

Statement of Anti-Violence Organizations in Support of the Protect Our Courts Act

The Undersigned Anti-Violence Organizations Support the Protect Our Courts Act

As advocates of survivors of domestic violence, we write today in support of the Protect Our Courts Act ([A.11013/S.08925](#)), a bill that will ensure access to state court proceedings for all regardless of immigration status. As a matter of public policy, New York State has historically engaged in various reforms to make the courts increasingly accessible to survivors, with the understanding that the relief available there, such as civil orders of protection, custody, and child and spousal support, are crucial to ensuring survivors' safety and security.

Given nearly 22% of our population who are foreign born¹, any efforts to ensure survivor safety by maintaining accessibility to the courts for survivors of domestic violence must take into account the overwhelming anxiety of potential interaction with immigration authorities. These efforts are all the more urgent as it is those immigrant women, men, and children, who are at greatest risk, and who are most likely to be harmed or killed by their partners and abusive family members.² Survivors of domestic violence may seek out civil relief as an alternative to the police or criminal courts believing that civil courts are safer alternative.³ However, the lack of current clear limitations on ICE means we cannot comfortably advise immigrant survivors of violence to seek any court remedy. We have also observed a chilling effect with respect to immigrant parents and family members seeking custody or guardianship for their children or immigrant survivors of domestic violence seeking orders of protection specifically because of fear of ICE enforcement.

The Protect Our Courts Act (A.11013) is the next step New York can take to provide meaningful support and access for immigrant survivors of domestic violence and their families to our courts.

For more information on the Protect Our Courts Act, please visit

<https://www.immigrantdefenseproject.org/ice-courts/>

¹ Out of an estimated 19.65 million New York State residents, approximately 4.4 million are immigrants, and 775,000-850,000 lack immigration status. See DiNapoli, T. (2016). *A Portrait of Immigrants in New York*. P. 1. Retrieved from the Office of the New York State Comptroller website at https://www.osc.state.ny.us/reports/immigration/immigration_2016.pdf. See also Pew Research Center (2017). Overall Number of U.S. Unauthorized Immigrants Holds Steady Since 2009. Retrieved from the Pew Research Center website at: <http://www.pewhispanic.org/2016/09/20/overall-number-of-u-s-unauthorized-immigrants-holds-steady-since-2009/>.

² New York City Domestic Violence Fatality Review Committee: 2016 Annual Report, available at <http://www1.nyc.gov/assets/ocdv/downloads/pdf/2016-frc-report.pdf>.

³ Engelbrecht, C. (June 4, 2018) *Fewer Immigrants Are Reporting Domestic Violence. Police Blame Fear of Deportation* available at <https://www.nytimes.com/2018/06/03/us/immigrants-houston-domestic-violence.html>

Respectfully signed,

Asylum Seeker Advocacy Project at the Urban Justice Center (New York City—all five counties)

Carter Burden Network (New York County)

Children's Aid (New York City—all five counties)

CONNECT (New York City—all five counties)

Her Justice (New York City—all five counties)

Law Offices of Katie E. Kehrig (New York City)

New York City Anti-Violence Project (New York City—all five counties)

New York State Youth Leadership Council (New York State)

Northern Manhattan Improvement Corporation (Bronx, Kings, New York and Queens Counties)

STEPS to End Family Violence (New York City—all five counties)

Violence Intervention Program (Bronx, New York and Queens Counties)

YWCA Brooklyn (Statewide)