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**Statement of the American Immigration Lawyers Association  
Submitted to the House Judiciary Committee on  
H.R. 7909, the “Violence Against Women By Illegal Aliens Act”  
May 15, 2024**

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The American Immigration Lawyers Association (AILA), the national bar association of 17,000 immigration attorneys and law professors, submits the following statement for the record in opposition to the proposed H.R. 7909, the “Violence Against Women By Illegal Aliens Act.” H.R. 7909 will do nothing to protect people from experiencing domestic violence (DV) and will cause actual harm to DV survivors. The proposed bill expands the basis for deporting someone purportedly with the goal of preventing DV, but in reality it will hinder attempts to aid victims of these crimes and make them vulnerable to harassment and even deportation.

First and foremost, this bill ignores the complex reality of domestic violence, stalking, and assault, and will as a result disproportionately harm the very individuals it is allegedly designed to protect. It is not uncommon for a DV survivor to also be a DV defendant or initially charged as a DV defendant, and abusers often threaten to call the police or immigration on their victims.<sup>1</sup> Under this proposed bill, a DV survivor could face immigration consequences, including deportation, based on this type of involvement with the criminal legal system, even where the survivor was the one who sought help from law enforcement. It is also not uncommon for DV survivors to face charges under child welfare law for ostensibly failing to protect their child against the very harm their abuser is committing against them.<sup>2</sup> The harm this bill will have on families is compounded by the lack of an available waiver in federal immigration law, which would allow an immigration official to protect a DV survivor who would be seriously harmed by being removed.

This bill will also have a chilling effect on a noncitizen’s willingness to call the police when there is violence at home or they need help. In a 2021 survey, the National Domestic Violence Hotline found that, of the DV survivors who never called the police, 92% “were very or

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<sup>1</sup> See e.g., M. E. Dichter, *They Arrested Me—And I Was the Victim*: Women’s Experiences With Getting Arrested in the Context of Domestic Violence, *Women & Criminal Justice*, 23(2), 81–98 (2013), <https://doi.org/10.1080/08974454.2013.759068>; Anne O’Dell, *Why Do Police Arrest Victims of Domestic Violence? The Need for Comprehensive Training and Investigative Protocols*, *Journal of Aggression, Maltreatment & Trauma*, 15(3–4), 53–73 (2007), <https://doi.org/10.1080/10926770802097210>.

<sup>2</sup> See e.g., Sara Tiano, “Maryland Eyes Law to Protect Domestic Violence Survivors from “Failure to Protect” Charges,” *The Imprint*, February 14, 2023, <https://imprintnews.org/youth-services-insider/maryland-eyes-law-to-protect-domestic-violence-survivors-from-failure-to-protect-charges/238491>; Elizabeth Koh and Jason Laughlin, “After a domestic assault, many victims can find themselves blamed by Mass. child welfare,” *Boston Globe*, September 9, 2023, <https://www.bostonglobe.com/2023/09/09/metro/after-domestic-assault-many-victims-can-find-themselves-blamed-by-mass-child-welfare/>.

somewhat afraid about how the police would react,” and 25% report that they themselves were threatened with arrest.<sup>3</sup> This bill will reinforce and compound the complex relationship DV survivors have with our criminal and immigration systems, and make reporting domestic violence even more fraught for noncitizens. DV survivors who are also parents will be vulnerable under both criminal and immigration laws and face possible separation from their children.

Finally, many of the specific offenses listed in this bill are considered crimes involving moral turpitude (CIMT) under U.S. immigration law,<sup>4</sup> which is already a basis for someone to be deported (as a ground of inadmissibility and deportability). The addition of new grounds of inadmissibility and deportability via this bill is therefore duplicative. As a result, this bill will add ineffective and duplicative work to immigration agencies.

If Congress would like to support DV survivors and protect women and children, its efforts would be better served by funding U.S. Citizenship and Immigration Services (USCIS) to ensure the expeditious and prompt processing of VAWA and other humanitarian petitions; funding USCIS to expedite work authorizations for immigrant DV survivors; and increasing access to services and legal assistance for DV survivors. Finally, Congress should remove the unnecessary and harmful U and T visa caps. Both of these humanitarian visas — the U visa for victims of crime and the T visa for victims of trafficking — can protect domestic violence survivors, and these caps run counter to these goals.<sup>5</sup> AILA and its members, including its VAWA, T, and U committee composed of nationwide experts in this area of immigration law, remain available to discuss these recommendations based on our on-the-ground experience supporting DV survivors and their counsel.

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<sup>3</sup> National Domestic Violence Hotline, “Survivors of Domestic Violence Report Feeling Less Safe After Contacting Law Enforcement,” accessed May 14, 2024, <https://www.thehotline.org/news/survivors-of-domestic-violence-report-feeling-less-safe-after-contacting-law-enforcement/>.

<sup>4</sup> The Board of Immigration Appeals defines a CIMT as a crime that “refers generally to conduct which is inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons or to society in general.” *Matter of Franklin*, 20 I&N Dec. 867, 868 (BIA 1994), *aff’d*, *Franklin v. INS*, 72 F.3d 571 (8th Cir. 1995).

<sup>5</sup> *See e.g.*, The cap is an annual cap of 10,000 visas, and there is a significant backlog of U visa cases — over 300,000 in 2023. Tirzah Christopher, “A visa program created to help law enforcement puts immigrant victims at risk instead,” NPR.org, Aug. 12, 2023, <https://www.npr.org/2023/08/12/1193597303/a-visa-program-created-to-help-law-enforcement-solve-crimes-puts-immigrant-victi>; *See also* National Immigrant Justice Center, “Survivors Facing Years-Long Waits for U Visa Adjudications Sue U.S. Government,” Dec. 19, 2023, <https://immigrantjustice.org/press-releases/survivors-facing-years-long-waits-u-visa-adjudications-sue-us-governme>nt (“[t]he lead plaintiff in the case is B.L.R., a woman who brought charges against her husband for years of physical and emotional abuse. . . B.L.R. applied for a U visa in October 2021 but has yet to receive a bona fide determination from USCIS, meaning that she cannot legally work. Without work, she risks falling into economic dependency on the husband who abused her.”). While the annual 5,000 cap for T visa principal applicants has yet to be met, over 11,000 such applications are currently pending, meaning the cap could be met in the near future. *See* USCIS, “Number of Form I-914, Application for T Nonimmigrant Status by Fiscal Year, Quarter, and Case Status, Fiscal Years 2008-2024,” Feb. 2024, [https://www.uscis.gov/sites/default/files/document/data/i914t\\_visastatistics\\_fy2024\\_q1.xlsx](https://www.uscis.gov/sites/default/files/document/data/i914t_visastatistics_fy2024_q1.xlsx).