would be given unfettered access to *all confidential* information in the government’s possession, including the location of battered women who are hiding in domestic abuse shelters and safe homes. By giving bond agents financial incentives to arrest women who have left violent homes, REAL ID would jeopardize the lives and safety of noncitizen battered women and children. Batterers and stalkers could easily enlist the services of bond agents in order to track down family members who are in hiding. This directly undermines the strict confidentiality provisions contained in VAWA that guarantee confidentiality of all VAWA applications to ensure that abused spouses and children can pursue immigration relief without jeopardizing their safety.

In addition, REAL ID would raise the minimum immigration bond from \$1,500 to \$10,000 and would prohibit the DHS from releasing on recognizance anyone placed in removal proceedings. For noncitizen battered women -- many who have no employment authorization and who are economically dependent on the abusive partner – a \$10,000 bond is impossible to post. As a practical matter, this will make it virtually impossible for most noncitizen battered women to be released while their VAWA cases are pending. With their mothers in detention, the children of battered immigrant women, including U.S. citizen children, will be forced to live with the abusive father or be placed in foster care.

We ask you to renew your commitment to protecting abused immigrant women and children, and urge you to oppose REAL ID. We look forward to working with you to develop alternative programs that protect all victims of domestic abuse and stalking, without compromising U.S. security.

Sincerely,

National Coalitions/Organizations

American Jewish Committee
Asian & Pacific Islander Institute on Domestic Violence
Break the Cycle
Center for Gender & Refugee Studies
Freedom Network (USA) to Empower Trafficked and Enslaved Persons
Hmong National Development
Kurdish Human Rights Watch, Inc.
Mexican American Legal Defense and Educational Fund
National Center on Domestic and Sexual Violence
National Coalition Against Domestic Violence
National Council of Jewish Women
National Immigration Project of the National Lawyers Guild
National Law Center on Homelessness & Poverty
National Network to End Domestic Violence
National Organization of Women (NOW)

Alabama

Alabama Coalition to End Domestic Violence

Alaska

Alaska Network On Domestic Violence and Sexual Assault
Kodiak Women's Resource and Crisis Center

Arizona

Arizona Coalition Against Domestic Violence
Asylum Program of Southern Arizona
Tucson International Alliance of Refugee Communities
Verde Valley Sanctuary Legal Advocacy Center - Cottonwood, AZ

Arkansas

Arkansas Coalition Against Domestic Violence

California

A Woman's Place of Merced County - Merced, CA
Asian Resources, Inc. - Sacramento, CA
California Alliance Against Domestic Violence
Catholic Charities of the Diocese of Santa Rosa, CA
DOVES of Big Bear Valley, Inc. – Bear Valley, CA
Family Violence Project – Sherman Oaks, CA
Haven Women's Center – Modesto, CA
Heather Poole, PC, Professional Law Corporation – Pasadena, CA
Lawyers' Committee for Civil Rights - San Francisco, CA
Líderes Campesinas - Pomona, CA
My Sister's House - Sacramento, CA
OPCC/Sojourn - Santa Monica, CA,

Option House, Inc. - San Bernardino, CA.
Seltzer Fontaine Beckwith – Los Angeles, CA
South Lake Tahoe Women's Center
Tri-Valley Haven - Livermore, CA

Colorado

Colorado Coalition Against Domestic Violence

District of Columbia

Ayuda, Inc.
District of Columbia Coalition Against Domestic Violence
Hebrew Immigrant Aid Society

Florida

Florida CHAIN
Florida Coalition Against Domestic Violence
Florida Immigrant Advocacy Center/LUCHA

Georgia

Circle of Love Center, Inc. - Greensboro, GA
De Kalb Rape Crisis Center - Decatur, GA
Georgia Coalition Against Domestic Violence
Fresh Start for Women, Inc. - Ellenwood, Georgia
Hospitality House for Women, Inc. – Rome, GA
Partnership Against Domestic Violence – Atlanta, GA
Raksha, Inc. - Atlanta, GA
Refugee Family Services - Clarkston, GA
Spirit of Oneness, Inc. - Dunwoody, GA
Tapestri, Inc., - Tucker, GA
Tranquility House, Christian League for Battered Women - Cartersville, Georgia
Women's Resource Center to End Domestic Violence - Atlanta, GA

Hawaii

Domestic Violence Clearinghouse and Legal Hotline - Honolulu, HI
Hawaii State Coalition Against Domestic Violence
Kealakehe Ahupua'a 2020, Inc. - Kailua-Kona, Hawaii

Idaho

Idaho Coalition Against Sexual and Domestic Violence

Illinois

Illinois Coalition Against Domestic Violence
Interfaith Refugee and Immigration Ministries of Illinois
Office of Women's Programs, University of Illinois
Mutual Ground, Inc. - Aurora, IL

Indiana

Indiana Coalition Against Domestic Violence

Iowa

Children and Families of Iowa – Des Moines, IA

Crisis Intervention Service - Mason City, Iowa

Iowa Coalition Against Domestic Violence

Kansas

Kansas Coalition Against Sexual and Domestic Violence

Kentucky

Kentucky Domestic Violence Association

Louisiana

Louisiana Coalition Against Domestic Violence

Migration and Refugee Services - Baton Rouge, LA

Maine

Maine Coalition to End Domestic Violence

Maryland

Maryland Network Against Domestic Violence

Michigan

Michigan Coalition Against Domestic and Sexual Violence

Mississippi

Catholic Charities Immigration Clinic – Jackson, MS

Minnesota

Battered Women's Legal Advocacy Project - Minneapolis, MN

Jewish Community Action - St. Paul, MN

Minnesota Coalition for Battered Women

Missouri

Missouri Coalition Against Domestic Violence

Montana

Family Violence Center, Inc. - Springfield, MO

Nebraska

Nebraska Domestic Violence Sexual Assault Coalition

Nevada

Nevada Coalition Against Domestic Violence

New Hampshire

New Hampshire Coalition Against Domestic and Sexual Violence

New Jersey

New Jersey Coalition for Battered Women

New Mexico

Alternatives to Violence - Raton, NM

Battered Families Services, Inc. - Gallup, NM

Enlace Comunitario - Albuquerque, NM

Navajo United Methodist Center – Farmington, NM

New Mexico Coalition Against Domestic Violence

New York

Asian Outreach Program of Queens

CONNECT, Inc. – New York, NY

CUNY School of Law - Flushing, NY

Greater Upstate Law Project, Inc. - Albany, NY

New York Asian Women's Center - New York, NY

New York Association for New Americans – New York, NY

New York Coalition Against Domestic Violence

Rocklin Family Shelter – New City, New York

Safe Horizon – New York, NY

Sakhi for South Asian Women – New York, NY

STEPS to End Family Violence – New York, NY

Stop Family Violence - New York, NY

The Door - A Center of Alternatives, Inc. – New York, NY

Urban Family Center – New York, NY

North Carolina

El Centro Hispano, Inc. - Durham, NC

El Pueblo, Inc.- Raleigh, NC

Legal Services of Southern Piedmont, Inc. - Charlotte, NC

North Carolina Coalition Against Domestic Violence

North Dakota

Domestic Violence Crisis Center, Inc. - Minot, ND

North Dakota Council on Abused Women's Services

Ohio

Ohio Domestic Violence Network

Oklahoma

Oklahoma Coalition Against Domestic Violence and Sexual Assault

Oregon

Oregon Coalition Against Domestic and Sexual Violence

Pennsylvania

Pennsylvania Coalition to End Domestic Violence

Women's Law Project - Philadelphia, PA

South Carolina

South Carolina Coalition Against Domestic Violence and Sexual Assault

South Dakota

South Dakota Coalition Against Domestic Violence and Sexual Assault

Winner Resource Center for Families - Winner, SD

Texas

National Center on Domestic and Sexual Violence - Austin, Texas

P.E.A.C.E. Initiative - San Antonio, TX

Political Asylum Project of Austin – Austin, TX

Texas Council on Family Violence

Utah

Utah Domestic Violence Council

Vermont

Vermont Network Against Domestic and Sexual Violence

Virginia

The Multiracial Activist – Alexandria, VA

Tahirih Justice Center - Falls Church, VA

Virginia Sexual and Domestic Violence Action Alliance

Washington

Northwest Immigrant Rights Project - Seattle, WA

Safe Place – Olympia, WA

Washington Defender Association's Immigration Project - Seattle, WA

Washington State Coalition Against Domestic Violence

West Virginia

West Virginia Coalition Against Domestic Violence

Wisconsin

Family Violence Center - Green Bay, WI

Wisconsin Coalition Against Domestic Violence

Wyoming

Wyoming Coalition Against Domestic Violence and Sexual Assault

ⁱ States with Address Confidentiality Programs include: Arizona, California, Connecticut, Florida, Illinois, Indiana, Maine, Massachusetts, North Carolina, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin. In addition, several other states — including Hawaii, Maryland, New Mexico, Ohio, Virginia — have pending legislation that would establish address confidentiality programs. Moreover, there are several states — including Alaska, Michigan, Virginia -- that do not require residential addresses to be printed on driver's licenses.

ⁱⁱ From a national study that compared the homicide rates of the periods 1976 and 1980 through 1984. Angela Browne & R. Flewellyn. Women as Victims or Perpetrators of Homicide. Paper presented at the American Society of Criminology annual meeting. Atlanta, GA. October 1986.