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Federal Brief Filed: Repeal Dangerous Florida Law that Harms Immigrant Survivors of Domestic Violence, Sexual Assault, and Human Trafficking

CORAL GABLES, Fla. (September 30, 2020) – The University of Miami School of Law Human Rights Clinic, with a coalition of organizations, filed an [amicus brief](#) on September 25 in the Southern District of Florida, supporting a [lawsuit](#) by the City of South Miami alongside civil and immigrants’ rights groups that seeks the repeal of a draconian state law that harms immigrant survivors of domestic violence, sexual assault, and human trafficking.

The law, SB 168, [requires](#) every Florida county and municipality to expend “maximum local resources” and make “best efforts” to enforce federal immigration laws by cooperating with federal Immigration and Customs Enforcement to arrest and detain individuals suspected of being illegal immigrants. SB 168 puts survivors and their families in danger and poses a threat to public safety, and violates constitutional and international law.

The brief – filed on behalf of the Miami Law clinic and the Rural Women’s Health Project, Florida Council Against Sexual Violence, M.U.J.E.R., Tahirih Justice Center, Los Angeles Center for Law and Justice, Oxfam America, Center for Gender & Refugee Studies, Human Rights Watch, and Florida Legal Services, all of whom have deep expertise working on gender-based violence and immigrants’ rights—makes three key arguments:

- SB 168 will place immigrant survivors of domestic violence, sexual assault, and human trafficking in vulnerable positions that will place them at a greater risk of abuse, which in turn poses a threat to public safety.
- SB 168 will exacerbate survivors’ trauma, exposing them to inhumane conditions in detention centers and leading to family separation.
- SB 168 violates the international human rights law, to which the United States is bound.

“SB 168 will have devastating effects on survivors of domestic violence, sexual assault, and human trafficking in Florida,” said Amanda Suarez, a UM Law Human Rights Clinic fellow. “U.S. and international law impose a clear duty on Florida and our nation to support access to justice and services for all survivors. It has been extremely rewarding to work on this brief over the last

year because this is such an important issue that affects so many people across the State of Florida.”

“Lawmakers may claim that SB168 has protections for victims, but those supposed protections are illusory, and will do nothing to protect immigrant gender-based violence survivors in practice,” Robert Dwyer, director of Florida Legal Services’ Immigrant and Migrant Rights Project.

“Since the implementation of SB168, immigrant women, with and without status, have been reluctant to report domestic violence to law enforcement, seek medical services or take advantage of social service opportunities for fear of police contact,” said Robin Lewy, director of programming at Florida-based Rural Women’s Health Project. “Immigrant women are cognizant that law enforcement, especially those that do not consistently use interpretation services to guarantee professional translation, may easily misunderstand their situation and erroneously arrest them, setting them up for transfer to ICE and stranding their minor children to foster care and profound trauma.”

“It takes unimaginable courage for survivors of domestic and sexual violence, including trafficking, to pick up the phone and call for help,” said Archi Pyati, chief of policy and communications at the Tahiri Justice Center. “Talking with police, following up with court hearings, hoping that protective orders are enforced – these are dangerous and brave acts that survivors take every day. Sending armed federal immigration agents into our communities to raid when we know how afraid survivors are of deportation is not only cruel, it is contrary to the public interest. It has devastating impacts on every aspect of life – family, school, health, you name it. Distrust in the legal system and in law enforcement is already pronounced in communities across America because of rampant racism and anti-Black violence. Immigration raids by armed federal officers just serve to push immigrants further into the hands of abusers, traffickers, and other criminals.”

“SB 168 imperils the lives of survivors of domestic violence, sexual assault, and human trafficking,” said Jamie Crook, director of litigation for the Center for Gender & Refugee Studies. “By imposing the threat of immigration enforcement against immigrant GBV survivors and their families, it forces survivors into the shadows, in derogation of the government’s obligations under international human rights laws.”

“The Los Angeles Center for Law and Justice’s work to secure justice for immigrant survivors provides us with an important and helpful lens through which to identify not only survivor needs but also their particular vulnerabilities,” said Michelle Carey, directing attorney at The Los Angeles Center for Law and Justice. “Not only do anti-immigrant laws like SB 168 harm immigrant survivors and the larger immigrant community by draining resources and instilling fear, they make all communities less safe by forcing survivors into further isolation and emboldening abusers.”

The United Nations is slated to consider the human rights violations caused by anti-immigrant laws like SB 168 at the next [Universal Periodic Review](#) of the United States, in [November 2020](#). During this process, the United Nations will review the human rights record of the United States and assess the country's compliance with international human rights law. In October 2019, the Miami Law Human Rights Clinic submitted a [report](#) to the UN Human Rights Council on the impact of SB 168 and other anti-immigrant laws in the U.S. on immigrant survivors of gender-based violence.

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