

MEMORANDUM OF SUPPORT

CRIMINALIZE AN INDIVIDUAL'S THREATS TO REPORT IMMIGRATION STATUS

S.343 Kaplan

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to **hold accountable individuals who threaten to cause another's deportation.**

Deportation hearings are very serious and can cause far-reaching impacts for immigrants and their families. Anyone who causes fear in another by threatening to expose one's immigration status should be held fully accountable for such blackmail.

Threats of deportation are particularly dangerous to non-documented domestic violence survivors. While immigrant and non-immigrant communities experience similar rates of domestic violence, immigrant domestic violence victims can face increased risks due to their language, social isolation, lack of information or financial resources, cultural beliefs, and/or fear of deportation.¹ Abusers exploit these factors and capitalize on victims' fears by threatening deportation or withdrawal of petitions for legal status to maintain power and control over their victims.² Because immigrant survivors of domestic violence are afraid of abusers' threats of deportation and threats to immigration status, they often choose to not to report their abuse or reach out for help.

Under current NYS law, a threat to report a person's immigration status is not included in the offenses of larceny by extortion or coercion. NYSCADV supports this legislation which would expand these offenses to include such threats. Specifically, this legislation would amend the Penal Law to:

- Expand the definition of larceny by extortion to include compelling a person to turn over property by instilling a fear that, if the property is not delivered, the individual will accuse the victim of a crime, cause criminal charges or cause deportation hearings to be instituted; and,
- Expand the definition of coercion in the second degree to include compelling a person to engage or abstain from engaging in conduct by instilling a fear that, if the demand is not met, the individual will accuse the victim of a crime, cause criminal charges or cause deportation hearings to be instituted.

**NYSCADV urges the NYS Legislature to pass this bill
which would criminalize threats to an individual's immigration status.**

ABOUT NYSCADV:

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

For more information, contact: Joan Gerhardt, Director of Public Policy and Advocacy, 518.482.5465

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¹ National Domestic Violence Hotline. 2020. Abuse in Immigrant Communities. <https://www.thehotline.org/resources/abuse-in-immigrant-communities/>

² NDVH. 2020. Abuse in Immigrant Communities.