

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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> As local governments

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

<sup>2</sup> 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](https://www.justice.gov/sites/default/files/crt/legacy/2011/12/15/mcso_findletter_12-15-11.pdf).

<sup>3</sup> 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.<sup>4</sup>

This legislation will overburden an immigration court system that is already in crisis.<sup>5</sup> 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.<sup>6</sup> 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

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[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.”).

<sup>4</sup> *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.”).

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

<sup>6</sup> *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](mailto: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