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ALABAMA COALITION AGAINST DOMESTIC VIOLENCE
* *Pro hac vice* admission pending

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

<p>HISPANIC INTEREST COALITION OF ALABAMA, <i>et al.</i></p> <p>Plaintiffs,</p> <p>v.</p> <p>GOVERNOR ROBERT BENTLEY, <i>et al.</i></p> <p>Defendants.</p>	<p>Case No. 5:11-cv-02484-SLB</p> <p>MOTION BY ALABAMA COALITION AGAINST DOMESTIC VIOLENCE FOR LEAVE TO FILE <i>AMICUS CURIAE</i> BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION</p>
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By this motion, the Alabama Coalition Against Domestic Violence (“ACADV”) hereby requests leave to file an *amicus curiae* brief in support of plaintiffs’ motion for a preliminary injunction. In particular, ACADV requests leave to provide additional legal and factual perspectives on plaintiffs’ arguments that Alabama House Bill 56 (“HB 56”) conflicts with federal law, deprives immigrants of constitutional rights, and will cause irreparable harm if not enjoined. ACADV has communicated with numerous other organizations that have expressed support for this brief. Those forty-seven organizations are identified in Exhibit 1 to the Declaration of Thy B. Bui (Attachment A to this motion).

The proposed brief, lodged as Attachment B to this motion, highlights an important aspect of the need to ensure that the preliminary injunction motion is granted pending the outcome of the litigation on the merits. The brief explains the particularly profound negative effects and irreparable harm that the implementation of HB 56 will inflict on immigrant victims of domestic violence, sexual assault, and human trafficking. These victims, whether documented or undocumented, suffer a disproportionate impact from the bill’s provisions criminalizing efforts to shelter or provide transitional housing to immigrant victims of domestic violence, sexual assault, human trafficking, or other violent crimes by placing providers of safety living quarters to crime victims at risk of being prosecuted for harboring undocumented immigrants. Further, HB 56’s mandate that local law enforcement

investigate immigration status during legal stops of persons or vehicles places the life, health, and welfare of immigrant women, children, and crime victims at risk. Immigrants are already reticent to call the police to report crimes or seek a restraining order or family court orders because they fear immigration consequences. The community needs to be able to trust that contact with law enforcement for assistance will not lead to detention and possible removal. Underreporting of domestic violence, sexual assault, and other violence is already a major issue among immigrant populations, and if not enjoined, HB 56 will only amplify the problem.

The effect of the bill, if the injunction is not granted, will be to trample immigrants' federally protected rights and interests in accessing services that Congress and the Attorney General have deemed necessary to protect life and safety, to discourage immigrants from contacting law enforcement for help or seeking special immigration relief designed to protect immigrant crime victims.

No party, party's counsel, or amicus has contributed money to the preparation of this brief. Petitioners consent to the filing of this brief.

INTEREST OF AMICI CURIAE

ACADV is a nonprofit organization dedicated to working toward a peaceful and respectful society where domestic violence no longer exists. Since 1978, ACADV has worked to prevent domestic violence against women by

exposing its root causes, ensuring the availability of services for victims, helping victims and their families rebuild their lives through nonviolent means, and eliminating the re-victimization of victims by individuals, organization, and society through education and collaboration. ACADV serves domestic violence victims throughout the State of Alabama through its 19-member shelter programs, and a 24-hour crisis line. ACADV also advocates on behalf of victims through the development of legislation to strengthen legal protections for victims, the pursuit of additional funding for programs serving battered women and their children, and the promotion of public policies that meet the needs of victims.

The attached Declaration of Thy B. Bui includes a list of the organizations that have expressed support for ACADV's brief.

ACADV respectfully requests leave to file an *amicus curiae* brief.

Dated: August 5, 2011

Respectfully submitted,

/s Klari Bauer Tedrow

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CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following participants:

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I also hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

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Dated: August 5, 2011

Respectfully submitted,

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