May 18, 2017

Dear Representative,

The National Taskforce to End Sexual and Domestic Violence (NTF), comprised of national leadership organizations advocating on behalf of sexual and domestic violence victims and women’s rights, represents hundreds of organizations across the country dedicated to ensuring all survivors of violence receive the protections they deserve. We write to express our opposition to the Michael Davis, Jr. and Danny Oliver in Honor of State and Local Law Enforcement Act (“Davis-Oliver Act”) that undermines community policing efforts and threatens the safety of immigrant victims and their children.

This year is the twenty-third anniversary of the bipartisan Violence Against Women Act (“VAWA”) which has, since it was first enacted, included critical protections for immigrant victims of domestic and sexual violence. Without a doubt, the Davis-Oliver Act undermines the spirit and protections of VAWA and will have the effect of pushing immigrant survivors and their children into the shadows and into danger. As VAWA recognizes, immigrant victims of violent crimes often do not contact law enforcement due to fear that they will be deported. According to a study conducted by the National Domestic Violence Hotline and the National Latin@ Network: Casa de Esperanza, 45% of the foreign-born callers to the National Hotline expressed fear of calling and/or seeking help from the police or courts.1

The Davis-Oliver Act would significantly expand state and local authority to enforce federal immigration laws and encourage local officials to detain individuals who they think might have violated immigration laws. The language of the bill acts to criminalize those present without authorized immigration status and will subject them to criminal prosecution and civil penalties.2 Despite the protections under VAWA, victims who have been unable to access timely and trained advocacy may face detention, deportation and separation from their children. As recent increased enforcement activity has shown, many immigrant victims of crime, including many victims of domestic violence, sexual assault, and trafficking, fear reaching out to law enforcement, which in turn strengthens the ability of abusers and traffickers to silence and exploit their victims. Not only are the individual victims harmed, but their fear of law enforcement also leads many to not report violent perpetrators or come forward to help in the prosecution of dangerous criminals. The safety of whole communities is threatened as a result.

Since January, victim advocates have been describing the immense fear expressed by immigrant victims and their reluctance to reach out for help from police. Advocates at domestic violence

2 See Sec 314(a), which criminalizes unlawful presence defined by section 212(a)(9)(B)(ii) of the Act to include all those “present in the United States without being admitted or parole.”
victim advocacy programs in jurisdictions with large undocumented populations are reporting a “large drop in the number of women coming in for services,” indicating victims are not pursuing criminal charges against abusers or moving into domestic violence shelters. Domestic violence and sexual assault advocacy programs are reporting significant increases in calls from immigrant victims, many of whom are seeking information on the advisability of working with law enforcement and prosecution given their fear of deportation in light of the Executive Orders. Other advocates are reporting a drop in the number of victims seeking accompaniment to work with police and seek protection orders. Victim advocates nationwide are reporting that they are uncertain how to best advise immigrant survivors about what will happen if they call the police or go to court.

Specifically, the nation’s leading national organizations that address domestic and sexual assault oppose the Davis-Oliver Act because:

1) The Davis-Oliver Act will harm survivors and their children and will compromise community safety. Survivors will be put in danger of detention and deportation as a result of the expansion of criminal penalties for unauthorized presence.

2) Immigration enforcement must be implemented in a way that supports community policing and sustains community trust in working with local law enforcement. The bill runs contrary to community policing efforts and will deter immigrant domestic violence and sexual assault survivors not only from reporting crimes, but also from seeking help for themselves and their children. The Davis-Oliver Act does not prohibit asking about the immigration status of victims and witnesses, rather it urges police to inquire into the immigration status of everyone they encounter. In addition, although language in the bill does not require that local law enforcement arrest or report victims or witnesses of criminal activity, there is no restriction prohibiting such practices. Many jurisdictions have adopted policies explicitly to the contrary, recognizing that such policies would silence those who are in need of help.

3) The Davis-Oliver Act punishes localities that are trying to keep communities safe by ensuring that victims and witnesses trust law enforcement and report crimes. Under the Davis-Oliver Act, localities cannot restrict their personnel from engaging in immigration enforcement. Under this bill, jurisdictions with strong community trust policies will face financial penalties to its law enforcement funding, reducing law enforcement resources to combat domestic violence, sexual assault, trafficking, and other violent crimes, penalizing victims throughout the community.

4) The Davis-Oliver Act will exacerbate immigrant victims’ fear of law enforcement and will have a severe chilling effect on immigrant crime victims – making them afraid to report crimes, and thus jeopardizing public safety overall. The bill would heighten a victim’s fears that a call to 911 could lead to deportation, pushing domestic violence and sexual assault victims further into the

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3 Tyler Kingkade, Trump Deportation Vow Is Scaring Domestic Abuse Victims From Coming Forward, Buzzfeed News (Mar. 16, 2017), http://bzfd.it/2nNRX9L.
shadows. Unfortunately, immigrant victims may already have reason to fear harsh consequences if they seek help for assault, as DHS has publicly stated that victims are not exempt from detention at the courthouse while seeking protection.  

5) The Davis-Oliver Act would likely lead to more abusive parents having primary care of their children. Because the Davis-Oliver Act requires the detention of all undocumented immigrants apprehended by police to be transferred to DHS custody, many abused immigrants are particularly fearful that they will be held in jail or other detention facilities located far from their children and support systems that could help them secure their legal rights or care for their children. This forced detention likely leads to two dreadful situations: either abusive partners become the primary caretakers for children while victims are detained, or victims remain in dangerous situations due to the fear of what will happen to their children. For this reason, immigration detention serves as another method in which abusers use the immigration system against their victims. Detention is a particularly strategic tool of abusers of immigrant victims because the children then remain in the abusers’ care.

On behalf of the courageous survivors of domestic violence, sexual assault, dating violence, stalking and human trafficking that our organizations serve, **we urge you to vote against the Davis-Oliver Act**, and thank you very much for taking that important step to protect and support immigrant survivors.

Please don’t hesitate to contact **Rosie Hidalgo**, Casa de Esperanza, National Latin@ Network for Healthy Families, **RHidalgo@casadeesperanza.org**; **Grace Huang**, Asian Pacific Institute on Gender Based Violence **ghuang@api-gbv.org**; or **Archi Pyati**, Tahirih Justice Center, **ArchiP@tahirih.org** for more information.

Sincerely,

The National Taskforce to End Sexual and Domestic Violence ([www.4vawa.org](http://www.4vawa.org))

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