

Amendment to Exempt Battered Immigrants from LSC Funding Restrictions

- My amendment will allow legal services agencies to use their non-federal funds to represent immigrants who are fleeing violent relationships.
- This amendment is consistent with Congress' actions in passing the Violence Against Women Act last year as well as provisions the included in the immigration bill passed by the Senate last month.
- Domestic and other acts of violence against women have reached epidemic proportions. Figures from 1994 show that, on average in the United States, a woman was murdered every two days, and a woman was beaten every 15 seconds.
- Violence against women crosses culture, race, and economic lines. There is no class of woman who are immune from the horrors of domestic violence. Immigrant women are no exception.

- Last year, we passed the Violence Against Woman Act (VAWA), which contains protections for immigrant victims of domestic violence. These protections are meaningless if victims cannot get help. This Legal Services legislation severely restricts, if not bans, battered women's access to the protections we adopted in VAWA.
- The Legal Services appropriations bill says that any agency receiving legal services funds cannot represent certain types of immigrants. This includes some types of immigrants who are here legally, such as those here on humanitarian parole, as well as illegal immigrants and those protected by VAWA.

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- Three weeks ago we witnessed the tragic consequences of this legislation, when Mariella Batista, a Cuban immigrant, was brutally gunned down by her abusive husband outside a county courthouse in Riverside, California. She was on her way to a hearing to gain legal custody of their son. The week before her death she had sought the help of a legal services agency because she was afraid her abusive husband would kill her. She wanted protection, but there was nothing the agency could do. The restrictions we have placed on legal services funding, meant the agency could not even use private funds to help her since she was not yet a permanent resident -- but was one month away from her interview for permanent residency.
 - And what was the result? Her husband killed her, the courthouse deputies killed her husband, and her young son is left an orphan. Steps which could have been taken to protect this woman from her abuser were not taken because Congress denied her access to the agencies which could help her.

- My amendment creates an exception for battered women. It says that when someone comes to a legal services agency fleeing domestic violence, that agency does not have to check her immigration status. The agency can use its non-federal funds to represent her.
- For immigrant women domestic violence takes on a whole new dimension. A battered immigrant's right to stay in the United States often depends on her relationship with her abuser.
- Before VAWA, a battered immigrant's visa petition was dependent on her continued marriage to the abuser. This forced battered immigrant women to choose between staying in an abusive marriage or leaving her husband and losing her visa.

- VAWA recognized that there should be no class of women who are forced to stay in abusive relationships. Under VAWA, if an immigrant woman can show that she has been subject to extreme cruelty or physical violence at the hands of her spouse, she does not have to rely on her marriage to apply for a visa -- she can "self-petition" - - that is, file a petition for herself. This allows immigrants who are victims of domestic violence to leave the abusive relationship without fear of their husbands canceling their visa petitions to have them deported.
- This bill effectively destroys a battered immigrant's right to self-petition under VAWA. Think about how the process works. An immigrant woman, on the run from her husband's latest cycle of violence, flees to a legal services agency seeking a protection order. She has no idea of her rights under VAWA. That agency cannot help her -- they have to turn her away. How will she get the protection order which may save her life? How will she find out about her rights under VAWA. Under this bill -- she won't.

- Consider the impact this has on battered immigrants. In Los Angeles, battered immigrants used to turn to Rosa Fregoso, of the Los Angeles Legal Aid Foundation. She is the only person in all of Los Angeles who provides VAWA services to battered immigrants. Unfortunately, she also works for an agency which receives Legal Services funding. Battered immigrants in Los Angeles have no where to go for help because Congress has said Rosa Fregoso can no longer represent them.
- The need for this amendment is clear. Exemptions for battered immigrant women are not new. Both the House and Senate immigration bills contain similar exemptions.

For Example -- Under the both the House and Senate immigration bills, battered immigrant women can receive certain types of public assistance (SSI, AFDC, Medicaid, food stamps, housing assistance & social services block grants) if they are eligible to file or have a pending VAWA self-petition.

- This amendment is critical to the lives of battered immigrants and to uphold this Congress' obligations under VAWA. Without it, tragedies like the murder of Mariella Batista will become all too common.