

JULY 20, 2000

**KEY HOUSE COMMITTEE HOLDS HEARING ON SCHAKOWSKY BILL
TO STRENGTHEN RIGHTS OF BATTERED IMMIGRANT WOMEN**

WASHINGTON, D.C. - The House Judiciary Subcommittee on Immigration and Claims today held a hearing on a bill introduced by Representative Jan Schakowsky (D-IL) to strengthen the rights of battered immigrant women. The Battered Immigrant Women Protection Act, H.R. 3083, builds on the successes of the Violence Against Women Act (VAWA) of 1994, allowing battered immigrant women to escape domestic abuse by addressing adverse incentives that trap them in violent relationships.

Schakowsky, who testified before the Subcommittee, said, "No one should have to live in fear in their own home. Unfortunately, battered immigrant women not only live in fear in their home, but they also live in fear of being deported if they speak up against their abusers."

"The Battered Immigrant Women Protection Act will strengthen current law. It will give these women access to a variety of legal protections that they deserve so they may flee violent homes, obtain court protection, cooperate in the criminal prosecution of their abusers and take control of their lives without fear of deportation," Schakowsky added.

H.R. 3083 addresses five areas of concern in current immigration law:

- It redefines who is eligible for protection under VAWA.
- It addresses implementation problems in VAWA '94.
- It ensures that battered immigrants have access to the economic safety net crucial to their ability to escape their abusers.
- It provides INS and law enforcement officers with the necessary training and tools to ensure that abusers are prosecuted.
- It makes technical corrections that remove ambiguities in current law.

The Senate Judiciary Committee passed the Violence Against Women Reauthorization bill, which includes many provisions of Schakowsky's bill. The bipartisan legislation is cosponsored by more than 100 members of Congress. The primary cosponsors of the bill are Representatives Connie Morella (R-MD) and Sheila Jackson-Lee (D-TX), ranking member on the Immigration and Claims Judiciary Subcommittee. H.R. 3083 is endorsed by 200 organizations.

"My bill balances the INS' need to maintain the integrity of our immigration system with the delicate special needs of battered immigrant women and their families. It provides

them with a legal way to escape the abuse and end the cycle of violence without the fear of deportation or being separated from their children," Schakowsky said during the hearing.

The bill would strengthen provisions that would allow battered women, who are entitled to permanent residency, to file their own application for immigrant status without requiring the cooperation of the abusive spouse and to remain in the United States while awaiting their green cards. It would also expand legal protections for battered immigrants by removing obstacles that often trap them in abusive relationships.

In addition, it would ensure that women who are victims of heinous crimes such as rape, incest, torture, battery, sexual assault, female genital mutilation, and forced prostitution, can remain in the United States temporarily to assist in the prosecution of their abusers. These women would then be able to apply for lawful permanent residency at a later date. Furthermore, the bill would ensure that battered immigrants with pending immigration applications are able to the economic safety net crucial to their ability to escape the abuse.

Below are stories of battered immigrant women who would be helped by Schakowsky's bill.

H.R. 3083 ends an unintended incentive for victims to stay with their abusers. Under current immigration laws, abusers who are convicted of domestic violence crimes may be deported from the U.S. One unintended effect is that the battered immigrant loses his/her access to permanent immigration status once the abusive spouse is deported for a crime of domestic violence. This situation creates a perverse incentive for the battered immigrant to tolerate the abuse rather than report it. This bill allows the battered immigrant to access permanent immigration status and to fully cooperate with the criminal prosecution of her abuser even if her abuser is deported.

- Example: Marta was stabbed by her permanent resident spouse. He was arrested. Marta would like to cooperate in the criminal prosecution of her spouse, but is afraid since her immigration status is dependent on her husband's. He is subsequently convicted of a crime of domestic violence. INS is now initiating deportation proceedings against her spouse. Marta loses her access to permanent immigration status if her immigration application is not approved before his deportation.

H.R. 3083 extends access to divorced victims of domestic abuse. Under current immigration laws, the abused immigrant spouse must be married to the U.S. citizen or permanent resident. Savvy abusers often sprint to the courthouse for a quick divorce because they know this will cut off her access to immigration relief. This bill allows battered immigrants who are divorced from their abusers to file their applications for immigration status within 2 years of the divorce, death or loss of citizenship of the

abuser.

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- Example: Mona, who is from Poland, married a U.S. citizen. She was severely abused during the first years of her marriage. She fled to a shelter and immediately her spouse sought a divorce to effectively cut her off from any permanent immigration status. Mona will not have access to permanent immigration status if she had not submitted her application prior to the final divorce.

H.R. 3083 allows VAWA self-petitioners to adjust their status in the U.S. Under current immigration laws, abused immigrants are forced to leave the U.S. to obtain their lawful permanent residence. Traveling outside the U.S. deprives these women of the protection provided by courts, legislation, custody decrees, and law enforcement. This bill allows women to safely obtain permanent immigration status in the U.S.

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- Example: Marie is originally from Haiti. She married a permanent resident when she came to the U.S. He burnt her with cigarettes, hit her, and threw objects at her throughout their marriage. She filed a protection order against him ensuring her safety within U.S. borders. Marie is in the final stages of obtaining her green card. Under current law, she must travel back to Haiti to complete the filing process. She fears that her husband will follow her to Haiti and she will not have the safety of her protection order or receive the same police protection as in the U.S.

H.R. 3083 extends access to elder immigrants who are victims of domestic abuse. Under current law, the abused immigrant parent of a U.S. citizen or legal permanent resident has no access to immigration relief without the cooperation of the abusive adult son or daughter. This bill allows the battered immigrant parent to file their own application for immigration relief.

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- Example: Alejandro, a 71-year-old native and citizen of Peru, came to the United State on a tourist visa to visit with his daughter, Rosa, a naturalized U.S. citizen. Once he arrived, Alejandro suffered severe abuse at the hands of his daughter and her U.S. citizen husband. Alejandro's daughter and husband cut off his ability to contact the police and report the abuse. Alejandro's tourist visa eventually expired, and therefore, his status changed from non-immigrant to illegal. Under current law, Alejandro has no access to immigration relief.□ □ □

H.R. 3083 extends access to abused sons and daughters over age 21. Under current

immigration laws, only spouses or minor children of U.S. citizens or residents have access to permanent immigration status. Abused sons or daughters over 21 years old have no access to permanent immigration status even though they have suffered years of domestic or sexual abuse perpetrated by their citizen or resident parent. This bill contains provisions that extend immigration relief to individuals over 21 who can demonstrate that battery or extreme cruelty had occurred during their childhood prior to turning 21 years old.

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- Example: Sandra is the 22-year-old daughter of a U.S. citizen. At 10 years old, she came with her mother when her mother married the U.S. citizen. She was sexually abused for 8 years by her mother's husband. This abuser has never filed immigration status for Sandra. Under current laws, Sandra has no access to legal immigration relief.

H.R. 3083 extends access to battered immigrant spouses who unknowingly marry bigamists. Under current law, the abused immigrant spouse of a U.S. citizen or legal permanent resident has no access to legal immigration status if his/her spouse is proven to be a bigamist. This bill allows spouses who entered their marriage in good faith, but unknowingly married a bigamist, to file their own application for immigration status.

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- Example: Catherine, a native and citizen of Ireland, came to the United States on a student visa, but remained after the visa had expired. In the meantime, while living in New York, she met and fell in love with James, a U.S. citizen. Within a year of meeting each other, the two were married. Shortly after marriage, however, the relationship became extremely abusive. While otherwise eligible for VAWA relief, Catherine found out that James's "ex-wife" was really still his wife. He had not obtained a proper divorce in the state of California, and therefore remained legally married to his first wife, and engaged in a bigamist relationship with Catherine. Consequently, because Catherine is, technically, the wife of a bigamist, she is not eligible for VAWA relief.