

NEWS
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IMMIGRATION REFORM

DOLE AMENDMENT MAKES CRIMES BY ALIENS AGAINST WOMEN & CHILDREN DEPORTABLE OFFENSES

WASHINGTON -- Senate Majority Leader Bob Dole last evening introduced an amendment to the illegal immigration reform bill to make crimes by aliens deportable offenses. This amendment would close existing loopholes that omit domestic violence and stalking as grounds for alien deportation. Senator Dole's statement follows:

Under Title 8 of the U.S. Code, a number of criminal offenses are deemed deportable offenses. However, although aliens are deportable for criminal offenses, there are a number of crimes that should be grounds for deportation that are left unaddressed; and the wording of the statute itself uses vague language like crimes of "moral turpitude" that lack the certainty we should desire.

The amendment offered by Senator Coverdell and myself seeks to remedy this problem by making clear that our society will not tolerate crimes against women and children. The criminal law should be a reflection of the best of our values, and it is important that we not only send a message that we will protect our citizens against these assaults, but that we back it up as well.

Criminal Offenses: Grounds for Deportation

Under our amendment, certain criminal offenses would be grounds for deportation. These offenses include:

1. Conviction of a crime of domestic violence
2. Violation of a judicial protection order in a domestic violence context
3. Conviction for stalking
4. Conviction for child abuse, child sexual abuse, child neglect, or child abandonment
5. Conviction of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crimes of sexual violence

Convictions for Domestic Violence Offenses

Adding these additional and specified categories of offenses closes the existing loopholes. Many crimes, ranging from simple assault to murder can be committed in a domestic violence context. Simple assault or assault and battery are not necessarily going to be interpreted as crimes of moral turpitude. Yet, because they may not otherwise fall within the other definitions -- such as an aggravated felony -- of deportable offenses, an alien convicted of such a crime might not be deported.

Our amendment would cover all convictions for domestic violence offenses, including those for which a sentence of less than one year is available.

Violation of A Protective Order

In many states, protective orders in domestic violence situations have been ineffective due to problems with enforceability and insufficient penalties for violations. This is undoubtedly one reason all 50 states have passed anti-stalking legislation.

Greater attention to the problem has influenced a number of states to make violation of a protective order a separate criminal offense. However, making violation of a protective order a grounds for deportation will put more teeth into such an order.

The amendment does not require a conviction of violating a protection order and thus would cover violations even in

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states where violating an order is not a separate criminal offense. This is an important loophole that must be closed.

We Can't Wait for Stalkers to Strike a Second Time

It is long past time to stop the vicious act of stalking in our country. We cannot prevent in every case the often justified fear that too often haunts our citizens. But we can make sure that any alien that commits such an act will no longer remain within our borders.

It is estimated that over 200,000 women are stalked each year in the United States. Approximately 5% of all women will be stalked at some point in their lives. Stalking behavior often leads to violence which may result in the serious injury or death of stalking victims.

Stalkers often repeat their behavior and escalate to violence. Of all the women killed in the U.S. by husbands or boyfriends, 90% were stalked before being murdered. (Senate Judiciary Committee hearing 103rd Congress, 1st Session, 1993)

But since stalking laws are fairly new, they may not be defined as crimes of moral turpitude in many states -- they thus may not be covered by existing law. Similarly, in many states, the maximum penalty for stalking is less than one year -- which strikes me as far too little -- and therefore an alien may be convicted of a stalking offense and yet not be deported.

We can't wait for stalkers to strike a second time. Let's deport them the first time.

We face the same kinds of problems with existing law when we confront other crimes against women and children. While some of these offenses may be deportable under the existing headings of crimes of moral turpitude or aggravated felony, they are not necessarily and always covered. They should be.

Uniformity is also a problem. Whether a crime is one of moral turpitude is a question of state law and thus varies from state to state. An offense may be deportable in one state and not deportable in another.

America already bears a horrendous burden when it comes to the level of violence among our citizens. It is not asking too much that we insist that we treat crimes against women and children as seriously as we do other offenses. Nor should we have to wait for that last violent act. When someone is an alien and has already shown a predisposition toward violence against women and children, we should get rid of them the first time. We owe that much to our citizens.

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