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### **AILA Urges VOTE NO on Preventing Violence Against Women by Illegal Aliens Act**

The American Immigration Lawyers Association (AILA) urges members of Congress to vote NO on [“Preventing Violence Against Women by Illegal Aliens Act.”](#) The proposed bill would render noncitizens who have committed certain domestic violence (DV) crimes including stalking, child abuse, and child neglect inadmissible and deportable under federal immigration law. If the bill is enacted, it will place victims of these crimes at risk of removal – directly undermining the purported aim of the bill to protect domestic violence survivors.

Domestic violence is a grave and pervasive problem that demands immediate, forceful action by lawmakers and law enforcement. No one should live in fear of abuse or violence by a spouse or domestic partner. Unfortunately, this bill is not an effective solution to domestic violence. To the contrary, it will hinder attempts to aid survivors of these crimes; make them more vulnerable to violence; and put them at greater risk of deportation. Importantly, this bill would strip law enforcement officials and immigration judges of the discretion that is critical to ensuring DV survivors are not inadvertently swept into these provisions. This bill ignores the complex reality of domestic violence, stalking, and assault—in which accusers often falsely accuse their victims of crimes, and the victim is the one wrongly charged and convicted. As a result, the bill will bring harm to the very people it aims to protect.

This bill will have a **chilling effect – deterring domestic survivors from calling the police** and thereby impeding local law enforcement efforts. Furthermore, a well-known tactic of abusers to maintain power and control is to report and threaten to report their partner to authorities and falsely claim that their partner is the one who is violent or neglectful. Additionally, DV survivors can be and are frequently charged with child neglect for having “failed to protect” their children from witnessing the violence committed by the abusive partner.

Notably, this legislation adds grounds of inadmissibility (a common basis under immigration law to deport someone) for those same DV offenses that victims are often wrongly charged with. But these new grounds of inadmissibility **do not even require a conviction**, and **there is no waiver available** as a failsafe if a victim is wrongfully charged. The absolute nature of the bill, which removes the discretion of DHS officers or immigration judges, will result in DV survivors being unfairly removed.

If Congress would like to support DV survivors and protect women and children, it should:

- Fund U.S. Citizenship and Immigration Services (USCIS) to ensure the expeditious and prompt processing of Violence Against Women Act petitions and other legal protections for DV survivors;
- Remove the unnecessary and harmful numeric limits (“caps”) on two humanitarian visas that protect DV survivors: the U visa for victims of serious crime and the T visa for victims of trafficking. Under current law, the caps leave many DV survivors who are waiting for a T or U visa in a long-term state of limbo and increased vulnerability.

**VOTE NO** on the Preventing Violence Against Women by Illegal Aliens Act.



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For a more detailed analysis, please refer to the [statement](#) AILA submitted to the House Judiciary Committee last year. Please do not hesitate to reach out to us if you have any questions.

Sincerely,

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