

May 17, 2017

U.S. House Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20510

RE: NATIONAL, STATE, AND LOCAL OPPOSITION TO THE TRUMP MASS DEPORTATION ACT (THE MICHAEL DAVIS, JR. AND DANNY OLIVER IN HONOR OF STATE AND LOCAL LAW ENFORCEMENT ACT, H.R. 2431)

Dear Member of the Judiciary Committee:

On behalf of the 192 undersigned national, state, and local religious, civil rights, ethnic, and immigration organizations, we strongly urge you to **vote against** the Michael Davis, Jr. and Danny Oliver in Honor of State and Local Law Enforcement Act, H.R. 2431 (Trump Mass Deportation Act), previously known as the SAFE Act. The Trump Mass Deportation Act would criminalize undocumented immigrants, eliminate due process protections, and undermine the federal government's supremacy in regards to immigration enforcement. Designed to criminalize immigrants and drive them further into the shadows, the Trump Mass Deportation Act provides no real reform or solutions; it merely offers an expanded version of the "enforcement" only strategies, a discredited approach divorced from current realities. Consequently, the Trump Mass Deportation Act contains an abundance of draconian measures that would be wasteful, unjust, and ineffective and bring about further deformation, not reformation, of our immigration system.

The bill contains several provisions which will promote racial profiling.¹ Allowing local law enforcement to enforce federal immigration with the same authority as though they were U.S. Immigration and Customs (ICE) agents, will, as history has shown, result in racial profiling and violation of constitutional rights.² Moreover, the bill undermines public safety and community trust by shifting necessary law enforcement resources away from their core mission of protecting and serving our communities to rounding up suspected immigrants for deportation. Effective law enforcement is premised on community trust, where the community reports and cooperates with local law enforcement. As current practice demonstrates, turning local police officers into ICE agents results in scared, uncooperative communities.³ As local governments

¹ *The 287(g) Program: An Overview*, American Immigration Council, March 15, 2017, <https://www.americanimmigrationcouncil.org/research/287g-program-immigration>.

² Letter to Clyde B. Albright, County Attorney, Alamance County, et. al, from Thomas E. Perez, Assistant Attorney General, U.S. Department of Justice, Sep. 18, 2012, *available at* <https://www.justice.gov/iso/opa/resources/171201291812462488198.pdf>; Letter to Bill Montgomery, County Attorney, Maricopa County, from Thomas E. Perez, Assistant Attorney General, U.S. Department of Justice, Dec. 15, 2011, *available at* https://www.justice.gov/sites/default/files/crt/legacy/2011/12/15/mcso_findletter_12-15-11.pdf.

³ Danyelle Solomon et. al, *The Negative Consequences of Entangling Local Policing and Immigration Enforcement*, Center for American Progress, March 21, 2017, <https://www.americanprogress.org/issues/immigration/reports/2017/03/21/428776/negative-consequences-enta>

and police wrestle with how to build trust with communities, bills such as this one—which dramatically criminalize more community members—are a step backwards for both citizens and noncitizens alike. Critically, in terms of resourcing, the bill’s attempts to fund this grafting of local law enforcement into the immigration enforcement system fall far short. Already struggling local governments will face crushing financial burdens as they are usurped into mandatorily participating in this draconian scheme.⁴

This legislation will overburden an immigration court system that is already in crisis.⁵ In addition to ensuring that more immigrants are unnecessarily funneled into the deportation system, this bill eliminates bedrock legal procedures and will result in more cumbersome legal proceedings, further weighing down immigration judges and their caseloads. Immigration judges already have severe limitations on their power to consider granting a pardon from deportation based on family hardship and other factors. This bill extends those limitations to refugees and asylum seekers facing deportation.

As a result of this legislation, more people would be removed on evidence that was not admitted during a trial, leading adjudicators to re-adjudicate criminal cases—without the constitutionally enshrined due process protections that traditionally accompany that adjudication. The Trump Mass Deportation Act flies in the face of the Constitution and the U.S. Supreme Court by barring immigration judges and immigration law enforcement from recognizing decisions overturning an immigrant’s conviction where it was obtained on the basis of bad advice from their defense attorney.⁶ Our Constitution and laws attempt to ensure that people are not wrongly convicted of crimes because of their lawyer’s mistakes. When they are, these convictions can and should be overturned. This bill would permit noncitizens to still be deported or denied lawful status based on the conviction, even where it was overturned.

Finally, this bill also unnecessarily expands the scope of criminal convictions for which a noncitizen can be deported to include misdemeanors from long ago. The current immigration law already has in place insurmountable barriers that prevent many individuals from obtaining legal status or strips them of legal status they already have for broad categories of criminal offenses. These categories include minor offenses, mistakes that occurred years ago, and offenses for which they have already been held accountable. This bill will add additional overlapping offenses to an already overly broad list, making individuals ineligible for legal status

[ngling-local-policing-immigration-enforcement/](#) (“According to the Major Cities Chiefs Association, or MCCA, entangling local law enforcement with federal immigration enforcement ‘would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts.”).

⁴ *Id.* (“Under the 287(g) program, participating jurisdictions perform federal immigration enforcement functions largely at their own expense. While ICE may provide some reimbursement for detention costs in some cases, it provides minimal funding for training and information technology equipment and services.”).

⁵ TRAC Immigration, *Immigration Court Backlog Tool*, March 2017, available at http://trac.syr.edu/phptools/immigration/court_backlog/ (Showing 572,608 total pending cases as of May 11, 2017).

⁶ *Padilla v. Kentucky*, 559 U.S. 356 (2010).

and subject to deportation.

These are just a few of the provisions in the Trump Mass Deportation Act that make the entire legislation a devastating step away from modernizing our immigration system to be more fair, justice, and humane. In light of the above, we strongly urge you **vote against** the Trump Mass Deportation Act (the Michael Davis, Jr. and Danny Oliver in Honor of State and Local Law Enforcement Act Act, H.R. 2431).

Thank you for your consideration of this request. If you have any questions, please contact Jose Magaña-Salgado at jmagana@ilrc.org or 202-777-8999.

Sincerely,

National Organizations

America's Voice Education Fund
American Civil Liberties Union (ACLU)
American-Arab Anti-Discrimination Committee
Americans for Immigrant Justice
Anti-Defamation League
Asian American Legal Defense and Education Fund (AALDEF)
Asian Americans Advancing Justice - AAJC
Asian Americans Advancing Justice - Asian Law Caucus
Asian Pacific American Labor Alliance, AFL-CIO (APALA)
Bend the Arc Jewish Action
Casa de Esperanza: National Latin@ Network
Center for American Progress
Center for Employment Training
Center for Law and Social Policy
Church World Service
Columbia Law School Immigrants' Rights Clinic
Comboni Missionaries JPIC
Congregation of Our Lady of Charity of the Good Shepherd
Demos
Detention Watch Network
Faith in Public Life
Farmworker Justice
Franciscan Action Network
Franciscans, Third Order Regular, JPIC Committee
Fuerza Mundial
Grassroots Leadership
HIAS
Immigrant Legal Resource Center
Immigration Equality Action Fund

Irish Apostolate USA
Jesus E. Saucedo
Jewish Labor Committee
JPIC Committee of the Sisters of St. Francis of Philadelphia
Lambda Legal
Latin America Working Group (LAWG)
Law Offices of Roxana Amiri
League of United Latin American Citizens
Mi Familia Vota
NAACP
National Action Network
National Advocacy Center of the Sisters of the Good Shepherd
National Center for Transgender Equality
National Coalition Against Domestic Violence
National Council of Asian Pacific Americans (NCAPA)
National Council of Jewish Women
National Council of La Raza
National Domestic Workers Alliance
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the NLG
National Justice for Our Neighbors
National Latina Institute for Reproductive Health
National LGBTQ Task Force Action Fund
National Network for Immigrant and Refugee Rights
NETWORK Lobby for Catholic Social Justice
Presente.org
Rabbinical Assembly
Reconstructionist Rabbinical Association
Reconstructionist Rabbinical College/Jewish Reconstructionist Communities
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Sisters of St. Francis Justice, Peace and Integrity of Creation Committee
Sisters of St. Francis, Clinton, Iowa
SOA Watch
Southeast Asia Resource Action Center (SEARAC)
Southern Poverty Law Center
Unitarian Universalist College of Social Justice
Unitarian Universalist Service Committee
United We Dream
Vote Allies
Voto Latino
We Belong Together
Wheaton Franciscans

Women's Refugee Commission

State and Local Organizations

Advocates for Basic Legal Equality, Inc.

Alianza

API RISE

Arkansas United Community Coalition

Asian Americans Advancing Justice - Atlanta

Asian Americans Advancing Justice-LA

Asian Law Alliance

Atlas: DIY

Austin Jewish Voice for Peace

Beaches CAN (Community Action Network)

California Coalition Against Sexual Assault

Campaign for Hoosier Families

CASA

Catholic Agency for Migration & Refugee Services

Centro Romero

Cleveland Jobs with Justice

Coalition for Humane Immigrant Rights (CHIRLA)

Commonwealth Law Group - Attorneys at Law

Community Relations Committee, Jewish Federation of Greater Rochester

Comunidad Colectiva

Cornell Law School Asylum and CAT Appeals Clinic

Duval Democratic Asian Pacific Caucus

East Bay Community Law Center

El Pueblo, Inc.

El Vínculo Hispano / Hispanic Liaison

Emerald Isle Immigration Center

Employee Rights Center

Equal Access Legal Services

Equal Justice Center

Equality California

FACTR (Family Alliance for counseling Tools and Resolution

Faith in the Valley

FANM/Haitian Women of Miami

Farmworker Association of Florida

First Friends of NJ and NY

Florida Immigrant Coalition, Inc. (FLIC)

Franciscan Peace Center

Franciscan Sisters of the Poor

Franciscans for Justice

Fuerza Del Valle

Grassroots Alliance for Immigrant Rights
Greater New York Labor Religion Coalition
Her Justice
HIAS Pennsylvania
Hispanic Free Legal Clinic/Law Offices of Raymond E. Schrank II sc
Hispanic Interest Coalition of Alabama
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Hope-Wyoming Idaho
Immigrant Legal Advocacy Project
Immigration Center for Women and Children
Iowa Unitarian Universalist Witness/Advocacy Network
Jewish Council on Urban Affairs
Jewish Family & Children's Service of Pittsburgh
Jewish Family & Community Services East Bay
Jewish Family Services of Silicon Valley
Jewish Labor Committee, New England Chapter
Justice for All
Justice for Our Neighbors West Michigan
Kentucky Coalition for Immigrant and Refugee Rights
Khmer Girls in Action
La Casa de Amistad
La Frontera Ministries
La Raza Centro Legal
La Union del Pueblo Entero
Lafayette Urban Ministry
LatinoJustice PRLDEF
Legal Aid Society of San Mateo County
Legal Services for Children
Lemkin House Inc
Long Beach Immigrant Rights Coalition
Massachusetts Immigrant and Refugee Advocacy Coalition
Massachusetts Law Reform Institute
MORAL MONDAYS ON D.o.G STREET
NC Council of Churches
Nebraska Appleseed Center for Law in the Public Interest
NM Immigrant Law Center
North Carolina Justice Center
Northern Illinois Justice for Our Neighbors
Northern Manhattan Coalition for Immigrant Rights
Northern Valley Catholic Social Service
Northwest Immigrant Rights Project
OneAmerica
Opening Doors, Inc.

Our Revolution South Carolina
Ozment Law
Partnership for the Advancement of New Americans
Proyecto Juan Diego
Reformed Church of Highland Park
Refugio del Rio Grande
Safe Passage
San Luis Valley Immigrant Resource Center
Schwarz Family Trust
Services, Immigrant Rights, and Education Network (SIREN)
Social Justice Collaborative
South Asian Fund For Education, Scholarship And Training (SAFEST)
South Florida Interfaith Worker Justice
Southern California Immigration Project
SouthTexasHumanRightsCenter
Southwestern Law School Immigration Law Clinic
Tennessee Immigrant and Refugee Rights Coalition
Texas Organizing Project
The New Florida Majority
Tompkins County Immigrant Rights Coalition
Unitarian Universalist Advocacy Network of Illinois
Unitarian Universalist Legislative Ministry of Virginia
Unitarian Universalist Pennsylvania Legislative Advocacy Network (UUPLAN)
University Leadership Initiative
University of Tulsa Immigrant Rights Project
UPLIFT
US Together
Washington Defender Association
WeCount!
Wilco Justice Alliance (Williamson County, TX)
Women's March Central Gulf Coast Florida
Women's March Florida
Women's March Florida Keys
Women's March Immigration Group
Young Immigrants in Action
YWCA Greater Austin