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President

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May 14, 2012

U.S. House of Representatives
Washington, DC 20515

Dear Member of the House of Representatives:

On behalf of the American Bar Association, with nearly 400,000 members, I write to express our opposition to H.R. 4970, the Violence Against Women Act reauthorization bill introduced by Rep. Sandy Adams (R-FL), which is scheduled to be considered by the House on May 16, 2012. We urge you to oppose the bill.

VAWA has been the single most effective federal effort to respond to the epidemic of domestic violence, dating violence, sexual assault and stalking in this country. The act has ensured that legal and social services are available to survivors, and that law enforcement, prosecutors, judges, attorneys and advocates are well-trained and equipped with cutting-edge resources to effectively address these crimes in their own communities.

Reauthorization of VAWA offers Congress the opportunity to amend the act to combat domestic and sexual violence more effectively. In 2000, for example, Congress created the Legal Assistance to Victims grant program through reauthorization. It also created the U visa for immigrants who are victims of serious crimes and have cooperated with authorities in the prosecution of the perpetrator, and authorized funding for increased protection of older individuals and persons with disabilities. In 2005, it became unlawful to deny housing assistance simply because an individual is a victim of domestic violence, dating violence, sexual assault or stalking. Congress also created a new grant program to improve court responses to these crimes.

H.R. 4970 does not continue this tradition of improvement. Unlike the recently passed Senate bill (S. 1925), which reflects discussions with more than 2,000 advocates and experts across the country, H.R. 4970 is a retreat from the battle against domestic and sexual violence. The proposed legislation fails to incorporate critical improvements to address the needs of underserved populations, such as victims who are members of faith communities and those who are denied services because of their sexual orientation or gender identity, and strips critical protections from existing law.

The provisions of H.R. 4970 that significantly undermine protections available to vulnerable immigrant victims of violence are of particular concern. Before enactment of VAWA, abusive U.S. Citizens and Legal Permanent Residents (LPRs) were able to use immigration laws as a mechanism to further abuse and control their immigrant spouses

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and children. Perpetrators of domestic violence routinely thwarted or threatened to stymie the visa petitioning process. In creating a special application process for battered spouses and children of U.S. Citizens and LPRs, lawmakers recognized that many victims of domestic abuse were unwittingly victimized by the immigration system as well.

The current VAWA green card application process involves a “self-petition,” so that the abuser is not involved at all in the process and prohibits the government from releasing information about the existence of a VAWA immigration case to the abuser or others. H.R. 4970 removes those critical protections. A forced choice between deportation or life with an abusive spouse or trafficker is the precise evil that the original self-petitioning provisions of VAWA were intended to eliminate. This proposed legislation creates obstacles for immigrant victims seeking to report crimes and increases the danger to victims by eliminating important confidentiality provisions.

The ABA urges you to oppose H.R. 4970 for the reasons enumerated above. VAWA is a critical tool in the criminal justice arsenal to address domestic and sexual violence, and it must be improved during this reauthorization process to address the needs of all victims and hold more offenders accountable.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. T. Robinson III", enclosed within a large, stylized circular flourish.

Wm. T. (Bill) Robinson III