



Legislation Text

File #: Res 1637-2017, **Version:** *

Res. No. 1637

Resolution calling upon the U.S. House of Representatives and the Senate to introduce and pass legislation that will renew the Violence Against Women Act of 1994, and to maintain immigration relief for immigrant victims of domestic violence, egregious crimes, trafficking, and juvenile abuse, neglect or abandonment.

By the Speaker (Council Member Mark-Viverito) and Council Members Rosenthal, Menchaca and Salamanca

Whereas, There are multiple federal laws that require renewal by 2018, which work in concert to protect vulnerable populations, and in particular various provisions of these laws directly impact immigrants; and,

Whereas, The current climate of xenophobia perpetuated by officials in the federal government puts all immigrants at risk, especially victims of domestic violence, human trafficking and other crimes; and,

Whereas, Title IV of the Violent Crime Control and Law Enforcement Act of 1994, entitled “The Violence Against Women Act of 1994,” created a form of immigration relief based on humanitarian grounds, termed “VAWA Self-Petition,” for immigrants abused by their spouse, adult child or close relative who is a United States (“U.S.”) citizen or Legal Permanent Resident (“LPR”); and,

Whereas, VAWA Self-Petitions allow immigrant victims to apply for LPR status independent of their abusive family member; and,

Whereas, VAWA Self-Petition provides critical relief for immigrants from batterers who may use the consequences of U.S. immigration law to intimidate or retaliate against their victims; and,

Whereas, As of June 9, 2017, the U.S. Citizenship and Immigration Services reports that there are 9,578 pending VAWA Self-Petitions; and,

Whereas, Since the VAWA enactment in 1994, there has been a 53% decrease in instances of domestic violence against women and a 54% decrease in domestic violence against men, nationally; and,

Whereas, With the heightened awareness and victim protections resulting from actions such as VAWA, the Mayor’s Office to Combat Domestic Violence reported a 142% rise in domestic violence incident reporting in the City of New York since 2007; and,

Whereas, The Violence Against Women Act of 1994 has been subsequently renewed under Division B of the Victims of Trafficking and Violence Protection Act of 2000, Title VIII of the Violence Against Women and Department of Justice Reauthorization Act of 2005, the Violence Against Women Reauthorization Act of 2013, and will expire at the end of 2017; and,

Whereas, The Victims of Trafficking and Violence Protection Act of 2000 created two nonimmigrant temporary statuses for immigrants found to be victims of crimes (“U-Visa”) and human trafficking (“T-Visa”), which allows for a victim to obtain LPR status if they cooperate with law enforcement in the investigation of these crimes; and,

Whereas, The Trafficking Victims Protection Reauthorization Act of 2013 reauthorized provisions for U - and T-visas and maintained nonimmigrant visa caps at 10,000 U-visas per year, and 5,000 T-Visas per year; and,

Whereas, There are currently 97,746 pending U-Visa cases, evidencing the prevalence of crimes committed against immigrants, including violent, sexual, obstruction of justice, or fraudulent labor crimes; and,

Whereas, There were 3,265 pending T-Visa cases at the end of the 2016 reporting period; and,

Whereas, Human trafficking is pervasive in the United States, with thousands of cases reported every year, and many more cases remaining undetected as human trafficking is often a “hidden crime;” and,

Whereas, The Federal Bureau of Investigations and the New York State Anti-Trafficking Network have designated New York City as a major trafficking hub; and,

Whereas, It is estimated that over 11,000 human trafficking victims interacted with private service providers in the New York City metropolitan area between 2000 and 2010; and,

Whereas, The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 clarified eligibility criteria for Special Immigrant Juvenile Status (“SIJS”) and provides immigration relief for children who can demonstrate parental abuse, neglect, or abandonment and the impossibility of returning home; and,

Whereas, SIJS has become a particularly important form of immigration relief in light of the 2014 unaccompanied immigrant children crisis; and,

Whereas, Between 2013 and 2015, the U.S. Department of Health and Human Services received 115,890 referrals of Unaccompanied Immigrant Children (“UIC”) from the Department of Homeland Security -

an average 415% caseload increase; and,

Whereas, An estimated 3,800 UIC arrived in New York City between 2013 and 2015; and,

Whereas, the Council of the City of New York under Speaker Melissa Mark-Viverito's leadership, funded the Unaccompanied Minors and Families Initiative which through the Immigrant Children Advocates' Relief Effort, processed 1,131 UIC cases by 2016; and,

Whereas, The SIJS sets nonimmigrant visa caps at 10,000 per year for SIJS Visas, and there are currently 9,990 pending applications; and,

Whereas, No legislation has been introduced in the U.S House of Representatives or the Senate reauthorizing the complete provisions of either the Violence Against Women Act of 1994 or the Trafficking Victims Protection of Act of 2000; and,

Whereas, Failure to reauthorize nonimmigrant status programs would further destabilize current forms of lawful immigration relief in the U.S. for victims of domestic violence, egregious crime, or human trafficking; now, therefore, be it,

Resolved, That the Council of the City of New York calls upon the U.S. House of Representatives and the Senate to introduce and pass legislation that will renew the Violence Against Women Act of 1994, and to maintain immigration relief for immigrant victims of domestic violence, egregious crimes, trafficking, and juvenile abuse, neglect or abandonment.

LS #9979
08/30/2017
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