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I. Introduction

Abusive partners and perpetrators of crime often exploit victims’ lack of immigration status or dependent immigration status as a way to keep victims silent and avoid any repercussions for their actions. Recognizing this acute vulnerability, in 1994 Congress created the VAWA self-petitioning process for spouses and certain family members of abusive U.S. citizen or lawful permanent residents who would otherwise be dependent on those abusers for legal immigration status. In 2000, with the passage of the Trafficking Victims Protection Act (TVPA), Congress created additional protections, including the U and T visa programs. The T visa was established to assist victims of human trafficking, and the U visa was established to assist noncitizen victims of certain eligible crimes (including domestic violence, sexual assault, among others) who are willing to assist in the investigation or prosecution.

Recent changes in immigration policy are undermining the thoughtful protections that Congress established over the past twenty-five years with bipartisan support, sharpening the tools of abusers and increasing the risks of harm to victims of violence. For this reason, on September 12, 2019, Representatives Pramila Jayapal and Jimmy Panetta introduced the Immigrant Witness and Victim Protection Act of 2019 (H.R. 4319) with the goal of safeguarding and improving existing protections for immigrant survivors in order to help them achieve safety and justice.¹

As this effort was introduced in the House of Representatives, it is time to ask your Representative to co-sponsor this important bill and protect immigrant communities and their access to safety and justice.

Your local advocacy is key to creating critical advances for survivors of violence.

Please feel free to use the content in this toolkit to customize templates to your organization’s mission, voice, and the community you serve.

¹ Cosponsored by: Representatives Blumenauer (OR-3), Bonamici (OR-1), Carbajal (CA-24), Clarke (NY-9), Cleaver (MO-5), Correa (CA-46), Eshoo (CA-18), Espaillat (NY-13), Garcia (TX-29), Grijalva (AZ-3), Haaland (NM-1), Johnson (GA-4), Khanna (CA-17), Lofgren (CA-19), Maloney (NY-12), McGovern (MA-2), Meng (NY-6), Moore (WI-4), Murphy (FL-7), Napolitano (CA-32), Norton (DC-At Large), Omar (MN-5), Pressley (MA-7), Roybal-Allard (CA-40), Rush (IL-1), Sánchez (CA-38), Schakowsky (IL-9), Sires (NJ-8), Smith (WA-9), Soto (FL-9), Suozzi (NY-3), Swalwell (CA-15), Vargas (CA-51), Velázquez (NY-7).
II. What does H.R. 4319 do?

H.R. 4319 will enhance victim and community safety efforts in several ways, including:

- **Eliminating the U Visa Annual Cap:** H.R. 4319 seeks to eliminate the U visa cap to increase access to protections for survivors of crime, to enhance efforts of law enforcement to investigate and prosecute crimes, and to increase the efficiency of the adjudication process for U.S. Citizenship and Immigration Service (USCIS).\(^2\)

- **Providing Work Authorization to Survivors While Their Petitions Are Pending:** Survivors are experiencing egregious delays in the processing of their VAWA self-petitions, as well as U visa and T visa petitions.\(^3\) These significant delays, coupled with other barriers (an inability to have work authorization or a lack of access to financial support) can be devastating to survivors and can subject them to additional risks. **H.R. 4319 instructs USCIS to grant work authorization for T visa petitioners, U visa petitioners, and VAWA self-petitioners if their cases are pending for over 180 days.**

- **Preventing Survivors from Being Deported before their Humanitarian Immigration Cases Are Adjudicated:** The bipartisan protections created in VAWA and the TVPA are undermined when survivors are denied access to immigration benefits. Recent changes in ICE policies have made it even more important to reaffirm that VAWA and TVPA protections are meant to prevent keeping victims silent and in danger due to the fear of deportation. **H.R. 4319 instructs DHS officials not to remove survivors with pending T visa, U visa, or VAWA-based relief until a final decision has been reached in their cases including any appeal period.**

- **Limiting Detention for Survivors with Pending Applications:** H.R. 4319 creates a rebuttable presumption that survivors with pending T visa, U visa, or VAWA-based relief should be released from detention. DHS can overcome this presumption based on clear and convincing evidence that alternatives to detention will not be viable or that the person is a threat to another person or the community.

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\(^2\) As recognized by DHS in its Congressional Budget Justification FY2017 Budget appropriations request, raising the cap would help “maximize efficiency” [https://www.dhs.gov/sites/default/files/publications/FY%202017%20Congressional%20Budget%20Justification%20-%20Volume%201_1.pdf](https://www.dhs.gov/sites/default/files/publications/FY%202017%20Congressional%20Budget%20Justification%20-%20Volume%201_1.pdf) Under the current framework, USCIS adjudicators must review a petition for consideration for the waitlist then again, often years later, for the issuance of a U visa. Eliminating the cap would reduce the necessity for this multi-year, multi-step adjudication process.

\(^3\) For example, it now takes a minimum of 1.5 years for the U.S. Citizenship and Immigration Services (USCIS) to adjudicate a VAWA self-petition for abused spouses or family members of U.S. citizens or lawful permanent residents, or a T visa petition for victims of human trafficking. The delays for U visa petitions for immigrant crime victims who are cooperating with law enforcement have skyrocketed as the initial adjudication process now takes over 4 years. See [https://egov.uscis.gov/cris/processTimesDisplayInit.do](https://egov.uscis.gov/cris/processTimesDisplayInit.do)
III. Connecting with Your Members of Congress During Recess

Your Representatives will be home in district until October 11th, which is a good time for you to connect with them to support H.R. 4319. Your representative may have already supported the bill. If so, you can thank them for their support and educate them on why this effort is so important to your community. You can see whether your Representative already supports H.R. 4319 by checking out this co-sponsor list here.

Below are some ideas for how to reach out to your Representatives while they are back in your district during the fall recess. For additional details about these strategies, please check out our August 2019 toolkit.

A. Townhall Events:

Check if your representative is holding a town hall event by visiting www.townhallproject.com, your representative’s website, or by calling their local offices to ask if they are holding an event where their constituents can raise their questions and concerns. Some sample questions you can ask at these events are:

- **Over 75% of advocates** report that immigrant survivors have concerns about contacting police for matters related to their abuse. Representatives Jayapal and Panetta introduced H.R. 4319 to ensure that immigrant survivors can seek the protection they need without fear of deportation? Can we count on your support?

- **Recent changes in ICE policy** are increasing the risk that immigrant survivors are deported before their cases are decided. Will you start to hold ICE accountable for policies that harm immigrant survivors by sponsoring H.R. 4319?

B. Schedule a Meeting:

Recess is a good time to request a meeting with your Representatives to show why H.R. 4319 is important to your community. It is essential to bring effective partners with you to reinforce that protecting survivors of gender-based violence is a local priority. What other organizations or groups in your community care that survivors have access to protection?

Be prepared to share stories about your or your organization’s experience working with immigrant survivors. If you are sharing a story of an individual survivor, make sure to get consent
from the survivor before sharing their story as well as taking precautions to protect confidentiality.

If you’re not able to meet with your Representative directly, you may be able to meet with a member of their staff. Staffers often have subject matter expertise on the topic and can be good messengers to your Member. Developing good relationships with these staffers is important to keep up future advocacy efforts.

It is often a good tip to leave behind “one-pagers” or other resources the staffer could use if they need additional information. See the Additional Resources tab for more information on some potential leave behind materials.

1. **Sample Script/Email for Scheduling a Recess Visit:**

   *My name is [name] and I work at/volunteer with [Organization]. We work with [allied organizations/groups] and we would like to request a meeting with Congressperson [name] to discuss the ways the Administration is putting up barriers for immigrant survivors of gender-based violence and [thank them for supporting/urge them to support] H.R. 4319, introduced on September 12, 2019.*

   We would like to share with you concerns we have about immigrant survivors in our community being afraid to access resources and institutions designed for their protection. We’d also like to discuss how the administration’s recent changes in immigration policy create a chilling effect on immigrant survivors coming forward to access the help they need to escape abuse and how H.R. 4319 can help them. [Identify who will be coming from your office and other agencies].

   We are available on these days and times and would need less than an hour of the Congressperson’s time. Please let me know if and when Congressperson [name] is available to meet. We would greatly appreciate the chance to meet to discuss these important issues further. Thank you for your time and help, and please contact me at [email address] if you need additional information.

2. **Following Up:**

   After the meeting, be sure to send an email thanking the Member or their staffer for taking the time to meet with you and your allies. You may also want to send them any follow up information that may have been discussed during your meeting and remind them of any commitments they may have made to support H.R. 4319.
C. Call Campaigns

Another strategy to show your support for H.R. 4319 is to encourage community members to call your Representative to thank them for supporting/requesting they support H.R. 4319. Below please find some sample scripts.

1. If Your Representative Already Supports H.R. 4319:

Sample script:

“My name is name and I am a resident of [city, state] and I am a voter in Representative [Name]’s district.

I am writing to thank Representative [Name] for supporting H.R. 4319, the Immigrant Witness and Victim Protection Act. This bill will provide critical protections for immigrant survivors of domestic and sexual violence and human trafficking. In a climate where immigrants in our community face so many barriers to accessing safety and justice, we thank Representative [Name] for standing with immigrants in our community.”

2. If Your Representative Does Not Yet Support H.R. 4319:

Sample script:

“My name is name and I am a resident of [city, state] and I am a voter in Representative [Name]’s district.

I am writing to urge Representative [Name] to cosponsor H.R. 4319, the Immigrant Witness and Victim Protection Act, introduced on September 12th. This bill will provide critical protections for immigrant survivors of domestic and sexual violence and human trafficking in our community. Because immigrant survivors of violence face so many barriers to accessing safety and justice, we ask Representative [Name] to co-sponsor this critical bill.”

IV. Social Media

1. Hashtags: #ImmigrantSurvivorsToo #ImmigrantWomenToo
2. Sample Tweets:

We stand with immigrant survivors of domestic violence, sexual assault and human trafficking and demand their rights be protected. We urge [your representative’s twitter handle] to support H.R. 4319 today!

Immigrant survivors of gender-based violence should not have to fear that reaching out for help will result in their deportation. [your representative’s twitter handle] support H.R. 4319 now!

Immigrant survivors of gender-based violence deserve protection and justice. [your representative’s twitter handle] must act now to protect their rights by supporting H.R. 4319.

3. Sample Facebook Post:

Recent changes in immigration policy are undermining the thoughtful protections that Congress established over the past 25 years with bipartisan support, sharpening the tools of abusers and increasing the risks of harm to victims of violence. Representatives Pramila Jayapal and Jimmy Panetta introduced the Immigrant Witness and Victim Protection Act of 2019 (H.R. 4319) with the goal of safeguarding and improving existing protections for immigrant survivors in order to help them achieve safety and justice.

We stand with immigrant survivors of domestic violence, sexual assault, and human trafficking and demand their rights be protected. We urge [Rep. Name - your representative’s contact info] to support H.R. 4319 today! #ImmigrantSurvivorsToo #ImmigrantWomenToo

V. Background Information to Inform Your Advocacy

Abusive partners and perpetrators often exploit victims’ lack of legal immigration status or dependent immigration status as a way to maintain power and control and to keep victims silent. Recent changes in immigration policy are sharpening the tools of these abusers and resulting in increased risks of harm to victims of gender-based violence. Unfortunately, abusers’ threats that victims will be at risk of deportation if they reach out for help are being actualized.
• Victims of domestic violence have been arrested at courthouses and many victims fear going to court for a matter related to their abuse.4
• Advocates have seen a significant increase in the number of victims reporting that abusive partners are threatening them with deportation as part of broader abuse.5 Survivors are being deported before their immigration applications are adjudicated, which gives credibility to abusers’ threats.6
• Immigrant victims around the country are afraid to reach out for help to address domestic violence and sexual assault due to fears of deportation.7
• New policy changes are making it harder for survivors to access immigration relief and benefits for which they may be eligible, including but not limited to:
  ○ Limits on domestic violence-based asylum cases
  ○ The proposed public charge rule
  ○ Increased immigration enforcement efforts
  ○ Proposed changes to housing guidance on mixed status families
  ○ Needless fraud detection initiatives that permit anonymous claims against immigrants without consequence

Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking, and other forms of violence to allow survivors to seek protection without fear of deportation, including:

• VAWA self-petitions that help certain family members of abusive U.S. citizens or lawful permanent residents
• U visas that help victims of certain crimes - including domestic violence, sexual assault, and trafficking - who participate in the investigation or prosecution of those crimes
• T visas that help victims of human trafficking who help investigate or prosecute human trafficking.

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6 Alexandra Villareal. “US deporting crime victims while they wait for special visa” Associated Press (July 18, 2018), available at: https://www.apnews.com/81e9280f78bb4f899d7ad2f64a0240a8
Right now, there are substantial delays in processing for humanitarian-based applications like VAWA self-petitions and U and T visas,\(^8\) which create increased instability and risk of danger for survivors. Congress must protect immigrant survivors and their ability to access life-saving resources, services, and immigration benefits.

**VI. Additional Resources**

Below find some additional advocacy resources you may find helpful to prepare for your meeting and town hall events or else use as resources to leave behind when engaging with your Members of Congress.

A. Good Leave Behind Documents:

- **One-pager on Immigrant Victim Witness Protection Act** ([PDF](#))
- **Human Rights Watch, “Immigrant Crime Fighters” How the U visa Program Makes U.S. Communities Safer**
- **Survey: Immigrant Survivors Fear Reporting Violence**
- **Statement: National Task Force to End Sexual and Domestic Violence calls for unified efforts to end racism, abuse, and oppression and calls for legislation to curb gun violence**
- **Asian Pacific Institute on Gender-Based Violence, Effects of Increased Entanglement on Immigrant Survivors**

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Please contact Cecelia Friedman Levin with [ASISTA](#) at [cecelia@asistahelp.org](mailto:cecelia@asistahelp.org) if you have any questions about this toolkit or if you would like help designing and implementing your local advocacy efforts.

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\(^8\) Processing times for U visa applications are at 51.5-52 months (time from initial filing to waitlist determination); adjudication of VAWA self-petitions are taking 16-21 months, and adjudication of T visa applications are taking 15.5 to 26 months. See USCIS. “Check Case Processing Times” available at [https://egov.uscis.gov/processing-times/](https://egov.uscis.gov/processing-times/)