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May 19, 2006

The Honorable Arlen Specter
Chairman
Committee on Judiciary
United States Senate
Washington, DC 20510

RE: Comprehensive Immigration Reform Act of 2006, Section 403

Dear Mr. Chairman:

On behalf of the American Bar Association, I write to urge you to support modifying Section 403(a)(1) of the CIRA in order to preserve crucial, longstanding legal protections embodied in the Violence Against Women Act for victims of domestic violence, sexual assault, and human trafficking.

Section 403(a)(1) would add a new section to the Immigration and Nationality Act, Section 218(A)(i), to bar individuals who enter or remain in the U.S. without authorization from applying for cancellation of removal, voluntary departure, and nonimmigrant visas for a period of ten years. As currently written, the provision does not contain an exception for those who may be eligible for cancellation of removal as a battered spouse or child, or for victims of human trafficking or related crimes who can apply for the T or U visa. Creating such an exception is crucial to protecting victims and will only maintain well-established legal protections already in place – it will not expand or create new rights.

For over a decade, U.S. immigration laws have recognized that immigrant survivors of domestic violence warrant special humanitarian treatment, and in recent years, the administration has expressed its strong support for protections for victims of human trafficking. Without a specific amendment to exempt these victims from the proposed INA Section 218(A)(i), years of progress in this regard will be lost. I therefore respectfully urge you and your colleagues to ensure that legal protections for these groups are maintained as the Senate continues to debate immigration reform.

Sincerely,



Robert D. Evans