

---

## AMERICAN BAR ASSOCIATION Immigrant Victims of Crime

Battered immigrant women and children, and non-citizen survivors of human trafficking and related crimes are a particularly vulnerable population in need of humanitarian legal protections. Congress recognized the unique challenges that these survivors face as they navigate the immigration process, by creating forms of immigration relief through the Violence Against Women Act (VAWA) in 1994, and then again in 2000, with the passage of the Victims of Trafficking and Violence Protection Act (VTVPA). Consistent with these federal laws, the ABA supports an immigration system that properly addresses the multitude of obstacles faced by survivors of human trafficking, domestic violence, and related crimes, and that seeks to prevent additional undue hurdles for these individuals.

- **The ABA supports enforcement by all U.S. states and territories of protection orders issued by foreign states and territorial and tribal courts**
- **The ABA supports avenues for victims of human trafficking and other crimes, and their derivative family members, to obtain lawful immigration status, employment authorization, and public benefits**
  - Survivors of crimes described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act, including rape, torture, domestic violence, sexual assault, and sexual exploitation, that occur in the United States or its territories, should be eligible for humanitarian immigration relief
  - Without these protections, many would be forced to return to life threatening situations
  - These protections enable survivors to rebuild their lives, free from exploitation and the threat of re-victimization in their home countries
- **The ABA supports allowing an abused spouse, child, or parent of a United States citizen or lawful permanent resident to self-petition for immigration status without the knowledge of the abuser**
  - Battered spouses and children need to be able to file their own immigration petitions, so that perpetrators of domestic violence cannot use the legal system to further abuse and control them
  - Child victims of abusive United States citizen or lawful permanent resident parents, and derivative children of abused self-petitioners, should remain eligible for immigration benefits after turning twenty-one
- **The ABA supports the use of Legal Services Corporation funding for services for victims of human trafficking, domestic violence, and crimes described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act**
- **The ABA opposes the apprehension of crime victims, for immigration violations, while they are at domestic violence shelters or in court seeking protection orders**
  - Victims are deterred from seeking shelter, and asserting their rights in court if they fear that immigration authorities will specifically seek to apprehend them in these venues that are intended for their protection
- **The ABA opposes placing crime victims who are eligible for immigration relief into deportation proceedings and immigration detention, unless they are a danger to others or to national security**