



Statement on Department of Homeland Security and Department of Justice Report: “Protecting the Nation From Foreign Terrorist Entry Into the United States”

January 17, 2018

This week, the Department of Justice and the Department of Homeland Security issued a report required under the President’s March 6, 2017 Executive Order to release information, among other things, related to “the number and types of acts of gender-based violence against women...in the United States by foreign nationals.”¹ Unfortunately, the report mis-cites research and takes information out of context, as explained further below. In addition, the White House issued a statement about the report that portrays immigrants as a unique and distinct threat to the American public, a fear-mongering tactic that we wholly reject. This portrayal is not only divisive but also completely unrooted in reality, useful only for trying to stir up anti-immigrant and anti-Muslim sentiments and further stigmatizing and marginalizing immigrant communities.

As organizations dedicated to combating gender-based violence, we are deeply concerned about all survivors’ access to safety. Gender-based violence is an epidemic in the United States, and thousands of individuals are victimized each year, across all races, ethnicities, and nationalities. As advocates for immigrant victims, we also recognize that immigrants are uniquely vulnerable to violence and exploitation by both U.S.- and foreign-born perpetrators. The White House’s statement indicates that “The report by DOJ and DHS also sheds light on acts of gender-based violence committed against women by foreign nationals.” However, the report issued by DHS and DOJ states plainly that “it is unclear how many [non-fatal domestic violence victimizations] were perpetrated by foreign nationals because the federal government has not recorded and tracked in an aggregated statistical manner information pertaining to gender-based violence against women committed at the federal and state level.”

The report released this week appears to be an effort to perpetuate the unjust, divisive, and racist myth that immigrants represent a greater public safety concern than others. The implication that foreign nationals are somehow uniquely violent is not supported by data. A 2017 report from Sentencing Project found that “foreign-born residents of the United States commit crime less often than native-born citizens.”² In addition, CATO Institute found that, “native-born Americans are more likely to be incarcerated than immigrants as a percentage of their population.”³

¹Executive Order 13780: Protecting the Nation From Foreign Terrorist Entry Into the United States (March 6, 2017). Available at: <https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states-2/> See also Department of Homeland Security and Department of Justice. “Executive Order 13780: Protecting the Nation From Foreign Terrorist Entry Into the United States Initial Section 11 Report” January 2018, Available at: <https://www.justice.gov/opa/press-release/file/1026436/download>

² Nazgol Ghandnoosh and Josh Rovner, The Sentencing Project Report “Immigration and Public Safety”, 2017. Available at: <http://www.sentencingproject.org/wp-content/uploads/2017/03/Immigration-and-Public-Safety.pdf>

³ Michelangelo Landgrave and Alex Nowrasteh. “Criminal Immigrants Their Numbers, Demographics, and Countries of Origin” Immigration Research and Policy Brief, Number 1, March 15 2017. Available at: https://object.cato.org/sites/cato.org/files/pubs/pdf/immigration_brief-1.pdf. In fact, Several studies have found that as immigration increases in cities and metropolitan areas, rates of crime and violence decrease. See Charis Kubrin et al. “Immigration and Crime: What does the Research Say?” February 1, 2017 Available at: <http://theconversation.com/immigration-and-crime-what-does-the-research-say-72176>



Specifically, the DOJ/DHS report references forced marriage and cites information indirectly derived from a 2011 study published by the Tahirih Justice Center. Tahirih conducted a survey of service providers nationwide and found that over a two year period, service providers reported *encountering* as many as 3,000 victims of forced marriage. As further explained by the Tahirih Justice Center in a recent statement, the study indicates that those victims are from diverse ethnic and religious backgrounds, and are both American and foreign-born, as are the perpetrators.⁴ There is nothing in Tahirih’s data that should lead to the conclusion that immigrants are perpetrators of gender-based violence in greater numbers than U.S.-born individuals.

The Administration's discussion of gender-based violence appears to be at the cost of propagating an anti-immigrant agenda. . Immigrants are not more likely to be perpetrators of crimes than native-born Americans, and immigrants themselves are also victims of crimes, many times too afraid to reach out for assistance for fear of deportation.⁵ In fact, Congress passed and has repeatedly reauthorized - with bipartisan support - a number of immigration-related protections that ensure that immigrant victims of crime can come forward and safely report crimes against them, including gender-based violence, regardless of who the perpetrator is. Some of these are enshrined in the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA), such as the U visa for victims of certain eligible crimes who assist with the investigation or prosecution of that crime.

If the Administration wants to use immigration policy to reduce crime, it should respect and strengthen these protections, including devoting sufficient resources to reduce the tremendous backlog in the U visa program, and allow victims who have applied for protections under VAWA and the TVPA to have their applications decided before they are removed. Indeed, a real measure of this administration’s commitment to ending gender-based violence in all communities will be its robust support for the protection and expansion of the immigration provisions in this critical measure. In making efforts to strengthen resources for victims, we call on the Administration to focus not on attempting to scapegoat immigrants, but rather on addressing the needs of **all** crime victims, including those who are most vulnerable to abuse and exploitation.

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⁴ “Tahirih Responds to Incorrectly Cited Gender-Based Violence Research in DHS/DOJ Report.” Available at:

<http://www.tahirih.org/news/tahirih-responds-to-incorrectly-cited-gender-based-violence-research-in-new-dhs-doj-report/>

⁵ Asian Pacific Institute on Gender-Based Violence (APIGBV), ASISTA, Casa de Esperanza: National Latin@ Network, National Alliance to End Sexual Violence (NAESV), National Domestic Violence Hotline (NDVH), National Network to End Domestic Violence (NNEDV), and Tahirih Justice Center. “2017 Advocate and Legal Service Survey Regarding Immigrant Survivors”. (May 18, 2017) Available here:

<http://www.tahirih.org/wp-content/uploads/2017/05/2017-Advocate-and-Legal-Service-Survey-Key-Findings.pdf>