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SCHAKOWSKY DELIVERS KEYNOTE ADDRESS TO NATIONAL NETWORK TO END VIOLENCE AGAINST IMMIGRANT WOMEN

CHICAGO, IL - U.S. Representative Jan Schakowsky (D-IL), a champion for greater legal protections for battered immigrant women, today delivered the keynote address at the Midwest Regional Training of the National Network to End Violence Against Immigrant Women.□□□

□ Below is the text of Schakowsky's speech:

I am delighted to see so many people here who work every day in the trenches.□ I want to thank you for the work you do to help so many women and their children. I am here to tell you that I am happy to continue working as a partner with you in those efforts.

People ask, why fight for the rights of immigrants?□ I think it is so appropriate that this training is in Chicago this week because we are a city of immigrants.□ Immigrants have made invaluable contributions to our economy, to our communities, and to our culture.□ We must continue to accept and welcome immigrants if our strength as a nation is to continue. And, as you all know, battered immigrant women make up one of the most vulnerable populations in this country.□ There are not many other constituencies in the U.S. who face so many barriers to living a safe and peaceful life.□□□□

As victims of crime, battered immigrants who decide to seek help from the law are forced to deal with a criminal justice system that is not always sensitive to the specific needs of women who have suffered domestic violence.

As immigrants, battered women are forced to deal with an immigration system that is mismanaged and disorganized and, more often than not, completely ignores their needs for safety, protection, and services in dealing with an abusive partner.□ And while I think we have made tremendous strides in making sure that help and services are available to battered immigrant victims, and I'll mention a couple of those victories in a minute, I fear that we are living under an Administration that is working hard to dismantle much of the work we have done.

First, in 2000, we had a victory when Congress reauthorized the Violence Against Women Act, or VAWA, and we were successful in including in that law many provisions from the Battered Immigrant Women's Protection Act of 1999, which I introduced. VAWA now provides protection for battered immigrants in a number of ways.□ For example, it protects battered immigrants from some immigration provisions by allowing them to self petition, to obtain permanent immigration status without having to leave the United States, and to seek relief from being deported.□□

The law also allows victims of rape, torture, or other abuse or assault to obtain a non-immigrant visa, which would provide temporary legal status and protection to victims while law enforcement investigates their case. That success two and a half years ago gave us all a great deal of hope that we were on the verge of making even greater advances. I don't want to understate how promising it seemed back then.

Second, last year when Congress was negotiating the structure of the new Department of Homeland Security, I was successful in including language to establish a Citizenship and Immigration Ombudsman who can handle specific problems that arise for immigrants. I will be working closely with the new Department in the coming months to see that this office is established in such a way that gives the Ombudsman the authority and independence necessary to adequately solve all immigration concerns that may arise.

Despite these successes, the reality is that we live in a different world today, under a different Administration than when we passed VAWA 2000. In the past two years, our nation has endured a Bush Administration that has repeatedly attacked our core values. And immigrants and women have felt this attack more acutely than almost anyone else. This Administration has not made it easy for battered immigrants to seek relief from immigration provisions or protection from violence.

I know many of you were at my press conference a couple weeks ago where I released my "Hit List of the Top Ten Anti-Immigrant Bush Initiatives." While all of these initiatives hurt battered immigrants in various ways, some of them are particularly damaging to our efforts in working towards a day when abused immigrant women will have access to all the protection and services they need without any fears of being deported or forced back into a home with their abuser.

I included on my hit list issues related to civil rights and due process. Since 9/11, the Department of Justice has made it routine practice to detain immigrants and visitors in custody for unspecified periods. And Congress passed the PATRIOT Act, which I opposed, which very broadly defines terrorist activity for the purposes of both prohibiting immigration to the U.S. and increasing the number of deportations. Battered immigrant women have not been immune to these practices.

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In fact, it is not unheard of for immigrant women who are walking into the courthouse to deal with a domestic violence case to be picked up on immigration charges and put into deportation hearings.

For example, there was a case in Pennsylvania where a woman was severely abused by her husband - he beat her repeatedly, threatened to kill her, and made it clear that her immigration status was in his hands. After strangling her and nearly killing her, he was finally arrested.

Even after his arrest, he continued to threaten her, arguing with her not to cooperate with the prosecution in his case or he would turn her in as an undocumented immigrant. It turned out that he, as a legal immigrant, had never filed any petitions for her and she had

remained undocumented.[] []

Of course, he turned her in anyway and the INS actually detained her.[] She remained in detention until she was able to post bond.[] Throughout her detention she did participate in his prosecution and, upon release, was able to get a nonimmigrant U visa because she had participated.[]

Although, she is now faced with an equally dire situation where she is unable to work and does not qualify for any public benefits.[] We cannot sit by and let this Administration get away with these types of actions.[] We must insist that President Bush and Attorney General Ashcroft resist - not promote - policies that infringe on any person's civil liberties and right to be free from violence.

It is because of stories like this that we must continue our work to ensure that all immigrants have their due process rights respected, especially those immigrants who are already suffering other types of abuse.[] In the coming months I will be introducing legislation to provide technical fixes to the battered immigrant provisions in VAWA 2000 so that all brave women who come forward are truly protected.[] []

I will also be introducing another bill which will take VAWA 2000 a step further to ensure that battered immigrant women have access to all the benefits and services they need.[] I look forward to working with all of you in my effort to get these bills passed.

I also included on my hit list that the appeal process for immigrants has been short-circuited.[] In an effort to streamline the Board of Immigration Appeals, which is the court of last resort for immigrants fighting deportation, the Administration decided to institute one-judge reviews of cases (instead of three judges) and reduced the Board from 23 judges to 11 judges.[] Immigrants now get one-line responses to their cases, meaning their cases can be summarily dismissed and they can be deported, with little or no explanation as to why.[] []

This has been especially harmful to VAWA cases, which are not red-flagged for judges.[] Many battered immigrants are being deported without ever getting the chance to explain their case.

I know NOW Legal Defense and Education Fund has seen an exponential increase in the number of battered immigrants losing their appeals and now many more battered immigrants eligible for VAWA are in deportation proceedings.[] This places victims in danger of further abuse in their home countries, especially if their abusers follow them.

In addition to these reforms to the Board of Immigration Appeals, we also have problems with immigration judges not having adequate, if any, training on VAWA.[] They are often unaware of the protections afforded battered immigrant women to keep them from being detained, deported, and otherwise restricted in the immigration process because of an abusive partner.[] [] []

Why is the Bush Administration purposely endangering the lives of battered immigrant women? Where is the compassion? At a minimum, the Attorney General must commit to seeing that his judges are fully trained in the law so that immigrant victims who come before them receive the fair and compassionate treatment they are entitled to under the law.

Furthermore, my hit list included new secretly adopted police powers for FBI. The Attorney General secretly issued an order, without public notice or Congressional review, granting FBI agents the authority to enforce immigration laws. Likewise, there has long been talk of giving all local law enforcement this authority.

While many police departments, including the Chicago Police Department, have voiced strong opposition to such a measure, many other police departments around the country have already assumed the role of civil immigration law enforcers. Such actions eliminate the separation between civil immigration enforcement and criminal law enforcement, which has always existed in order to create trust in communities that all people, citizens and immigrants, would be protected by law enforcement agents from crime, including domestic violence. Granting local law enforcement the authority to enforce immigration laws would not only result in countless infractions of immigrants' rights because most police officers lack training in immigration law enforcement, but it would greatly compromise the safety of battered immigrants.

Immigrants who may be undocumented, whose partners may be undocumented, or who depend on their partners to maintain legal status and who are experiencing abuse in their homes already take a huge risk when they decide to call the police in order to escape more violence or even death. And, as you know, many battered immigrants already avoid getting the police involved for many reasons, including the fear of detention or deportation.

But I suspect we would see the number of women who avoid contact with law enforcement increase dramatically if we gave local law enforcement the power to detain an immigrant for a real or perceived immigration violation. Consequently, more women would continue to suffer abuse and even death at the hands of their abusers with little chance for escape.

Law enforcement officers called to the scene where domestic violence has taken place would be forced to decide which laws to enforce - criminal laws or civil immigration laws. I suspect that in many cases, and I know this already happens, both the abuser and the victim would be arrested on the spot. This sends a dangerous message that the abused is as much to blame as the abuser. We must continue to speak loudly against this proposal and insist that the Bush Administration let law enforcement do the job they are trained to do - protect us from crime - not enforce civil immigration laws.

Finally, I want to mention an issue related to asylum that I also included on my hit list. The Attorney General is considering issuing new regulations that would limit the ability of women fleeing trafficking, sexual slavery, honor killing, domestic violence, and other

gender-related human rights abuses to qualify for asylum in the United States. This would make it more difficult for a woman to flee to the U.S. in order to get away from gender-based violence that her government is doing nothing to stop or prevent.

I cannot even begin to imagine the effects this could have on the lives of individual women around the world - women like Rodi Alvarado from Guatemala who saw the United States as her last option for escaping domestic violence and saving her life. After an immigration judge granted her asylum in 1996, finding that ten years of abuse and the persistent failure of the Guatemalan authorities to protect her entitled her to relief, Attorney General Ashcroft is now reconsidering Ms. Alvarado's asylum status.

This is appalling and unacceptable. How can anyone consider forcing a woman - or a man or a child - to return to a country where her husband has threatened to kill her if she returns? We must demand that the Attorney General abandon these new proposed gender-persecution regulations for asylum-seekers and instead do what he can to help women who have no where else to run.

So I tell you again, we live in a different time today than we did two and a half years ago when we won on VAWA. We must not only fight just to receive level funding for VAWA - President Bush's FY 04 budget proposes cutting VAWA programs by \$19.2 million - but we are forced to spend our time fighting to preserve basic due process rights - the right for immigrants to have a hearing before being deported and the right for battered immigrants to seek protection under established laws like VAWA.

We must not only fight to ensure that the Vermont Immigration (BCIS) office, through which all VAWA and trafficking cases are processed, is fully funded and fully staffed, we must fight to ensure that immigration judges have the knowledge and training to invoke VAWA protections in the first place.

We must not only fight to allow local law enforcement to protect immigrants from domestic violence, but we must fight to ensure that women in other countries who are unable to escape violence with the help of their government are able to come to the United States and receive assistance.

I am eager to continue this fight with you. We have a lot of work before us, but I am confident that with your continued work with those who are touched by these issues everyday, that we can succeed.