

No. 10-16645

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

THE UNITED STATES OF AMERICA,
Plaintiff/Appellee,

vs.

**THE STATE OF ARIZONA; and JANICE K. BREWER, GOVERNOR OF THE
STATE OF ARIZONA, in her official capacity,**
Defendant/Appellant.

On Appeal From a Preliminary Injunction Order
of the United States District Court, District of Arizona
D.C. No. CV-10-1413-PHX-SRB, The Honorable Susan R. Bolton

**MOTION BY LEGAL MOMENTUM FOR LEAVE
TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF
APPELLEE'S ARGUMENT FOR AFFIRMANCE**

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Pursuant to Federal Rule of Appellate Procedure 29(b), Legal Momentum hereby requests leave to file an *amicus curiae* brief in support of Appellee and in support of affirmance of the District Court's grant of a preliminary injunction. In particular, Legal Momentum requests leave to provide additional legal and factual perspectives on Appellee's arguments that Arizona Senate Bill 1070 conflicts with federal law, deprives immigrants of constitutional rights, and will cause irreparable harm if not enjoined. Legal Momentum has communicated with numerous other organizations that have expressed support for Legal Momentum's brief. Those 91 organizations are identified in the exhibit to the Declaration of Joanna S. McCallum (Attachment A to this motion). Legal Momentum, supported by 83 organizations, participated as *amicus curiae* before the District Court in the matter of *Friendly House et al. v. Whiting et al.*, No. CV-10-1061-PHX-SRB, in support of the Plaintiffs' motion for a preliminary injunction of SB 1070, similar to the injunction issued by the court in this matter.

The proposed brief, lodged as Attachment B to this motion, highlights an important aspect of the need to ensure that the preliminary injunction remains in effect pending the outcome of the

litigation on the merits. The brief explains a particularly profound negative effect and irreparable harm caused by SB 1070 on a significant subgroup of Arizona's immigrant population: women. Immigrant women, whether documented or undocumented, suffer a disproportionate impact from the bill's provisions requiring local law enforcement officials to question persons based on a "reasonable suspicion" that the person has violated a law and may be undocumented. Immigrants are already reticent to call the police to report crimes or seek a restraining order or family court orders because they fear immigration consequences. The community needs to trust that contact with law enforcement for assistance will not lead to detention and possible removal. Underreporting of domestic violence, sexual assault, and other violence is already a major issue among immigrant populations, and SB 1070, if not enjoined, will only amplify the problem.

The effect of the bill, if the injunction is not kept in place, will be to discourage immigrants from contacting law enforcement for help or seeking special immigration relief designed to protect immigrant crime victims, to trample immigrants' federally protected rights and interests in accessing services that Congress and

the Attorney General have deemed necessary to protect life and safety, and to disrupt mothers' constitutional rights to care for and nurture their children. Moreover, other states are considering similar legislation, and anti-immigrant policies and sentiment discourage immigrants from coming forward even outside of Arizona to seek federal protections and benefits.

No party, party's counsel, or amicus has contributed money to the preparation of this brief.

INTEREST OF *AMICUS*

Legal Momentum is the nation's oldest legal defense and education fund dedicated to advancing the rights of all women and girls. For 40 years, Legal Momentum has made historic contributions through public policy advocacy and litigation to secure personal and economic security for women. Its Immigrant Women Program ("IWP") is the national expert on the rights and services available to immigrant victims of domestic, sexual, and other violence, sharing this expertise through training, comprehensive publications, and technical assistance for lawyers, advocates, and justice and health care professionals nationwide. IWP leads national advocacy efforts for legal protections, social services, and economic justice for immigrant

women. Legal Momentum's leadership has included crafting and assisting in implementation of the immigration protections in the Violence Against Women Act ("VAWA"), other federal laws and federally supported services necessary to protect life and safety, and family law protections for immigrant women.

The attached Declaration of Joanna S. McCallum includes a list of the organizations that have expressed support for Legal Momentum's brief.

Legal Momentum respectfully requests leave to file an *amicus curiae* brief.

Dated: September 30, 2010

MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Joanna S. McCallum
Joanna S. McCallum
Attorneys for Amicus Curiae
LEGAL MOMENTUM

CERTIFICATE OF SERVICE
When All Case Participants are Registered for the
Appellate CM/ECF System

I hereby certify that on , I electronically filed the
(date) foregoing document
with the Clerk of the Court for the United States Court of Appeals for the Ninth
Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that
service will be accomplished by the appellate CM/ECF system.

Signature

CERTIFICATE OF SERVICE
When Not All Case Participants are Registered for the
Appellate CM/ECF System

I hereby certify that on September 30, 2010, I electronically filed the
(date) foregoing
with the Clerk of the Court for the United States Court of Appeals for the Ninth
Circuit by using the appellate CM/ECF system. Participants in the case who are
registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF
users. I have mailed the foregoing document by First-Class Mail, postage prepaid,
or have dispatched it to a third party commercial carrier for delivery within 3
calendar days to the following non-CM/ECF participants:

Signature s/Brigette Scoggins

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2010, I served the attached documents by U.S. Mail on the following, who are not registered participants in the appellate CM-ECF system:

Michael A. Cox, Esq.
Michigan Attorney General
P.O. Box 30212
Lansing, MI 48909

Ray Elbert Parker
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Alexandria, VA 22320

/s/Brigette Scoggins
Brigette Scoggins

DECLARATION OF JOANNA S. McCALLUM

I, Joanna S. McCallum, declare as follows:

1. I am an attorney duly licensed to practice law before this Court and all of the courts of the state of California. I am a partner with the firm of Manatt, Phelps & Phillips, LLP and am one of the attorneys responsible for the representation of *amicus curiae* Legal Momentum with respect to its brief submitted in support of the Appellee in this case. I submit this declaration in support of the Motion by Legal Momentum for Leave to File *Amicus Curiae* Brief in Support of Appellee's Argument for Affirmance. Except where otherwise indicated, I have personal knowledge of the matters stated herein and, if called upon to do so, I could and would competently testify thereto.

2. I have been informed, in some instances by a representative of Legal Momentum, and in other instances directly by the organization, of 91 organizations that wish to express to this Court their support for Legal Momentum's *amicus curiae* brief. Attached hereto as Exhibit 1 is a true and correct list of those organizations, together with short paragraphs supplied by those organizations to describe their missions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed on the 30th day of September, 2010, at Los Angeles, California.

By: s/Joanna S. McCallum
Joanna S. McCallum

EXHIBIT 1

Alabama Coalition Against Domestic Violence (ACADV)

ACADV is a nongovernmental, nonprofit organization that speaks on behalf of all Alabama domestic violence shelters and has been a leader in education, policy reform, and advocacy. ACADV also operates a 24-hour statewide hotline for domestic violence. ACADV has a long history of collaboration at the state and local level. Staff and member programs work in partnership with the Alabama Legislature to pass laws that protect victims of domestic violence and hold perpetrators accountable. ACADV provides victim services to many immigrant victims and has an ongoing interest in ensuring protection for immigrant victims and their children. ACADV provides training and technical assistance to thousands of professionals around the state to promote the rights of all victims of domestic violence to ensure safe and effective systemic responses.

American Friends Service Committee (AFSC)

AFSC supports the rights of immigrant women and their families to live in safety and to receive health and social services. Over four decades, AFSC has supported immigrant communities at the U.S.-Mexico border in understanding and exercising their human

and civil rights. In Tucson, AFSC supported immigrant women workers who surveyed over 400 immigrant workers on the impacts of Arizona's 2007 employer sanctions law, documenting widespread fear of all types of law enforcement and reluctance to report illegal working conditions even before the passage of SB 1070. AFSC's Newark, New Jersey office has represented immigrant survivors of domestic violence and other crimes, observing the challenges faced by undocumented immigrant women that make them fearful of reporting crimes or seeking medical or other services. Immigrant women who have been abused often live in fear of their abuser, of deportation, and of losing custody of their children.

Arizona Coalition Against Domestic Violence (ACADV)

ACADV is a nongovernmental, nonprofit membership organization, formed in 1980 to unite concerned citizens and professionals to increase public awareness about the issue of domestic violence, enhance the safety of and services for victims of domestic violence, and reduce the incidents of domestic violence in Arizona families. Its mission is to lead, to advocate, to educate, to collaborate, and to end domestic violence in Arizona. ACADV works with more than 170 formal members and allies to carry out its mission and

objectives, which include: promoting quality services for victims that focus on safety and self-determination; advocating and educating on behalf of survivors, their children, and their advocates; facilitating partnerships among victim advocates, allied organizations, and state agencies; mobilizing a statewide voice on domestic violence; connecting local, state, and national work; and engaging in prevention and social change efforts that challenge the social, economic, and political conditions that sustain a culture of violence in which domestic and sexual violence is condoned.

Asian American Legal Advocacy Center, Inc. (AALAC)

AALAC's mission is to protect and promote the civil, social, and economic rights of the Asian American community of Georgia, through legal services, public policy, community organizing, and leadership development. AALAC's staff have a history of working in coalition with multiple Asian American communities in combating anti-immigrant policies in Georgia, including those that disparately impact Asian immigrant women and their children and limit equal access to economic self-sufficiency for battered Asian American women.

Asian/Pacific Islander Domestic Violence Resource Project (APIDVRP)

APIDVRP is a nonprofit organization committed to addressing and preventing domestic violence in Asian and Pacific Islander communities in the Washington, D.C. metropolitan area. Its goals are to ensure that abused Asian/Pacific Islander women have access to culturally and linguistically responsive resources in order to make their own life choices, to raise awareness about the problem of domestic violence, and to unite Asian/Pacific Islander communities against domestic violence. Since it was founded in 1995, APIDVRP has helped hundreds of women lead safer lives.

Asian Services in Action, Inc. (ASIA)

ASIA is a nonprofit multiservice agency with two sites (Akron and Cleveland, Ohio) serving predominantly low-income, underserved, limited English-speaking Asian American and Pacific Islander immigrant and refugee populations of all ages. ASIA's mission is "to empower Asian American Pacific Islanders in Northeastern Ohio to access quality, culturally, and linguistically appropriate information and services." ASIA now provides the Health Beginnings Program, serving Asian women in need. The project is

committed to working towards immigrant women's empowerment in dealing with issues of power and control in their communities.

Break the Cycle

Break the Cycle is an innovative national nonprofit organization whose mission is to engage, educate, and empower youth to build lives and communities free from domestic and dating violence. Break the Cycle achieves this mission through national efforts to affect public policy, legal systems, and support systems by training, technical assistance, and advocacy. Break the Cycle also works directly with young people in the District of Columbia, providing them with preventive education, free legal services, advocacy, and support. Break the Cycle envisions a world in which young people are empowered with the rights, knowledge, and tools to achieve healthy, nonviolent relationships and homes. Break the Cycle's early intervention services offer sensitive, confidential, and free legal advice, counsel, and representation to young people experiencing abuse in their relationship or homes in protective order cases and related family law matters.

California Coalition Against Sexual Assault (CALCASA)

CALCASA is a statewide coalition that represents

84 rape crisis centers and prevention programs in California, focused on ending sexual violence in their respective communities. CALCASA's mission is aimed at providing leadership, vision, and resources to California's rape crisis centers, professionals, organizations, and individuals committed to ending sexual violence.

*California Partnership to End Domestic Violence
(CPEDV)*

CPEDV is a statewide, membership-based coalition providing a united voice on legislation and budgetary initiatives for more than 150 domestic violence advocates and service providers. CPEDV has interacted with Arizona domestic violence immigrant survivors and domestic violence service providers to provide a referral and safe transfer. SB 1070 would place a strain on California agencies due to increased service requests from Arizona immigrant survivors as well as requests for technical assistance to Arizona service providers.

California Women's Law Center (CWLC)

CWLC is a statewide, nonprofit law and policy center specializing in the civil rights of women and girls. CWLC's issue priorities are violence against women, reproductive justice, gender

discrimination, and women's health. Since its inception in 1989, CWLC has placed a particular emphasis on eradicating all forms of discrimination and violence against women. In 1999, CWLC established the Murder at Home Project, which specifically advocates for policy reforms that improve legal and community responses to domestic violence. One of the primary goals of the project is to ensure that all domestic violence victims, including those in marginalized immigrant communities, are able to effectively access critical legal protections that can help stop the cycle of abuse. Ensuring the safety of immigrant victims of domestic violence is particularly important because immigrant women face unique and significant barriers to seeking protection from abuse.

Casa de Esperanza (Minnesota)

The mission of Casa de Esperanza is to mobilize Latinas and Latino communities to end domestic violence. Founded in 1982, it works both locally and nationally to support families, end domestic violence, and increase access to effective services for Latinas and Latino communities across the country. In addition to running a domestic violence shelter and community-based domestic violence programs in Minnesota, Casa de Esperanza has a national Training

and Technical Assistance (TA) division and serves as a national provider of TA for the Office on Violence Against Women of the U.S. Department of Justice. Additionally, Casa de Esperanza has a Research Center based out of Georgia State University and a Policy Director located in the Washington, D.C. area.

CASA de Maryland, Inc.

CASA de Maryland is the largest immigrant rights organization in the state of Maryland. Its services target three primary groups: low-income workers, women, and tenants. The organization runs five worker centers throughout the state, where employers come to hire day laborers and domestic workers. CASA's mission is to provide services to the immigrant community that empower its members and foster their political and social involvement, thereby amplifying their collective voice. To that end, CASA has programs in employment placement, vocational training, financial literacy, job development, ESOL instruction, Spanish literacy, citizenship classes, legal services, health outreach and education, health information services, social services, and community organizing and advocacy.

Center for Gender and Refugee Studies (CGRS)

CGRS, at the University of California, Hastings College

of the Law, has a direct interest in the worldwide protection of women and girls from human rights violations such as domestic violence, female genital cutting, forced marriage, rape, and trafficking. CGRS was founded in 1999 by Professor Karen Musalo, who has litigated several of the most significant women's refugee cases of the last 15 years. Through its scholarship, expert consultations, and litigation, CGRS has played a central role in the development of United States immigration law and policy related to the protection of women. As recognized experts on issues regarding gender persecution, CGRS has an interest in protecting the human rights of women and girls both in the United States and abroad, and ensuring the implementation of immigration policies that do not have a prejudicial impact.

Central American Resource Center (CARECEN)

CARECEN has provided a variety of immigration services to Central American asylum seekers and other immigrants in Los Angeles for nearly three decades. Since the passage of VAWA, CARECEN has provided legal advice and services to thousands of battered immigrant women. CARECEN is one of the region's highest volume immigration service providers, filing approximately 250 VAWA or U Visa applications each year. CARECEN also works

closely with local law enforcement on issues regarding the U Visa and is recognized for its expertise and law enforcement training efforts.

Coalition of Labor Union Women (CLUW)

CLUW is America's only national organization for union women. CLUW members donate their time and energy to help their unions and the nation's political leaders understand the needs and concerns of America's working families. Since 1974, CLUW has advocated to strengthen the role and impact of women in every aspect of their lives. CLUW focuses on key public policy issues such as equality and employment opportunities, affirmative action, pay equity, national health care, labor law reform, job security, protection from sexual harassment, violence against women, paid leave, and increased participation of women in unions and in politics. Through 45 chapters in 21 states and members in 59 unions, CLUW works to end discriminatory laws and policies and practices that adversely affect women, through a broad range of educational, political, and advocacy activities.

Coalition to Abolish Slavery and Trafficking (CAST)

CAST's mission is to assist persons trafficked for the purpose of forced labor and slavery-like practices and to work toward

ending all instances of such human rights violations. CAST's activities are interconnected by a client-centered approach that seeks to empower trafficked persons to fully realize their individual potential, while advancing the human rights of all trafficked persons. In CAST's experience as one of the largest service providers for trafficking victims in the United States, SB 1070 and similar laws ensure that traffickers' threats that the victims, not the traffickers, will be arrested and deported are true.

Colorado Coalition Against Domestic Violence (CCADV)

CCADV is a nonprofit statewide membership organization whose mission is to end domestic violence in all its forms. CCADV represents over 80 domestic violence shelters and programs, and allied organizations. CCADV's Public Policy Program has a long history of advocating for and supporting laws and policies that affect abused women and children, including those providing legal rights for immigrant victims to access protections under federal and Colorado law.

Connecticut Sexual Assault Crisis Services, Inc.

(CONNSACS)

CONNSACS is a statewide coalition of ten sexual assault

crisis centers. It is committed to providing services to primary and secondary victims of sexual assault, addressing public policies that affect victims of sexual assault and the prevention of sexual assault, and advocating for legislation to improve the criminal and civil justice system for victims of sexual assault. In furtherance of its mission, CONNSACS provides education and training to sexual assault centers' staff, police, prosecutors, and health care professionals. CONNSACS participates in national and statewide coalitions that address issues of sexual violence and seeks to end sexual violence by using legal and public policy strategies.

Counsel of Mexican Federations in North America/Consejo de Federaciones Mexicanas en Norteamerica (COFEM)

COFEM is a nonprofit organization that works to promote the advancement of the Latino community in North America through public policy advocacy, community organizing, leadership and organizational development, educational and cultural programs, and binational economic development. Immigration is a high priority for COFEM members and a focus of work for the organization. COFEM works to help immigrant families by disseminating

information on issues of deep impact to the Latino community, providing trainings on increasing civic participation and how to advocate, and creating opportunities for members of the Latino community to mobilize.

Delaware Coalition Against Domestic Violence
(DCADV)

DCADV is a statewide nonprofit organization incorporated in 1994. DCADV's mission is to work to eliminate domestic violence through training, resource provision, and advocacy. It is DCADV's specific philosophy that all persons have the right to live without fear, abuse, oppression, and violence. Consistent with its mission and philosophy, DCADV works, as part of a coordinated community, to advocate for laws, policies, and procedures that help keep domestic violence victims safe and hold offenders accountable. Integral to that coordinated community effort is its ability to work in tandem with local law enforcement. Delaware's highly respected law enforcement agencies have repeatedly stated that their ability to meet their objectives to reduce domestic violence, as well as other criminal activity, would be severely compromised if they were required to engage in immigration enforcement activities. Similarly, those who

work closely with immigrant communities and domestic violence victims report that imposing immigration responsibilities on local police agencies frightens anyone who might “be” or “look like” an immigrant from reporting crimes to law enforcement.

Diane Rosenfeld, J.D., LL.M.

Diane Rosenfeld is a Lecturer at Harvard Law School. She supervises clinical placements for students working on gender violence issues.

Domestic Violence Legal Empowerment and Appeals Project (DV LEAP)

DV LEAP was founded in 2003 by one of the nation’s leading domestic violence lawyers and scholars. DV LEAP provides a stronger voice for justice by fighting to overturn unjust trial court outcomes, advancing legal protections for victims and their children through expert appellate advocacy, training lawyers, psychologists and judges on best practices, and spearheading domestic violence litigation in the Supreme Court. DV LEAP is committed to ensuring that federal and state courts understand the realities of domestic violence and the law when deciding cases with significant implications for domestic violence litigants. DV LEAP is a

partnership of the George Washington University Law School and a network of participating law firms.

Enlace Comunitario

Enlace Comunitario is an agency that provides direct services to Latino immigrant victims of domestic violence, builds the leadership capacity of Latino immigrants to engage in antiviolence campaigns, and works on public policy advocacy to enhance and defend the rights of Latino immigrants in New Mexico.

Equal Rights Advocates (ERA)

ERA is a national civil rights advocacy organization dedicated to protecting and securing equal rights and economic opportunities for women and girls. Since its inception in 1974 as a teaching law firm focused on sex-based discrimination, ERA has undertaken complex impact litigation that has resulted in establishing new law and providing significant benefits to large groups of women, including some of the most important civil rights cases litigated in state and federal courts, and appearing as *amicus curiae* in numerous Supreme Court cases involving the interpretation of law impacting women. ERA's efforts have expanded workplace protections for all women, including immigrant women. In addition, ERA advises

hundreds of women each year through its Advice and Counseling Line, including undocumented women workers who are especially vulnerable due to their sex, class, race, and immigration status, and are frequently targets of abuse, harassment, and discrimination in the workplace. ERA is committed to ensuring that these women feel safe to report workplace harassment. ERA also strongly opposes any legislation that would have the effect of discouraging such women from reporting incidents of workplace abuse or harassment in order to avoid immigration-related interrogation, discriminatory treatment, and arrest.

Family Values @ Work Consortium

Family Values @ Work brings together 14 state coalitions working to expand access to paid sick days and family leave insurance in order to establish these and other new labor standards at the state and federal levels. Its coalitions and national partners include groups that are based among migratory families.

Family Violence Prevention Fund (FVPPF)

For more than two decades, the FVPPF has worked to end violence against women and children around the world. Instrumental in developing the landmark VAWA passed by Congress in 1994, the

FVPPF has continued to break new ground by reaching new audiences including men and youth, promoting leadership within communities to ensure that violence prevention efforts become self-sustaining, and transforming the way health care providers, police, judges, employers, and others address violence. In order to be effective in addressing violence against women in immigrant communities, FVPPF believes that the unique challenges facing immigrant women as they struggle for safety in this country must be recognized. While progress has been made to develop services, enact protective laws, and educate communities on addressing the issue of intimate partner violence in the United States, immigrant and refugee communities still face challenges. The FVPPF works to educate advocates on the needs of immigrant and refugee women; educate women about their rights; and support immigrant and refugee women as emerging leaders in their communities. The FVPPF is cofounder and cochair of the National Network to End Violence Against Immigrant Women.

Florida Council Against Sexual Violence (FCASV)

FCASV is a statewide nonprofit organization committed to victims and survivors of sexual violence and the sexual assault crisis programs who serve them. FCASV serves as a resource to the

state on sexual violence issues, hosting an annual statewide conference and many trainings, bringing state-of-the-art information from around the nation to Florida. FCASV provides technical assistance to agencies seeking to improve their services for rape victims, and provides up-to-date information to the public. FCASV provides information, assistance and leadership on all aspects of sexual violence, including rape, child abuse, stalking and sexual harassment.

Georgia Coalition Against Domestic Violence (GCADV)

GCADV brings together member agencies, allied organizations, and supportive individuals who are committed to ending domestic violence. GCADV works to create social change by addressing the root causes of this violence, while increasing capacity and collaboration, and promoting justice, safety, and healing for those affected by domestic violence. Guided by the voices of survivors, GCADV leads advocacy efforts for responsive public policy and supports quality, comprehensive prevention, and intervention services throughout the state.

Harbor Communities Overcoming Violence

(HarborCOV)

HarborCOV is a nonprofit community-based agency that provides emergency and supportive services to individuals and families that have been affected by domestic violence. Its mission is to support survivors by providing linguistically and culturally competent services while working to end domestic violence through community development. Since 1998, it has worked with women, men, and children from predominantly low-to-moderate income communities, approximately 70 percent of whom are immigrants. Its target areas in Massachusetts include the cities of Chelsea, Revere, Winthrop, and East Boston, where it serves 7,600 survivors with services such as emergency crisis intervention, safety planning, support groups, access to housing and benefits, preparation for continuing education, and legal advocacy. Its 14-day emergency housing program serves over 300 individuals and families a year, including survivors seeking safety from across the state and country. HarborCOV's legal advocacy program has worked with local service providers for 10 years in order to ensure that survivors receive the opportunity to access legal advice and representation in matters of

restraining orders, family law, and immigration. It maintains ongoing collaboration with local law enforcement, legal services agencies, and pro bono law firms. It is the only community-based domestic violence program in Massachusetts with Board of Immigration Appeals recognition and accredited staff to represent survivors of domestic violence in obtaining immigration remedies available through VAWA.

Human Rights Initiative of North Texas, Inc. (HRI)

HRI is a free legal service provider for the Dallas-Fort Worth area, representing immigrant victims of violence. Its mission is to promote human rights by providing local services to refugees and immigrants who have suffered human rights abuses. HRI's clients need to believe that the police will protect them if domestic violence is going to be curtailed and crimes investigated.

Illinois Coalition Against Domestic Violence (ICADV)

ICADV is a membership organization made up of 55 local nonprofit agencies whose primary mission is to provide comprehensive services to domestic violence victims and their children. ICADV's vision is to eliminate violence against women and children. ICADV's mission is to provide statewide leadership as the

voice for survivors of domestic violence and the programs that serve them. Illinois has significant immigrant populations, and providers struggle to outreach to noncitizens to provide safety and services.

Immigrant Law Center of Minnesota (ILCM)

ILCM is a nonprofit organization that engages in advocacy, direct service, educational outreach, and impact litigation to protect the civil rights of immigrants. ILCM's New Beginnings Project provides assistance to victims of domestic abuse or serious crimes who qualify through VAWA or the Victims of Trafficking and Violence Protection Act to receive special U or T visas. ILCM is dedicated to extending these important legal protections to vulnerable women and their dependent children so they may escape violent relationships without fear of reprisal due to immigration status. ILCM attorneys represent women and children seeking relief under VAWA before the Department of Homeland Security, immigration courts, the Board of Immigration Appeals, and federal appellate courts.

Immigrant Legal Resource Center (ILRC)

ILRC is a national, nonprofit resource center whose mission is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic

society that values diversity and the rights of all people. It supports domestic violence service providers, community-based organizations, child welfare agencies, and others who work directly with immigrant victims of domestic abuse, trafficking, sexual assault, and other crimes.

International Institute of the Bay Area (IIBA)

IIBA serves immigrant women, men, and children throughout California's Bay Area, with offices in San Francisco, Redwood City, and Oakland. IIBA welcomes, educates, and serves immigrants, refugees, and their families as they join and contribute to the community. More than 400 of its clients and their family members gained lawful status through the U Visa, based on the trust that immigrant women and local law enforcement agencies developed together over time to collaborate and keep communities safe.

International Tribunal of Conscience (ITC)

ITC is the first organization of its kind to focus on violations of the rights and dignity of migrants, refugees, and the displaced on a global scale. ITC seeks to build on the contributions and experiences of numerous other tribunals, including the Tribunal of Migrant and Refugee Women in Argentina, the Tribunal on Sexual

Violence during the armed conflict in Guatemala, Mexico's International Benito Juarez Tribunal, and the Tribunal on Labor and Union Rights. Its emphasis will be on investigating, documenting, determining state and corporate responsibility, and recommending remedies and follow-up actions regarding violations of the rights to migrate, not to migrate, and not to be displaced, as measured against existing legal minimums in international, regional, and national law, as well as the ethical foundations that underlie the demands of migrant movements.

Jane Doe Inc., the Massachusetts Coalition Against Sexual Assault and Domestic Violence (JDI)

JDI is a statewide membership organization of more than 60 community-based sexual assault and domestic violence programs in Massachusetts. JDI brings together organizations and people committed to ending sexual assault and domestic violence. JDI works to transform social norms that are the root causes of this violence and promotes safety, justice, and healing for survivors. JDI advocates for responsive public policy, raises awareness, promotes collaboration, and supports its member organizations to provide comprehensive prevention and intervention services. The JDI member programs

provide services including emergency and long-term housing for survivors and their families, 24-hour hotlines, support groups, legal, housing, and economic advocacy, children's services, community education programs, and long-term services to more than 10,000 women, men, and children every year. JDI's partners and friends include corporations, institutions, government agencies, and individuals that support JDI's mission and seek to work with the JDI member programs to end sexual assault and domestic violence in Massachusetts.

*Kansas Coalition Against Sexual and Domestic Violence
(KCSDV)*

KCSDV is a nonprofit organization incorporated in 1988. Its member programs are domestic violence and sexual assault programs located in large and small communities across Kansas that work with victims directly. KCSDV has extensive expertise on the physical, sexual, emotional, and economic dangers women and their families face on a daily basis as the result of domestic violence, sexual assault, and stalking. The organization's Immigration Project focuses on improving the availability and competency of advocacy for immigrant victims of sexual and domestic violence. The Immigration

Project focuses on training of advocates, attorneys, and other allies, and development of resources and protocols to assist these most vulnerable of victims.

Kentucky Coalition for Immigrant and Refugee Rights
(*KCIRR*)

KCIRR is an advocacy organization working to improve the lives of millions of immigrants and refugees in Kentucky and throughout the United States. KCIRR works on many fronts towards ensuring just rights, but is mainly focused on grassroots organizing in immigrant communities. In addition to the community organizing and advocacy work, KCIRR runs a Democracy School in which new immigrants learn about immigration laws and the history of the United States, advocacy skills, and legislation, thus motivating them to take leadership roles in their own causes.

King County Coalition Against Domestic Violence
(*KCCADV*)

KCCADV is a membership organization of community-based domestic violence programs and allied organizations and individuals dedicated to ending domestic violence. KCCADV provides leadership in efforts to increase community response to

domestic violence, and provides training, education, and outreach to professionals and the public. Its 40 member programs provide direct services to thousands of battered women and their children every year.

Korean American Family Service Center (KAFSC)

KAFSC is a leading nonprofit organization that supports and empowers adults, youth, and children to lead safe and healthy lives based on dignity, compassion, and mutual respect. It is committed to preventing and ending domestic violence and relationship abuse and creating a violence-free society. Its counseling, educational, and advocacy programs for individuals and families in the New York Tri-State Area are provided in a culturally and linguistically appropriate setting.

Korean-American Women in Need (KAN-WIN)

Founded in 1990, KAN-WIN is the first independent organization in the nation established solely to address violence against women and children in the Korean American community. As the only comprehensive domestic violence organization for Korean Americans in the greater Chicago area, KAN-WIN seeks to empower survivors to address their experiences of violence, achieve long-term well-being and self-sufficiency, and collaborate to create a community

“free from violence.” KAN-WIN recently expanded its capacity to serve other Asian Americans in the Chicagoland area.

Mexican-American Bar Association of Texas (MABA-TX)

MABA-TX was founded in 1980 to provide a means for lawyers to promote the social, economic, and educational advancement of the people of Texas; to encourage its members to participate in pro bono legal services; to speak on behalf of the Latino community on legal issues affecting the community; and to work through legislation, advocacy, and education to accomplish these goals, among other things.

Missouri Coalition Against Domestic and Sexual Violence (MCADSV)

MCADSV is a membership organization of more than 100 community-based programs providing services to victims of domestic and sexual violence. Its mission is to end violence against women through direct services and public policy. For 29 years, MCADSV has worked to make sure that women and children who are suffering are able to access the quality services they need to become survivors. It also serves as a voice for programs at the state and national levels to advocate for women and their children, and to

improve funding sources, public policy, systems, and responses to domestic and sexual violence. Its mission is to end violence against women and their children through direct services and social and systemic change, including through education, assistance, alliance, and research.

National Alliance to End Sexual Violence (NAESV)

The NAESV works on behalf of women, children, and men who have suffered the serious trauma of sexual violence. The NAESV also provides a critical voice for sexual assault advocates by focusing on public policy and public education to end sexual violence. The NAESV's Board of Directors consists of leaders of state sexual assault coalitions and national law, policy, and tribal experts who promote the organization's mission to advance and strengthen public policy on behalf of state coalitions, individuals, and other entities working to end sexual violence. The NAESV is fundamentally opposed to any legislation that promotes criminal victimization, stigma, bias, and blatant profiling of those who appear to be immigrants.

National Asian Pacific American Women's Forum
(NAPAWF)

NAPAWF is the only national, multi-issue Asian and Pacific Islander (API) women's organization in the country. NAPAWF's mission is to build a movement to advance social justice and human rights for API women and girls. Immigrant rights and ending violence against women are two of NAPAWF's founding platform areas, and its immigrant rights program is driven by a gender analysis. Immigrant women are more likely than U.S.-born women to live in poverty, be unemployed, and lack health insurance. NAPAWF believes that a race and gender analysis is critical to the development of fair and just immigration reform and immigration-related policies. NAPAWF is committed to advocating for the rights of immigrant API women. As policymakers and advocates continue to push for reforms to the U.S. immigration system, few have considered the impact that policies may have on immigrant women.

National Association for Chicana and Chicano Studies
(NACCS)

NACCS, established in 1972, is the nation's oldest and largest professional scholarly organization dedicated to the research

and study of Mexican-origin peoples in the United States. NACCS membership includes hundreds of scholars and experts in the social sciences and humanities covering every state, including Arizona. NACCS's members serve on corporate, foundation, and governmental boards and commissions; have been elected officials and leaders in their communities; or are currently in leadership positions as university deans, provosts, and presidents. Many have authored prize-winning books, and all are accomplished and widely recognized scholarly authors, professors, and researchers. They are public servants in the real sense of providing rigorous education, training, and knowledge to diverse students and communities in the United States and elsewhere.

National Association of Social Workers (NASW)

Established in 1955, NASW is the largest association of professional social workers in the world, with 145,000 members and 56 chapters throughout the United States and abroad. With the purpose of developing and disseminating standards of social work practice while strengthening and unifying the social work profession as a whole, NASW provides continuing education, enforces the NASW Code of Ethics, conducts research, publishes books and

studies, promulgates professional criteria, and develops policy statements on issues of importance to the social work profession. The Code of Ethics was amended in 2008 to prohibit discrimination against individuals on the basis of immigration status.

National Center for Victims of Crime (National Center)

The National Center, a nonprofit organization based in Washington, D.C., is the nation's leading resource and advocacy organization for all victims of crime. The mission of the National Center is to forge a national commitment to help victims of crime rebuild their lives. Dedicated to serving individuals, families, and communities harmed by crime, the National Center, among other efforts, advocates laws and public policies that create resources and secure rights and protections for crime victims.

National Center on Domestic and Sexual Violence (NCDSV)

NCDSV is a national nonprofit organization dedicated to ending domestic *and* sexual violence with a focus on training, consulting, and advocacy. NCDSV's mission is to design, provide and customize training and consultation; influence policy; promote collaboration; and enhance diversity with the goal of ending domestic

and sexual violence. For more than 30 years, members of NCDSV's staff and Board have worked with helping professionals to assist immigrant battered women and their children in seeking safety. Its staff have also worked at the state coalition and national levels training shelter and coalition staff members on working with immigrant battered women and bringing communities together to address their special needs. Some of its staff and Board were intimately involved in the advocacy for and passage of VAWA and its subsequent revisions, including protections for immigrant battered women.

National Coalition Against Domestic Violence (NCADV)

NCADV was formed in 1978 to establish a network of local community-based programs and state coalitions to serve victims of domestic violence. NCADV provides technical assistance, general information and referrals, and public policy advocacy, and it sponsors a national conference every two years. NCADV works to address the impact of policy on the lives of domestic violence victims and their families, and to advocate for repeal of policies and laws when they are detrimental to the safety of those victims.

National Council of Jewish Women (NCJW)

NCJW is a grassroots organization of 90,000 volunteers and advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms. NCJW's Resolutions state that the organization endorses and resolves to work for "the enactment and enforcement of laws and regulations that protect civil rights and individual liberties for all"; "comprehensive, humane, and equitable immigration and naturalization laws, policies, and practices that facilitate and expedite legal status for more individuals"; and "the elimination of, and protection from, all forms of harassment, violence, abuse, and exploitation against women."

National Domestic Workers Alliance (NDWA)

NDWA is a coalition of over 30 organizations representing household workers across the United States. NDWA organizes to improve the living and working conditions of domestic workers and to end the racism and sexism that have caused the work of care to be undervalued.

National Latina Institute for Reproductive Health
(NLIRH)

NLIRH's mission is to ensure the fundamental human right to reproductive health and justice for Latinas, their families, and their communities, through public education, community mobilization, and policy advocacy. NLIRH is a Social Justice Organization, and believes that in order to substantially improve the reproductive health of Latinas and protect their rights to exercise reproductive freedom, NLIRH must locate reproductive health and rights issues within a broader social justice framework that seeks to bring an end to poverty and discrimination and affirms human dignity and the right to self-determination. Immigrant Latinas already face a unique and complex array of reproductive health and rights issues that are exacerbated by poverty, gender, racial and ethnic discrimination, and xenophobia. These circumstances make it especially difficult for Latinas to access reproductive health care services.

National Network for Immigrant and Refugee Rights
(NNIRR)

NNIRR is a national alliance of organizations, advocates, and activists committed to defending the human rights of all

immigrants and refugees regardless of citizenship or immigration status. The organization provides information and analysis, coordinates advocacy initiatives concerning immigration policy and rights, and supports education and capacity building in immigrant communities. NNIRR operates a documentation program, HURRICANE, the Human Rights Immigrant Community Action Network.

National Network to End Domestic Violence (NNEDV)

NNEDV is a nonprofit organization incorporated in 1995. Its mission is to create a social, political, and economic environment in which violence against women no longer exists. NNEDV is a network of state domestic violence coalitions, representing over 2,000 member programs nationally, and serves as the voice of battered women and their children and those who provide direct support to them. NNEDV has a long history of working at the local, state, and national levels to promote a strong criminal justice response to domestic violence, including reducing homicides by removing firearms from convicted batterers. NNEDV was instrumental to congressional enactment and implementation of VAWA of 1994, 2000, and 2005, and co-chairs the current national

VAWA reauthorization efforts. NNEDV also provides technical assistance, training, and public education to advocates, professionals, and individuals who encounter battered women in their work and communities. NNEDV has provided advice and expertise on domestic violence issues affecting battered women and their children to judges, attorneys, educators, state and local welfare and justice system personnel, and others working to end domestic violence.

National Partnership for Women and Families

The National Partnership is a nonprofit, nonpartisan organization that uses public education and advocacy to promote fairness in the workplace, access to quality health care, and policies that help women and men meet the dual demands of work and family. The National Partnership has a longstanding commitment to improving the health, welfare, and safety of women and children. It has devoted significant resources to combating sexual harassment and domestic violence and has filed numerous briefs *amicus curiae* in the federal appellate courts to advance victims' access to justice.

National Women's Law Center (NWLC)

NWLC is a nonprofit legal advocacy organization dedicated to the advancement and protection of women's legal rights.

Since 1972, NWLC has worked to secure equal opportunity for women in the workplace and has promoted compliance by employers with federal and state civil rights laws. NWLC has prepared or participated in the preparation of numerous *amicus* briefs in state and federal appellate courts and in the U.S. Supreme Court.

Neighborhood Legal Services (NLS)

NLS was incorporated in 1967 to increase economic opportunity, safety, and family stability, and to promote fairness and equity for low-income households. As a nonprofit legal services organization, NLS provides free legal assistance to low-income people with a range of civil legal problems, including public benefits, domestic abuse prevention and family law, civil rights and discrimination, assistance to elders, immigration, and employment law.

Nevada Network Against Domestic Violence (NNADV)

NNADV, a nonprofit organization founded in 1980, serves as the professional association for Nevada's 15 member domestic violence organizations and as the primary representative of battered women and their children in the public policy arena. NNADV members share the goal of ending domestic violence through

community education, public policy development, and services for victims. NNADV is the primary statewide organization in Nevada that provides training and technical assistance on domestic violence issues for battered women's advocates, other professionals, and community lay people. NNADV promotes public policy to protect victims of domestic violence and their children, including immigrant women who are victims of domestic violence, sexual assault, human trafficking, and other violent crimes.

New Hampshire Coalition Against Domestic and Sexual Violence (NHCADSV)

NHCADSV is a statewide network of independent member programs committed to ending domestic and sexual violence. NHCADSV seeks to (1) ensure that quality services are provided to victims and survivors of domestic and sexual violence; (2) prevent future violence by educating the public; (3) influence public policy; and (4) encourage the provision of quality services and accountability for perpetrators. Violence and oppression are connected. NHCADSV promotes social change by holding societal systems accountable for their responses to domestic and sexual violence and through the empowerment of victims. Its services are available to all victims

throughout the state of New Hampshire, including immigrants. NHCADSV works to ensure that there are no additional barriers to services for survivors.

New Jersey Coalition Against Sexual Assault (NJCASA)

NJCASA is a statewide coalition representing the collective voice of sexual violence survivors and their loved ones, 22 Sexual Violence Programs throughout New Jersey, and individuals, students, and corporations concerned about ending sexual violence. Survivors of sexual violence are already reluctant to report the assaults to law enforcement. Since its inception in 1981, NJCASA has acted as an advocate for survivors and their loved ones, providing information and education to the public, media, and government regarding sexual violence issues. NJCASA is dedicated to developing and maintaining programs and services supporting its mission of eliminating sexual violence in New Jersey. NJCASA's mission is to promote the compassionate and just treatment of survivors and their loved ones, to foster collaborative relationships between community systems, and to effect attitudinal and behavioral changes in society as it works toward elimination of sexual violence.

New Jersey Coalition for Battered Women (NJCBW)

NJCBW, incorporated in 1979, is a statewide coalition of domestic violence service programs and concerned individuals whose mission is to end violence in the lives of women. NJCBW advocates for battered women with state governmental and private agencies, the legislature, the judiciary, and the governor to support legislation and policies that will increase the safety and options of victims of domestic violence. It also provides information, resources, technical assistance, and training to domestic violence programs, the public, and organizations involved with New Jersey's response to domestic violence.

*New Mexico Coalition of Sexual Assault Programs, Inc.
(NMCSAP)*

The primary goal of NMCSAP is to address sexual violence through prevention, data tracking, education on the professional response to victimization, policy and standardization of optimum practice, and advocacy and outreach to any person victimized in New Mexico. To this end, NMCSAP hires staff and collaborates with a variety of national and statewide organizations to ensure that access to services is available to all victims and survivors

of sexual violence. Working in a state that borders Mexico, NMCSAP considers dealing with human trafficking, legal rights for undocumented immigrants who have been victimized, and effective outreach to undocumented immigrants as critical to its goal. New Mexican statesmen have signed on to “strengthen” New Mexico’s immigration policies, and some favor a law similar to SB 1070.

9 to 5, National Association of Working Women

9 to 5 is a national, membership-based organization of low-wage women, including immigrant women, working to achieve economic justice and end discrimination. 9 to 5’s members and constituents are directly affected by poverty, workplace discrimination, and domestic violence.

North Carolina Coalition Against Domestic Violence

(NCCADV)

NCCADV is a statewide nonprofit membership organization providing support services to local domestic violence agencies and allied professionals. It is committed to creating social change through eliminating institutional, cultural, and individual oppressions that contribute to violence against women. Its purpose is to strengthen the network of people working to end domestic violence

in North Carolina. An important part of NCCADV's work is to advocate and provide technical assistance on immigration issues for survivors of domestic violence. It provides education and training to domestic violence advocates and allies, and coordinates a network of Latino and immigrant allies within the battered women's movement.

NOW Foundation

The National Organization for Women (NOW) Foundation is a 501(c)(3) organization devoted to furthering women's rights through education and litigation. Created in 1986, NOW Foundation is affiliated with the National Organization for Women, the largest feminist organization in the United States, with hundreds of thousands of contributing members in hundreds of chapters in all 50 states and the District of Columbia. Since its inception, NOW Foundation's goal has been to achieve equal rights for all women, including immigrant women, by, among other things, ensuring access to governmental benefits intended to protect the life and safety of all persons, without regard to immigration status.

Our Bodies Ourselves (OBOS)

OBOS, also known as the Boston Women's Health Book Collective, is a nonprofit, public interest women's health education,

advocacy, and consulting organization. Beginning in 1970 with the publication of the first edition of *Our Bodies, Ourselves*, OBOS has inspired the women's health movement by producing books that make accurate health and medical information accessible to a broad audience by weaving women's stories into a framework of practical, clearly written text; identifying and collaborating with exemplary individuals and organizations that provide services, generate research and policy analysis, and organize for social change; and inspiring and empowering women to become engaged in the political aspects of sustaining good health for themselves and their communities. OBOS provides clear, truthful information about health, sexuality and reproduction from a feminist and consumer perspective. OBOS vigorously advocates for women's health by challenging the institutions and systems that block women from full control over their bodies and devalue their lives. OBOS is noted for its long-standing commitment to serve only in the public interest and its bridge-building capacity. OBOS is dedicated to the autonomy and well-being of all women.

*Pennsylvania Coalition Against Domestic Violence
(PCADV)*

PCADV is a private nonprofit organization working at the state and national levels to eliminate domestic violence, secure justice for victims, enhance safety for families and communities, and create lasting systems and social change. PCADV was established in 1976 as the nation's first domestic violence coalition and it has grown to a membership of 61 organizations across Pennsylvania, consisting of shelters, hotlines, counseling programs, safe home networks, legal and medical advocacy projects, and transitional housing projects for victims of abuse and their children. PCADV is also home to the National Resource Center on Domestic Violence and serves as an active member of the National Network to End Domestic Violence. PCADV works with domestic violence organizations in Pennsylvania and across the country to assist victims in utilizing the legal protections that have been put in place so that immigrant victims will be encouraged to seek help and report abuse.

Pennsylvania Coalition Against Rape (PCAR)

PCAR is a private nonprofit organization. Founded in 1975, PCAR is the oldest anti-sexual violence coalition in the country

and is widely respected at both the state and national levels for its leadership to prevent sexual violence. Over the past 35 years, PCAR has successfully worked as an agent of change – educating society about the severe and long-lasting impact of sexual violence, confronting victim-blaming attitudes, challenging injustice, and advocating for policies for victims of sexual violence to provide them with the compassion, dignity and privacy that they deserve.

Raksha, Inc.

Raksha – meaning “protection” in several South Asian languages – is a Georgia-based nonprofit organization for the South Asian community. Raksha’s mission is to promote a stronger and healthier South Asian community through confidential support services, education, and advocacy. Guided by values of consensus in decision-making, diversity in leadership, and the dignity and worth of every individual, Raksha strives to empower and serve the South Asian community. Raksha has 15 years of experience working with battered immigrant women and children from Bangladesh, Bhutan, India, Pakistan, Nepal, and Sri Lanka. In addition to direct services, Raksha also provides training to law enforcement, judges, immigration, and mainstream service providers. Raksha’s staff

members have a long history of working to ensure access for immigrant women and have been a resource to the criminal justice system in helping it work with immigrant populations.

*Rhode Island Coalition Against Domestic Violence
(RICADV)*

The mission of RICADV is to support and enhance the work of its member agencies and to provide leadership on the issue of domestic violence. One of the key goals in its strategic plan is to create equitable access to services for victims of domestic violence, and to influence systems and institutions to better serve the needs of victims and survivors of domestic abuse. One of its specific objectives is advocating for improved resources for battered immigrant women. The passage of SB 1070 has led to the introduction of a similar bill in Rhode Island.

Safe Horizon

Safe Horizon is the nation's leading victim assistance organization, touching the lives of more than 250,000 victims of crime and abuse each year. Its mission is to provide support, prevent violence, and promote justice for victims of crime and abuse, their families, and communities. Whether responding to child abuse,

domestic violence, or other violent crimes, Safe Horizon helps victims and their families to heal and rebuild their lives.

SafePlace

SafePlace is a private nonprofit organization that is the sexual assault and domestic violence agency for Thurston County, Washington. SafePlace was founded in 1981 and its sexual assault program is one of the oldest in the nation. Its mission is to strive to put an end to sexual and domestic violence and to advocate for personal and societal change through crisis intervention and education.

Santuario Sisterfarm

Santuario Sisterfarm, a nonprofit organization, was established in 2002 as a collaborative effort by Latinas of the Texas-Mexico Borderlands and Dominican Sisters. Located on seven acres in the Texas Hill country, Santuario Sisterfarm is a sanctuary dedicated to cultivating biodiversity and cultural diversity and living in the right relationship with the whole Earth community. It cultivates cultural diversity as a means of promoting peace among diverse people and biodiversity as a way to advance peace between humans and Earth.

South Asian Americans Leading Together (SAALT)

SAALT is a national nonprofit organization whose mission is to elevate the voices and perspectives of South Asian individuals and organizations to build a more just and inclusive society in the United States. SAALT is the coordinating entity of the National Coalition of South Asian Organizations, which includes numerous South Asian women's organizations. SAALT's strategies include conducting public policy analysis and advocacy, building partnerships with South Asian organizations and allies, mobilizing communities to take action, and developing leadership for social change.

South Carolina Coalition Against Domestic Violence and Sexual Assault (SCCADVSA)

SCCADVSA is a statewide advocacy organization that is a strong voice for women's rights in South Carolina. It is a private, nonprofit organization founded in 1981 to represent the needs of victims/survivors of domestic and sexual violence and to advocate for the providers of services to individuals who have suffered as a result of these crimes.

Southern Poverty Law Center (SPLC)

Founded in 1971, SPLC has litigated numerous civil rights cases on behalf of women, people of color, prisoners, and other victims of discrimination. Although SPLC's work is concentrated in the South, its attorneys appear in courts throughout the country to ensure that all people receive equal and just treatment under federal and state law. SPLC has specifically advocated for the rights of Latino and immigrant community members, focusing on the civil rights of those individuals, including the right to be free of racial profiling, and other constitutional violations. Additionally, SPLC has a national advocacy project called Esperanza: The Immigrant Women's Legal Initiative, which is specifically dedicated to serving farmworker and low-wage immigrant women who are victims of sexual violence, gender discrimination, and other civil rights violations. As part of its long history of advocacy, SPLC has represented hundreds of immigrant victims of violence, including victims of sexual violence and human trafficking.

Tahirih Justice Center (Tahirih)

Tahirih is a 501(c)(3) nonprofit organization with offices in Falls Church, Virginia, Houston, Texas, and Baltimore, Maryland.

Tahirih offers free legal services and social services referrals to women and girls fleeing violent human rights abuses, including immigrant survivors of domestic violence, sexual assault, child abuse, human trafficking, and other violent crimes. Since 1997, through direct services and referrals, Tahirih has assisted over 10,000 women and children. For several years, Tahirih has worked at the national, state and local levels to improve the access of immigrant survivors of violence to police protection and to ensure that they can access the special immigration relief provided for immigrant survivors under the Violence Against Women Act and the Victims of Trafficking and Violence Protection Act. Tahirih has therefore worked to defeat proposals that enlist state and local police in immigration enforcement, alarmed at the terrible “chilling effect” that exists when immigrant victims believe the police are to be feared rather than trusted, and concerned that such state and local proposals directly undermine the special federal protections that Congress created for immigrant survivors to ensure that they could escape violence.

UNITED SIKHS

UNITED SIKHS is a UN-affiliated, international nonprofit, non-governmental, humanitarian relief, human

development and advocacy organization, aimed at empowering those in need, especially disadvantaged and minority communities across the world. UNITED SIKHS has advocated for comprehensive immigration reform.

University of Cincinnati College of Law Domestic Violence and Civil Protection Order Clinic (the Clinic)

The Clinic was founded in 2005. The Clinic serves individuals who have experienced intimate partner abuse and other forms of sexual and gender harassment. The Clinic seeks to provide quality of treatment and fairness of treatment of women and minorities whose needs, legal and otherwise, are crucial to their survival and the survival of their children. Immigrant women are particularly vulnerable in our culture, and the Clinic supports efforts to protect immigrant women from inequities that can be inherent in the legal process.

Vermont Network Against Domestic and Sexual Violence (VNADSV)

VNADSV is a feminist organization committed to eradicating domestic and sexual violence through advocacy, empowerment, and social change. VNADSV, founded in 1988, is a

coalition of 15 member domestic violence and sexual violence programs located throughout Vermont. The member programs provide a number of services to victims and survivors, including hotline assistance and local advocacy on behalf of victims and survivors. The statewide office, located in Montpelier, is a resource on domestic and sexual violence issues. Its director and staff provide technical assistance and training to member programs and statewide partners, inform Vermont legislation, and coordinate statewide projects and conferences.

Victim Rights Law Center (VRLC)

The VRLC is a nonprofit organization based in Boston, Massachusetts, with a satellite office in Portland, Oregon. The VRLC was the first legal services organization in the nation established to serve the legal needs of sexual assault victims and is one of the only nonprofit legal providers dedicated to meeting the needs of victims of non-intimate partner sexual assault. It provides both direct representation of victims and national legal advocacy and education, and has helped represent thousands of sexual assault victims on immigration, education, privacy, employment, housing, physical safety, and other civil and administrative matters. The VRLC believes

that all victims – regardless of immigration status – should have access to immediate and appropriate medical, mental health, crisis intervention, law enforcement, civil legal services, and social services following a sexual assault.

Voces de la Frontera

Voces de la Frontera is a membership-based low-wage and immigrant rights workers' center whose mission is to inform workers and their families about their employment rights, education rights, and policies that affect their communities. It promotes collective action to improve the economic and social quality of life for working people. It is the largest Latino membership organization in the state of Wisconsin, and works daily with immigrant families facing deportation or harassment because of their immigration status. It also chairs a statewide coalition called Wisconsin Needs Immigration Reform.

Washington State Coalition Against Domestic Violence

(WSCADV)

WSCADV is a private nonprofit membership organization comprised of 65 member shelters and advocacy programs, and hundreds of individuals and other organizations in the

State of Washington committed to ending domestic violence. WSCADV supports Principles of Unity that recognize that the inability of women and children to have full access to justice, including protection from abuse, reflects an inequitable societal climate that enables domestic and sexual violence to persist and flourish. WSCADV is actively involved in policy efforts to promote greater legal protections for battered immigrants, and regularly provides training, support, and assistance to organizations serving battered immigrants.

West Virginia Coalition Against Domestic Violence
(WVCADV)

WVCADV is a not-for-profit organization incorporated in the state of West Virginia. Founded in 1981, WVCADV's mission, along with the ultimate vision of social justice, is to work to end violence against women through partnerships, advocacy and direct services. WVCADV plays an instrumental role in advocating for laws and policies that affect battered women and their children, such as the Violence Against Women Acts of 1994, 2000, and 2005. WVCADV recognizes the critical importance that domestic violence statutes play in the struggle to end domestic violence.

Wider Opportunities for Women (WOW)

WOW works nationally and in its home community of Washington, D.C. to achieve economic independence and equality of opportunity for women and their families at all stages of life. For over 45 years, WOW has been a leader in the areas of nontraditional employment, job training and education, welfare to work and workforce development policy. Since 1995, WOW has been devoted to the self-sufficiency of women and their families through the national Family Economic Security (FES) Project. Through FES, WOW has reframed the national debate on social policies and programs from one that focuses on poverty to one that focuses on what it takes families to make ends meet. Building on FES, WOW has expanded to meet its intergenerational mission of economic independence for women at all stages of life with the Elder Economic Security Initiative. WOW believes that education and employment options should be open to all and, in particular, that women should be encouraged to pursue paths that have not been traditionally female.

*Wisconsin Coalition Against Domestic Violence
(WCADV)*

WCADV is the statewide membership organization that

represents local domestic violence victim programs and survivors. WCADV is committed to addressing the unique barriers that force immigrant domestic violence victims to remain with abusers. To that end, WCADV and its member programs assist victims with accessing federal immigration remedies, including VAWA self-petitions and U Visas.

Wisconsin Coalition Against Sexual Assault (WCASA)

WCASA is a nonprofit organization incorporated in 1985. It is a statewide member organization composed of more than 170 sexual assault programs, sexual assault survivors, and individuals and agencies promoting the social change necessary to end sexual assault. WCASA provides training and technical assistance to 43 sexual assault victim advocacy organizations throughout Wisconsin and other agencies that work directly with victims of sexual assault, as well as to other professionals who work directly with victims of sexual assault, including law enforcement officers, district attorneys, mental health professionals, school counselors and teachers, and sexual assault nurse examiners. WCASA has been involved in crime victim rights efforts since its inception and is constantly seeking ways to improve the legal response to sexual

assault.

Women Employed

Women Employed's mission is to improve the economic status of women and remove barriers to economic equity. Women Employed promotes fair employment practices, helps increase access to training and education, and provides women with information and tools to plan their careers. Since 1973, the organization has assisted thousands of working women with problems of discrimination and harassment. Women Employed strongly supports immigrant women's ability to access benefits that Congress decreed must be accessible to protect the life and safety of all persons, without regard to immigration status. Women experience a disproportionate need for such services, particularly on behalf of their children and as single-parent heads of households.

Women of Color Network (WOCN)

WOCN is a national grassroots initiative with close to 3,000 members, constituents, and aspiring allies across the country responding to violence against women and families in communities of color. WOCN stands in solidarity with immigrant, refugee, and undocumented communities across the country, where women of

color victims and survivors of violence may not access the services they need.

YWCA USA

YWCA USA is a national nonprofit women's organization dedicated to social service, advocacy, education, leadership development, and racial justice. Its goals are the elimination of racism and the empowerment of women. It represents more than 2 million women and girls, and can be found in many communities of the United States. With nearly 300 local associations nationwide, YWCA USA serves thousands of women, girls, and their families annually through a variety of programs and services, including violence prevention and recovery programs, housing programs, job training services, and more. YWCA USA's clients include women and girls escaping violence, low-income women and children, elderly women, disabled women, homeless women, and families. Its staff, volunteers, and clients throughout the United States include people of color and members of a variety of national, ethnic, and religious backgrounds, including immigrants, refugees, and asylees. YWCAs in Arizona serve a variety of women through their programs, including victims of violence.

No. 10-16645

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

THE UNITED STATES OF AMERICA,
Plaintiff/Appellee,

vs.

**THE STATE OF ARIZONA; and JANICE K. BREWER, GOVERNOR OF THE
STATE OF ARIZONA, in her official capacity,**
Defendant/Appellant.

On Appeal From a Preliminary Injunction Order
of the United States District Court, District of Arizona
D.C. No. CV-10-1413-PHX-SRB, The Honorable Susan R. Bolton

**BRIEF OF *AMICUS CURIAE* LEGAL MOMENTUM
IN SUPPORT OF AFFIRMANCE**

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CORPORATE DISCLOSURE STATEMENT (F.R.A.P. 26.1(A))

The following information is provided pursuant to Federal Rule of Appellate Procedure 26.1 for *amicus curiae* Legal Momentum:

Legal Momentum is an independent 501(c)(3) nonprofit organization. It has no parent corporation and no stock.

I. INTEREST OF AMICUS CURIAE

Amicus curiae Legal Momentum is the nation's oldest legal defense and education fund dedicated to advancing the rights of all women and girls. For 39 years, Legal Momentum has made historic contributions through public policy advocacy and litigation to secure personal and economic security for women. Its Immigrant Women Program ("IWP") is the national expert on the rights and services available to immigrant victims of domestic, sexual, and other violence, sharing this expertise through training, comprehensive publications, and technical assistance for lawyers, advocates, and justice and health care professionals nationwide. IWP leads national advocacy efforts for legal protections, social services, and economic justice for immigrant women. Legal Momentum's leadership has included crafting and assisting in implementation of the immigration protections in the Violence Against Women Act ("VAWA"), other federal laws and federally supported services necessary to protect life and safety, and family law protections for immigrant women.

With the support of 91 organizations listed in Appendix A to this Brief, Legal Momentum submits that this Brief will present the Court with the unique and critical perspective of the

repercussions of Arizona SB 1070 on the immigrant women population, which is not fully presented in the parties' briefing and which provides additional support for affirming the District Court's grant of a preliminary injunction, enjoining certain provisions of Arizona SB 1070 from taking effect pending final determination on the merits. Legal Momentum participated as *amicus curiae* in support of the Plaintiffs' Motion for Preliminary Injunction in the related district court case of *Friendly House et al. v. Whiting et al.*, No. CV-10-10061-PHX-SRB.

II. INTRODUCTION

During the last two decades, the United States Congress and the Department of Homeland Security (DHS) specifically and repeatedly acknowledged the particular vulnerabilities of immigrant women and the widespread barriers to assistance experienced by immigrant victims of domestic violence, sexual assault, and human trafficking. Women who do not have stable immigration status are far more likely to be exploited in the workplace, at home, and in accessing services and exercising their legal rights.

The federal government enacted protections for these most vulnerable members of our society – rights that Congress called

“an essential step in forging a national consensus that our society will not tolerate violence against women.”¹ These laws establish special immigration protections to encourage immigrant women to report and fully participate in investigation of crimes and prosecution of perpetrators without fear of arrest and removal.² DHS also issued policies designed to prevent the detention of immigrant women, acknowledging their roles as mothers and caretakers of children.³ Federal law further guarantees that all persons, without regard to immigration status, have access to programs and services necessary to protect life and safety, including shelter, emergency medical services, victim assistance, soup kitchens, and disaster relief.⁴

¹ Report of the Committee on the Judiciary, U.S. Senate, to accompany S.B. 103-138 at 41-42.

² Victims of Trafficking and Violence Protection Act of 2000, P.L. No. 106-386 (2000) (“VAWA 2000”) §§ 1501-13. The protections are not limited to women, but women are at far greater risk than men of domestic and sexual violence and exploitation.

³ U.S. Department of Homeland Security, Memorandum re “Prosecutorial and Custody Discretion” (Nov. 7, 2007); U.S. Department of Justice, Memorandum re “Exercising Prosecutorial Discretion” (Nov. 17, 2000).

⁴ Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 3009 (1996) (codified as amended in sections of 8 U.S.C.); Personal Responsibility and Work Opportunity Reconciliation Act (“PRWORA”), 8 U.S.C §§ 1611(b)(1)(D), 1621(b)(4); U.S. Department of Justice, “Final Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation,” A.G. Order No.

Arizona SB 1070 will change all of that, if the preliminary injunction preventing its most odious provisions from taking effect is not affirmed. The legislation, as enacted, would cause irreparable harm to immigrant women (nearly half of Arizona's immigrant population) and their children.⁵ Whereas Arizona law enforcement agencies and officials previously helped ensure that immigrant women were not penalized for reporting crimes, SB 1070 would require law enforcement officers involved in any stop or investigation to detain and question upon "reasonable suspicion" that a person allegedly engaged in criminal activity may be undocumented. SB 1070 also would make it unlawful to harbor or shelter undocumented immigrants. Many commonplace activities could support criminal detention under SB 1070, such as traffic infractions, jaywalking, or even simply being in the wrong place when law enforcement investigates a suspicion of employing or harboring undocumented immigrants.

Given law enforcement's wide and subjective discretion to stop and detain, as well as the fact that SB 1070 would criminalize

2353-2001, 66 Fed. Reg. 3613 (Jan. 16, 2001).

⁵ Migration Policy Institute, MPI Data Hub, Arizona Fact Sheet (2008), *available* *at* <http://www.migrationinformation.org/databub/state.cfm?ID-AZ>.

efforts to harbor or shelter undocumented immigrants, these laws would cause immigrants to refrain from seeking federally established protections and be irreparably harmed. Indeed, since passage of the bill and even before the law was scheduled to take effect, federally funded battered women's shelters saw the number of immigrants accessing these essential life-saving and injury-prevention services plummet because victims fear detention and permanent separation from their children if they seek help. Arizona police could be stationed outside a battered women's shelter precisely because immigrant women are likely to use federally guaranteed life-saving services. Similarly, immigrant women face these fears when dropping their children off at child care, going to work, and seeking health and other services for themselves and their children. In effect, this law threatens to put immigrant women in fear of police detention anytime they leave their homes.

SB 1070 will subject immigrants to questioning and detention, including many immigrants who are lawfully present in the United States, and will criminalize, as harboring, efforts to help immigrant crime victims. This intervention by Arizona state employees will undermine the ability of domestic violence shelters,

rape crisis centers, and other victim-services providers to bring crime victims to court, to the hospital for treatment of critical injuries, and to meetings with police and prosecutors, causing irreparable harm.

SB 1070, as enacted, would create a subclass of women and children living in perpetual fear, trapping many in violently abusive relationships or work environments. This law would create an environment in which women who police think “look like immigrants” are never sure whether they may be stopped and required to produce papers on demand; and in particular, in which immigrant women who are victims of sexual assault or other crimes or in need of food, shelter, or essential medical services will rightly fear seeking redress that Congress set up specifically for their benefit and protection. SB 1070 directly conflicts with federal laws and interests, and it would cause irreparable harm if allowed to take effect during the pendency of the litigation (or at any time).

III. SB 1070, AS WRITTEN, INTERFERES WITH FEDERAL PROTECTIONS FOR IMMIGRANT WOMEN WHO ARE VICTIMS OF CRIME

A. Immigrant Women Face Particular Challenges That Make Them Uniquely Susceptible to Crime and Other Abuse.

For reasons related to family, employment, the problem

of human trafficking, limited English proficiency, and lack of knowledge about their legal rights, immigrant women are particularly likely to suffer abuse, violence, sexual assault, and other crimes. Most immigrant women who seek lawful permanent resident status do so through the family immigration visa system.⁶ In abusive relationships, abusers with control over their wives' and children's immigration status use threats of deportation and separation of mothers from children to keep them from seeking help or calling the police.⁷ When a woman seeks legal immigration status based upon a

⁶ Jefferys, K., "Characteristics of Family-Sponsored Legal Permanent Residents: 2004," Office of Immigration Statistics, DHS (Oct. 2005), "Table 1: Demographic Characteristics of All LPRs and Family-Sponsored LPRs: Fiscal Year 2004."

⁷ Ammar, N. *et al.*, "Calls to Police and Police Response: A Case Study From the Latina Immigrant Women," 7 U.S. J. OF INT'L POLICE SCI. & MGM'T 230, 239 (2005); Natarajan, M., "Domestic Violence Among Immigrants From India: What We Need to Know – and What We Should Do," 26 INT'L J. OF COMPARATIVE & APPLIED CRIMINAL JUSTICE 301, 310 (Fall 2002); Ramos, M.D. & Runner, M.W., "Cultural Considerations in Domestic Violence Cases: A National Judges Benchbook," San Francisco: State Justice Inst. & Family Violence Prevention Fund (1999); Raj, A. *et al.*, "Immigration Policies Increase South Asian Immigrant Women's Vulnerability to Intimate Partner Violence," 60 J. OF THE AMERICAN MEDICAL WOMEN'S ASS'N 26-32 (2005). When abusers controlled the immigration status of a victim spouse, 72.3% never filed immigration papers on her behalf. Those who did so delayed in filing, on average, almost 4 years. Dutton, M.A. *et al.*, "Characteristics of Help-Seeking Behaviors, Resources, and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications," 7 GEORGETOWN JOURNAL OF

family relationship (as most do), she may languish for many years in a long queue for a visa.⁸ If she needs to work, she must do so without legal immigration status, making her vulnerable to exploitation, sexual harassment/assault, and retaliation by unscrupulous employers.

Many battered immigrant women report an increase in abuse after immigrating to the United States.⁹ Among battered immigrant women from diverse cultures, 65% report that their spouses used threats of deportation and of not filing or withdrawing immigration papers as a coercive control tactic in the abusive relationship.¹⁰

Immigration status significantly affects the willingness of immigrant women to seek law enforcement help. Immigrants with stable permanent immigration status are more than twice as likely as

POVERTY, LAW AND POLICY 245, 259, 302, Table 12 (2000).

⁸ See http://www.travel.state.gov/visa/bulletin/bulletin_4879.html (information on availability of visas).

⁹ Hogeland, C. & Rosen, K., “Dreams Lost, Dreams Found: Undocumented Women in the Land of Opportunity,” Coalition for Immigrant and Refugee Rights and Services (1990) (48% report rise in family violence following immigration); Hass, G.A. *et al.*, “Battered Immigrants and U.S. Citizen Spouses” at 3 (April 24, 2006), *available at* <http://legalm.convio.net/site/DocServer/dvusc.pdf?docID=314> (31% of immigrant victims reported rise in domestic violence following immigration).

¹⁰ *Id.*

women with temporary legal immigration status to call police for help in domestic violence cases (43.1% vs. 20.8%). This rate decreased to 18.8% if the battered immigrant was undocumented.¹¹ These reporting rates are significantly lower than reporting rates of battered women generally in the United States (between 53% and 58%).¹² The reporting rates in the U.S. among rape and sexual assault victims are extremely low: only 16 % of all rape victims report the crime to law enforcement.¹³ With the heightened fear of detention and deportation that SB 1070 will bring, the statute, if implemented, will make it even less likely that immigrant victims will report and aid in the prosecution of rape and sexual assault. Immigrants will be made even more vulnerable to repeated assaults by perpetrators who play on their fears of detention, using the threat of deportation as a weapon to ensure their silence. In addition, immigrant witnesses to rapes, sexual assaults, and other violent crimes will be less likely to report and aid

¹¹ Ammar, N. *et al.*, *supra* n.7, at 236.

¹² Coulter, M.L. *et al.*, "Police-Reporting Behavior and Victim-Police Interactions as Described by Women in a Domestic Violence Shelter," 14 J. INTERPERSONAL VIOLENCE 1290, 1293 (Dec. 1999); Rennison, C.M. & Welchans, S., "Intimate Partner Violence" at 7, U.S. Department of Justice, Bureau of Justice Statistics Special Report (May 2000).

¹³ "Violence Against Women: The Response to Rape; Detours on the Road to Equal Justice," Rpt. of the Senate Jud. Comm. Majority Staff, 103 Cong. (May 1993).

in prosecution, fearing deportation themselves.

In addition to domestic violence and sexual assault, immigrant women are especially affected by workplace abuse. Immigrant women constitute most of the workforce in the informal, sometimes underground, employment sector, serving as childcare workers, elder and home health care providers, domestic workers, hotel and office cleaners, and farm and factory workers. Because many undocumented women have no other options to feed and support their families, employers – knowing that immigrant women will endure exploitative and dangerous working conditions, including sexual harassment and assault – have a perverse incentive to employ them. Sexual harassment at work is reported by 77% of Latina immigrants.¹⁴ Employers take advantage of undocumented women’s lack of stable immigration status, lack of language proficiency, and fear of government authorities to create or maintain unsafe working conditions and underpaid wages. Employers and managers threaten to report undocumented employees to immigration authorities in order to ensure the silence of workers who have been sexually harassed or assaulted at work and to discourage reporting of abuse and labor law

¹⁴ “Under Siege: Life for Low Income Latinos in the South” at 28 (Southern Poverty Law Center, April 2009).

violations.¹⁵

In addition, human trafficking results in approximately 14,500-17,500 women, children, and men trafficked into the United States every year, most of whom are women and girls.¹⁶ Traffickers use force, fraud, or coercion to compel work and in many instances to subject workers to sexual violence.¹⁷ Already exploited by their traffickers, who withhold wages, threaten deportation, and physically harm them, trafficked women are told by their traffickers that calling the police or anyone else will result in the victim's deportation.¹⁸

B. Congress Has Enacted Special Immigration Protections for Immigrant Crime Victims.

Recognizing the severity of domestic abuse, sexual assault, and trafficking perpetrated against immigrant women, as well as the need for immigrant women and their children to access social services designed to help and support victims, Congress has

¹⁵ *Id.*; *see also, e.g.*, Konrad, S.P., "Legal Challenges That Immigrant Women and Children Victims of Crimes of Violence Are Facing Today," witness statement presented at briefing on the aftermath of the Postville, Iowa Raid convened by Representative Hilda Solis (Sept. 23, 2008), *available at* <http://www.legalmomentum.org/our-work/immigrant-women-program/resources-and-publications/solis-house-briefing-postville.pdf>.

¹⁶ U.S. Department of State, Trafficking in Persons Report at 15, 23 (2004), *available at* <http://www.state.gov/documents/organization/34158.pdf>.

¹⁷ *Id.* at 6, 15.

¹⁸ *Id.* at 12.

specifically, and repeatedly, acted to protect the rights and well-being of immigrant victims.¹⁹

The Violence Against Women Act (“VAWA”) is the centerpiece of congressional protections for immigrant victims of crime.²⁰ Originally enacted in 1994, and expanded in 2000 and 2005, VAWA encourages immigrant women to report crimes, including domestic violence, child abuse, sexual assault, and human trafficking, regardless of immigration status. This reflects a strong congressional message that life, health, and individual and public safety come first, regardless of a woman’s immigration status. VAWA 1994 includes findings that:

Domestic battery problems can become terribly exacerbated in marriages where one spouse is not a citizen, and the non-citizen[’]s legal status depends on his or her marriage to the abuser. Current law fosters domestic violence in such situations by placing full and complete control of the alien spouse’s ability to gain

¹⁹ In addition to the laws discussed herein, Congress also enacted protections for immigrant women in the Immigration Act of 1990 § 701, Pub. L. No. 101-649, 104 Stat. 6478 (1990) (battered spouse waiver); Trafficking Victims Reauthorization Act of 2003, Pub. L. 108-193, 117 Stat. 2875 (2003); Trafficking Victims Reauthorization Act of 2005, Pub. L. 109-164, §§ 101, 201, 119 Stat. 3558, 3560, 3567 (2005); and William Wilberforce Trafficking Victims Protection Act, Pub. L. 110-457 (2008) (expanding immigration relief, services, and benefits for trafficking victims).

²⁰ Violent Crime Control and Law Enforcement Act of 1994, H.R. 3355 (1994).

permanent legal status in the hands of the citizen
Consequently, a battered spouse may be deterred from taking action to protect himself or herself, such as filing for a civil protection order, filing criminal charges, or calling the police, because of the threat or fear of deportation.²¹

The 2000 VAWA amendments broadened protection beyond domestic violence by creating two visa categories for crime victims who cooperate with law enforcement: the “T Visa” for victims of human trafficking and the “U Visa” for victims of domestic violence, sexual assault, and other crimes.²² Congress created the U Visa because “[a]ll women and children who are victims of these crimes [including domestic violence and sexual assault] committed against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation of the crimes . . . and the prosecution of the perpetrators”²³ Both the

²¹ Report of the Committee of the Judiciary, House of Representatives, H.R. Rep. No. 103-395 at 26.

²² VAWA 2000 §§ 1501-13.

²³ VAWA 2000 § 1513(a)(1)(B); Immigration and Nationality Act §§ 101(a)(15)(T), 101(a)(15)(U), 214(o), 214(p), 245(l), 245(m); 67 Fed. Reg. 4784 (Jan. 31, 2002); 72 Fed. Reg. 53014 (Sept. 17, 2007); USCIS Interim Final Rule, “Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status,” 73 Fed. Reg. 75540 (Dec. 1, 2008). In 2005, VAWA was amended again, to further increase protections and ease restrictions for battered immigrant women and their children. Violence Against Women and Department of Justice Reauthorization Act of 2005 (“VAWA 2005”),

T and U Visa programs require coordination with local law enforcement agencies and endorsement of the victims' cooperation in investigations and/or prosecutions.²⁴ The Department of Justice (DOJ) funds antitrafficking task forces across the country that encourage coordination among service providers, law enforcement, and prosecutors, acknowledging that human trafficking cases cannot be prosecuted unless trafficking victims have access to services and the protection from deportation that come with the T Visa.²⁵ The city of Phoenix hosts one such federally funded task force.²⁶ The DOJ, through the Office on Violence Against Women, provides significant funding for coordinated community response teams in every state, including Arizona. These model teams involve police, prosecutors, forensic nurses, courts, victim advocacy programs, and others to develop and implement effective community-based responses needed to bring crime perpetrators to justice and offer help, safety, and protection to immigrant and other crime victims.

The protections Congress offers to immigrant victims

Pub. L. 109-162 (2006), §§ 801-34.

²⁴ VAWA 2000 §§ 1501-13.

²⁵ Bureau of Justice Assistance Anti-Human Trafficking Task Force Initiative, *available at* <http://www.ojp.usdoj.gov/BJA/grant/httf.html>.

²⁶ *Id.*, map of Human Trafficking Task Forces, *available at* <http://www.ojp.usdoj.gov/BJA/grant/40HTTF.pdf>.

extends beyond the relief provided in federal immigration laws to offer a range of additional protections Congress deemed essential to encouraging and supporting immigrant crime victims in receiving the financial and emotional help they need so that they can report criminal activity and participate with law enforcement in detection, investigation, and prosecution of crime perpetrators. When enacting 1996 immigration reforms in the IIRAIRA, Congress underscored its intent to protect battered immigrants by adding battered immigrant women and children to the categories of immigrants qualified to receive welfare benefits that prior legislation took away.²⁷ IIRAIRA's restoration of benefits for battered immigrants reflected Congress's recognition that economic survival is a significant reason victims remain with abusers. IIRAIRA enables victims to break the cycle of economic dependency on an abusive spouse, partner, parent, or employer.

Further, Congress specifically authorizes organizations funded by the Legal Services Corporation to represent immigrant victims of domestic violence, sexual assault, trafficking, or other crimes in matters related to the abuse or victimization, even if the

²⁷ Pub. L. No. 104-208, 110 Stat. 3009 (1996). PRWORA had cut off access to public benefits for many immigrant noncitizens.

victim's immigration status would otherwise preclude representation.²⁸ Similarly, the Federal Victims of Crime Act provided grants to states that have eligible victim compensation programs. Arizona, like nearly every other state and U.S. territory, receives this funding and places no restrictions on crime victim assistance eligibility due to immigration status, as long as the crime is reported to law enforcement within 72 hours.²⁹ SB 1070 would severely impair the relationships between law enforcement and immigrant crime victims that Congress sought to strengthen by directing that DHS offer VAWA and T and U Visa protections for immigrant women.

C. SB 1070 Would Undermine Immigrant Crime Victim Protections.

If not enjoined, SB 1070 would irreparably harm immigrant women's ability to flee ongoing and escalating family and

²⁸ Legal Services Corporation Appropriations Act of 1997, Pub. L. No. 04-208 § 504(a)(11), 110 Stat. 3009 (1997). VAWA 2005 expanded these protections. *See* Legal Services Corporation Program Letter 06-02 (Feb. 21, 2006); 45 C.F.R. § 1626.4; 22 U.S.C. § 7105; VAWA 2005 § 104.

²⁹ 42 U.S.C. § 10602; Ariz. Rev. Stat. § 41-2407. In addition, numerous other federal benefits are available without regard to immigration status. *See* http://www.govbenefits.gov/govbenefits_en.portal?_nfpb=true&gb_en_questionnaire_actionOverride=%2FQuestionnairePageFlow%2FValidateAnswersMoreQuestions&_windowLabel=gb_en_questionnaire&_pageLabel=gbcc_page_questionnaire.

workplace violence. Immigrant women will stay longer in abusive situations, suffering increasing physical, sexual, and emotional violence, including injuries, some of which can lead to death, while perpetrators go unpunished. The law would deter and significantly delay crime reporting by immigrant women and children, effectively cutting them off from all crime victim assistance and undermining criminal prosecutions in the State of Arizona. It would irreparably harm women who are afraid to come forward to report crimes and abuse, as it allows crimes and abuse to continue, women and children to live in danger and fear, and perpetrators throughout Arizona to evade punishment. The law would discourage immigrant women from taking advantage of rights and benefits Congress made available to ensure victim protection and to enhance states' ability to prosecute criminals. In effect, SB 1070 would force immigrant victims to choose between detention when attempting to access the laws enacted to protect them and staying silent and enduring more abuse.

Under SB 1070, an immigrant crime victim will have no incentive to, and in fact will be afraid to, reach out to law enforcement or federally guaranteed crime victim social services in Arizona, for fear of detention, separation from her children, and removal. In

particular, SB 1070 would eliminate any reasonable possibility that a T or U Visa-eligible victim could access law enforcement for the purposes of cooperating in investigating or prosecuting crimes committed in Arizona. When crime victims and witnesses cannot safely come forward to report crimes and assist police and prosecutors investigating and prosecuting criminals, victims are condemned to a life of terror and community safety is undermined as rapists, child abuse and sexual assault perpetrators, batterers, and other violent criminals go free and are emboldened to continue perpetrating crimes. This harm cannot be undone.

Moreover, in contrast to SB 1070, federal law and guidelines are clear that not every immigrant who may be undocumented should be subject to immigration enforcement. Federal immigration officials are precluded from relying upon “reports” or information provided by abusers, crime perpetrators, or traffickers to pursue enforcement actions against undocumented immigrant crime victims.³⁰ Federal immigration officials are strongly

³⁰ 8 U.S.C. § 1367(a), (b); *see also* “Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009: Report of the Committee on the Judiciary, House of Representatives, to accompany H.R. 3402,” H.R. Rep. No. 109-233, at 122 (2005); 151 Cong. Rec. E2606-07 (2005) (statement of Rep. Conyers).

cautioned against arresting immigrants at “sensitive locations,” such as rape crisis centers, domestic abuse shelters, or courts where domestic violence and sexual assault proceedings take place, because immigrants at these locations are likely to ultimately qualify for victim-based immigration benefits.³¹ DHS Guidance provides that nursing mothers and others with health conditions should not be held in detention.³² DOJ has issued a list of factors that it and DHS use in exercising prosecutorial discretion not to initiate immigration enforcement actions. These factors include humanitarian concerns, criminal and immigration history, length of time in the United States, eligibility for immigration relief, likelihood of ultimate removal from the United States, and cooperation with law enforcement.³³

Another consequence of this law is that many immigrants who are lawfully in the United States would be subject to detention when Arizona law enforcement personnel are unfamiliar with a given

³¹ Immigration and Nationality Act § 239(e); 8 U.S.C. 1229(e); U.S. Department of Homeland Security, Memorandum re “Interim Guidance Relating to Officer Procedure Following Enactment of VAWA 2005” at 5 (Jan. 22, 2007).

³² Nov. 7, 2007 Memorandum, *supra* n.3.

³³ *See* Nov. 17, 2000 Memorandum, *supra* n.3, at 7-8. DHS also exercises prosecutorial discretion to stay removal of crime victims with pending U Visa applications. Jan. 22, 2007 Memorandum, *supra* n.31.

immigration status or its documentation. The complexities of federal immigration law, the multiple types of legal immigration status, and the wide range of federally acceptable evidence documenting status will make it virtually impossible for local Arizona law enforcement authorities to implement the SB 1070 provisions in any fair, informed manner consistent with federal immigration law. For example, for the subset of legal immigrants eligible for public benefits, the Attorney General has issued guidance that contains nine pages, in small font, of the various types of documentation acceptable to establish citizenship, lawful permanent residency, and other qualified immigrant status.³⁴ Several of the categories of legally present immigrants, including qualified immigrants, will not have a lawful permanent residency card, a visa stamp in their passport, or legal work authorization.

SB 1070 would likely lead to the detention and potential removal of immigrant women who are in the process of obtaining legal immigration status under VAWA and the Trafficking Victims Protection Act (which may involve months or even years of

³⁴ 62 Fed. Reg. 61344, 61363-371 (Nov. 17, 1997) (*e.g.*, asylees, refugees, undocumented battered immigrant VAWA self-petitioners, and VAWA Cancellation of Removal applicants).

administrative processing³⁵), because such victims receive documentation in the form of “*prima facie* determinations” or “deferred action status,” but do not receive an ID card or formal judicial order. Federal policies advise that stays of removal be granted for persons with pending U Visa applications who demonstrate *prima facie* eligibility, including consideration of “humanitarian factors.”³⁶ Federal policies also require release from detention for VAWA, T Visa, and U Visa applicants, and for other persons with pending valid applications for immigration benefits.³⁷ Moreover, due to VAWA’s confidentiality provisions, even federal immigration authorities may be unaware of an immigrant’s pending or approved application for immigration relief unless the Victims and Trafficking Unit of the Vermont Service Center – the centralized processing unit in which VAWA, T Visa, and U Visa petitions are

³⁵ Gorman, A., “U-visa program for crime victims falters,” *Los Angeles Times* (Jan. 26, 2009); Ingram, M. *et al.*, “Experiences of Immigrant Women Who Self-Petition Under the Violence Against Women Act,” *VIOLENCE AGAINST WOMEN* (August 2010) 16:858.

³⁶ U.S. Immigration and Customs Enforcement, Memorandum re “Guidance: Adjudicating Stay Requests Filed by U Nonimmigrant Status (U-visa) Applicants (Sept. 24, 2009), *available at* http://www.ice.gov/doclib/foia/dro_policy_memos/11005_1-hd-stay_requests_filed_by_u_visa_applicants.pdf.

³⁷ *Id.*

processed – is specifically contacted.³⁸

IV. SB 1070 WOULD CUT IMMIGRANT WOMEN OFF FROM CRITICAL PUBLIC SERVICES PROVIDED BY FEDERAL LAW

In addition to those social and legal services and public benefits specifically available to immigrant crime victims, Congress has ensured that certain federally funded benefits deemed necessary to life and safety are available to *all persons who need them* – without regard to immigration status. PRWORA cut off access of many immigrants to most federally funded benefits, but Congress reserved for the U.S. Attorney General the right to designate that certain services necessary to protect life and safety are open to all persons without regard to immigration status. The Attorney General’s designation stated:

Neither states nor other service providers may use [PRWORA] as a basis for prohibiting access of aliens to any programs, services, or assistance covered by this Order. Unless an alien fails to meet eligibility requirements provided by applicable law other than

³⁸ See Jan. 22, 2007 Memorandum, *supra* n.31; U.S. Department of Justice, Memorandum re “Revocation of VAWA-Based Self-Petitions” (Aug. 5, 2002); U.S. Department of Homeland Security, Memorandum re “Centralization of Interim Relief for U Nonimmigrant Status Applicants” (Oct. 8, 2003); U.S. Department of Justice, Memorandum re “Supplemental Guidance on Battered Alien Self-Petitioning Process and Related Issues” (May 6, 1997); House Report, *supra* n.30.

[PRWORA], benefit providers may not restrict the access of any alien to the services covered by this Order.³⁹

Nearly half of Arizona's immigrant population are women, and substantial proportions of immigrant women report that they head their households and are primarily responsible for decisions and transportation related to their children's health care and schooling.⁴⁰ Because anti-immigrant policies like SB 1070 create a climate of fear,⁴¹ the law would cause significant harm to immigrant women by impeding their ability to access federally guaranteed benefits such as emergency Medicaid,⁴² federally qualified

³⁹ A.G. Order 2353-2001, *supra* n.4, Preamble.

⁴⁰ Migration Policy Institute, MPI Data Hub, Arizona Fact Sheet, *supra* n.5; Women Immigrants: Stewards of the 21st Century Family at 26 (New American Media Feb. 2009) (reporting the following percentages of immigrant women as heads of household: Latin American, 39%; African, 27%; Arabic, 18%; Chinese, 27%; Vietnamese, 19%; Korean, 18%); "Women, Work, and Family Health: A Balancing Act," Issue Brief: An Update on Women's Health Policy, The Henry J. Kaiser Family Foundation (April 2003), *available at* <http://www.kff.org/womenshealth/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=14293>.

⁴¹ Bauer, T. *et al.*, "Challenges Obtaining Well-Baby Care Among Latina Mothers in New York and California" at 3, New York Forum for Child Health, New York Academy of Medicine, and University of California (Oct. 2003), *available at* <http://www.nyam.org/initiatives/docs/NYCHChallenges2.pdf>.

⁴² Arizona provides emergency Medicaid to undocumented immigrants who meet the other eligibility requirements. Ariz. Rev. Stat. § 36-2903.03. Emergency Medicaid provides coverage for childbirth. 42

community health clinics, emergency shelters and transitional housing,⁴³ soup kitchens, treatment for mental illness or substance abuse, crisis counseling and intervention, and violence and abuse prevention.⁴⁴

Federal money supports critical post-assault services, such as sexual assault forensic exams (SAFE) and rape-related sexually transmitted infections tests. Impeding access to forensic exams undermines the criminal justice system's ability to identify and successfully prosecute rape, sexual assault, and child sexual abuse cases, thereby increasing the risk of future assaults by the same sexual predator against women and children in Arizona and beyond.

Federally funded clinics also offer prenatal and child health care services, as well as care for uniquely female illnesses such as cervical cancer, which is far more prevalent among Latina women.⁴⁵ Routine cervical cancer screening (pap tests) prevents

U.S.C. § 1395dd.

⁴³ Letter from the Secretary of the U.S. Department of Housing and Urban Development to HUD Funds Recipient (Jan. 19, 2001), *available* *at*
<http://www.legalmomentum.org/site/DocServer/appendixb-2.pdf?docID=222>.

⁴⁴ A.G. Order No. 2353-2001, *supra* n.4.

⁴⁵ A.G. Order No. 2353-2001, *supra* n.4, § 3(e); Centers for Disease Control, U.S. Preventive Services Task Force, Screening for Cervical

cervical cancer-related death.⁴⁶ Impeding access to prenatal care leads to significantly higher rates of low-birthweight births and thus a higher incidence of serious disabilities.⁴⁷ SB 1070 will deter immigrant women and their children from obtaining critical life-saving assistance, thereby undermining Congress's intent to maintain healthy, safe communities.⁴⁸ Every woman who needs such services and does not seek them for herself or her child will be irreparably harmed.

V. SB 1070 WOULD INCREASE DETENTIONS OF IMMIGRANT MOTHERS AND HARM ARIZONA'S CHILDREN THROUGH MOTHER-CHILD SEPARATIONS

SB 1070 would exacerbate the likelihood that children will be separated from their immigrant parents. Sole and primary

Cancer, AHRQ Pub. No. 03-515A, January 2003 at 1; American Cancer Society, Cancer Facts and Figures for Hispanics/Latinos 2003-2005, Table 1 at 1 (2003).

⁴⁶ Centers for Disease Control, AHRQ Pub. No. 03-515A, *supra* n.45.

⁴⁷ See Arizona Health Status and Vital Statistics, Distribution of Low-Birthweight (LBW) Births and LBW Risk by Number of Prenatal Visits and County of Residence, Arizona, 2008, *available at* <http://www.azdhs.gov/plan/report/ahs/ahs2008/pdf/5b21.pdf>; The Future of Children, Low Birth Weight and Infant Mortality and Later Morbidity Vol. 5 No. 1 *Low Birth Weight* (Spring 1995), *available at* <http://futureofchildren.org/futureofchildren/publications/journals/article/index.xml?journalid=60&articleid=370§ionid=2479>.

⁴⁸ In addition, the U.S. citizen children of immigrant parents may be eligible as citizens for a host of other benefits, but parents may be deterred from applying for such benefits for their children due to the same fears arising from their own immigration status.

caretaker immigrant mothers would be deterred from undertaking day-to-day activities crucial to their children's healthy development. Immigrant children will be harmed if every time an immigrant mother leaves her home, she risks arrest, detention, and separation from her children.

In Arizona, 84.5% of children with at least one immigrant parent are U.S. citizens.⁴⁹ The increase in local police involvement in immigration enforcement that SB 1070 mandates will cause far more parental separations than federal immigration enforcement actions.⁵⁰ The forced separations that SB 1070 would cause, whatever the duration, will cause significant and irreparable harm to children and violate immigrant mothers' constitutional rights to nurture, care for, and have custody and decision-making over their child's health, welfare, and development.⁵¹ Detention of a mother

⁴⁹ Passel, J.S. & Cohn, D., A Portrait of Undocumented Immigrants in the United States ii (Pew Hispanic Center Apr. 14, 2009), *available at* <http://pewhispanic.org/files/reports/107.pdf>; Migration Policy Institute, MPI Data Hub, Arizona Fact Sheet, *supra* n.5.

⁵⁰ Chaudry, A. *et al.*, Facing Our Future, Children in the Aftermath of Immigration Enforcement, The Urban Institute at 26 (February 2010).

⁵¹ Discussing the parental rights of undocumented, detained, and deported immigrant parents in the context of termination of parental rights proceedings, the Supreme Court of Nebraska unanimously ruled: "We have explained that the interest of parents in the care, custody, and control of their children is perhaps the oldest of the

who has been abused often results in children being turned over to the abusive spouse.⁵²

The significant damage to the mother-child relationship and the health and well-being of children led federal immigration authorities to develop and implement “humanitarian guidelines” that attempt to promptly identify immigrants who are sole caregivers of children, to coordinate with social services agencies, and to release on orders of recognizance or offer alternatives to detention of immigrant

fundamental liberty interests recognized by the U.S. Supreme Court. Accordingly, before the State attempts to force a breakup of a natural family, over the objections of the parents and their children, the State must prove parental unfitness. . . . [T]he ‘best interests’ standard is subject to the overriding presumption that the relationship between parent and child is constitutionally protected and that the best interests of a child are served by reuniting the child with his or her parents. This presumption is overcome only when the parent has been proved unfit.” *In re Angelica L.*, 767 N.W.2d 74, 92 (Neb. 2009).

⁵² Unseen Prisoners: A Report on Women in Immigration Detention Facilities in Arizona (U. Ariz. Jan. 2009) at 44, *available at* <http://sirow.arizona.edu/files/UnseenPrisoners.pdf>. Fear of separation from children is a primary reason abused immigrant women do not report domestic violence. *See also* Dutton, M. A. *et al.*, “Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas,” *supra* n.27. Among battered immigrant women living with their abusers, fear of losing their children was reported by almost half (48.2%) as one of the most significant reasons for not leaving their abusers. *See* Wood, S.M., “VAWA’s Unfinished Business: The Immigrant Women Who Fall Through the Cracks,” 11 DUKE J. OF GENDER L. & POLICY 141, 152-53 (2004).

parents, usually mothers.⁵³ DHS also has instructed that nursing mothers be released from detention.⁵⁴ Federal immigration policies direct the use of prosecutorial discretion to decline initiation of immigration enforcement actions against persons who ultimately will be awarded lawful immigration status.⁵⁵ SB 1070 contains none of these protections, mandates or considerations. The law would allow unsupported and improper detentions of lawfully present immigrants who fail to carry or possess specific forms of immigration documentation that the particular officer stopping the immigrant expects to see.

Mothers in detention face multiple barriers to reuniting with their children. Some state child welfare agencies actively prevent or impede the immigrant's access to her children and ability to participate in custody and termination of parental rights proceedings. *See generally In re Angelica L.*, 767 N.W. 2d 74 (Neb.

⁵³See Cervantes, W. & Lincroft Y., MBA, "The Impact of Immigration Enforcement on Child Welfare," Caught Between Systems: The Intersection of Immigration and Child Welfare Policies at 3 (First Focus and Migration and Child Welfare National Network March 2010), *available at* <http://www.firstfocus.net/Download/Enforcement4.7.pdf>; Nov. 17, 2000 Memorandum, *supra* n.3.

⁵⁴ Nov. 7, 2007 Memorandum, *supra* n.3.

⁵⁵ Nov. 7, 2007 Memorandum, *supra* n.3; Nov. 17, 2000 Memorandum, *supra* n.3, at 7-8.

2009). Systemic barriers in family court proceedings that impede immigrant mothers' ability to maintain custody of their children include language barriers; family court judges who base custody decisions on immigration status rather than parenting ability and the children's best interests as required by state law;⁵⁶ limited access to services; and reunification case-plan requirements imposed by child welfare authorities that make reunification virtually impossible for many immigrant mothers.⁵⁷

Separations stemming from a mother's detention pose serious risks to children's immediate safety, economic security, well-being, and long-term development, causing eating and sleeping disorders, anxiety, withdrawal, aggression, and academic and behavioral problems.⁵⁸ Largely because of this trauma, even mothers who are clearly eligible for immigration relief abandon their attempts to challenge removal proceedings so that they can gain speedy release from detention and be reunited with their children as soon as possible.

⁵⁶ *Diana H. v. Rubin*, 217 Ariz. 131, 138 (2007).

⁵⁷ Cervantes & Lincroft, *supra* n.53, at 4-6.

⁵⁸ Chaudry, *supra* n.50; Capps, R. *et al.*, "Paying the Price: The Impact of Immigration Raids on America's Children," at 50-53, Report by the Urban Institute for the National Council of La Raza (2007), *available at* http://www.urban.org/UploadedPDF/411566_immigration_raids.pdf; Cervantes & Lincroft, *supra* n.53.

An Arizona lawyer working with immigrant women reported that immigrant women’s “needs are so different from men. All they want is their children. So it’s very hard to work with them because they don’t want to . . . hear ‘you have to be here four months fighting your case.’ They just say, ‘You know, I don’t care about my case; I care about my kids.’”⁵⁹

VI. CONCLUSION

If the District Court’s injunction is not allowed to remain in effect, SB 1070 will unravel years of federal immigration protections for women, enacted to encourage reporting of crimes and abuse and to ensure immigrant women and their children access to necessary immigration and health and welfare benefits. If not enjoined, SB 1070 will cut off immigrant women from such benefits by requiring Arizona law enforcement to detain and question upon “reasonable suspicion” that a person is allegedly engaged in criminal activity, including the new Arizona crime of not carrying sufficient immigration papers. Local law enforcement officers lack experience with the nuances of lawful immigration presence under federal law and lack training to consider the particular vulnerabilities and

⁵⁹ Capps, *supra* n.58, at 45.

humanitarian needs of immigrant mothers, crime victims, and children. Thus, if not enjoined, SB 1070 will deter immigrant women from so much as leaving their homes, let alone from affirmatively contacting law enforcement or going to schools, health care providers, and social service agencies related to the care and nurturing of their children. The law would chill the exercise of legal rights, stop pursuit of justice system remedies, and cut off immigrant women and their children from federally funded services that protect life and safety and prevent significant morbidity and mortality among immigrant women.

Dated: September 30, 2010

MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Joanna S. McCallum
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LEGAL MOMENTUM

APPENDIX A

The following organizations have expressed to Legal Momentum their support for Legal Momentum's *amicus curiae* brief:

Alabama Coalition Against Domestic Violence

American Friends Service Committee

Arizona Coalition Against Domestic Violence

Asian American Legal Advocacy Center, Inc.

Asian/Pacific Islander Domestic Violence Resource

Project

Asian Services in Action, Inc.

Break the Cycle

California Coalition Against Sexual Assault

California Partnership to End Domestic Violence

California Women's Law Center

Casa de Esperanza (Minnesota)

CASA de Maryland, Inc.

Center for Gender and Refugee Studies

Central American Resource Center

Coalition of Labor Union Women

Coalition to Abolish Slavery and Trafficking

Colorado Coalition Against Domestic Violence

Connecticut Sexual Assault Crisis Services, Inc.

Counsel of Mexican Federations in North

America/Consejo de Federaciones Mexicanas en Norteamerica

Delaware Coalition Against Domestic Violence

Diane Rosenfeld, J.D., LL.M.

Domestic Violence Legal Empowerment and Appeals

Project

Enlace Comunitario

Equal Rights Advocates

Family Values @ Work Consortium

Family Violence Prevention Fund

Florida Council Against Sexual Violence

Georgia Coalition Against Domestic Violence

Harbor Communities Overcoming Violence

Human Rights Initiative of North Texas, Inc.

Illinois Coalition Against Domestic Violence

Immigrant Law Center of Minnesota

Immigrant Legal Resource Center

International Institute of the Bay Area

International Tribunal of Conscience

Jane Doe Inc., the Massachusetts Coalition Against
Sexual Assault and Domestic Violence

Kansas Coalition Against Sexual and Domestic Violence

Kentucky Coalition for Immigrant and Refugee Rights

King County Coalition Against Domestic Violence

Korean American Family Service Center

Korean-American Women in Need

Mexican-American Bar Association of Texas

Missouri Coalition Against Domestic and Sexual
Violence

National Alliance to End Sexual Violence

National Asian Pacific American Women's Forum

National Association for Chicana and Chicano Studies

National Association of Social Workers

National Center for Victims of Crime

National Center on Domestic and Sexual Violence

National Coalition Against Domestic Violence

National Council of Jewish Women

National Domestic Workers Alliance

National Latina Institute for Reproductive Health

National Network for Immigrant and Refugee Rights

National Network to End Domestic Violence

National Partnership for Women and Families

National Women's Law Center

Neighborhood Legal Services

Nevada Network Against Domestic Violence

New Hampshire Coalition Against Domestic and Sexual

Violence

New Jersey Coalition Against Sexual Assault

New Jersey Coalition for Battered Women

New Mexico Coalition of Sexual Assault Programs, Inc.

9 to 5, National Association of Working Women

North Carolina Coalition Against Domestic Violence

NOW Foundation

Our Bodies Ourselves

Pennsylvania Coalition Against Domestic Violence

Pennsylvania Coalition Against Rape

Raksha, Inc.

Rhode Island Coalition Against Domestic Violence

Safe Horizon

SafePlace

Santuario Sisterfarm

South Asian Americans Leading Together

South Carolina Coalition Against Domestic Violence and
Sexual Assault

Southern Poverty Law Center

Tahirih Justice Center

UNITED SIKHS

University of Cincinnati College of Law Domestic
Violence and Civil Protection Order Clinic

Vermont Network Against Domestic and Sexual
Violence

Victim Rights Law Center

Voces de la Frontera

Washington State Coalition Against Domestic Violence

West Virginia Coalition Against Domestic Violence

Wider Opportunities for Women

Wisconsin Coalition Against Domestic Violence

Wisconsin Coalition Against Sexual Assault

Women Employed

Women of Color Network

YWCA USA

CERTIFICATE OF COMPLIANCE PURSUANT TO CIRCUIT
RULE 32-1 and 29(c)(5)

Pursuant to Circuit Rule 32-1 and 29(c)(5), I certify that this Brief of *Amicus Curiae* Legal Momentum is proportionately spaced, has a typeface of 14 points or more and contains 6,922 words, including Appendix A but not including the table of contents, table of authorities, the caption page, or this certification page.

Dated: September 30, 2010

MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Joanna S. McCallum
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LEGAL MOMENTUM

CERTIFICATE OF SERVICE
When All Case Participants are Registered for the
Appellate CM/ECF System

I hereby certify that on , I electronically filed the
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with the Clerk of the Court for the United States Court of Appeals for the Ninth
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Circuit by using the appellate CM/ECF system. Participants in the case who are
registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF
users. I have mailed the foregoing document by First-Class Mail, postage prepaid,
or have dispatched it to a third party commercial carrier for delivery within 3
calendar days to the following non-CM/ECF participants:

Signature s/Brigette Scoggins

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2010, I served the attached documents by U.S. Mail on the following, who are not registered participants in the appellate CM-ECF system:

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