

Langley Park is a Neighborhood of Cultures

Action Langley Park

A non-profit 501c3 neighborhood coalition of residents, laborers, businesspeople, members of the clergy, and their allies
Telephone 301 405-4005, Email actionlangleypark@yahoo.com, c/o LPCC 1500 Merrimac Dr., Langley Park 20783

•From the desk of ALP Executive Secretary William J. Hanna, Ph.D. *



November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

RE: Secure Communities

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

Our organization is at the grassroots working with the immigrant population in suburban Maryland. We have observed Secure Communities in action, and we think that it is very harmful to family wellbeing as well as police effectiveness.

In Prince George's County, Maryland, most immigrants deported have not had a criminal record, and of course their families have been shattered. Also, there is a gulf between police officers and residents because of the fears generated by Secure Communities actions. Police, as you know, depend on cooperation for effective crime prevention and intervention.

President Obama has called for the deportation only of criminals who endanger our country. That's the right approach at this stage of our struggling with the immigration challenges. But Secure Communities at the local level does not adhere to the President's guidelines.

For now, making Secure Communities adhere to the President's guidelines is the right approach. Of course, a major revision of immigration law should take place as soon as possible.

Sincerely,

William J. Hanna



November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

The Alliance (formerly the Northwest Federation of Community Organizations), is a national coalition of eight state-based grassroots community organizations including The Center for Intercultural Organizing, Colorado Progressive Coalition, Idaho Community Action Network, Indian People's Action (Montana), Maine People's Alliance, Make the Road New York, Montana Organizing Project, Oregon Action, Progressive Leadership Alliance of Nevada, and Washington Community Action Network.

The Alliance for a Just Society's mission is to execute regional and national campaigns and build strong state affiliate organizations and partnerships that address economic, racial, and social inequities.

The Alliance opposes Secure Communities Program because it is ineffective, it threatens the safety of our communities, it runs counter to American principles of fairness and justice and it has been deceptfully imposed on our country's local communities. The Department of Homeland Security (DHS) has misrepresented the Secure Communities program to the American public, law enforcement agencies, state and local governments, and Members of Congress. The Secure Communities Program creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pre-textual arrests.

To safeguard our communities and the protection of our rights we recommend that:

- Congress pass the End Racial Profiling Act which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.
- The Subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in

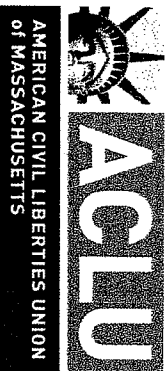
¹ See Artt Kohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, The Chief Justice Earl Warren Institute on Law and Social Policy, October 2011, available at http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.

jurisdictions with a documented record of racial profiling or where DOJ is actively investigating a pattern or practice of discriminatory policing.

Thank you for your time and consideration

Sincerely,

Fernando Mejia
Regional Organizer
Alliance for a Just Society
3518 S. Edmunds Street.
Seattle, WA 98118



Carol Rose, Executive Director
Tel: (617) 482-3170 ext. 313
E-mail: crose@aclum.org

November 28, 2011

Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington DC 20515

Re: "Secure Communities"

Dear Chairman Galleghy, Ranking Member Lofgren, and Subcommittee Members:

I am writing on behalf of the 22,000 members of the American Civil Liberties Union of Massachusetts to urge the US Congress to take steps to terminate the "Secure Communities" program. It is not carrying out its stated goal of removing the most dangerous and violent offenders and that makes our communities more vulnerable and less safe. In the words of Police Chief Brian Kyes of Chelsea, MA, "The trust we have built up over the years is what will keep our communities safe – not "Secure Communities."¹

Although S-Comm is supposed to focus on identifying and removing violent "Level 1" criminals, the latest (September 30, 2011) ICE Interoperability statistics show that in Boston – which agreed to pilot the program in 2006 and remains the only jurisdiction within the Commonwealth to participate in "Secure Communities" - nearly half of the deportees were not classified as having committed felonies or misdemeanors, and only 30 percent were Level 1 offenders.

The fact that the program has not lived up to its mission of improving public safety by focusing on the removal of dangerous criminals has led Massachusetts Governor Deval Patrick to decline to enter into a "Secure Communities" agreement and has given Boston Mayor Thomas Menino second thoughts about his City's participation.

The Mayor has written to the Department of Homeland Security's Task Force on Secure Communities that the program "is diminishing trust" and "negatively impacting public safety" and "must change substantially or be scrapped."² He stated that Boston participated in the pilot program "in the belief that our feedback would lead to improvements" and that "it would be a further violation of the public trust" if the program "proves to be a knot that the Federal Government will not untie."

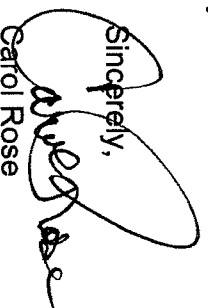
ACLU of Massachusetts, 211 Congress Street, Suite 301, Boston, MA 02110
Phone: 617-482-3170 Fax: 617-451-0009 www.aclum.org

November 28, 2011
Page 2

After years of contradictory and confusing signals concerning the ability of jurisdictions to opt out of "Secure Communities," the peremptory announcement by ICE Director John Morton on August 5, 2011 terminating all existing Memoranda of Agreement underscores the undemocratic nature of the initiative and the disturbing lack of transparency surrounding ICE policies and practices. Four members of the Massachusetts Congressional delegation subsequently wrote to Director Morton about the importance of mayors and governors being able "to seek the advice of local law enforcement authorities about whether or not to participate in the program: "We believe that local and state governments should have that choice. The federal government ought not to compel the states, and states ought not to compel municipalities."³

Given the program's disarray, its lack of credibility and its harmful impact on families in Boston and around the nation, we are not surprised that half the members of the Department of Homeland Security's Task Force on Secure Communities were in favor of either suspending or terminating the program. We agree with Task Force Member Chief Arturo Venegas of the Law Enforcement Engagement Initiative: "I believe that Secure Communities is a deeply flawed program and that, in its current form, it is undermining public safety."⁴

The US Congress should not fund a program that in its present form threatens to (in Chief Venegas' words) "do great harm to the relationship between local police and immigrants, undermine our efforts to work with all members of the community to fight crime, place our national security at risk and create insecure communities for all of us."

Sincerely,

Carol Rose

¹ Brian A. Kyes and Gladys Vega, "Policing can't be immigration enforcement," *Boston Herald*, June 4, 2011.

² Thomas Menino, Mayor of Boston to The Task Force on Secure Communities, July 8, 2011.

³ Rep. Michael Capuano, Rep. Edward Markey, Rep. James McGovern and Rep. John Olver to ICE Director John Morton, November 2, 2011.

⁴ Chief Arturo Venegas, Jr. (Retired) to Mr. Chuck Wexler, Chairman, Task Force on Secure Communities, September 14, 2011.



**American Friends
Service Committee**

Central Regional Office

4211 Grand Avenue · Des Moines, IA 50312 · 515/274-4851 · fax 515/274-2003 · afscdesm@afsc.org · www.afsc.org

November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

The AFSC's Immigrants Voice Program of Iowa has worked on behalf of immigrants' successful integration into their new communities since 1995. Rooted in the Quakers belief of that of God in everyone and our commitment to nonviolence, we serve everyone seeking our assistance.

Since early 2010, the Secure Communities Program has been implemented in Des Moines, Iowa. From the beginning it has proven to be ineffective in making our communities any safer because now many more immigrants who have been victims or witnesses of crimes do not come forward to authorities. Every week our office has heard at least one account of how immigrants' fear of law enforcement has prevented them from reporting crimes ranging from domestic abuse cases to serious cases of extortion and even human trafficking.

We believe that Secure Communities threatens the safety of our communities and runs counter to the American principles of fairness and justice. Furthermore, it has been deceitfully imposed on our local communities -- the Department of Homeland Security (DHS) has misrepresented the Secure Communities program to the American public.

For instance, in June of 2010 we held a meeting with high-ranking regional ICE officials at the Federal Building here in Des Moines, asking them specifically if they had in place any ICE law enforcement programs and/or agreements with law enforcement anywhere in Iowa. They strongly denied having any. Months later, we found out that in November of 2009, ICE had already signed an agreement with the Department of Public Safety to implement Secure Communities in Iowa. The manner in which this came to be was secretive, preventing any public scrutiny. The false statements of high-ranking ICE officials have damaged the credibility of this agency in the eyes of diverse community leaders, who appear to believe they are above the law and beyond any sense of accountability to taxpayers and communities alike.

Lying to the general public is reprehensible and ICE has become notorious for doing just that. The DOJ should penalize public servants who lie to taxpayers, and DHS should create the necessary mechanisms to make ICE officials fully accountable to taxpayers regarding both policies and practices when working in representation of this agency.

The Secure Communities Program creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pre-textual arrests.¹ On November 2, 2011, during a public forum on the issue, a representative of the Des Moines Police Department stated that it is not their policy to ask for immigration documents, yet they heard numerous testimonies from the audience stating otherwise. "Deported for driving while Latino" in Polk County, Iowa has become a common way of describing the escalating number of stops for non-existent traffic violations which often end up in deportations. The majority of such deportees never have any criminal record; these deportations separate parents from children, and spouses from spouses or parents, with devastating results for the most important cornerstone of any society: family unity.

To safeguard our communities and the protection of our individual rights, we recommend the following:

- Congress should pass the End Racial Profiling Act, which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Congress should eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.
- The Subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where DOJ is actively investigating a pattern or practice of discriminatory policing.
- ICE law enforcement officers should remove the lettering "POLICE" from T-shirts and other identifying clothing. Such lettering purposefully misleads individuals mistaking ICE agents for local law enforcement agents.

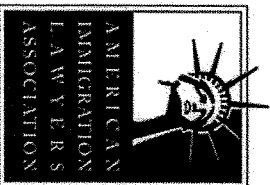
Thank you for your time and consideration of this important matter. If you have questions, please contact me at (515) 274-4851 ext. 11, or ssanchez@aifsc.org.

Sincerely,



Sandra Sanchez
AFSC Immigrants Voice Program Director

¹ See Aarti Kohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, The Chief Justice Earl Warren Institute on Law and Social Policy, October 2011, available at http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.



AILA National Office

Suite 300

1331 G Street, NW

Washington, DC

20005-3142

Tel: 202.507.7600

Fax: 202.783.7853

www.aila.org

Crystal Williams
Executive Director

Susan D. Quarles
Deputy Executive Director

**Testimony of the American Immigration Lawyers Association
Submitted to the
Subcommittee on Immigration Policy and Enforcement of the
Committee on the Judiciary of the U.S. House of Representatives**

Hearing on November 30, 2011

"Is Secure Communities Keeping Our Communities Secure?"

The American Immigration Lawyers Association (AILA) submits the following testimony to the Subcommittee on Immigration Policy and Enforcement regarding the Secure Communities program. AILA is the national association of immigration lawyers established to promote justice and advocate for fair and reasonable immigration law and policy. AILA has over 11,000 attorney and law professor members.

Secure Communities is a Department of Homeland Security (DHS) enforcement program that uses fingerprints collected by local and state law enforcement to identify individuals who may be deportable under immigration law. Although Secure Communities was promoted as targeting only serious criminals and others who pose a threat to our communities, nearly 60 percent of those deported under the program had never been convicted of a serious crime or any crime, at all. As a result, there is growing concern among diverse groups of advocates, elected leaders, and law enforcement representatives that Secure Communities actually undermines public safety by making immigrant communities afraid of any interaction with police.

Since its launch in 2008, Secure Communities has faced significant controversy over the disconnect between its stated goals and actual impact on local communities. State and municipal leadership have balked at the contradictory way that DHS rolled out the program, citing concerns about local autonomy, the lack of transparency, frequently shifting positions of DHS officials, undue cost burdens on local law enforcement, and, most importantly, the *insecurity* the program created in their communities.

Over the summer, the governors of New York, Massachusetts and Illinois all withdrew from the program, citing concerns that it was sweeping in large numbers of individuals who posed no threat to their communities while at the same time undermining public safety. Finally, prominent members of Congress have called publicly for an independent investigation of DHS for allegedly misleading the public and local government officials about how Secure Communities functions and whether states and localities have any ability to terminate the program.

Because of the public outcry, the DHS Office of Inspector General (OIG) is currently conducting its own review of the program.

In response to this rising tide of criticism, in June, DHS announced a series of steps it would be taking to reform the program. Over four months later, DHS has largely failed to implement these measures.

One of the most significant steps was the creation of a special task force composed of law enforcement experts, ICE union officials, academics, legal experts and community representatives which was appointed to conduct a review of Secure Communities and submit formal recommendations to the Secretary of DHS. ALLA's President-Elect, Laura Lichter, served on the Task Force.

Although DHS adopted the Task Force findings and recommendations in September, to date, DHS has not made any significant change to Secure Communities or announced any intention to implement the task force recommendations.¹ Indeed, ICE and even DHS itself has been largely silent as to the findings and criticisms by this distinguished group of stakeholders.

1. Secure Communities Is Not Targeting People Who Endanger Public Safety

Among ALLA's chief concerns is DHS's failure to use Secure Communities in a way that actually targets individuals who pose a threat to public safety. When 6 out of 10 people removed under this program have no criminal offense or only a misdemeanor on record, DHS cannot plausibly represent that the program is primarily apprehending serious or dangerous criminals. The DHS task force urged DHS to ensure that Secure Communities adheres to its stated enforcement objective of prioritizing those who pose a risk to public safety or national security. It specifically recommended that DHS clarify that "civil immigration law violators and individuals who are convicted of or charged with misdemeanors or other minor offenses are not top enforcement priorities unless there are other indicia that they pose a serious risk to public safety or national security."

ALLA urges DHS to adopt this recommendation and to find that an individual poses a threat to public safety before taking action under Secure Communities. In particular, DHS should issue clear guidance that the nature and seriousness of any criminal offense, whether misdemeanor or felony, must be weighed against the time elapsed since any conviction, history of rehabilitation, and other equities.

2. Secure Communities Is Making Communities Less Safe and Diverts Federal Resources Away from Enforcement Priorities

ALLA is concerned that DHS, through Secure Communities and other enforcement programs, has unwisely invited extensive participation from state and local law enforcement agencies in the enforcement of immigration law. Not only does this impermissibly confuse the federal government's responsibility for enforcing the

¹ Link to task force report: <http://www.dhs.gov/xlibrary/assets/hnac-task-force-on-secure-communities.pdf>.

immigration laws, but predictably—and negatively—impacts local law enforcement and the communities they are charged to protect. In August, ALLA’s report, “Immigration Enforcement Off Target: Minor Offenses with Major Consequences,” showcased 127 examples of racial profiling and biased policing of individuals who were encountered by local law enforcement for minor offenses and, as a result, were placed in immigration removal proceedings. The report found that in the vast majority of cases, the people placed in removal proceedings had committed minor offenses or no offense at all, presented no public safety or security risk, and had no criminal background.

In lawsuits challenging various state enforcement laws, the Department of Justice has argued that state and local immigration enforcement laws have intruded unconstitutionally into an arena preempted by federal immigration law. The abuses already seen under Alabama’s HB56 or Arizona’s HB1070 and other similar laws provide a clear example of the concerns created by such ill-conceived legislation.

Secure Communities and other DHS programs actively invite local law enforcement participation in a way that also undermines the federal government’s sovereign control. By pursuing enforcement action in such cases, ICE resources are being diverted away from the agency’s priorities. Moreover, by taking action in cases arising under unconstitutional laws like HB56, DHS is tacitly approving the underlying conduct of local law enforcement, no matter how suspect.

3. DHS Has Not Addressed Concerns About Racial Profiling and Other Civil Rights Abuses

Several components of the June announcement were meant to address deep concerns over racial profiling and biased policing when local law enforcement is involved with immigration enforcement. The DHS task force recommended strengthening accountability mechanisms and remedies for the prevention of civil rights and civil liberties violations. In addition DHS announced that it would provide quarterly statistical analysis to identify jurisdictions where racial profiling might be occurring, as well as a series of videos to train local law enforcement. As yet, however, no quarterly statistics have been released and no additional trainings created. Moreover, Secure Communities remains in full force in jurisdictions currently being investigated by the Department of Justice, including Miami, where DOJ announced just last week it would be opening an investigation. In short, DHS has failed to address seriously concerns about racial profiling and biased policing with respect to Secure Communities.

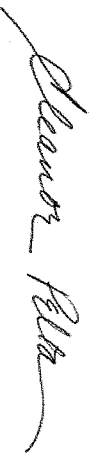
ALLA remains concerned about the supervision and oversight of the program which has already been implemented in over 1500 jurisdictions and—if ICE proceeds with current plans, is expected to be activated in every town and every city by 2013. The DHS task force called for DHS to ensure greater transparency about Secure Communities and to clarify the goals of the program.

AILA Recommendations

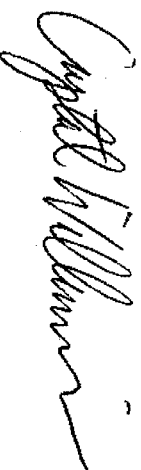
- Many months after credible concerns have been raised about Secure Communities, AILA remains deeply concerned about this flawed enforcement program and continues to recommend that DHS suspend it until significant reforms are made to ensure it operates the way it was intended.
- DHS must implement systematic mechanisms to ensure that Secure Communities actually targets those who pose a risk to public safety or national security.
- DHS should clarify that immigration law violators and individuals who are convicted of or charged with misdemeanor offenses are not enforcement priorities unless there are other indicia that they pose a serious risk to public safety or national security. Convictions for felony crimes are an indication that the person may pose a risk to public safety, but enforcement personnel should carefully examine the facts in each case to determine whether the individual actually poses such risk.
- Secure Communities is having a negative impact on communities nationwide. Secure Communities makes our communities less secure and less safe because it drives fear into immigrant communities that the police are people they cannot trust.
- Secure Communities and other DHS programs that invite state and local law enforcement collaboration should be suspended in any state or locality where DOJ has initiated an investigation or litigation over concerns about racial profiling or civil rights abuses.

For follow-up, contact Gregory Chen, Director of Advocacy, 202/507-7615, gchen@aila.org.

Sincerely,



Eleanor Pelta
President



Crystal Williams
Executive Director

— FRAZIER, SOLOWAY & POORAK, P.C. —
ATTORNEYS AT LAW

1800 CENTURY PLACE, SUITE 100
ATLANTA, GEORGIA 30345

November 29, 2011

TELEPHONE: 404-320-7000
FAX: 404-634-4300
TOLL FREE: 1-877-232-5352
www.fspklaw.com

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

I am writing on behalf of the Atlanta Chapter of the American Immigration Lawyers Association, covering all of Georgia and Alabama, representing approximately 400 attorneys with expertise in immigration law and practice. We are familiar with the multiple and significant shortcomings of the Secure Communities Program, including its ineffectiveness, its threat to the safety of our communities, and its clash with widely held American principles of fairness and justice.

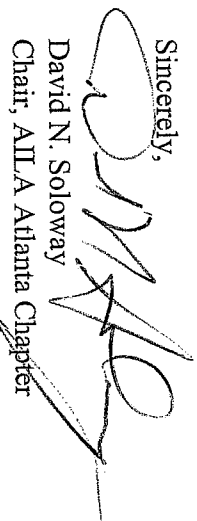
The U.S. Department of Homeland Security (DHS) has misrepresented the Secure Communities program to the American public, law enforcement agencies, state and local governments, and Members of Congress. The Secure Communities Program creates an incentive for participating state and local law enforcement agents to engage in unacceptable racial profiling and pre-textual arrests.

To safeguard our communities and the protection of rights, we recommend that:

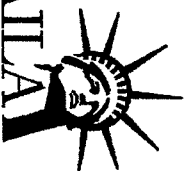
- Congress pass the End Racial Profiling Act which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels;
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations; and
- The Subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where DOJ is actively investigating a pattern or practice of discriminatory policing.

Thank you for your time and consideration

Sincerely,



David N. Soloway
Chair, AILA Atlanta Chapter



New York Chapter

AMERICAN IMMIGRATION LAWYERS ASSOCIATION
NEW YORK CHAPTER
2011-2012

Executive Committee

DAVID G. KATONA

Chair

Katona & Mir LLP
49 West 37 Street, 7 Floor
New York, NY 10018
Tel: 212-964-1529
Fax: 212-553-7370

Email: dkatona@katonamir.com

ELIZABETH M. BARNA

Vice Chair

305 Broadway, Suite 305
New York, NY 10007
Tel: 212-732-0497
Fax: 212-406-2271

Email: emhb1029@aol.com

ELIZABETH BRETTSCHEIDER

Secretary

Aviron & Associates, LLP
42 Broadway, Suite 1220
New York, NY 10004
Tel: 212-747-8787
Fax: 212-747-0857
Email: ebrettscheider@aviron.com

NEENA DUTTA

Treasurer

McElroy, Deutsch, Mulvaney & Carpenter, LLP
Wall Street Plaza
88 Pine Street
New York, NY 10005
Tel: 973-565-2024
Fax: 973-622-5314
Email: ndutta@midline-law.com

Past Chapter Chairs

Alexis S. Alexand
Janet Henner
Ian H. Brown
Gayle Oshin
Cheryl R. David

November 28, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

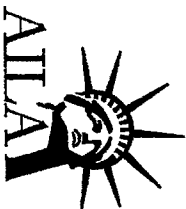
Re: Opposition to Secure Communities

Dear Chairman Gallegly, Ranking Member Lofgren & Members of the Subcommittee:

On behalf of the New York Chapter of the American Immigration Lawyers Association (AILA), we are writing to express our deep opposition to "Secure Communities." Secure Communities remains an ill-conceived program that tears families apart, puts public safety at risk and destroys cherished civil liberties. Unless it can be implemented in a way that does not violate the civil and human rights of immigrants, we cannot support it.

Secure Communities is a devastating addition to an already broken immigration system that results in mass detentions and deportations and fails at respecting the dignity, humanity and contributions of immigrants. As the centerpiece of an already aggressive immigration enforcement system, Secure Communities is overbroad, makes communities less safe, violates due process and civil liberties, and encourages racial profiling and pre-textual arrests. It was created without adequate oversight of the Department of Homeland Security or transparency within DHS, and has been implemented without any meaningful public input. In April, Rep. Zoe Lofgren (D-CA) wrote a letter to Secretary Napolitano and ICE Director John Morton stating that "DHS and ICE personnel repeatedly made false and misleading statements to local governments, the public, and members of Congress" about the program. Mr. Morton has formally acknowledged that ICE made "inconsistent statements."

In line with the concerns expressed by the Task Force, and in spite of the minor tweaks made to Secure Communities over the past few



New York Chapter

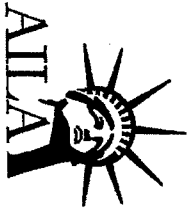
AMERICAN IMMIGRATION LAWYERS ASSOCIATION
NEW YORK CHAPTER
2011-2012

months, ALLA attorneys across the state and country continue to see the devastating consequences of Secure Communities everyday. Just last week, one ALLA-NY attorney practicing in a jurisdiction where Secure Communities is active reported meeting with five different families over a 24 hour period that were experiencing severe distress due to the detention and imminent deportation of family members as a result of Secure Communities, which she called a “super-energized deportation and profiling effort on steroids.”

If the goal of Secure Communities is simply to further enhance enforcement - without regard to the family and community ties, work history and other equities of the victims of this program - then it is clearly successful. But if those factors matter – as we believe they must - then Secure Communities is severely flawed, as it simply adds to the suffering of countless people (including a generation of immigrant and U.S. citizen children who are already suffering through the predictably negative and wide-ranging effects of losing one or two parents to deportation) while doing nothing to fix our broken immigration system. Unless major, meaningful changes are made to this program, Secure Communities will continue to add to the problems of our immigration system, and prosecutorial discretion – no matter how generously it is granted – will not change this.

If Congress is truly interested in ensuring the human and civil rights of immigrants, as well as the safety of all communities, we recommend that it take these steps immediately:

- Pass the End Racial Profiling Act, which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Eliminate funding for Secure Communities and other programs that empower state and local law enforcement to enforce the immigration laws, until and unless meaningful, effective and verifiable protections are put in place to prevent racial profiling and other civil and human rights violations.
- Urge DHS to terminate Secure Communities in jurisdictions that have opted out of the program, and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where the Department of Justice is actively investigating a pattern



New York Chapter

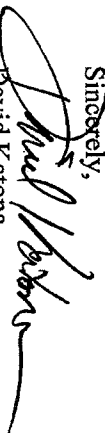
**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
NEW YORK CHAPTER
2011-2012**

- or practice of discriminatory policing.
- Provide meaningful opportunities to hear from immigrants and U.S. citizens who have been directly impacted by Secure Communities and similar enforcement programs.

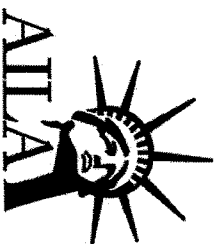
In the event that Congress and/or DHS is unwilling or unable to act on these recommendations or similar, just remedial measures, we will have no choice but to join the call for nationwide termination of Secure Communities.

Thank you for your consideration.

Sincerely,



David Katona
Chair



Southern California Chapter

AMERICAN IMMIGRATION LAWYERS ASSOCIATION

Post Office Box 1414 • Chino Hills, CA 91709 • www.socalaila.org

November 28, 2011

CHAIR

Joseph S. Porta

Law Offices of Cohen, Porta & Kim
3701 Wilshire Blvd., Suite 820
Los Angeles, CA 90010
Telephone: (213) 383-4105
Facsimile: (213) 383-4106
E-mail: jPorta@cohenkm.com

VICE CHAIR

James Y. Pack

Fragomen, Del Rey, BERNSEN & LOEWY, LLP
18401 Von Karmann Avenue, Suite 255
Irvine, CA 92612
Telephone: (949) 862-9443
Facsimile: (949) 261-2821
E-mail: james.pack@fragomen.com

TREASURER

Cynthia Lucas

Immigration Center for Women and
Children
634 South Spring Street, Suite 727
Los Angeles, CA 90014
Telephone: (213) 614-1165
Facsimile: (213) 624-1163
E-mail: Cynthia@icwclaw.org

SECRETARY

Heather L. Poole

Heather L. Poole, PC
225 S. Lake Avenue, Suite 300
Pasadena, CA 91101
Telephone: (626) 358-4550
Facsimile: (626) 628-1713
Email: heather@humanrightsatorney.com

IMMEDIATE PAST CHAIR

Lorna A. De Bono

Haight Law Group, PLC
6080 Center Drive, Suite 725
Los Angeles, CA 90045
Telephone: (310) 910-9889
Facsimile: (310) 910-9890
E-mail: ldebono@haightlaw.com

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

**Re: Statement from the Southern California Chapter of the
American Immigration Lawyers Association in
Opposition to Secure Communities**

Dear Chairman Gallegly, Ranking Member Lofgren & Members of the
Subcommittee:

The Southern California Chapter of the American Immigration Lawyers Association (AILLA) urges that DHS suspend Secure Communities and/or Congress suspend funding until meaningful reforms are made. Secure Communities was touted as a program that would make neighborhoods safer by removing serious criminals from the streets. Yet, nearly 60 percent of those deported under the program were either convicted of only minor offenses or not even convicted at all. In fact, what has actually transpired is a dangerous erosion of public trust, an unnecessary diversion of federal funds from immigration enforcement priorities, and failure by DHS to adequately address concerns regarding racial profiling.

I. AREAS OF CONCERN

1. Secure Communities Erodes Public Trust

Secure Communities erodes public trust in several ways. First, DHS' stated objectives in promoting Secure Communities was to identify and deport those who pose a risk to public safety or national security. However, when nearly 60 percent of those actually deported are neither dangerous nor a risk to national security, their stated objective is being compromised. Second, Secure Communities actually hinders public safety by deterring witnesses to crime and others from working with law enforcement. Indisputably, law enforcement works best when it's engaged with the community. Indeed, crimes go unreported and victims go unprotected when entire communities fear the police. Third,

prominent members of Congress have called publicly for an independent investigation of DHS for allegedly misleading the public and local government officials about how Secure Communities functions and whether states and localities have any ability to terminate the program. Our Chapter is concerned that if Secure Communities continues, as presently implemented, these problems will only be exacerbated.

2. Secure Communities Diverts Federal Resources Away from Enforcement Priorities

Although Secure Communities ostensibly targets “criminal aliens,” it in fact affects everyone who is brought into a jail—whether or not they were arrested for a serious crime. Paradoxically, it ignores that immigration checks should only apply to persons who have been *convicted* of a crime and been judged to be a danger to the public. As has been applied, Secure Communities means more jail time for non-citizen defendants because, when there is a “hit” on a DHS immigration database, the local jail is asked to hold the individual until the conclusion of criminal proceedings for ICE. This results in a growing cost that is absorbed by the corresponding town or county. As such, Secure Communities has invited extensive participation from state and local law enforcement agencies in the enforcement of federal immigration law. Not only does this impermissibly confuse the federal government’s responsibility for enforcing the immigration laws, but adversely impacts local law enforcement and the communities they are charged to protect. By pursuing enforcement action in such cases, ICE resources are being diverted away from the agency’s priorities. Such blatant disregard for the stated purposes of Secure Communities cannot be ignored.

3. DHS Has Not Addressed Concerns About Racial Profiling and Other Civil Rights Abuses

Since the inception of Secure Communities in 2008, several groups and individuals have voiced concerns over racial profiling and biased policing when local law enforcement is involved with immigration enforcement. The DHS task force has recommended strengthening accountability mechanisms and remedies for the prevention of civil rights and civil liberties violations. In addition DHS has announced that it would provide quarterly statistical analysis to identify jurisdictions where racial profiling might be occurring, as well as a series of videos to train local law enforcement. To date, however, no quarterly statistics have been released and no additional trainings created. Moreover, Secure Communities remains in full force in jurisdictions currently being investigated by the Department of Justice. DHS has failed to address seriously concerns about racial profiling and biased policing with respect to Secure Communities. While DHS has issued memorandum regarding when it will exercise prosecutorial discretion in accord with its enforcement priorities, this does not alleviate the diversion of federal resources from immigration enforcement priorities, nor does it alleviate the already overburdened state and local governments. Moreover, it created unnecessary suffering to countless families ensnared in this flawed program. Unless major, meaningful changes are made

to this program, Secure Communities will continue to add to the problems of our immigration system, and prosecutorial discretion – no matter how generously it is granted – will not change this.

II. MEANINGFUL REFORM

If Secure Communities intends to live up to its name and its stated purpose to Congress and the American people, then the program should be suspended immediately, or federal funding withheld until the following safeguards are in place:

- Implementation of systematic mechanisms to ensure that Secure Communities actually targets those who pose a risk to public safety or national security.
- Clarification by DHS that immigration law violators and individuals who are convicted of or charged with misdemeanor offenses are not enforcement priorities unless there are other indicia that they pose a serious risk to public safety or national security. Convictions for felony crimes are an indication that the person may pose a risk to public safety, but enforcement personnel should carefully examine the facts in each case to determine whether the individual actually poses such risk. Suspending Secure Communities and other DHS programs that invite state and local law enforcement collaboration in any state or locality where DOJ has initiated an investigation or litigation over concerns about racial profiling or civil rights abuses. Provide meaningful opportunities to hear from immigrants and U.S. citizens who have been directly impacted by Secure Communities and similar enforcement programs.

Once again, the Southern California ALA Chapter calls upon DHS to implement these changes to the flawed Secure Communities program and to suspend the program until these major reforms can be made.

Your consideration is greatly appreciated,

ALA Southern California Executive Committee

Joseph S. Porta, Chair
James Y. Pack, Vice Chair
Cynthia Lucas, Treasurer
Heather L. Poole, Secretary



Americans for Immigrant Justice

formerly Florida Immigrant Advocacy Center (FIAC)

November 28, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

Americans for Immigrant Justice (formerly Florida Immigrant Advocacy Center) is a non-profit law firm that protects the rights of immigrants. We visit immigration detention centers and routinely represent immigrants who been mistreated and/or have compelling cases for legal status. In that process we have seen many immigrants detained and deported via Secure Communities (S-Comm) though they had no criminal record or only minor traffic infractions-- which does not makes our country safer. For this and other compelling reasons, we oppose S-Comm and request it be shut down.

In the fall of 2010, AI Justice surveyed nearly 70 detainees at the Broward Transitional Center (BTC), a jail for immigrants with no criminal record or only minor infractions. A significant number of detainees had been arrested by local police and had immigration detainers, or "holds," placed on them via S-Comm. One such man had been arrested for not stopping at stop sign. He was diabetic and had no criminal history other than traffic citations. After two months of feeling sick in ICE detention, he opted for voluntary departure. Before leaving he said:

"My family doesn't understand how after working here so many years they could do this to me. I know these are the laws, but we're not here to hurt anyone, just to work."

This detention alone cost taxpayers some \$10,600.¹ It also contradicted S-Comm priorities to target the "most dangerous criminals."² Further, his deportation, like that of many others through S-Comm, actually undermines public safety. (See the first bullet point below.)

Today we continue to see immigrants who have no criminal history, have children or other immediate relatives who are U.S. citizens, have lived here many years and yet are being detained, or worse, deported through S-Comm. We see people picked up by local police for nothing more than driving without a license or standing on the sidewalk waiting for a ride—who end up detained by ICE through Secure Communities.

¹ Detained 64 days at \$166 per day, cost is based on *The Math of Immigration Detention: Runway Costs for Immigration Detention Do Not Add Up to Sensible Policies*. National Immigration Forum, Washington D.C., Aug. 2011. <https://immigrationforum.org/images/uploads/MathofImmigrationDetention.pdf>

² Secure Communities: A Modernized Approach to Identifying and Removing Criminal Aliens. ICE brochure, Jan. 2010. <https://www.ice.gov/doclib/secure-communities/pdf/sc-brochure.pdf>

The following are compelling reasons for discontinuing this intolerably flawed program. Secure Communities:

- **Damages the public's trust of local police.** Whether or not people have legal status, they quickly realize that an arrest by local law enforcement can lead to deportation through S-Comm. Consequently, people with friends or loved ones who potentially could be deported are reluctant to provide tips, report crimes or cooperate in police investigations. A report by the national Police Executive Research Forum concluded that, "Active involvement in immigration enforcement can complicate local law enforcement agencies' efforts to fulfill their primary missions of investigating and preventing crime."³
- **Identifies U.S. citizens as unauthorized immigrants.** This leads to the arrest, detention and even deportation of people with legal status, including citizens, asylees and legal permanent residents. A recent report by the Berkeley Law Center for Research and Administration found that ICE had arrested some 3,600 U.S. citizens through Secure Communities since its inception in March 2008 through April 2011.⁴
- **Splits families apart.** *Shattered Families*, a new report, conservatively found that more than a third (39 percent) of the people arrested via Secure Communities reported having a U.S. citizen spouse or child. An estimated 88,000 fractured families with U.S. citizens have suffered the consequences.⁵
- **Encourages racial profiling** by allowing police officers inclined to racially profile to do so. The Berkeley Law Center analysis found that, while Hispanics represent 77 percent of the undocumented population, Hispanics were a disproportionate 93 percent share of all people arrested via S-Comm, a sign of racial profiling.⁶
- **Results in civil rights violations and lack of due process.** People arrested by S-Comm are more likely to be placed in detention, spend more time in detention and are unlikely to get out on bond. Among those who had an immigration hearing, only 24% had an attorney represent them — much less than the 41% of all immigrants who have lawyers in immigration court.⁷
- **Issuing detainers before people are convicted** leads to the detention and deportation of people who are not within ICE's priorities for removal. For example, police at times arrest both partners in a domestic dispute. Once the victim's fingerprints go to ICE, the

³ Debra A. Hoffmaster, Police and Immigration: How Chiefs Are Leading their Communities through the Challenges. Police Executive Research Forum, Washington, D.C. March 2011. <http://www.policeforum.org/library/immigration/PERFImmigrationReportMarch2011.pdf>

⁴ Aarti Kohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*. Berkeley Law Center for Research and Administration, Chief Justice Earl Warren Institute. Oct. 2011, p. 2. http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.

⁵ Seth Freed Wessler, *Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System*. Applied Research Center. November 2011, p. 22. <http://arc.org/shatteredfamilies>

⁶ *Ibid*

⁷ Michele Waslin, *New Data Highlights Devastating Impact of Secure Communities on Immigrant and Latino Communities*. Immigration Impact, Nov. 2. 2011. <http://immigrationimpact.com/2011/11/02/new-data-highlights-devastating-impact-of-secure-communities-on-immigrant-and-latino-communities/>

victim is detained and faces potential deportation. Detainers prevent immigrants from being released from jail, even when the immigrant is granted and posts bond.

- **Analyzing fingerprints before people are convicted** rakes in many people with no or only minor criminal records as well as crime victims and people who have charges dropped, such as trafficking and domestic violence survivors.

- **Drains local police resources.** Cook County was spending \$15 million a year to hold immigrants flagged by Secure Communities. The federal government offered no reimbursement for the jails costs. Other communities have voiced similar complaints.⁸

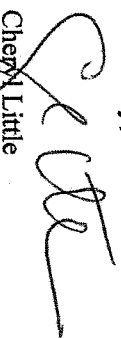
In sum, ICE misled Congress Members, communities, state governments, and the American people when it marketed S-Comm as a way to remove dangerous criminals from our streets and as an optional program. ICE continues to foist the program on states and communities that don't want it and fails to reimburse local police agencies for the program's costs.

S-Comm not only leads to civil and human rights violations, but ignores American values of fair play, due process and justice for all. This program was fatally flawed from the start. DHS should have the good sense to shut down the S-Comm program. If it doesn't, Congress would best cut off S-Comm's funding and that of other programs that rely on local police agencies to do immigration enforcement, which makes communities *less* safe.

While these measures would be welcome, they nonetheless are not a solution. Ultimately the remedy needed is for Congress to reform our immigration laws and fix our broken immigration system in a way that bolsters our economy and conforms to our values as a nation of immigrants.

Thank you for your interest in immigration issues.

Sincerely,



Cheryl Little
Executive Director,
Americans for Immigrant Justice (formerly Florida Immigrant Advocacy Center)



Susana Barciela
Policy Director,
Americans for Immigrant Justice (formerly Florida Immigrant Advocacy Center)

⁸ Antonio Olivo, *Cook County bucks immigration officials*. Chicago Tribune, Sept. 8, 2011.
http://articles.chicagotribune.com/2011-09-08/news/ct-met-county-immigration-policy-2-20110908_1_illegal-immigrants-detainers-sanctuary-ordinances

Nov. 23, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

RE: Hearing on Secure Communities

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

On November 30, 2011, the House Subcommittee on Immigration Policy and Enforcement will hold a hearing on Immigration and Custom Enforcement's Secure Communities Program ("S-Comm"). On behalf of the Asian American Center for Advancing Justice, we submit the following comments to express our deep concern and opposition to S-Comm.

Collectively, the members of the Asian American Center for Advancing Justice are non-profit, non-partisan organizations located in Los Angeles, San Francisco, Chicago and Washington DC that enrich and empower the Asian American and Pacific Islander (AAPJ) community and other underserved populations through public policy, advocacy, litigation, research and community education. Our mission is to promote a fair and equitable society for *all* by working for civil and human rights and empowering Asian Americans and Pacific Islanders and other underserved communities.

By unfairly entangling local law enforcement with federal immigration enforcement, S-Comm erodes community trust in law enforcement. This flawed program also diverts scarce local law enforcement resources to federal immigration enforcement of a broken immigration system that is drastically in need of humane and fair comprehensive reform.

S-Comm is an ICE program that automatically forwards all fingerprints taken by local police to ICE for civil immigration background checks at the point of arrest. Operating on a pre-conviction model, ICE is notified upon arrest, no matter how minimal the charge or even if the person is innocent. As a result, victims of crime, including domestic violence survivors, who have called the police for help, have been put into removal proceedings because of S-Comm. This flawed design puts states and local police agencies at the center of a federal responsibility -- civil immigration enforcement.

Unfortunately, S-Comm also has become an indiscriminate mass deportation program, rather than one that is focused on identifying and deporting individuals with serious criminal convictions. When the Department of Homeland Security first requested funding from Congress for the S-Comm program in 2008, they stated that S-Comm would prioritize the deportation of level 1 offenders, which includes serious felony offenses. However, as of September 30, 2011, according to ICE's own statistics, about 74% of the 142,090 deported nationally because of S-Comm either do not have any criminal convictions or have convictions for non-level 1 offenses, including misdemeanors and minor traffic offenses.¹

¹ See Secure Communities IDENT/IAFIS Interoperability Monthly Statistics through September 30, 2011. Available at http://www.ice.gov/doclib/foia/sc-stats/nationwide_interoperability_stats-fy2011-to-date.pdf

Although ICE maintains that law enforcement do not actively engage in immigration enforcement under S-Comm, this simply is not true. S-Comm incentivizes police officers to stop and arrest residents who appear to be foreign-born because any fingerprints taken by police will be sent to ICE upon arrest. Once booked into the jail and automatically identified by ICE, the arrestee can and likely will be deported even if he or she was wrongfully arrested or the charges are later dropped. Data from ICE confirms that some jurisdictions, which have been notorious for racial profiling, such as Maricopa County, Arizona, have disproportionately high rates of non- criminal S-Comm deportations.²

Misrepresentations by ICE with regard to how S-Comm operates and whether the program requires local or state consent or input also raise serious concerns about government accountability and transparency. When ICE signed Memorandum of Agreements (“MOAs”) with states to deploy S-Comm in these states, ICE represented to state officials that counties had the choice to sign Statements of Intent before they are opted into the program. However, when counties, such as San Francisco, California; Santa Clara, California; and Arlington, Virginia; asked to not participate in S-Comm because it interfered with community policing strategies and drained local resources, ICE asserted that counties could not opt out. ICE pointed to the state MOAs and contended that their agreement was with the states and not with counties. However, when states such as New York, Illinois, and Massachusetts requested to opt out of the program, ICE unilaterally rescinded the MOAs with all states. S-Comm is now operating without any state or local consent despite that fact that drains local resources by increasing the number of individuals held in local jails for transfer into ICE custody.

Finally, it is important to highlight the harm that S-Comm has caused to Asian American and Pacific Islander immigrants. Many AAPI immigrants come from countries with a history of government corruption, which makes it difficult for these community members to come forward and trust law enforcement. S-Comm compounds this problem by adding potential immigration consequences to contact with local law enforcement. To date, thousands of AAPI immigrants have been identified for deportation under S-Comm. Thus, this program undercuts community policing strategies that seek to engage AAPI communities.

For the above reasons, the Asian American Center for Advancing Justice urges the Committee to demand an end to the deeply flawed S-Comm Program. Specifically, we ask that Congress eliminate funding for Secure Communities and other programs that use state and local law enforcement agencies to conduct immigration enforcement.

Thank you.

Sincerely,

Asian Law Caucus

Asian American Justice Center

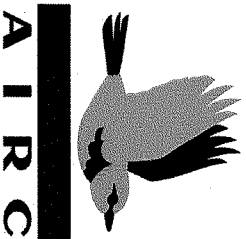
Asian Pacific American Legal Center

Asian American Institute

~ Members of the Asian American Center for Advancing Justice ~

The Asian American Center for Advancing Justice (www.advancingjustice.org) works to promote a fair and equitable society for all by working for civil and human rights and empowering Asian Americans and Pacific Islanders and other underserved communities, and is comprised of the Asian American Justice Center in Washington, D.C. (www.advancingequality.org), the Asian American Institute in Chicago (www.aachicago.org), the Asian Law Caucus (www.asianlawcaucus.org) in San Francisco and the Asian Pacific American Legal Center (www.apalc.org) in Los Angeles.

² See *id.*



Athens Immigrant Rights Coalition

Athens, Georgia

airc.inform@gmail.com

November 26, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Galleghy, Ranking Member Lofgren, and Members of the Subcommittee:

The Athens Immigrant Rights Coalition (AIRC) is a group encompassing local religious-, civic- and university-based organizations working collectively to support the dignity, rights, and welfare of immigrant communities in the Athens area and the state of Georgia.

This letter conveys our concerns about the Secure Communities program and its harmful effects on the rights, safety, and welfare of Georgia families and communities. Together with Georgia's harsh, anti-immigrant laws, Secure Communities creates an enforcement climate that enables racial profiling and has caused innocent families - hard-working, honest, mainstays of our communities - to be broken up, impoverished, and put at emotional and physical risk, as members are detained and/or deported as a result of such things as minor traffic violations, rather than the criminal offenses intended to be targeted by the Secure Communities program. We have seen a growing climate of fear and persecution among both documented and undocumented immigrants alike, that has made them unwilling to cooperate with local law enforcement on necessary crime and safety policing actions, and afraid to go to work, buy groceries, or attend school. We have seen this climate, in turn, foster the increased abuse of basic rights of affected populations, through increased economic, criminal, and other forms of exploitation.

The state of Georgia prohibits undocumented immigrants from obtaining driver's licenses. On top of that, this year the Georgia Legislature passed House Bill 87, which imposes harsh measures on undocumented immigrants that go beyond the scope and intention of federal immigration laws. One measure allows law enforcement to check the immigration status of anyone they suspect of being in the country illegally while responding to a suspected infraction.

Imagine being pulled over for a broken taillight, and without any criminal record, ending up being jailed, separated from your family, detained, and deported. Imagine carrying hundreds of dollars of cash because you know of people who have been pulled over for a seat-belt check, and when they couldn't produce an adequate license, were told that they could either pay the officer a "fine" there and then, or be taken to the local jail. Imagine police unable to unite a missing toddler and her parents, because the neighbors won't open their doors to talk to them. Imagine mothers and children enduring domestic violence because they are too afraid to seek police, social services, or medical help. Tragically, these are not imagined events in Georgia, but

actual examples of consequences of Georgia laws and the Secure Communities Program combined.

We are concerned that Secure Communities erodes local law enforcement's relationship with immigrant populations, diminishes their ability to police real crime and safety issues in the immigrant and larger communities, and puts undue demands on local jail facilities and police resources.

We are concerned that the program has been installed largely without the knowledge, evaluation, and consent of citizens and elected officials. Local communities have been given no opportunity to assess the full implications of Secure Communities and its impact on community welfare, rights, justice, safety, policing effectiveness, and use of resources.

We are concerned about the lack of provisions for community oversight and tracking of the results of the program, such as whether it fosters racial profiling or other abusive practices, and whether it successfully targets individuals with criminal records.

We are concerned that despite being initially presented as optional, and despite many local jurisdictions' decisions against participation in it, Secure Communities is now being presented as mandatory.

Our concerns are shared by other state and local jurisdictions, who have evaluated the impacts of this program on local welfare, rights, policing, and resources, and decided to discontinue participation, only to find their way blocked.

We strongly recommend Congress to:

- Pass the End Racial Profiling Act which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until meaningful and effective protections are put in place to prevent racial profiling, other civil and human rights violations, and the prosecution of non-criminal offenders, as well as provisions to allow state and local jurisdiction assessment of impacts on community welfare, rights, safety, and policing.
- Prioritize the reform of national immigration laws in order to create easier and more transparent processes for law-abiding people from other countries to legally work and reside in the U.S., thus avoiding the shadow economies of undocumented immigration that foster organized crime, exploitation, and human rights abuse.

We also recommend that the Subcommittee urge the Department of Homeland Security to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where DOI is actively investigating a pattern or practice of discriminatory policing.

Sincerely,

Athens Immigrant Rights Coalition

Athens, Georgia.



November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

The Black Alliance for Just Immigration (BAJI) is an education and advocacy group comprised of African Americans and black immigrants from Africa, Latin American and the Caribbean. We believe that historically and currently, U.S. immigration policy has enforced unequal and punitive standards for immigrants of color.

We are opposed to Secure Communities because:

- Screening for immigration violators encourages racial and ethnic profiling tactics
- It violates the basic promises of fairness and due process at the core of our legal system
- It makes our neighborhoods less safe, by discouraging contact with local law enforcement officials.
- “Secure Communities” has detained several U.S. citizens due to its poor execution and institutional racism, solely because someone “looks like an immigrant”

Secure Communities is ineffective, it threatens the safety of our communities, it runs counter to American principles of fairness and justice, and it has been deceitfully imposed on our country’s local communities and creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pre-textual arrests.¹

To safeguard our communities and the protection of our rights we recommend that:

- Congress pass the End Racial Profiling Act which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.

¹ See Aarti Kohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, The Chief Justice Earl Warren Institute on Law and Social Policy, October 2011, available at http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.

- The Subcommittee urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where DOJ is actively investigating a pattern or practice of discriminatory policing.

Thank you for your time and consideration.
Sincerely,

A handwritten signature in black ink, appearing to read "Gerald Lenoir". The signature is written in a cursive, flowing style.

Gerald Lenoir
Executive Director

California Rural Legal Assistance Foundation

November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

MAIN OFFICE
2210 "K" Street, Suite 201
Sacramento, California 95816
(916) 446-7904
Fax: 446-3057

RE: Secure Communities Hearing Scheduled for November 30, 2011

Amagda Pérez, Esq.
Executive Director

Dear Chairman Gallegly, Vice-Chairman King, Ranking Member Lofgren,
and Members of the Subcommittee:

Mark S. Schacht
Deputy Director

BOARD OF DIRECTORS
Rosa Armendariz
Oakland

California Rural Legal Assistance Foundation (CRLAF) is pleased to provide the Honorable Members of the Subcommittee on Immigration Policy and Enforcement with these comments for your hearing on Secure Communities, which is scheduled for November 30, 2011.

Silvia Garcia, Esq.
Escondido

For over 30 years, CRLAF has successfully assisted farm workers, migrant workers and the rural poor to improve their economic and social conditions in the United States. We do the aforementioned by providing community education, public policy advocacy, training, and both technical and legal assistance to California's rural poor. In the spirit of speaking up for the most vulnerable, on behalf of our organization, we respectfully submit this letter in strong opposition of Secure Communities which is carried out by the U.S. Immigration and Customs Enforcement (ICE).

Estela Lopez, Esq.
San Francisco

Manuel Magaña
Palmdale

Richard Pearl, Esq.
Berkeley

Alberto Saldamando, Esq.
San Francisco

Rosario Vasquez
Los Angeles

REGIONAL PROJECT OFFICES

Fresno
--*Agricultural Workers Health Project*

Modesto
--*Central Valley Partnership for Citizenship*

Oakland
--*Employment & Labor Law Project*
--*Labor & Civil Rights Litigation Project*

Oceanside
--*Border & Human Rights Project*

Sacramento
--*Agricultural Workers Health Project*
--*Education Equity & Youth Justice*
--*California Rural Citizenship Campaign*
--*Labor & Employment Project*
--*Pesticides & Worker Safety Project*
--*Rental Housing Project*
--*Workers Rights Project*

According to the official ICE website on Secure Communities, "ICE prioritizes the removal of criminal aliens, those who pose a threat to public safety, and repeat immigration violators." [1] Unfortunately, Secure Communities does not accomplish the aforementioned. Its flawed design has made our communities less secure, as evidenced by ICE statistics, which indicate that more than 5,800 individuals have been incorrectly identified since the program was launched. [2]

Moreover, Secure Communities' methods have contributed to an environment of fear of law enforcement and waste of taxpayer dollars. First, Secure Communities' faulty design puts states and local police agencies at the center of a federal responsibility—the enforcement of immigration laws—which is a civil matter, not a criminal matter. Second, many law enforcement agencies throughout the state have been working on a community based policing model founded on trust and understanding. Secure Communities directly inhibits this

critical relationship from moving forward. In addition, Secure Communities has been imposed on local jurisdictions without providing an opportunity to opt-out. Compromising local policing cannot be the price our communities are asked to pay.

Our communities deserve better than a faulty program that incorrectly identifies U.S. Citizens, deports individuals who were victims of crimes, has forcefully broken apart families, makes immigrant communities afraid to report crimes that may occur in their communities and/or seek protection from local law enforcement, etc. We can and must do better.

As a starting point, we respectfully urge your Honorable Committee to create a system that is more transparent, is not misleading, and that puts into place meaningful and effective protections that will remedy the aforementioned broken system while preventing racial profiling or other civil and human rights violations. In the interim, we ask your committee to recommend and follow-through on making Secure Communities a voluntary program where the decision of local jurisdictions to “opt out” is respected. In addition, we respectfully recommend that:

- The Department of Homeland Security (DHS) suspend Secure Communities in jurisdictions with a documented record of racial profiling or where the Department of Justice (DOJ) is actively investigating a pattern or practice of discriminatory policing.
- Congress pass the End Racial Profiling Act which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement—the time and money that local law enforcement is spending on housing individuals under immigration detainers is stealing vital resources from local jurisdictions that are currently suffering financially.

Once again, thank you for taking the time to read our letter on this important matter and for considering our recommendations.

Respectfully,

Amagda Perez,
Executive Director
California Rural Legal Assistance Foundation

[1] “Secure Communities,” ICE webpage on Enforcement and Removal, www.ice.gov/secure_communities, November 28, 2011.

[2] Julia Preston, *U.S. Identifies 111,000 Immigrants with Criminal Records*, N.Y. Times, Nov. 13, 2009, at A 13, November 28, 2011.

Nov. 28, 2011

The Subcommittee on Immigration Policy and Enforcement

House of Representatives

B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

We are coordinators of Cambridge United for Justice with Peace, the Cambridge MA community group member of the Greater Boston Coalition, United for Justice with Peace. Formed in the aftermath of 9/11, we believe that there can be no peace in the world without justice for all those who live on the earth. While we work toward ending wars abroad, we also ally ourselves with those who are being treated unfairly in our immediate worlds. In this connection, we have worked in solidarity with local immigrant rights groups in a campaign to stop the Secure Communities Program from entering our community.

Why are we opposed to the Secure Communities Program? Rather than making our community more secure, we believe it threatens our safety by terrorizing members of the immigrant community and making them afraid to become involved with community policing. Our chief of police in Cambridge, Robert Haas agrees with us. He has been vocal in his opposition to the program both because it is ineffective and unfair, and because it promotes racial profiling. The Cambridge City Council has passed a resolution (which is at the end of this letter) opposing Secure Communities. Most recently, we have been horrified to learn that at least 5000 children have been separated from their parents and placed in foster care as a result of their parents being detained and/or deported. In many cases, immigrant parents lose their parental rights and never see their children again. (See Applied Research Center, Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System). How can we call ourselves a humane society if we adopt policies with these kinds of consequences.

We urge your Subcommittee, at the very least, to recommend that jurisdictions that have chosen to opt out of the program be allowed to do so, as was promised before the abrupt announcement that the program is now mandatory. Further, we would hope that you would eliminate funding for the Secure Communities Initiative and other programs that use state and local law

enforcement agencies to conduct immigration enforcement until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.

Thank you for your time and consideration

Sincerely,

Vicky Steinitz and Eleanor Duckworth

Coordinators, Cambridge United for Justice with Peace

Policy Order Resolution

O-4
IN CITY COUNCIL

December 20, 2010

COUNCILLOR DECKER

WHEREAS: It has come to the attention of the City Council that the City of Boston has participated unknowingly to the public in the "Secure Communities" program; and

WHEREAS: Police departments participating the Secure Communities program now send the fingerprints of the individuals they arrest to the United States Immigration and Customs Enforcement (ICE) when historically those fingerprints would only be sent to the FBI; and

WHEREAS: Immigrant advocates are concerned that the undocumented population will be far less likely to report a crime with the Secure Communities program in place as the police will be seen as an extension of the federal government; and

WHEREAS: With the immigration system being dramatically flawed already, adding more systems that create fear in our communities is counterproductive; and

WHEREAS: The Secure Communities program in Boston has been called a pilot program meaning other communities could soon be launching their own; now therefore be

RESOLVED: That the City Council go on record in opposition to the Secure Communities program and its potential use in Cambridge; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to the Massachusetts Legislative delegation and to Governor Deval Patrick on behalf of the entire City Council.

©
2002

-
201
1

In City Council December 20, 2010
Adopted by the affirmative vote of
eight members.

Attest:- D. Margaret Drury, City Clerk
Cam
bridg
e,
MA

A true copy;

ATTEST:-
D. Margaret Drury,
City Clerk

| | |

Casa de Esperanza

A nonprofit community service organization
casasperanza1@yahoo.com

Address: 213 West Union Ave.
Bound Brook, NJ 08805
(732) 748-1111 / 748-1113

Mail: P.O. Box 2693
Plainfield, NJ 07060
Fax (732) 748-1121

Joyce Antilia Phipps, Esq.

November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

Casa Esperanza is a non-profit community service organization in central New Jersey which provides low-cost legal services to low-income immigrants. We feel compelled to address you today to express our strongest antipathy to the ICE ACCESS program Secure Communities.

We oppose the Secure Communities Program because it is ineffective, it threatens the safety of our communities, it runs counter to American principles of fairness and justice and it has been deceitfully imposed on our country's local communities. The Department of Homeland Security (DHS) has misrepresented the Secure Communities program to the American public, law enforcement agencies, state and local governments, and Members of Congress. The Secure Communities Program creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pre-textual arrests.¹

Examples of racial profiling and pre-textual arrests include stopping motor vehicles with an Hispanic driver and several Hispanic passengers for so-called "suspicious behavior" and then demanding that all passengers produce documentation of their immigration status in the country, refusing to accept consular identification documents as evidence of identity and citizenship to the point of arresting a person with such a document for carrying a false document, harassing young Hispanic men with backpacks who ride their bicycles late at night, and "patrolling" Hispanic sections of various communities to the detriment of other parts of various communities. These are but a few instances of tacit profiling that Secure Communities has encouraged. Rather than securing communities, the Secure Communities program has led to women being afraid to report domestic violence and crime victims being afraid of the police.

¹ See Aarti Kohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, The Chief Justice Earl Warren Institute on Law and Social Policy, October 2011, available at http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf

To safeguard our communities and the protection of our rights we recommend that:

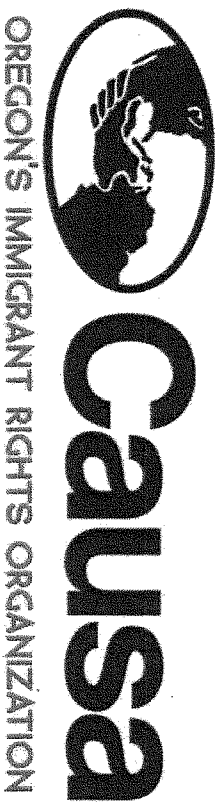
- Congress pass the End Racial Profiling Act which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.
- The Subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where DOJ is actively investigating a pattern or practice of discriminatory policing.

Thank you for your time and consideration

Respectfully Yours



Joyce Antila Phipps, Esq.
Executive Director



November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

CAUSA is Oregon's statewide, grassroots immigrant rights coalition and the largest **Hispanic civil and human rights, and** advocacy organization in the Pacific Northwest. We work to defend and advance immigrant rights through coordination with local, state, and national coalitions and allies.

We oppose the Secure Communities Program because it is ineffective, it threatens the safety of our communities, it runs counter to American principles of fairness and justice and it has been deceitfully imposed on our country's local communities. The Department of Homeland Security (DHS) has misrepresented the Secure Communities program to the American public, law enforcement agencies, state and local governments, and Members of Congress. The Secure Communities Program creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pre-textual arrests.¹

Here in Oregon, we receive calls about the devastating effects of Secure Communities everyday – a DREAM Act-eligible youth whose charges were subsequently dropped but was later put in deportation proceedings; a victim of domestic violence who called for help only to find herself arrested and at risk for deportation; children who are left without a parent. Stories such as these are examples of why trust between local law enforcements and communities is eroding.

To safeguard our communities and the protection of our rights we recommend that:

- Congress pass the End Racial Profiling Act which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.
- The Subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where DOJ is actively investigating a pattern or practice of discriminatory policing.

Thank you for your time and consideration

Sincerely,

Francisco Lopez
Executive Director

¹ See Aarti Kohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, The Chief Justice Earl Warren Institute on Law and Social Policy, October 2011, available at http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.

centerforconstitutionalrights

on the front lines for social justice

November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

On behalf of the Center for Constitutional Rights, I write to urge termination of the Secure Communities program. The Center for Constitutional Rights (CCR) is a non-profit legal and educational organization committed to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. CCR's work in the United States promotes racial, gender and economic justice.

CCR is committed to increased public and government scrutiny over Secure Communities. This program was implemented under a shroud of secrecy, with little information available in the public record for the first two years of its operation. The information made publically available over the last two years has been altered to fit political considerations and messaging protocols rather than the concerns of families, policy makers and communities nationwide.

For the past year and a half, CCR, along with our co-counsel, have litigated a Freedom of Information Act lawsuit¹ against the Department of Homeland Security (DHS), Immigration Customs Enforcement (ICE), Federal Bureau of Investigations (FBI) and the Executive Office for Immigration Review (EOIR). The documents and raw data produced through this lawsuit have shown gross misrepresentations of the Secure Communities program to the American public, local law enforcement, state governments, and Members of Congress. In her July 11, 2011 Opinion and Order requiring release of a number of key documents, United States District Judge Shira Schindlin wrote: “[t]here is ample evidence that ICE and DHS have gone out of their way to mislead the public about Secure Communities.”² Indeed, the agencies still resist the call for greater transparency and accountability by fighting to keep secret a memorandum dated October 2, 2010, which will shed light on the agencies’ purported legal justification for mandating Secure Communities upon unwilling local jurisdictions.

Civil rights advocates have not been the only voices calling for a change in Secure Communities. Critics of the program include elected officials and local police. The *New York Times* recently called Secure Communities a “discredited dragnet that makes every cop a potential immigration

¹ For more information on the lawsuit *NDLON v. ICE*, et al., visit our website at: <http://ccrjustice.org/secure-communities>

² *NDLON v. ICE*, et al., 10-cv-3488, July 11, 2011 Opinion and Order, at 32.

agent.”³ These are not unfounded concerns. Last year, Maryland resident Maria Bolanos called the police for help during a domestic dispute and was arrested by local authorities because they often arrest both parties. As a result of the Secure Communities program, she now has a deportation order.⁴ Numerous such episodes have driven law enforcement officials such as San Francisco Sheriff Michael Hennessey to state that the program violates the “hard-earned trust” between immigrant communities and police.⁵

CCR is particularly concerned with the ways in which Secure Communities creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pre-textual arrests. For example, CCR is currently litigating a class action lawsuit challenging the constitutionality of the New York City Police Department’s (NYPD) “stop-and-frisk” practice, which has led to hundreds of thousands of suspicion-less and race-based stops of Black and Latino New Yorkers.⁶ In addition, police departments in Newark, New Jersey, Seattle, Washington, New Orleans, Louisiana and Maricopa County, Arizona, among others, are now under investigation by the Department of Justice for racially discriminatory policies.⁷ The combination of discriminatory police practices like “stop-and-frisk” with faulty ICE programs like Secure Communities greatly increases the chances an immigrant will end up with an ICE detainer and in removal proceedings due to an unlawful police encounter. Secure Communities creates a shield for rogue police departments and bad cops.⁸

Most of all, Secure Communities tears apart families and neighborhoods of hard-working immigrants in cities and towns across the country. The governors of Illinois, New York, and Massachusetts have all taken public stands against Secure Communities. Governor Andrew Cuomo of New York, for instance, said the program could negatively impact families, immigrant communities and law enforcement in the state.

Congress has before it federal agencies that continue rapid deployment of Secure Communities despite an outcry against the program and formal requests by states and localities to end or limit participation in the program.⁹ We request that the Subcommittee urge DHS to immediately terminate Secure Communities in all jurisdictions, starting with those that have requested to opt out of the program and jurisdictions with a record of racial profiling or where the Department of Justice is actively investigating a pattern or practice of racial profiling or where the Department request that the Subcommittee urge DHS to issue a moratorium on future deployment of Secure Communities to any new jurisdictions until the program is thoroughly investigated.

³ Editorial, “An Incremental Change,” *New York Times*, November 18, 2011.

⁴ “Domestic Violence Survivor Confronts Secure Communities Director,” *Deportation Nation*, November 11, 2010. Available at: <http://www.deportationnation.org/2010/11/domestic-violence-survivor-confronts-secure-communities-director/>

⁵ Michael Hennessey, “Secure Communities destroys public trust,” *San Francisco Chronicle*, May 1, 2011.

⁶ More information on CCR’s case *Floyd v. City of New York*, is available at: <http://ccrjustice.org/floyd>.

⁷ A total of 18 police departments are currently under investigation by the Department of Justice Civil Rights Division. Kevin Gray, “Justice Department Opens Probe of Miami Police,” *Reuters*, November 17, 2011.

⁸ See AartiKohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, The Chief Justice Earl Warren Institute on Law and Social Policy, October 2011, available at http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.

⁹ Kirk Semple, “Cuomo Ends State’s Role in Checking Immigrants,” *New York Times*, June 1, 2011.

Additionally, we ask Congress to eliminate funding for Secure Communities in the near future, as well as for other programs that use state and local law enforcement agencies to conduct immigration enforcement, such as the Criminal Alien Program (CAP), 287(g), and other ICE ACCESS (Agreements of Cooperation in Communities to Enhance Safety and Security) programs.

Deportations in our country have reached astounding and unprecedented levels. The Center for Constitutional Rights believes that the rights and protections guaranteed by the U.S. Constitution (and international human rights treaties the United States has signed onto) must extend to everyone in the country regardless of their race, national origin, or immigration status.

We look to you to stand with immigrant communities and end the Secure Communities program.

Thank you for your time and consideration. If you have any questions or concerns, please contact Sunita Patel at (212)614-6439 or spatel@ccrjustice.org.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bahar Azmy". The signature is written in a cursive, flowing style.

Bahar Azmy
Legal Director
Center for Constitutional Rights



November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

Our organization aims to educate, create awareness and address the pressing needs of the immigrant community. Our organization opposes the Secure Communities Program because it is ineffective, it threatens the safety of our communities, it runs counter to American principles of fairness and justice and it has been deceptfully imposed on our country's local communities. The Department of Homeland Security (DHS) has misrepresented the Secure Communities program to the American public, law enforcement agencies, state and local governments, and Members of Congress. The Secure Communities Program creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pre-textual arrests.¹

To safeguard our communities and the protection of our rights we recommend that:

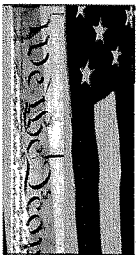
- Congress pass the End Racial Profiling Act which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.
- The Subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where DOJ is actively investigating a pattern or practice of discriminatory policing.

Thank you for your time and consideration

Sincerely,

Beatriz De La Espriella
Vice President of External Affairs
CHISPAS - UF

¹ See Aarti Kohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, The Chief Justice Earl Warren Institute on Law and Social Policy, October 2011, available at http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.



CIVIC TRUST

PUBLIC LOBBYING CO.

+ Advocacy for the people ✧

Civic Trust Public Lobbying Company strives for excellence and effectiveness. Our ultimate mission is to put into practice community ideas and magnify residents' voices in criminal justice, prison and drug policy reform utilizing collective resources already available to rebuild neighborhoods, communities and the state of Connecticut.

November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

Civic Trust Public Lobbying mission is to put into practice community ideas and magnify residents' voices in criminal justice, prison and drug policy reform utilizing collective resources already available to rebuild neighborhoods, communities and the state of Connecticut. Civic Trust Public Lobbying Company is a platform works with local constituency groups to increase Connecticut residents' ability to create new policies; amend old policies and remove unjust antiquated laws in criminal justice, prison and drug policy reform. Secure Communities Programs violates civic engagement rights for all Connecticut tax-payers.

We oppose the Secure Communities Program because it is ineffective, it threatens the safety of our communities, it runs counter to American principles of fairness and justice and it has been deceitfully imposed on our country's local communities. The Department of Homeland Security (DHS) has misrepresented the Secure Communities program to the American public, law enforcement agencies, state and local governments, and Members of Congress. The Secure Communities Program creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pre-textual arrests.¹ In Connecticut we have the Penn Act that deters police officers from inappropriate stops. Civic Trust Public Lobbying Company and our allies are working towards adding religious profiling as we have natural born citizens who choose the Muslim religion and their rights are being violated. Overt interrogation is NOT keeping our communities safe. It is increasing less community/police positive relationship and reporting of crimes.

To safeguard our communities and the protection of our rights we recommend that:

- Congress pass the End Racial Profiling Act which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.
- The Subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where DOJ is actively investigating a pattern or practice of discriminatory policing.

Thank you for your time and consideration
Sincerely,

LaResse Harvey
Founder/Executive Director
860-777-7814

¹ See Aarti Kohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, The Chief Justice Earl Warren Institute on Law and Social Policy, October 2011, available at http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.



In the Name of God, the Compassionate, the Merciful

Council on American-Islamic Relations

455 New Jersey Avenue, S.E. Washington, DC 20003
Tel 202.488.8787 Fax 202.488.0833 www.cair.com

November 29, 2011

Subcommittee on Immigration Policy and Enforcement
U.S. House Committee on the Judiciary
B-353 Rayburn House Office Building
Washington, DC 20515

RE: Concern Over November 30 Subcommittee Hearing on Secure Communities Program

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

The Council on American-Islamic Relations (CAIR), the nation's largest Muslim civil liberties and advocacy organization, appreciates that the House Subcommittee on Immigration Policy and Enforcement plans to hold a hearing on November 30 regarding the Immigration and Customs Enforcement (ICE) Secure Communities Program.

CAIR, in addition to the Rights Working Group and numerous civil rights and advocacy organizations, recognizes the need for a comprehensive review of Secure Communities and U.S. immigration law as a whole. According to ICE, in 2010, 27 percent of those detained nationwide under the program were "criminals,"¹ and in the state of Illinois 78 percent of those detained were individuals who had committed only "misdemeanors or had no criminal record."²

We oppose Secure Communities because it is ineffective, it threatens the safety of our communities, it runs counter to American principles of fairness and justice and it has been imposed on our country's states and local communities. While the program -- as it was originally devised -- was intended to identify, prioritize, and remove only the most serious criminal offenders, in practice it has led to deportation based on minor immigration violations, racial profiling, and state disengagement from the program.

The program requires state and local law enforcement agencies (LEAs) to focus on undocumented immigrants, diminishing overall law enforcement efforts to prevent other serious types of crime. Frequently, those who report crime or are victims of crime are the ones deported because of their immigration status.

While Secure Communities is supposed to be a "voluntary" state-federal deportation program that enhances information-sharing between ICE, the Federal Bureau of Investigation, and states and local LEAs, ICE has announced that it will, "proceed with Secure Communities without the agreement of state and local jurisdictions" after having rescinded its prior agreements with participating states and jurisdictions. Massachusetts, Illinois and New York have already attempted to withdraw from the program.

WASHINGTON, D.C.

ARIZONA CALIFORNIA CONNECTICUT FLORIDA GEORGIA ILLINOIS KENTUCKY MARYLAND MASSACHUSETTS MICHIGAN
MISSOURI NEW JERSEY NEW YORK OHIO PENNSYLVANIA SOUTH CAROLINA TEXAS VIRGINIA WASHINGTON

We believe that the Department of Homeland Security (DHS) has misrepresented Secure Communities to the American public, state and local governments, LEAs, and members of Congress. The program also creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pre-textual arrests.³

We ask the Subcommittee to support comprehensive reform of the Secure Communities Program, establishing a common-sense approach for states and LEAs, respecting the rights of citizens and immigrants, and promoting greater public safety. To safeguard our communities and the protection of our rights we recommend that:

- Congress reform Secure Communities to focus state and local LEA resources on deporting “high priority” convicted drug traffickers, gang members, and violent criminals, not “low priority” immigrants seeking a path towards citizenship.
- Congress pass the End Racial Profiling Act, which would ban profiling based on race, religion, ethnicity, and national origin at the federal, state and local levels.
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.
- The subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where the Department of Justice is actively investigating a pattern or practice of discriminatory policing.

We look forward to the hearing and hope to distribute the highlights of its proceedings to our constituency in order to alleviate concerns regarding the mismanagement and abuses of this nationwide immigration enforcement program.

Sincerely,



Nihad Awad
National Executive Director

Subcommittee on Immigration Policy and Enforcement
November 29, 2011

Page 3

¹ See U.S. Immigration and Customs Enforcement: *Secure Communities, IDENT/IAFIS Interoperability Monthly Statistics through February 28, 2011*, March 7, 2011, *available at* <https://indion.org/pdf/scommfeb/nationwidestats20112.pdf>

² See Illinois Coalition for Immigrant and Refugee Rights, "Immigration Enforcement--The Dangerous Reality Behind "Secure Communities," 2011, *available at* <http://icirr.org/sites/default/files/ImmigrationEnforcementTheDangerousRealityBehindSecure%20Communities.pdf>

³ See Aarti Kohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, The Chief Justice Earl Warren Institute on Law and Social Policy, October 2011, *available at* http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.

November 23, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren and Members of the Subcommittee:

I write on behalf of the members of a group of concerned citizens in Dubuque, Iowa who are members of the **Crossing Borders Committee**. Our goal is to raise awareness within the City of Dubuque and surrounding areas of the need for comprehensive immigration reform and to address any issue that either impedes or fosters this goal. We desire to educate the public concerning the injustices experienced by our immigrant brothers and sisters and to advocate on their behalf.

One of our major concerns is the **Secure Communities** initiative that went into effect in the County of Dubuque last April. Although the initial intention of this legislation was to create a sense of safety/security for its citizens, it, as you know, has had the opposite effect. Without a doubt the **Secure Community Program** has left everyone feeling less safe and uncomfortable. It has fostered racial profiling on the local level and has placed our local police in the very dubious situation of having to enforce federal immigration laws.

The **Secure Community Program** has also separated families and caused grave economic instability for many of our immigrants. In addition women who are living in abusive situations are afraid to report such abuses for fear of deportation.

This is not the type of community that we desire in Dubuque, Iowa. Rather we desire to be a welcoming community, one that works with, respects, supports and offers opportunities for education and integration for all of our people.

At the same time we are very aware that for such a community to develop we need to work at the federal level for **comprehensive immigration reform**. It is time to stop taking miniscule steps that only aggravate a situation and to address the real cause of the problem, namely that our current immigration laws are out of date and need to be addressed as a whole.

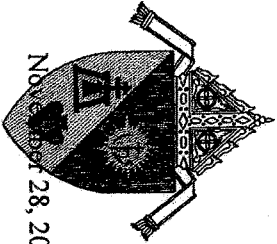
Until the above takes place we ask you to consider the following:

1. Eliminate funding for the Secure Communities Initiative and other initiatives that use state and local police to conduct immigration enforcement unless meaningful protections are put into place to end racial profiling.
2. Request DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling.

Thank you for considering our request and for protecting our immigrant brothers and sisters.

Sincerely,

Sister Mary McCauley, BVM mmccauley@bvmcong.org
Chair: Crossing Borders



Diocese of San Bernardino
OFFICE OF SOCIAL CONCERNS
OFICINA DE PASTORAL SOCIAL

NOV 28, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Galleghy, Ranking Member Lofgren, and Members of the Subcommittee:

I work for the Justice for Immigrants office for the Diocese of San Bernardino, which includes the two counties of San Bernardino and Riverside in California. Forty-six percent of the people in the City of San Bernardino receive some kind of aid. Our area is both poor and hostile to undocumented residents. The local police departments use Secure Communities and the 287g programs readily and recent figures indicate that the two counties deport numerous non-criminal residents.

In an article published in the Riverside Press Enterprise on September 4, 2011:

In Riverside and San Bernardino counties, about 24 percent of the 3,391 people deported after being identified under Secure Communities had been convicted of the most serious felonies, such as murder, rape, child sexual abuse, drug trafficking and some categories of theft and burglary, according to ICE data. Another 13 percent were convicted of less serious felonies, or of three or more misdemeanors.

But the rest either had been found guilty of minor crimes or had no record of a criminal conviction that ICE could locate. Some had no criminal record but had ignored orders to leave the country or returned after being previously deported.

Asked to comment, ICE representatives referred to written statements. ICE says Secure Communities targets only those arrested for a crime, and that it prioritizes people "who present the most significant threats to public safety."

S-Comm is a tool that encourages racial profiling and creates a divide between the police and the community. The effective tool of community policing has been replaced by fear and suspicion. Secure Communities is anything but secure.

We encourage you to pass the End Racial Profiling Act which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels, eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations. Further, the Subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where DOJ is actively investigating a pattern or practice of discriminatory policing.

Thank you for your time and consideration.

Sincerely,

Kathi Scarpace
Justice for Immigrants

1201 E. Highland Ave.
San Bernardino, CA 92404
Phone: (909) 475-5465 ☎ Fax: (909) 475-5473

DRM Capitol Group, LLC

November 29, 2011

**The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515**

Dear Chairman Galleghy, Ranking Member Lofgren, and Members of the Subcommittee:

DRM Capitol Group serves as a voice of undocumented youth in the nation's capital. Our work ensures that immigrant youth are represented in the halls of power and are correctly and directly informed of the actions of Congress, Executive Agencies, and the Courts. We provide a watchful policy tracking and an active lobbying presence to ensure important issues, like the DREAM Act, stay high on Washington's agenda.

We oppose the Secure Communities Program because it is ineffective and it runs counter to American principles of fairness and justice. More specifically:

Secure Communities breeds INSECURE communities

- Secure Communities serves as an excuse to arrest up immigrants. As a result, immigrants will avoid the police. When immigrant communities know or believe that police are involved with ICE, seeking aid from police becomes too risky. Crimes go unreported and victims go unprotected when entire communities fear the police.
- Even legal immigrants fear cooperating with or seeking help from law enforcement if they fear they could somehow be placed into removal proceedings, or if they have family members who are undocumented.
- When community members stop cooperating with law enforcement, everyone is less safe.

Secure Communities casts too wide a net, with too few safeguards for U.S. Citizens.

- Secure Communities ostensibly targets "criminal aliens" but in fact affects everyone who is brought into a jail-whether or not they were arrested for a serious crime. Immigration checks should only apply to persons who have been convicted of a crime and been judged to be a danger to the public. If the program was not used for persons who are arrested for very minor offenses, the incentive for racial profiling would be greatly reduced.
- Secure Communities has unclear priorities and uncertain accountability.
- DHS admits in a recent report on immigration detention that many non-citizens released from jail do not have convictions, and less than half of the non-citizens booked into immigration detention have any criminal conviction at all.
- ICE has not shown how its priorities - giving highest priority to persons convicted of serious crimes - are being monitored, implemented, and enforced. Without

enforcement, it is not clear how police who are prone to arrest individuals based on racial profiling will be held to account.

Secure Communities involves EXPENSIVE COSTS for local jails and communities

- Secure Communities means more jail time for non-citizen defendants because, when there is a "hit" on a DHS immigration database, the local jail is asked to hold the individual at the conclusion of criminal proceedings for ICE. This results in a growing cost that falls on the town or county.

To safeguard our communities and the protection of our rights we recommend that:

- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.
- The Subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where DOJ is actively investigating a pattern or practice of discriminatory policing.

Thank you for your time and consideration

Sincerely,

Cesar Vargas, J.D.
Government Affairs Managing Director
DRM Capitol Group, LLC



November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

The Electronic Frontier Foundation (EFF) is a nonprofit civil liberties law firm and advocacy organization representing public interest in the digital age. We are writing to express deep concerns about the privacy and due process implications of the Secure Communities Program, which includes data-sharing practices that exceed the data minimization and use specifications practices articulated in the Department of Homeland Security's *Fair Information Practice Principles*. The Secure Communities Program sets a dangerous precedent for overcollection and misuse of sensitive personally identifiable information, with ramifications for the privacy and due process rights of all Americans.

Under Secure Communities, local law enforcement agencies have lost control over the data they collect for purely local purposes. They are required to submit fingerprints and detailed information on all individuals they arrest to the Federal Bureau of Investigation (FBI), which then sends a copy of the data to the U.S. Immigrations and Customs Enforcement (ICE). ICE then checks the immigration status of the individuals, and moves to deport those who do not have appropriate residency standing. Notably, individuals can be arrested, fingerprinted, and deported even if they are not convicted of a crime. For example, individuals engaged in civil disobedience at a protest rally but whose charges are later dismissed or individuals who are wrongfully arrested due to racial discrimination or false evidence could find their fingerprint data collected and face potential deportation. In fact, ICE reports that 21% of the program's deportees were never convicted of a crime,¹ contrary to the due process principles that are fundamental to the American legal system.

EFF is concerned that the Secure Communities Program fails to meet the standards of the *Fair Information Practice Principles: Framework for Privacy Policy at the Department of Homeland Security* (FIPPS).² These principles create a foundation to ensure that the Department of Homeland Security will uphold the privacy rights of individuals even when conducting investigations of importance to national security. DHS is responsible for overseeing the Secure Communities Program, and thus the entire program should adhere to the FIPPS. More broadly, the FIPPS provide a framework for the collection and

¹ See *Quinn hits back against immigration checks*, Chip Mitchell, WBEZ 91.5 Radio, August 25, 2011

<http://www.wbez.org/story/quinn-hits-back-against-immigration-checks-91065>

² See *Privacy Policy Guidance Memorandum 2008-01*, The Fair Information Practice Principles: Framework for Privacy Policy at the Department of Homeland Security, December 29, 2008

http://www.dhs.gov/xlibrary/assets/privacy/privacy_policyguide_2008-01.pdf

usage of personal information generally, and can be seen as guiding principles for government and nongovernmental agencies dealing with sensitive personal information in a wide range of circumstances.

The FIPPs define 8 principles, including:

Purpose Specification: DHS should specifically articulate the authority that permits the collection of PII and specifically articulate the purpose or purposes for which the PII is intended to be used.

Data Minimization: DHS should only collect PII that is directly relevant and necessary to accomplish the specified purpose(s) and only retain PII for as long as is necessary to fulfill the specified purpose(s).

Use Limitation: DHS should use PII solely for the purpose(s) specified in the notice. Sharing PII outside the Department should be for a purpose compatible with the purpose for which the PII was collected.

The Secure Communities Program runs counter to these principles by transferring data between agencies in ways that exceed the purpose for which the data was originally collected. In particular, fingerprint data of individuals booked into jails is obtained for the purpose of identification and checking preexisting criminal history; it is not collected to review an individual's immigration status for possible deportation. Being booked into a jail – especially when one is not convicted of a crime – should not give the government carte blanche to share one's personal information between government agencies. This secondary usage of the data is incompatible with the purpose for which the data was originally collected, and the transfer of data from detention facilities such as local jails to a central database within ICE violates the principles of use limitation and data minimization.

The expediency of the Secure Communities process comes at the cost of dearly held American rights to privacy and due process, and sacrificing civil liberties for such expediency in immigration enforcement creates a dangerous precedent. The Secure Communities of today may be only the first step in DHS's efforts to expand its dragnet data collection program. While Secure Communities is currently operating with data collected from arrestees, if left unchecked this program has the potential to expand to personally identifiable information from a range of other sources.

We oppose the Secure Communities Program because it threatens the privacy rights of Americans and runs counter to due process. To safeguard civil liberties, we recommend that:

- Congress order an external review of the data retention and sharing practices under Secure Communities, and create guidelines for cabinng data such that it is not used for purposes other than for which it is collected.
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct

November 29, 2011

Page 3 of 3

immigration enforcement until and unless programs are instituted that respect civil liberties.

- The Subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program.

Thank you for your time and consideration.

Sincerely,

/s/

Jennifer Lynch, Staff Attorney
Rainey Reitman, Activism Director
Electronic Frontier Foundation

ESCONDIDO HUMAN RIGHTS COMMITTEE
P.O. Box 300221
Escondido, CA 92030-0221

November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

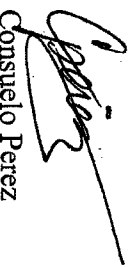
We oppose the Secure Communities Program because it is ineffective, it threatens the safety of our communities, it runs counter to American principles of fairness and justice and it has been deceitfully imposed on our country's local communities. The Department of Homeland Security (DHS) has misrepresented the Secure Communities program to the American public, law enforcement agencies, state and local governments, and Members of Congress. The Secure Communities Program creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pre-textual arrests.¹

To safeguard our communities and the protection of our rights we recommend that:

- Congress pass the End Racial Profiling Act which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.
- The Subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where DOJ is actively investigating a pattern or practice of discriminatory policing.

Thank you for your time and consideration.

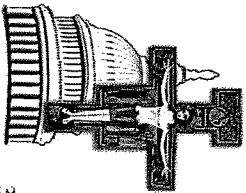
Sincerely,



Consuelo Perez

Escondido Human Rights Committee

¹ See Aarti Kohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, The Chief Justice Earl Warren Institute on Law and Social Policy, October 2011, available at http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.



Franciscan Action Network

Transforming the World in the Spirit of St. Francis and St. Clare

3025 4th Street, N.E. • Washington, DC 20017 • 202-527-7575 • 1-888-364-3388 (toll free) • 202-527-7576 (fax)

November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren and Members of the Subcommittee:

Franciscan Action Network (FAN) whose members are men and women, religious and lay, throughout the United States, works to coordinate and amplify the Franciscan voice to address issues of peacemaking, poverty and human rights, and care for all of creation. We are actively involved in the efforts of faith communities to protect the rights of immigrants and to reform our country's failed immigration system.

In this letter we specifically express our opposition to the Secure Communities Program. While DHS and ICE maintain that Secure Communities is an information-sharing program, not a local immigration enforcement program, the practice proves to be otherwise, as reported to us by some of our members working with immigrant communities. Despite the articulated purpose of the program to deport the "worst of the worst," ICE's own data makes clear its failure to do so. Between October 2008 and April 24, 2011, Secure Communities achieved 104,802 deportations of which 26 percent were for Level 1 crimes and merely 14 percent for Level 2 crimes. Worse, 29 percent were of individuals without any criminal convictions. (ICE statistics quoted in an analysis of the United States Conference of Catholic Bishops) Yet, DHS intends to expand Secure Communities nationwide by 2013.

We are convinced that the program is ineffective, threatens rather than secures the safety of our communities, and runs counter to American principles of fairness and justice. To truly safeguard communities and protect rights, we join others in offering recommendations including:

- Congress pass the End Racial Profiling Act which would apply to federal, state and local levels
- DHS immediately develop and implement improved and effective standards, training, oversight and accountability mechanisms to prevent racial profiling and other civil and human rights violations; Congress withhold funding until such protections are operative
- DHS terminate Secure Communities in jurisdictions that have chosen to opt out of the program, and suspend Secure Communities in jurisdictions with a documented record of racial profiling and other discriminatory practices.

Thank you for your consideration.

Sincerely,

Marie Lucey, OSF
Director of Advocacy and Member Relations
Franciscan Action Network

November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

We, the members of the Gospel Justice Committee of the Sisters of the Most Precious Blood of O'Fallon, Missouri, are opposed to the program of Secure Communities. We believe that all people should be treated with dignity and respect. And the concept of Secure Communities program is ineffective and has been presented inappropriately to the people of the United States and has led to racial profiling of people who appear different than ourselves.

To safeguard our communities and to protect the rights of all people, we recommend:

that Congress pass the End Racial Profiling Act thus banning any type of profiling because of race, religion, ethnicity or place of birth.

that Congress prohibit state and local law enforcement from conducting immigration enforcement.

that the subcommittee urge DHS to terminate Secure Communities in areas that do not wish to participate in them

Thank you for your time and consideration

Sincerely,

Sister Carol Boschert, C.P.P.S.
Gospel Justice Committee
Member

grassroots leadership



helping people gain power

BOARD OF DIRECTORS

Pete Tepy, co-chair | Birmingham, AL
Nicole Porter, co-chair | Washington, DC
Sara Evans | St. Paul, MN and Asheville, NC
Jacob Flowers | Memphis, TN
Leslie Hill | NYC, NY and Portland, ME
Cay/me Jones | Charlotte, NC
Millard "Mitty" Owens | Brooklyn, NY
Megan Quattabaum | Pittsburgh, PA
June Rostan | Greenback, TN
Kathleen Saadat | Portland, OR
Silky Shah | Brooklyn, NY
Rev. John Vaughn | New York, NY

November 29, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

I write as Senior Organizer for Grassroots Leadership, a 31 year-old Southern and Southwestern-based social justice organization that works with communities across the country on issues related to prison privatization, criminal justice, and immigration issues. "Secure Communities" has been detrimental to many of the communities in which we work.

"Secure Communities" devastates immigrant families and drives a wedge between immigrant communities and local law enforcement. At the same time, the program has contributed to record numbers of detentions and deportations that have enriched for-profit prison corporations.

In Texas, we have seen more than 27,000 people deported since the program's inception in 2008. The vast majority of those deported under "Secure Communities" are detained for only minor infractions or have no convictions whatsoever. What's more, there is an increasing body of data that demonstrates that "Secure Communities" undermines public safety by making it less likely that immigrants will call the police if they are victims of crime.

It is time to end this program once and for all. The Subcommittee should urge DHS to end "Secure Communities" in localities that have opted out of the program and suspend the program in jurisdictions with a record of racial profiling or where the Department of Justice is actively investigating a pattern or practice of discriminatory policing. Ultimately, "Secure Communities" must be abandoned in favor of more just and reasonable policies.

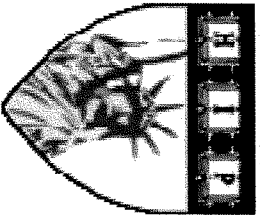
Please do not hesitate to call me at 512-499-8111, or email me at blibal@grassrootsleadership.org. I would very much like to discuss this further. Thank you for your consideration.

Sincerely,



Bob Libal
Senior Organizer

National Office | PO Box 36006 | Charlotte, NC 28236-6006 | VOICE 704.332.3090 FAX 704.332.0445
Texas Office | 2604 E. Cesar Chavez, Austin, TX 78021 | VOICE 512.499.8111 | GrassrootsLeadership.org



HARVARD IMMIGRATION PROJECT

Pound Hall 407 ♦ 1563 Massachusetts Avenue ♦ Cambridge, MA 02138 ♦ Phone: 617.496.5096

November 30, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

The Harvard Immigration Project is a Student Practice Organization at Harvard Law School that is committed to providing community outreach, education and advocacy, and pro bono legal representation to immigrants. We seek to provide opportunities for students to gain practical and meaningful experience in immigration law while serving immigrant communities with high-quality legal representation and advocating for positive changes in U.S. immigration law with an emphasis on protecting immigrant's rights.

We oppose the Secure Communities Program because it:

- *makes everyone unsafe by breeding distrust between local police and the communities they serve.* Police agencies throughout the U.S. regularly assert that it is in both the their own and their communities' best interest to make guarantees that cooperation with authorities does not and will not trigger immigration consequences. Likewise, members of immigrant communities, in general, place a high priority on public and personal safety but are reluctant to contact authorities that might ensnare community members—themselves and others—in the immigration enforcement system. Secure Communities puts at risk the already tenuous relationship between law enforcement and the immigrant communities they police and protect. Because Secure Communities vitiates the discretion of local authorities by requiring that police submit the fingerprints of *all* arrestees to federal immigration authorities, a community's participation in the program erodes the distinction between local police and ICE. In our home state of Massachusetts, community members have already expressed fear and hesitance to reach out to the police in an emergency due to the possible implementation of Secure Communities. In response to these concerns, Governor Deval Patrick refused to sign onto Secure Communities in June of this past year.¹
- *punishes hard-working immigrant community members as if they were criminals.* The vast majority of individuals (79%) deported through the program are either non-criminals or were arrested for low-level offenses, such as traffic violations.² These data belie assurances to immigrant populations that Secure Communities is focused primarily on the

¹ "Massachusetts Rejects Secure Communities Immigration Enforcement Program" *available at* http://www.huffingtonpost.com/2011/06/06/massachusetts-rejects-immigration-enforcement-program_n_871970.html

² BRIEFING GUIDE TO "SECURE COMMUNITIES," *available at* http://www.cardozo.yu.edu/uploadedFiles/Cardozo/Profiles/immigrationlaw-741/NDLON_FOIA_Briefing%20guide_final.pdf (last visited Nov. 29, 2011).

apprehension of “high threat” criminals and not on general immigration enforcement. Further, they demonstrate that in practice the program clearly contravenes the congressional mandate establishing it.³

- *is ineffective and contrary to foundational American values of fairness and equality.* The Department of Homeland Security (DHS) has misrepresented the Secure Communities program to the American public, law enforcement agencies, state and local governments, and Members of Congress. Secure Communities creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pre-textual arrests.⁴ Secure Communities raises further civil rights concerns: the existence of the Secure Communities mandatory detainer may result in unnecessary or prolonged detention and there is no complaint or redress procedure for individuals erroneously identified.⁵

To safeguard our communities and the protection of our rights we recommend that:

- Congress pass the End Racial Profiling Act that would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.
- The Subcommittee urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where the Department of Justice is actively investigating a pattern or practice of discriminatory policing.

Thank you for your time and consideration.

Sincerely,

The Harvard Immigration Project

³ U.S. DEPT. OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT, SECURE COMMUNITIES: QUARTERLY REPORT, FISCAL YEAR 2009 REPORT TO CONGRESS, THIRD QUARTER, August 27, 2009, ICE FOIA 10-2674.000277 - ICE FOIA 10-2674.000317, at ICE FOIA 10-2674.000279 (noting the congressional mandate to prioritize those individuals convicted of crimes, prioritizing those convicted of serious crimes); U.S. DEPT. OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT, 1ST QUARTERLY STATUS REPORT (April – June 2008) FOR SECURE COMMUNITIES: A COMPREHENSIVE PLAN TO IDENTIFY AND REMOVE CRIMINAL ALIENS, August 2008, ICE FOIA 10-2674.000095 - ICE FOIA 10-2674.000133, at ICE FOIA 10-2674.000097 (noting that congress allocated funds for ICE to “improve and modernize efforts to identify aliens convicted of a crime [and] sentenced to imprisonment”).

⁴ See AARTI KOHLI, PETER L. MARKOWITZ AND LISA CHAVEZ, SECURE COMMUNITIES BY THE NUMBERS: AN ANALYSIS OF DEMOGRAPHICS AND DUE PROCESS, The Chief Justice Earl Warren Institute on Law and Social Policy, October 2011, *available at* http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.

⁵ MICHELE WASLIN, PHD, THE SECURE COMMUNITIES PROGRAM: UNANSWERED QUESTIONS AND CONTINUING CONCERNS, SPECIAL REPORT COMMISSIONED BY THE IMMIGRATION POLICY CENTER 3-4 (November 2009). *See also* MASSACHUSETTS IMMIGRANT AND REFUGEE ADVOCACY COALITION, SECURITY COMMUNITY ADVOCACY, *available at* <http://www.miracoalition.org/en/issues-roknav-public-safety/secure-communities/218-secure-communities-advocacy> (last visited Nov. 29, 2011).



November 29, 2011

The Subcommittee on Immigration Policy and Enforcement

House of Representatives

B-353 Rayburn House Office Building

Washington, DC 20515

Houston United is a coalition of local groups dedicated to promoting and protecting the rights of all immigrants, documented and undocumented. We oppose the Secure Communities Program because it has been imposed on states whose governors have tried to opt out, because the program's existence encourages the police to engage in racial profiling, and because the vast majority of those deported under Secure Communities had no criminal records or were picked up for very low-level offenses. The Department of Homeland Security misrepresented Secure Communities to Congress, to the public and to our law enforcement agencies, with the result that local governments are burdened financially in order to comply, yet national security is not improved and people are being unlawfully and certainly unnecessarily detained.

Houston United recommends that the DHS terminate the Secure Communities Program in all states who choose to opt out and to suspend Secure Communities in all jurisdictions where racial profiling by local law enforcement has been documented or is under investigation.

To keep our communities safe and protect our rights, we strongly urge that Congress pass the End Racial Profiling Act which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels. We also recommend that Congress defund any programs that utilize local law enforcement agencies for immigration enforcement unless effective oversight measures are in place to prevent racial profiling and rights abuses.

Thank you for your attention,

Hope Sanford , Dave Atwood, Deb Shafto, Marianela Acuna-Arreaza and George Reiter for Houston United



HUMAN RIGHTS INITIATIVE OF NORTH TEXAS
www.hronline.org

BOARD OF DIRECTORS

Robert D. Graham
Board Chair

Laura J. O'Rourke
Chair Elect

Laura S. Pritchard
Treasurer

Serena Simmons Connelly
Secretary

Elizabeth A. Healy
James C. Ho
Stephanie Erwin Hunt
Hind Janet Ph.D.
Rabbi Asher Knight
Julie Lovenberg
Tina E. Patterson
The Rev. Linda Roby

HONORARY LIFE MEMBERS

Patricia Cook, MD
Don Glendening
Past President

ADVISORY BOARD

Kenneth Z. Altshuler, M.D.
Cecilia Boone
Steve & Barb Durham
Lauren Embrey
Lisa Hemby
Amy Swantee Hunt
Sarah Loisinger
The Hon. Ann Marjolin
Michael Meadows
Caren H. Pollock
Harold & Annette Simmons
Lelina Singh

STAFF

Elizabeth A. Healy
Interim Executive Director
Christine Conroy Mansour
Legal Director

Patricia Malton
Director, Marketing & Revenue
Development

Melissa Weaver
Attorney, Women and Children's
Program

Martha Gonzalez
Attorney, Asylum Program
Bonnie Allen
Consistency Development

Khibbat Ouma
Administrative Assistant

Sarah Paul
Legal Assistant & Case
Management Coordinator

Evangelina Barreda
Legal Assistant, Women &
Children's Program

Liane Alutis, Client Services
Administrator

Zahab Abdulkader, Visa
Volunteer Coordinator

Mario Quirozes, Visa
Social Media Coordinator

November 23, 2011

The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

Human Rights Initiative of North Texas (HRI) is a non-profit agency in Dallas that provides legal services to victims of human rights abuses, specifically immigrants who have been victims of violence. In that capacity, we have represented hundreds of VAWA and U-Visa clients over the last few years. We fully understand the importance of facilitating cooperation between violent crime victims and law enforcement (rather than instilling a fear of deportation among such victims). For this reason, we have been opposed to Secure Communities since its inception.

HRI's primary reason for opposing the Secure Communities Program is because it threatens the safety of our communities. Secure Communities is also contradictory in both spirit and effect to the VAWA and U Visa program. Local law enforcement should work with immigrants to catch dangerous criminals rather than fostering an environment of fear in the immigrant community. The overall effect of the Secure Communities Program is to create an atmosphere of unease between law enforcement and the community. Many immigrants tell us that they have been afraid to report, and have not reported, domestic violence, sexual assault and other serious incidents because they fear that their undocumented status will stop the police from helping them and put them in danger of being deported. Research shows that perpetrators often use immigration status as a tool of power and control over their victims. Like other victims of domestic violence and sexual assault, immigrant survivors should be able to trust their local police to help them when they report crimes. Secure Communities, however, has eliminated that trust when local police are viewed instead as a branch of federal immigration enforcement.

For instance, dual arrests unfortunately occur frequently in domestic violence cases involving immigrants, particularly if the victim has limited English proficiency. In such cases, even if prosecutors move forward in only prosecuting the abuser and the victim is later released without charges, under Secure Communities the victim may find that she has an ICE detainer and has been put in deportation proceedings nonetheless. This has happened in numerous occasions, including to some of our clients.

Although Secure Communities purports to target and remove only serious criminal offenders, the reality is that many people who are arrested and subjected to this program are not dangerous criminals, and include victims of domestic violence and sexual assault who are wrongfully arrested or are arrested for minor violations that come to light when they seek help. Not only does this have a detrimental impact on the survivor and her children but, as word spreads, such incidents undermine community policing and result in silencing other victims who are too afraid to seek help.



HUMAN RIGHTS INITIATIVE OF NORTH TEXAS
www.hronline.org

BOARD OF DIRECTORS

Robert D. Graham
Board Chair

Laura J. O'Rourke
Chair Elect

Laura S. Pritchard
Treasurer

Sarena Simmons Connelly
Secretary

Elizabeth A. Healy
James C. Ho
Stephanie Evelyn Hunt
Hind Jurek, PhD.
Rabbi Asher Koght
Julia Lovgrenson
Tina E. Patterson
The Rev. Linda Fody

HONORARY LIFE MEMBERS

Patricia Cook, MD
Don Glendening
Past President

ADVISORY BOARD

Kenneth Z. Alshuler, M.D.
Cecilia Boone
Steve & Barb Durham
Laurin Embury
Lisa Henry
Ann Swarner Hunt
Sarah Longier
The Hon. Ann Margolin
Michael Madawa
Carol H. Priddy
Harold & Arnette Simmons
Lehna Singh

STAFF

Elizabeth A. Healy
Interim Executive Director
Christine Cooney Mansour
Legal Director
Patricia Melton
Director, Marketing & Revenue
Development
Melissa Weaver
Attorney, Women and Children's
Program
Martha Gonzalez
Attorney, Asylum Program
Bonner Allen
Consultancy Development
Khabeet Osuna
Administrative Assistant
Sarah Pahl
Legal Assistant & Case
Management Coordinator
Evangeline Barrada
Legal Assistant, Women &
Children's Program
Lianne Alvaldo, Client Services
Administrator
Zainab Abdugader, Visa
Volunteer Coordinator
Mano Quinones, Visa
Social Media Coordinator

While we appreciate ICE's efforts to try to identify and triage out domestic violence and sexual assault survivors, immigrant crime survivors are even less likely to trust ICE, the agency charged with deporting them and their families. If survivors of crime must rely on ICE to identify them, our local criminal justice systems are failing in their responsibility to uphold public safety.

This is not just a problem for immigrant victims and for those of us who work with them. Those who harm immigrant women and children know that Secure Communities is an effective tool for instilling fear and coercing silence. When whole communities fear participating in our justice system, this undermines public safety for everyone and makes our communities less safe.

Local and state law enforcement agencies must be allowed to choose not to participate in Secure Communities until these problems are solved. Moreover, we encourage you and the Administration to find ways other than Secure Communities to achieve your goals without eroding our society's commitment to protecting the safety of all victims of crime and our communities at large.

We also oppose the Secure Communities Program because it is ineffective, it runs counter to American principles of fairness and justice and it has been deceitfully imposed on our country's local communities. The Department of Homeland Security (DHS) has misrepresented the Secure Communities program to the American public, law enforcement agencies, state and local governments, and Members of Congress. The Secure Communities Program creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pre-textual arrests.

To safeguard our communities and the protection of our rights we recommend that:

- Congress pass the End Racial Profiling Act which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.
- The Subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where DOJ is actively investigating a pattern or practice of discriminatory policing.

Thank you for your time and consideration.

Yours truly,

Christine Cooney Mansour
Legal Director



IMMIGRANT DEFENSE PROJECT

3 West 29th Street, Suite 803, New York, NY 10001

Tel: 212.725.6422 • Fax: 800.391.5713

www.ImmigrantDefenseProject.org

November 29, 2011

Dear House of Representatives Subcommittee on Immigration Policy and Enforcement:

I write on behalf of the Immigrant Defense Project, a nonprofit organization for whom I serve as Co-Director, to express opposition to the deportation program known as "Secure Communities."

The Immigrant Defense Project promotes fundamental fairness for immigrants accused or convicted of crimes. We seek to minimize the harsh and disproportionate immigration consequences of contact with the criminal justice system by 1) working to transform unjust deportation laws and policies and 2) educating and advising immigrants, their criminal defenders, and other advocates.

We wholeheartedly oppose S-Comm. This fundamentally flawed program violates due process by funneling immigrants into an unjust deportation system that offers no fair day in court; compromises the criminal justice system by fomenting distrust in the police; and destroys immigrant families and communities.

That is why we at IDP led the coalition of domestic violence, LGBTQ, family services, civil rights, immigrant rights, and family services advocates that got Governor Cuomo to suspend S-Comm in New York this past June. We believe that the only solution to the problems S-Comm poses is to terminate it nationwide.

Termination of S-Comm, as you know, has widespread support, both in New York and across the country. Attached to this letter you will find diverse examples of objections to S-Comm that we have gathered as part of our New York campaign to end the program. These include:

- Letter from more than 80 organizations across New York asking Governor Cuomo to end S-Comm (dated April 11, 2011)
- Letter from more than 130 diverse faith leaders across New York asking Governor Cuomo to end S-Comm (dated March 31, 2011)
- Letter from more than 30 New York City elected officials asking Governor Cuomo to end S-Comm (dated March 17, 2011)
- Letter from 50 New York State elected officials asking Governor Cuomo to end S-Comm (dated June 1, 2011)
- Press release of Governor Cuomo announcing the suspension of S-Comm (dated June 1, 2011)
- Press release by domestic violence and trafficking advocates applauding Governor Cuomo's decision to suspend S-Comm (dated June 1, 2011)

If you have any questions, please do not hesitate to contact me at mfei@immigrantdefenseproject.org or 212.725.6486.

Sincerely,

Michelle T. Fei
Co-Director

April 11, 2011

Honorable Andrew M. Cuomo, Governor
State of New York
State Capitol
Albany, NY 12224

Dear Governor Cuomo,

We are a coalition of domestic violence, workers' rights, immigrants' rights, legal service providers, LGBT, youth, labor and civil rights organizations. We write to express our shock and disappointment at learning that the Division of Criminal Justice Services signed a Memorandum of Agreement (MOA) with Immigration and Customs Enforcement (ICE) regarding Secure Communities (S-Comm) on May 18, 2010 and revised this MOA without any meaningful changes in December 2010. We write to ask that you **immediately rescind the MOA and cease implementation of S-Comm** as this program raises grave concerns for community safety, civil rights, due process and fiscal liability, among others.

Under S-Comm, all law enforcement agencies in the state are required to automatically forward the fingerprints of every arrested person (including U.S. Citizens and lawful permanent residents or "green card holders") to federal immigration databases. Based on unreliable and incomplete information, ICE then transfers people suspected of being deportable directly into the detention and deportation system, separating them from their families and communities. Locked up in detention centers in remote locations, immigrants have severely limited access to lawyers, medical care, family, witnesses, and evidence to defend against deportation.

We, the undersigned organizations, strongly oppose S-Comm as we believe that the program is fundamentally flawed and will harm our communities. Our principal concerns are that S-Comm:

- **Jeopardizes our safety:** S-Comm destroys law enforcement relationships with their communities. When community members are afraid that interaction with local police might lead to deportation, they are less likely to report crimes or cooperate as witnesses. This makes it harder for police to investigate crimes and to keep our communities safe.
- **Offends values of liberty, due process and justice:** S-Comm subverts the core promise of our legal system to afford equal protection under the law by forcing immigrants to be treated differently than U.S. Citizens in their criminal proceedings. Immigrants tagged for deportation are routinely denied bail, jailed for longer, and wrongfully disqualified from participating in alternative release programs. S-Comm also funnels people into an unjust immigration system where they are stripped of their right to a government-appointed lawyer and a "fair day in court."
- **Encourages racial profiling:** S-Comm gives the police incentives to make pretextual arrests based on race or ethnicity in order to jail people suspected of being undocumented and run their fingerprints in the hopes of turning them over to ICE for deportation. This

illegal pattern of targeting and profiling has already been well documented through studies of similar ICE-local enforcement programs.

- **Imposes significant costs on our State and localities:** S-Comm forces states and localities to absorb the costs of mass incarcerations, as ICE promises that the program will “dramatically increase” the number of people held for additional time on civil immigration detainees while providing no additional federal funding to do so.
- **Exposes New York State and localities to significant liability:** Because S-Comm does not afford sufficient protections or oversight, state and local officials, not ICE, face heavy liability for illegal detentions and deportations that occur. New York City recently paid \$145,000 to settle one such violation and will not be reimbursed by the federal government.

In addition, we are increasingly concerned about ICE’s constant shifts in position on its own policies and the absence of any mechanisms for public accountability. For example, in its efforts to get New York to agree to sign on to S-Comm, ICE assured officials that local jurisdictions could simply choose not to participate in S-Comm, but later conveniently changed its position, stating the program was mandatory. ICE has failed to explain or reconcile any of its conflicting statements despite widespread attempts by the media and advocates to gain clarity on ICE’s policies. And across the range of its work—from collaborations with police through agreements like 287(g) to its detention of immigrants—ICE has found that its own agency regularly fails to clearly articulate and maintain goals and procedures, establish measurable standards, keep records and track data, provide adequate supervision and oversight, create mechanisms for feedback, and respond to complaints and grievances. This lack of accountability and transparency, coupled with ICE’s seemingly ever-changing policies, puts localities and the public in a dangerous position. States across the country, including New York, are hard-pressed to figure out the contours of their arrangements, responsibilities, and liabilities when dealing with an agency that has been shown to flout its responsibilities to the public and even the federal government itself. Worse, all the negative consequences resulting from ICE-local enforcement collaborations are borne not by ICE, but by the localities themselves.

In view of these serious issues, we ask that New York State:

- 1) **Rescind the S-Comm MOA; and**
- 2) **Halt activation of S-Comm immediately.**

Given the broad reach and grave consequences of this program, New Yorkers deserve an opportunity for meaningful public input and debate along with the implementation of safeguards and accountability mechanisms to ensure that S-Comm will not endanger our communities, violate our rights, and divert state financial resources. We demand that you immediately suspend all MOA contractual activities until further investigation is conducted into the community impact of, forecasted expenditures related to, and legal liability issues raised by S-Comm. We also request that you conduct a comprehensive cost-benefit analysis on this program and provide meaningful opportunities for rigorous public comment.

We await your response to our urgent concerns and demands regarding S-Comm and are hopeful that the best interests of NY and its residents are thoroughly considered before any implementation of S-Comm takes place. Please contact Mizue Aizeki, Northern Manhattan Coalition for Immigrant Rights, at: 212-781-0355 or maizeki@nmccir.org with any questions.

Sincerely,

Action for a Progressive Pakistan	Families for Freedom
Adhikaar	Farmworker Legal Services of NY
African Services Committee	Fifth Avenue Committee
American Immigration Lawyers Association- NY Chapter	Greater New York Labor-Religion Coalition
Arab American Association of New York	Hispanic Resource Center of Larchmont & Mamaroneck
Asian American Legal Defense and Education Fund	Hudson Valley Community Coalition
Barack Obama Democratic Club of Northern Manhattan	Imams Salihou Djabi and Souleymane Konate
Breakthrough	Immigrant Defense Project
Casa Esperanza	Immigrant Legal Resource Center
Center for Constitutional Rights	Immigration Equality
Central American Legal Assistance	Immigration Justice Clinic, Benjamin N. Cardozo School of Law
Centro Altagracia de Fe y Justicia	International Institute of Buffalo
Centro del Inmigrante	International Organization for Adolescents
Civil Rights for Immigrants Team of Alliance of Communities Transforming Syracuse	La Union
Coalition for Economic Justice, Buffalo, NY	Latin American Workers Project
Coalition for the Homeless	Long Island Immigrant Alliance
Committee Against Anti-Asian Violence	Long Island Jobs with Justice
Council of African Imams	LULAC Syracuse Chapter
Council of Peoples Organization	Make the Road New York
Council on American-Islamic Relations: New York	Migrant Support Services of Wayne County
Criminal Defense Immigration Project, New York State Defenders Association	Minkwon Center
DAMAYAN Migrant Workers Association	Muslim Consultative Network
Desis Rising Up and Moving	New Agenda for Broad Immigration Reform
Domestic Workers United	New Immigrant Community Empowerment
Ecuadorian International Center	New Sanctuary Coalition of New York City
	New York Anti-Trafficking Network
	New York Jobs with Justice
	New York Civil Liberties Union

New York Civil Liberties Union Capital Region Chapter	Sex Workers Organizing Project -- New York City
New York Civil Liberties Union Lower Hudson Valley Chapter	Society of Jesus (Jesuits), New York Province
New York Civil Liberties Union Nassau County Chapter	South Asia Solidarity Initiative
New York Civil Liberties Union Suffolk County Chapter	Streetwise & Safe
New York Immigration Coalition	UAW Region 9A
Northern Manhattan Coalition for Immigrant Rights	Upstate New York Detention Taskforce
Northwest Bronx Community and Clergy Coalition	United Neighborhood Houses
The Opportunity Agenda	Urban Justice Center
Pakistan Solidarity Network	Violence Intervention Program, Inc.
Peekskill Area Pastors Association	Wayne Action for Racial Equality
Queens Community House	Westchester Community Opportunity Program
Rockland Immigration Coalition	Westchester Hispanic Coalition
Safe Horizon	Workplace Project
SEIU 32BJ	Workers Rights Law Center
	Youth Ministries for Peace and Justice

Cc: NYS Attorney General Eric Schneiderman

NYS Interfaith Network for Immigration Reform

March 31, 2011

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Cuomo:

As leaders of diverse faith communities in New York, we are writing to express our disappointment that New York State is continuing its participation in the federal immigration enforcement program, Secure Communities (S-Comm). We ask that you rescind the Memorandum of Agreement between the NYS Division of Criminal Justice Services and Immigration and Customs Enforcement (ICE) regarding the S-Comm program. New York's continued involvement in this program puts the public welfare, families, community safety, and civil rights at risk, and betrays the fundamental values of our state and nation.

We are concerned about S-Comm for the following reasons:

- S-Comm is inimical to the public welfare. During this time of budget crisis, S-Comm uses scarce local funds to shoulder federal responsibility instead of toward the urgent and important law enforcement needs of our communities. **The greatness of New York lies in its tradition of putting the public welfare first. S-Comm betrays this tradition.**
- S-Comm will separate families. Under S-Comm, ICE will put people suspected of being deportable directly into the detention and deportation system, separating them from their families. Locked up in detention centers in remote locations, immigrants have severely limited access to their loved ones and, frequently, to legal services. Far too often, deportation is the outcome, resulting in divided families and shattered lives. **New York's tradition of protecting families and children is one root of its greatness. S-Comm betrays this tradition.**
- S-Comm damages the relationship between communities and local law enforcement agencies, putting the safety of communities at risk. Concerns about

NYS Interfaith Network for Immigration Reform

police enforcement of immigration law will prevent victims and witnesses of crime from reporting offenses, putting vulnerable members of communities in jeopardy. **New York's tradition of ensuring the safety and security of all is one root of its greatness. S-Comm betrays this tradition.**

- In this merger of the federal immigration and local criminal justice systems, non-citizens are channeled into detention and deportation through reliance on a criminal justice system often characterized by racial profiling and racially biased policing. **The embrace of tolerance and the rejection of racial and ethnic stereotyping are one root of New York's greatness. S-Comm leads to a betrayal of these values.**

We, the undersigned, ask for your leadership in ending New York's participation in S-Comm. The shared values of our diverse faith communities, our state and our nation at large require it, and the welfare of immigrants, families and children - indeed, of all New Yorkers - hang in the balance.

Sincerely,

Lisa Sharon Harper
Executive Director
New York Faith & Justice
Co-Chair, New York State
Interfaith Network for
Immigration Reform
New York, NY

Diane Steinman
Co-Chair, New York State Interfaith
Network for Immigration Reform
New York, NY

Adam G L Bartholomew
Church of the Ascension
Mt. Vernon, NY

Adem Carroll
Muslim Consultative Network
New York, NY

Afton Branche
Immigration Policy Analyst
Druin Major Institute for Public
Policy
New York, NY

Sister Alice Maureen Darragh, SC
St. Peter Convent
Yonkers, NY

Alvarenga Silva
Brazilian Catholic Community
New York, NY

Ara Lourdes
Brazilian Catholic Community
New York, NY

Andrea Pastor
AJC
New York, NY

Anna Berg
New York, NY

Rev. Geo. Anthony Hoeltzel
Holy Cross Church
Yonkers, NY

Anthony M Carrozzo, O.F.M.
St Francis Church & Friary
New York, NY

NYS Interfaith Network for Immigration Reform

Rev. Dr. Anthony P. Johnson The Community Church New York, NY	Belinda Luscombe All Angels Church New York, NY	Rev. Wm. Blake Rider Rector Christ Episcopal Church Poughkeepsie, NY
Cara Ryan Master's Candidate, NYU University Grad. School of Arts & Sciences Queens, NY	Carol A. Barres SC Sisters of Charity New York, NY	Carol Barton United Methodist Women Immigrant/Civil Rights Initiative New York, NY
Carol DeAngelo, SC Ardsley, NY	Rev. Dr. Carolyn L. Stapleton United Methodist Brooklyn, NY	Rev. Cass L. Shaw General Presbyter Albany Presbytery Albany, NY
Charlene Obernauer Executive Director Long Island Jobs with Justice / multi-faith Hempstead, NY	Rev. Charles H. Straut, Jr., DMin NY Annual Conference of the United Methodist Church Brooklyn, NY	Sister Charlotte Raftery Sisters of Charity New York, NY
Charmaine Ruddock Bronx Health REACH The Institute for Family Health New York, New York	Rev. Chloe Breyer Executive Director The Interfaith Center of New York New York, NY	Sr. Claire Regan Sisters of Charity of New York New York, NY
Cyrus McGoldrick Civil Rights Manager Council on American-Islamic Relations New York, NY	Deborah C. Jenkins New York Annual Conference United Methodist Women Brooklyn, NY	Sr. Dolores M. Mitch M.M. Maryknoll Sisters Maryknoll, NY
St. Dorothy Metz Sisters of Charity of New York New York, NY	Rev. Douglas P. Cunningham New Day United Methodist Church Bronx, NY	Rev. Elice Higginbotham United Church of Christ New York, NY
Sr. Elizabeth Butler Sisters of Charity of New York New York, NY	Ellen Greeley Temple Israel of Northern Westchester, Social Justice Committee (Jewish) New York, NY	Emily Klukas CBA Specialist Hands United/Manos Unidas Latino Commission on AIDS Elmhurst, Queens

NYS Interfaith Network for Immigration Reform

Rev. Erika K. Meyer Rector Church of the Good Shepherd New York City, NY	Florence Laufer Migration & Integration / Strategic Partnerships United Nations Alliance of Civilizations New York, NY	Sister Florence Mallon, SC New York, NY
Rev. Frances Twiggs Rector St. John's Episcopal Church, New City, NY	Gail Golden Co-Chair Rockland Immigration Coalition New City NY	Gary Wiley Grace Trinity Church New York, NY
Geraldine Hanley, SC New York, NY	Pastor Gilford T. Monroe Mt Zion Church of God (7th Day) New York, NY	Rev. Dr. Gordon AR Edwards, PhD, PsyD, LMFT, LP St. Pastor Calvary United Methodist Church Bronx, NY
Grace Goodman Judson Memorial Church New Sanctuary Coalition New York, NY	Sister Grace Troisi, E.D.D. Bronx, NY	Rev. Hector Laporta Fourth Avenue United Methodist Church Brooklyn, NY
Rev. Herbert Miller Park Slope United Methodist Church Brooklyn, NY	Rev. Hermon Darden Pastor First United Methodist Church Mt. Vernon, NY	Hesham El-Meligy Muslim Interfaith and Community Leader Staten Island, NY
Iilana Ofgang Legal Fellow UNITED SIKHS New York, NY	Iyalorisa Oseye Mchawi Executive Director Orno Obatala Egbe, Inc. Brooklyn, NY	Jane Rubio Metro Hope New York, NY
Jane Treuhold Chair Immigration Task Force, Judson Memorial Church New York, NY	Sr. Jean Bocian SC Yorkers, NY	Sister Jean Flannelly, SC, MTS, PhD, Sisters of Charity Douglaston, New York
Rev. Jeff Wells Chairperson Board of Church and Society New York, NY	Jo Renee Fine New York, NY	Rev. John Collins Memorial United Methodist Church New York, NY
Rev. John F. Backe Fordham Lutheran Church Bronx NY	Ft. John Mendonca Our Lady of the Angelus Parish New York, NY	Father John P. Duffell Pastor The Church of the Ascension New York, NY

NYS Interfaith Network for Immigration Reform

Rev. John R. Long, DD First Presbyterian Church, Buffalo Buffalo, NY	Josefa Castro Catholic Charities Brooklyn & Queens Astoria, NY	Joyce Willis Executive Director The Havens Relief Fund Society New York, NY
Sister Judith Carson Society of the Sacred Heart New York, NY	Kate Spaulding Administrative Manager New York, NY	Rev. Dr. Katharine Henderson President, Auburn Theological Seminary New York, NY
Sr. Kathleen Aucoin Sisters of Charity of New York New York, NY	Rev. Krystin Granberg Broadway Presbyterian Church New York, NY	Laurin Raiken Associate Professor, Director Gallatin School of Individualized Study New York, NY
Lily Butler Interfaith Chaplain SCNY Bronx, NY	Rev. Linda Bartholomew Associate Rector Grace Church New York, NY	Linda Thompson Lay Leader First United Methodist Church Amityville, NY
Sr. Maggie Kelly, SC Sisters of Charity Bronx, NY	Marcia O Bent UMW St. John's UMC New York, NY	Sister Maria Iglesias Sisters of Charity of New York Nanuet, NY
Marilyn C. Wakefield Reservoir United Methodist Church West Hurley, NY	Sr. Marion Hunt Sisters of Charity of New York New York, NY	Chaplain Mark Callender Brooklyn, NY
Rev. Mark E Marsh Pastor Victoria Congregational Church Jamaica, NY	Rev. Mark C. Hallinan, SJ Society of Jesus, NY Province New York, NY	Marlene Altman AJC New York, NY
Martha Callahue National Ethical Service New York, NY	Sr. Mary Ann Garisto Sisters of Charity of New York New York, NY	Mary Ellen Kris Lay Leader Park Avenue United Methodist Church New York, NY
Sr. Mary Ellen O'Boyle Sister of Charity of New York New York, NY	Sr. Mary Nerrey Congregation of Notre Dame New York, NY	Maxine Phillips Judson Memorial Church New York, NY

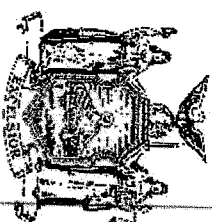
NYS Interfaith Network for Immigration Reform

Michael Carnevale, OFM Catholic Charities of NYC New York, NY	Michael Ellick Judson Memorial Church New York, New York	Rabbi Michael Feinberg Greater New York Labor-Religion Coalition New York, NY
Bishop Michael J. Champion Peekskill Area Pastors Assoc Peekskill, NY	Michele Burger New York, NY	Ms. Diane Mason Unitarian Universalist Community Church of NY New York, NY
Nancy Zukowski, Lake Ronkonkoma United Methodist Church New York Annual Conference, Board of Church and Society Medford, NY	Fr Nelson a belizario o.carm New York, NY	Rev. Noel Koestline Southold, NY
Paige Churzman Brooklyn, NY	Sister Patricia Noone Bronx, NY	Sr. Patricia Walsh Sisters of Charity of New York New York, NY
Ratan Barua President Bangladesh Hindu Buddhist Christian Unity Council Of USA New York, NY	Sister Regina Bechtle Sisters of Charity of New York Bronx, NY	Sr. Regina Murphy Sisters of Charity Bronx, NY
Sister Rita Nowatzki, SC NY, NY	Rev. Robert B. Coleman The Riverside Church New York	Robert D. Adams Unitarian Universalist Congregation at Shelher Rock Manhasset, NY
Rev. Robert Dresser, Newburgh, NY	Rev. Dr. Robert L. Brashear West-Park Presbyterian Church New York, NY	Rosemarie Pace Pax Christi Metro New York New York, NY
Rev. Elizabeth Fisher St Thomas Episcopal church Armenia Union NY	Samantha Mc Lane New York, NY	Sarah Sayeed, Ph.D. Women In Islam, Inc. New York, NY
Dr. Sheila Collins Memorial United Methodist Church New York, NY	Imam Souleimane Konate Spiritual Leader of Masjid Aqsa General Secretary of The Council of African Imams Inc New York, NY	Stephen F Groth St. Barnabas Episcopal Church Ardasley, New York

NYS Interfaith Network for Immigration Reform

CC

Scott M. Stringer Manhattan Borough President	Adriano Espallat NYS Senator	Jose M. Serrano NYS Senator	Ydanis Rodriguez NYC Council Member
Jerrold Nadler United States Representative	Charles B. Rangel United States Representative	Marty Markowitz Brooklyn Borough President	Thomas K. Duane NYS Senator
Liz Krueger NYS Senator	Jose Peralta NYS Senator	Daniel L. Squadron NYS Senator	James F. Brennan NYS Assembly Member
Deborah J. Click NYS Assembly Member	Richard N. Gottfried NYS Assembly Member	Brian Kavanagh NYS Assembly Member	Grace Meng NYS Assembly Member
Daniel J. O'Donnell NYS Assembly Member	Nick Perry NYS Assembly Member	Linda B. Rosenthal NYS Assembly Member	Keith L.T. Wright NYS Assembly Member
Charles Barron NYC Council Member	Gale A. Brewer NYC Council Member	Fernando Cabrera NYC Council Member	Margaret Chin NYC Council Member
Inez E. Dickens NYC Council Member	Daniel Dromm NYC Council Member	Julissa Ferreras NYC Council Member	Helen Diane Foster NYC Council Member
Daniel R. Garodnick NYC Council Member	Robert Jackson NYC Council Member	Leitta James NYC Council Member	G. Oliver Koppell NYC Council Member
Brad Lander NYC Council Member	Stephen Levin NYC Council Member	Rosie Mendez NYC Council Member	Annabel Palma NYC Council Member
Diana Reyna NYC Council Member	Jumaane D. Williams NYC Council Member	Charles E. Schumer United States Senator	Kristen Gillibrand United States Senator



March 17, 2011

Honorable Andrew M. Cuomo
Governor, State of New York
State Capital
Albany, NY 12224

Dear Governor Cuomo:

As New York City elected officials, we are writing to urge you to rescind the Agreement (MOA) New York State signed in May 2010 and revised in December 2010. The Department of Homeland Security's (DHS) Immigration and Customs Enforcement (ICE) Secure Communities program (S-Comm) authorizing the implementation of the Secure Communities program (S-Comm) would require state and local law enforcement authorities to provide arrestees to federal immigration authorities in order to identify immigrants who are deportable. It is our understanding that S-Comm raises serious public safety concerns for New Yorkers. Yet, this agreement was signed and the program is being implemented without consideration of the many issues raised by community organizations and elected officials. As such, we strongly urge you to rescind the MOA that authorizes implementation of S-Comm in New York State.

We are extremely concerned as DHS has repeatedly provided inconsistent and misleading information about S-Comm. New York State originally signed the MOA with local jurisdictions that did not want to participate in sharing fingerprints with DHS. Local jurisdictions have opted out of the program. In fact, ICE officials promised New York officials that they would not implement the Secure Communities program. Contrary to the assurances, the DHS now maintains that participation in S-Comm by local jurisdictions is mandatory. Documents released due to a FOIA lawsuit reveal a pattern of ICE misleading state officials and elected leaders about the voluntariness and the ability of local jurisdictions to either opt-in or opt-out of the program.

We believe that the implementation of S-Comm will spell dire consequences for our communities. Though DHS promotes S-Comm as a program that will improve public safety, it creates a sense of fear and distrust of police among immigrant communities. A report from the New York State and City populations will be hesitant to call upon the police to report crimes, actually threatening public safety. We have already heard from

in New York counties where S-Comm has been implemented that immigrant residents now fear to come in contact with the police.

The numbers show that immigrant communities do indeed have legitimate reasons to fear the S-Comm program. Though S-Comm is supposed to focus on Level I “high-threat” individuals, recent studies have shown that a vast majority (79 percent) of the people deported due to S-Comm are non-criminals, meaning they had no criminal conviction on record, or were picked up (but not necessarily charged or convicted) for lower level offenses. In fact, in some localities such as San Diego, more than half of those deported due to S-Comm are non-criminals. Moreover, we have concerns that S-Comm will facilitate racial and ethnic profiling by local law enforcement agents. That is, as S-Comm requires immigration status checks of all arrestees, the program can be misused by rogue police officers who may target individuals perceived to be immigrants based on their ethnicity or English language abilities.

As ICE has made clear that states and localities and not ICE, will bear the liabilities incurred by participation in S-Comm, New York risks exposure to lawsuits arising from cases of racial profiling or prolonged detention. Furthermore, the added operational costs of S-Comm—such as holding arrestees for longer periods while waiting for ICE officials—will fall upon localities. With New York facing a projected \$8.1 billion budget deficit in the next fiscal year and the City still weathering a challenging economic environment, New York can ill-afford unnecessary expenditures that do not benefit our community.

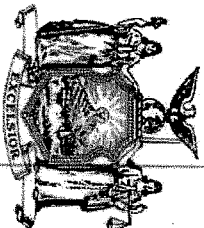
Most importantly, we oppose the implementation of S-Comm in New York because of the real human costs of the program. Already, New York City residents have suffered the repercussions of the City’s collaboration with federal immigration enforcement on Rikers Island through the Criminal Alien Program. This program identifies non-citizens detained in state and local jails and subjects arrestees to potential deportation proceedings upon release from custody. Each year 3,000 to 4,000 New York City residents are transferred into ICE custody, many of whom are often placed in immigration centers that are far away from home, such as Texas and Louisiana. Every day, longtime immigrant residents who have contributed to our city are being separated from their families, subjected to inhumane detention conditions and deported to countries where they may be at risk of persecution. The immigration system lacks accountability or transparency and we should not facilitate the funneling of thousands of New York residents into this black hole.

We ask that you rescind the S-Comm MOA signed with ICE and DHS until further investigation and public debate are conducted on the potential consequences of participating in the S-Comm program. Ultimately, local law enforcement should not be in the destructive and costly practice of collaborating with federal immigration in this manner. We ask that the State use its resources properly – not to deport New Yorkers who have already paid their dues to society but rather to keep New York families together, promote public safety, limit unnecessary costs and liabilities, and protect the rights of its most vulnerable residents.

Sincerely,

Scott M. Stringer Manhattan Borough President	Adriano Espaillat NYS Senator	Jose M. Serrano NYS Senator	Ydannis Rodriguez NYC Council Member
--	----------------------------------	--------------------------------	---

Jerrold Nadler United States Representative	Charles B. Rangel United States Representative	Marty Markowitz Brooklyn Borough President	Thomas K. Duane NYS Senator
Liz Krueger NYS Senator	Jose Peralta NYS Senator	Daniel L. Squadron NYS Senator	James F. Brennan NYS Assembly Member
Deborah J. Glick NYS Assembly Member	Richard N. Gottfried NYS Assembly Member	Brian Kavanagh NYS Assembly Member	Grace Meng NYS Assembly Member
Daniel J. O'Donnell NYS Assembly Member	Nick Perry NYS Assembly Member	Linda B. Rosenthal NYS Assembly Member	Keith L.T. Wright NYS Assembly Member
Charles Barron NYC Council Member	Gale A. Brewer NYC Council Member	Ferrando Cabrera NYC Council Member	Margaret Chin NYC Council Member
Inez E. Dickens NYC Council Member	Daniel Dromm NYC Council Member	Julissa Ferreras NYC Council Member	Helen Diane Foster NYC Council Member
Daniel R. Garodnick NYC Council Member	Robert Jackson NYC Council Member	Letitia James NYC Council Member	G. Oliver Koppell NYC Council Member
Brad Lander NYC Council Member	Stephen Levin NYC Council Member	Rosie Mendez NYC Council Member	Annabel Palma NYC Council Member
Diana Reyna NYC Council Member	Jumaane D. Williams NYC Council Member		



June 1, 2011*

Honorable Andrew Cuomo
Governor of New York
State Capitol
Albany, NY 12224

Dear Governor Cuomo:

Last week, the Governor of Illinois and the Illinois State Police took a critical step towards protecting the rights of their immigrant communities by terminating the state's Secure Communities (S-Comm) Memorandum of Agreement (MOA) with Immigration and Customs Enforcement (ICE). Through this action, no police in Illinois will share fingerprints with ICE—no new counties will be activated and counties that have S-Comm currently operating will be deactivated. We commend Illinois for taking this action.


Given New York's immigrant heritage and our leadership role in the nation, we firmly believe that our State, too, must immediately end this destructive program. Many of us have joined dozens of organizations in New York over the past year in raising a wide range of concerns about S-Comm and calling for an end to our State's participation in the program. It is critical that New York now join Illinois to show that stopping S-Comm is both necessary and doable.


Like us, Illinois felt that there was no choice but to completely withdraw from S-Comm. In his letter to ICE, Governor Pat Quinn pointed to "**the conflict between the stated purpose of Secure Communities and the implementation of the program.**" It could not be more clear that this program serves as a dragnet for ICE to meet its draconian deportation quotas. In Illinois, less than 20% of the people ICE deported due to S-Comm were convicted of a serious crime. ICE statistics for New York show that the vast majority (approximately 80 percent) of those detained by ICE because of S-Comm were never convicted of a crime. Even more importantly, S-Comm undermines the critical work we all have undertaken for so long to protect due process, end racial profiling, restore trust in the police, and stop unfair deportations.

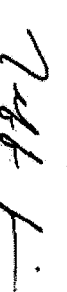
Especially at a time of increasing recognition of the terrible problems posed by S-Comm, we cannot afford to continue to let our immigrants get dragged through ICE's deportation machinery. Just last week, U.S. Congresswoman Zoe Lofgren, joined by U.S. Senator Robert Menendez, put a spotlight on the problematic S-Comm program, calling for "thorough investigations [of ICE] into any misconduct, including possible violations of criminal law."

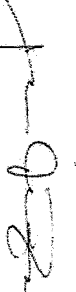
As a state that is proud of its tradition of upholding and protecting civil, immigrant, and human rights, we must stop S-Comm in New York. With 24 of our 62 counties already activated, we have no time to lose. We look forward to working with you to immediately terminate our S-Comm MOA in order to truly make New York a state that protects the rights of all communities.


Sincerely,

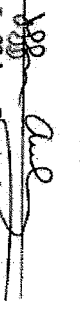

José Serrano
NYS Senate, 28th Dist.



Ruben Diaz
NYS Senate, 32nd Dist.



Jeffrey D. Klein
NYS Senate, 34th Dist.


José Peralta
NYS Senate, 13th Dist.



Daniel Squadron
NYS Senate, 25th Dist.


Jefferson L. Aubry
NYS Assembly, 35th Dist.



Karim Cannara
NYS Assembly, 43 Dist.



Jeffrey Dinowitz
NYS Assembly, 81st Dist.

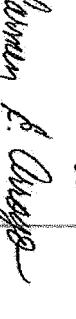

Brian Kavanaugh
NYS Assembly, 74th Dist.

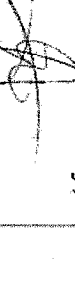

Thomas Duane
NYS Senate, 29th Dist.



Ruth Hassell-Thompson
NYS Senate, 36th Dist.

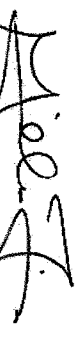

Bill Perkins
NYS Senate, 30th Dist.



Keith L.T. Wright
NYS Assembly, 70th Dist.



Cammen E. Arroyo
NYS Assembly, 84th Dist.



Nelson L. Castro
NYS Assembly, 86th Dist.



Deborah J. Glick
NYS Assembly, 66th Dist.

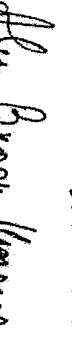

Guillermo Linares
NYS Assembly, 72nd Dist.



Adriano Espallat
NYS Senate, 31st Dist.



Liz Krueger
NYS Senate, 26th Dist.


Gustavo Rivera
NYS Senate, 33rd Dist.


Thomas J. Abinanti
NYS Assembly, 92nd Dist.


Alec Brook-Krasny
NYS Assembly, 46th Dist.


Marcos Crespo
NYS Assembly, 85th Dist.


Richard N. Gottfried
NYS Assembly, 75th Dist.

Vanessa A. Gibson
Vanessa Gibson
NYS Assembly, 77th Dist.

Ellen C. Jaffee
Ellen C. Jaffee
NYS Assembly, 95th Dist.

Barbara Lifton
Barbara Lifton
NYS Assembly, 125th Dist.

Francisco P. Moya
Francisco P. Moya
NYS Assembly, 39th Dist.

Nick Perry
Nick Perry
NYS Assembly, 58th Dist.

Peter M. Rivera
Peter M. Rivera
NYS Assembly, 76th Dist.

Linda B. Rosenthal
Linda B. Rosenthal
NYS Assembly, 67th Dist.

William Scarborough
William Scarborough
NYS Assembly, 29th Dist.

Matthew Titone
Matthew Titone
NYS Assembly, 61st Dist.

Carl E. Hearst
Carl E. Hearst
NYS Assembly, 83rd

Hakeem Jeffries
Hakeem Jeffries
NYS Assembly, 57th Dist.

Joan L. Millman
Joan L. Millman
NYS Assembly, 52nd Dist.

Daniel O'Donnell
Daniel O'Donnell
NYS Assembly, 69th Dist.

Phil Ramos
Phil Ramos
NYS Assembly, 6th Dist.

Amette M. Robinson
Amette M. Robinson
NYS Assembly, 56th Dist.

Samuel Roberts
Samuel Roberts
NYS Assembly, 119th Dist.

Michelle Schimel
Michelle Schimel
NYS Assembly, 16th Dist.

David Weprin
David Weprin
NYS Assembly, 24th Dist.

Rhoda Jacobs
Rhoda Jacobs
NYS Assembly, 42nd Dist.

Micah Kellner
Micah Kellner
NYS Assembly, 65th Dist.

Grace Meng
Grace Meng
NYS Assembly, 22nd Dist.

Felix Ortiz
Felix Ortiz
NYS Assembly, 51st Dist.

Jose Rivera
Jose Rivera
NYS Assembly, 78th Dist.

Robert J. Rodriguez
Robert J. Rodriguez
NYS Assembly, 68th Dist.

Addie J. Russell
Addie J. Russell
NYS Assembly, 118th Dist.

Eric Stevenson
Eric Stevenson
NYS Assembly, 79th Dist.

Governor Cuomo Suspends Participation in Federal Secure Communities Program

[1]

Albany, NY (June 1, 2011)

Governor Andrew M. Cuomo today announced that New York State will suspend participation in the federal Secure Communities Program to review the mounting evidence that the program is not meeting its stated goal and has serious consequences for witnesses, victims of crime and law enforcement.

The goal as stated by the federal government was to deport serious felons, and, based on evidence to date, it appears the program in New York is failing in this regard and is actually undermining law enforcement. Because of similar concerns, the Inspector General of the U.S. Department of Homeland Security (DHS) is investigating the program.

"There are concerns about the implementation of the program as well as its impact on families, immigrant communities and law enforcement in New York," Governor Cuomo said. "As a result, New York is suspending its participation in the program."

In a letter to DHS, Governor Cuomo's administration stated that information produced thus far has called into question – at both the federal and state levels – the implementation and intended effect of the Secure Communities program.

Governor Cuomo's office has also received complaints stating that the goals of the program were not being met. The questions raised are further aggravated by inconsistent statements by DHS and a failure to disclose basic information about the program.

Congressman Jose E. Serrano said, "Governor Cuomo has taken a brave and necessary step in suspending New York State's participation in the flawed 'Secure Communities' program, and he deserves great praise. He is firmly in line with our state's pro-immigrant tradition and on behalf of the immigrants and their friends in our community, I would like to thank him. Having New York

State pull back from this unfair and aggressive program should be a wake-up call to the Department of Homeland Security. It is time to end this program and I am glad my home state will no longer take part."

Congresswoman Nydia M. Velázquez said, "I thank Governor Cuomo for showing the leadership and foresight to suspend this misguided program, which does not reflect New York's long history as a welcoming home for newly arrived immigrants. The Secure Communities initiative does not make our nation safer, but inhibits cooperation with law enforcement and violates immigrants' due process rights."

Detek P. Champagne, Franklin County District Attorney and President of the District Attorneys Association of the State of New York (DAASNY), said, "By suspending the state's participation in this program until a comprehensive review is complete, the Governor is sending a strong message that the law enforcement tools we utilize must be clearly communicated, evenly applied and effective. We will continue to use the effective tools that have been in place for many years to ensure that we are identifying and preventing any risk to public safety."

Janet DiFiore, Westchester County District Attorney, said, "I support Governor Cuomo's decision to take New York State out of the Secure Communities Program in light of reports of the unintended consequences by its implementation. I remain confident that law enforcement throughout the state presently has sufficient tools at its disposal to continue to safeguard and protect all New Yorkers."

State Senator Adriano Espalliat, Chair of the Latino Caucus of the Senate, said, "Governor Cuomo's decision to end the so-called Secure Communities program in New York will restore rights and justice to countless immigrants across the state. We must enact policies and reforms that bolster our diverse population, not penalize it by instilling a sense of fear of wrongful deportation in our neighborhoods."

State Senator Gustavo Rivera, Vice Chair of the Latino Caucus of the Senate, said, "I applaud Governor Cuomo for having the courage to put an end to this program's existence in New York. The Secure Communities program has frightened victims and witnesses of crime from coming forward. We need to make our neighborhoods safe places for our families and not take part in a problematic and contradictory program that hinders our safety."

Assemblyman Felix Ortiz, Chair of the Puerto Rican/Hispanic Task Force, said, "The Secure Communities program has done the opposite of what it was supposed to do, and Governor Cuomo is right in removing our state from the program. While we continue to work to find ways to make it safer for victims and witnesses of crime to come forward and be a part of the process to save our communities, we must not let our state be part of an experiment that puts innocent

people at risk."

Thomas H. Mungeer, President of the New York State Police Benevolent Association, said, "We support Governor Cuomo's action today in suspending Secure Communities until the numerous questions, including a federal Inspector General's investigation, can be resolved. Police rely upon a partnership with the communities that they serve to ensure the public safety of us all. The questions that have surrounded the implementation of Secure Communities drives a wedge between law enforcement and the people they are sworn to protect. We are confident that the procedures we currently use and the strong relationships we currently have with federal, state and local authorities will ensure that we can keep our communities safe while also maintaining our relationship of trust."

John Poklemba, Counsel to the New York State Association of Chiefs of Police, said, "Governor Cuomo has made the right decision to take New York State out of the controversial Secure Communities program. This program unfortunately has had a negative impact on our crime-fighting efforts. Law enforcement must have tools and resources that are both effective and fair."

Jack Mahar, Sheriff of Rensselaer County and President of the New York State Sheriffs Association, said, "Every day, law enforcement officers put their lives on the line to rid our neighborhoods of crime, and we do it with the cooperation of the law-abiding public. This program was intended to make communities safer and stronger, but many people question whether this program has really accomplished its objectives. Governor Cuomo is right to remove our state from this program until all concerns are addressed."

Clinton County Sheriff David Favro said, "Governor Cuomo's decision to freeze the Secure Communities program until the questions that have been raised about its implementation can be settled, is a wise one. While we are sworn to keep our communities safe, that cannot come at the price of their trust. Our strong current partnerships with federal law enforcement and long-standing operations in this state will ensure that we continue to communicate effectively to identify undocumented immigrants in our county jails and take appropriate actions."

Chautauqua County Sheriff Joseph Gerace said, "We support Governor Cuomo's action today in suspending Secure Communities until the numerous questions, including a federal Inspector General's investigation, can be resolved. Sheriff departments rely upon a partnership with the communities that they serve to ensure public safety for us all. The questions that have surrounded the implementation of Secure Communities jeopardizes that relationship. We are confident that the procedures we currently use and the strong relationship we currently have with federal, state and local authorities will ensure that we can keep our communities safe while also maintaining our relationship of trust."

Steven Krokoff, Chief of the Albany Police Department said, "In light of the confusion

surrounding this program and the pending Inspector General's review, the Governor's decision to freeze this program until the federal review is complete is appropriate. The procedures we currently use will ensure the safety of neighborhoods across the state while at the same time encouraging individuals in all communities to come forward to report crimes."

Donna Lieberman, Executive Director of the New York Civil Liberties Union, said, "We applaud Governor Cuomo for taking the bold step of removing New York State from the Secure Communities initiative, which, despite its name, has become a sore subject for those who work day and night to make our neighborhoods safer. We need to ensure that vulnerable populations are protected, and the decision to remove our state from this program is a positive move for all New Yorkers."

Chung-Wha Hong, Executive Director of the New York Immigration Coalition, said, "For centuries, families have gone to great lengths to come to this great nation, and we owe it to ourselves and our neighbors to make sure the law is on their side. Unfortunately, the Secure Communities program has failed to provide protections to many individuals. Governor Cuomo's decision to remove New York from the program is a right one, and we look forward to working with him to make our state safe for all residents."

A copy of the letter sent to DHS can be found at: <http://www.governor.ny.gov/assets/Secure%20Communities.pdf> [2].

Source URL: <http://www.governor.ny.gov/press/06012011FederalSecureCommunitiesProgram>

Links:

- [1] <http://www.governor.ny.gov/>
- [2] <http://www.governor.ny.gov/assets/SecureCommunities.pdf>

FOR IMMEDIATE RELEASE:
June 1, 2011

CONTACTS:
Tiloma Jayasinghe 917-669-0696
Cecilia Gaston 212-410-9080
Mizue Aizeki 914-471-2775

Domestic Violence and Trafficking Advocates Applaud Governor Cuomo for Protecting Families by Ending "Secure Communities" in New York

New York, NY – Advocates for immigrant women who have survived domestic violence or human trafficking are encouraged by Governor Andrew Cuomo's announcement today that New York State is suspending New York's participation in a controversial deportation program known as "Secure Communities" (S-Comm). Under the program, the fingerprints of every person booked by the police are checked against Department of Homeland Security databases for immigration violations. The program has been facing increasing national criticism from political leaders, as these past few weeks Illinois Governor Pat Quinn withdrew the state's participation and the Congressional Hispanic Caucus called on President Obama to freeze the program immediately stating it may "endanger the public." These voices join the growing number of organizations that have been working to halt ICE's mass deportation agenda and to bring attention to how S-Comm fuels racial profiling, mistrust in police, and unfair deportations.

On May 9, a dozen organizations that provide services for thousands of survivors of domestic violence or human trafficking sent a letter to Governor Cuomo explaining how S-Comm would make New Yorkers less secure and undermine the decades of work advocates have done to increase protections for these survivors. These organizations took the opportunity to alert the Governor that, by participating in S-Comm, New York is helping to perpetuate the cycle of abuse against victims of domestic violence and human trafficking by giving abusers and traffickers yet another way to control their victims.

S-Comm would foster increased fear of police. Abusers and traffickers often threaten their victims with false arrests and deportation, and S-Comm would effectuate this threat. Advocates also argue that the program endangers New Yorkers by deterring immigrant community members from participating in police investigations, particularly in domestic violence situations where the arrest of both parties is a common occurrence. Even wrongful arrests can lead to detention and deportation under Secure Communities—as reports have shown has happened to women under S-Comm in Florida, Maryland and California. "Secure Communities jeopardizes not just the fundamental human rights of the immigrant women we serve, but the resilience and vitality of the community they reside in" said Tiloma Jayasinghe, Executive Director of Sakhi for South Asian Women. "It prevents people facing domestic violence from reaching out for help from the police, even if they are being severely abused for fear that they or their family will be punished. As advocates, we know that any perceived cooperation between immigration and local law enforcement has a chilling effect on what is already an underreported crime. The Governor's stand will allow us to continue our efforts toward effective community policing to protect the people we serve."

In addition to the possibility of their own deportation, people whose partners have been deported face a heavy economic and emotional toll in trying to keep their families together. In order to keep a partner out of an unjust deportation system, many victims of domestic violence will allow abuse to escalate. According to Cecilia Gaston, Executive Director of Violence Intervention Program, Inc., "For our women victims of domestic violence throughout the state, Secure Communities is a huge deterrent to seeking help. We should not allow the threat of deportation to stand in the way of our families' safety. The Governor has taken a significant step to recognize the damage S-Comm would cause to all our communities."

#####