

May 1, 2010

Hon. John Conyers, Jr.
Chair, Committee on the Judiciary
2426 Rayburn House Office Building
Washington, D.C. 20515

Hon. Lamar Smith
Ranking Member, Committee on the Judiciary
2426 Rayburn House Office Building
Washington, D.C. 20515

Hon. Zoe Lofgren
Chair, Subcommittee on Immigration, Citizenship, Refugees,
Border Security & International Law
102 Canon House Office Building
Washington, D.C. 20515

Hon. Steve King
Ranking Member, Subcommittee on Immigration, Citizenship, Refugees,
Border Security & International Law
2409 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Conyers, Mr. Smith, Ms. Lofgren, and Mr. King:

As organizations concerned with gender equity and the economic security of all women, we write to urge you to pass comprehensive immigration reform this year. Both passage of immigration reform legislation and change in current immigration enforcement policies are crucial to the safety and well being of immigrant women, their children and our communities. Reforms in immigration laws and policies will be most effective in improving conditions of immigrant women and their families when they are grounded in an understanding of the challenges and circumstances confronted by many immigrant women in America -- including their role in the informal labor economy, their risk of domestic abuse and employer exploitation, the consequences of separation from their children, and their inability to access critical protections and services. At the conclusion of this letter, we offer a set of principles to assist the Congress in developing immigration and enforcement policy to help redress the too-often invisible circumstances in which many immigrant women live.

Approximately 4.1 million undocumented immigrant women live and work in the United States.¹ Though seemingly gender-neutral, immigration laws have had a particularly harmful impact on immigrant women who make up a majority of workers in the informal economy. They are childcare workers, elder and home health care providers, hotel and office cleaners, farm and factory workers,

¹JEFFREY S. PASSEL & D'VERA Cohn, *A Portrait of Undocumented Immigrants in the United States* 4 (Pew Hispanic Center April 14, 2009). (58% of undocumented immigrant women are in the workforce).

domestic workers and, increasingly, they are small business owners. Participation in these informal and often hidden job sectors, together with lack of immigration status and language proficiency, often result in low or unpaid wages, little or no employee benefits or job security, unsafe working conditions, and enhanced vulnerability to discrimination, sexual harassment, sexual exploitation and mistreatment.² In some instances, employers have a perverse incentive to employ undocumented workers because their reduced access to labor and employment law protection makes them more vulnerable to exploitive or dangerous working conditions.

Immigrant women are often afraid to seek protection from law enforcement, access to social services or health care, or assistance related to exploitation or violations of legal rights. Any effort to reach out for help brings a risk of disclosure³ that can result in detention and deportation that separates thousands of immigrant women from their children and families.⁴ Local authorities regularly take custody of children, place them in foster care, and unlawfully terminate the parental rights of undocumented immigrant women who frequently lack the language skills and legal representation necessary to assert their parental rights.

To address the real life challenges undocumented immigrant women face, any comprehensive approach to the reform of immigration policy and enforcement must do the following:

- **Create a path to legalization that equitably values women’s work**, including domestic work, informal sector work, part time and contract work, by giving women credit for these forms of employment.
- **Ensure that legalization and all immigration fee structures are designed to enable all members of a family to qualify for and obtain legal status**; high fees that force families to choose one person for legalization usually result in women and children remaining undocumented.
- **Promote family reunification and reduce family visa backlogs** to reduce immigrant women’s vulnerability to exploitation and dependency on partners, family members and employers for their immigration status and security.
- **Improve personal security and autonomy by expanding access to independent immigration status**: Immigrant women’s economic security is enhanced when they can maintain control over their immigration eligibility and can independently obtain legal immigration status without relying on other family members as dependant applicants.
- **Promote economic security by protecting the rights of immigrant women workers**: Immigration reform and federal agency policies should ensure rights, redress, and justice for immigrant women workers who are particularly vulnerable to discrimination, trafficking, wage abuse and other forms of workplace abuse, and it should provide avenues to legalization for women working in the underground and informal economy.
- **Provide for portable work authorization**. Immigrant women need portable legal status that does not tie them to specific employers to ensure autonomy and the ability to escape abusive situations in the workplace or at home.
- **Ensure access to a fair justice system for all immigrants**: Language access and unrestricted access to legal representation by legal services lawyers for immigrant and limited English

² Seventy-seven percent of Latina immigrant workers report that sexual harassment is a major problem at work. Southern Poverty Law Center, “Life for Low Income Latinos in the South,” (April 2009).

³ Immigration status significantly affects the willingness of immigrant women to call the police for help. Nawal Ammar, et al. *Calls to police and police response: a case study of Latina immigrant women in the USA*, Vol. 7. No. 4 Int’l J. of Police Science & Management 230, 235 (2005).

⁴ Department of Homeland Security, Office of the Inspector General (January 2009); http://serrano.house.gov/media/PDFs/dhs_study_parent_removals.pdf

proficient (LEP) women is essential in the civil and criminal justice systems, particularly when many immigrants are regularly confronted with the threat of termination of parental rights, violation of statutory rights, foreclosures, criminal charges, and other complex matters.

- **Formalize access to federal and state funded public safety net benefits for lawfully present immigrants:** End the 5-year bar to accessing federal means-tested benefits so that lawfully present immigrants are not barred from access to welfare, health care, child care, food stamps, and health care following the lead of the 22 states that have provided access to some or all of these important benefits and services under state law.
- **Expand access to protection and services for immigrant women victims of violence:** Assure that immigrant women who are victims of violence are screened and provided with early access to benefits and social services, the ability to work legally, the immigration status for which they may be eligible and protection from detention and deportation.
- **End enforcement practices that adversely affect immigrant women and their children.** Current immigration enforcement practices unnecessarily separate immigrant women from their children, result in the placement of children in foster care, and offer abusive spouses or employers a protected means of coercion.

We welcome the opportunity to provide you with more detailed information on these recommendations and to speak with you further about the critical needs of immigrant women in the context of congressional attention to both immigration policy reform and the oversight of Department of Homeland Security enforcement efforts.

For more information, please contact: Lisalyn Jacobs, Vice President for Government Relations, at (202) 326-0040; ljacobs@legalmomentum.org

Sincerely,

A Better Balance

AFL-CIO (Pride at Work Campaign)

African Services Committee

American Gateways

America's Voice

Black Women's Health Imperative

Break the Chain Campaign, Institute for Policy Studies

Break the Cycle

Care Caucus of Boston

CARECEN (Central American Resource Center) of Los Angeles

Casa de Esperanza

Casa Esperanza, New Jersey

Center for Community Change

Church World Service, Immigration and Refugee Program

CLASP

Empowered Women International

Equal Rights Advocates

Fair Immigration Reform Movement

Family Violence Prevention Fund

Farmworker Justice

Feminist Majority Foundation

Florida Council Against Sexual Violence

Friends Committee on National Legislation

Human Rights Initiative of North Texas

Immigrant Legal Advocacy Project

Lawyers' Committee for Civil Rights of the San Francisco Bay Area

Legal Momentum

Lutheran Immigration and Refugee Service

Massachusetts Law Reform Institute

National Alliance to End Sexual Violence

National Association of Nurse Practitioners in Women's Health (NPWH)

National Association of Working Women (9to5)

National Center on Domestic and Sexual Violence

National Capital Area Union Retirees Club (NCAURC)

National Coalition Against Domestic Violence (NCADV)

National Council of Jewish Women

National Council of La Raza

National Council of Women's Organizations (NCWO)

National Immigrant Justice Center

National Latina Institute for Reproductive Health

National Network to End Domestic Violence

National Organization for Women (NOW)

National Organization for Women New York City

National Network to End Violence Against Immigrant Women

National Partnership for Women and Families

National Women's Health Network

National Women's Law Center

National Women's Voices for Health Care We Need
New Jersey Coalition for Battered Women
New Mexico Center on Law and Poverty
North Carolina Coalition Against Sexual Assault
Oregon Sexual Assault Task Force
Raising Women's Voices for the Health Care We Need
Safe Horizon
South Asian Americans Leading Together (SAALT)
Southern Poverty Law Center
Sargent Shriver National Center on Poverty Law
Tahirih Justice Center
TAMKEEN: The Center for Arab American Empowerment, Family Justice Center
Texas Association Against Sexual Assault
Texas Civil Rights Project
Veteran Feminists of America
Victim Rights Law Center
Washington State Coalition Against Domestic Violence
Wider Opportunities for Women
Wisconsin Coalition Against Sexual Assault (WCASA)
Women's Shelter of South Texas
Women's Research & Education Institute (WREI)
Wyoming Coalition Against Domestic Violence and Sexual Assault
YWCA USA