



## Northwest Justice Project

401 Second Ave S. Suite 407  
Seattle, WA 98104  
Tel. (206) 464-1519  
Fax (206) 903-0526

Toll Free 1-888-201-1012  
www.nwjjustice.org

César E. Torres  
Executive Director

August 1, 2017

*Via email to [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)*

Honorable Susan L. Carlson  
Washington State Supreme Court Clerk  
P.O. Box 40929  
Olympia, WA 98504-0929

### **Re: Proposed ER 413 – Admissibility of Immigration Status**

Dear Ms. Carlson:

The Northwest Justice Project (NJP) is the largest legal aid program in Washington State. NJP represents many immigrant survivors of domestic violence, sexual abuse, and workplace harassment and assault in a range of civil legal matters in courts. These include family law, protection of housing, wage claims and discrimination relief actions, debt, and other matters. Based on our experience, we support the proposed evidence rule that would limit the admissibility of a litigant's or witness' immigration status unless it is directly relevant to prove a claim or defense.

We share the concerns articulated by the proponents regarding the need for the rule and a protective process by which immigration status can be raised in open court. Victims of domestic violence in particular are very afraid and feel threatened by coming to court if they risk disclosure of their immigration status. Immigration status is not and should not be a marker of the validity of a litigant's claim or a witness' credibility. Immigrant witnesses threatened with impeachment must overcome the unwarranted stereotype that undocumented immigrants lie solely because they are present in this country without valid documentation. Facing this threat, many will decide to either not pursue legitimate claims or avoid seeking lawful protection from domestic violence.

With recent funding under the Victims of Crime Act, NJP also assists immigrant crime victims to protect their privacy and personal information in criminal matters. While NJP does not practice in criminal courts, except to the extent necessary to protect a victim, we are well aware of the potential harm to immigrant victims relating to their privacy and personal information in the course of criminal discovery. We support added protections in the criminal context as well, though we offer no opinion or endorsement regarding the process outlined in the proposed rule for criminal cases.

Thank you for the opportunity to comment.

August 1, 2017  
Page 2

Sincerely,

*Deborah Perluss*

Deborah Perluss  
Director of Advocacy/General Counsel

**Tracy, Mary**

---

**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Wednesday, August 2, 2017 4:16 PM  
**To:** Tracy, Mary  
**Subject:** FW: Comment on Proposed ER 413  
**Attachments:** NJP comment on ER 413.docx

Forwarding.

---

**From:** Debi Perluss [mailto:DebiP@nwjustice.org]  
**Sent:** Wednesday, August 2, 2017 4:05 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment on Proposed ER 413

Dear Rules Committee: Attached please find Northwest Justice Project's comments on the proposed changes to ER 413 currently pending before the court. Thank you.

*Deborah Perluss  
Director of Advocacy/General Counsel  
Northwest Justice Project  
(206) 707-0809*