



August 20, 2013

Oppose H.R.2278, the “Strengthen and Fortify Enforcement Act” (SAFE Act)

Dear Representative:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 210 national organizations to promote and protect the civil and human rights of all persons in the United States, we urge you to oppose H.R. 2278, the “Strengthen and Fortify Enforcement Act” (SAFE Act), which represents a significant step backwards in the effort to reform the immigration system.

By granting states and localities authority to create, implement, and enforce their own immigration laws, the SAFE Act uses an enforcement-only approach to criminalize, detain, and deport immigrants living in the United States. Such a punitive approach inevitably creates an environment of racial profiling and unlawful detentions without fixing the problems of the immigration system. These concerns have been underscored in the recent settlement in New Orleans with the Orleans Parish sheriff, Marlin Gusman in the case of Cacho v. Gusman. The policy at issue provided for submitting detainers to the Immigration and Customs Enforcement (ICE) which allowed immigrant detainees to be held in local jails without charges past the 48-hour limit set by ICE’s own rules, with some immigrant workers languishing in jails for over 100 days.

In a landmark settlement reached with Sheriff Gusman, a new policy was put in place: Orleans Parish Prison will decline all ICE hold requests except on specific serious crimes. The Orleans Parish Sheriff will not investigate an individual’s immigration status and ICE may not conduct investigations into civil violations of immigration law in the jail. Finally, to initiate a criminal investigation in the jail, ICE must provide reasonable notice and opportunity for the individual’s attorney to be present at any interview.

The New Orleans case shows that local communities oppose further criminalization and the harsh enforcement measures exemplified by the SAFE Act. Unquestionably, the provisions of the SAFE act, if adopted, would run contrary to many local jurisdictions attempts to decrease instances of racial profiling and unlawful detention of immigrants.

Every immigrant deserves due process of law and to be treated as an individual without being targeted because of his or her national origin or religion. In the past, including in New Orleans, initiatives that target large groups of people based on unspecified national security concerns result in discriminatory and counterproductive profiling. Such an approach can undermine relationships between law enforcement and immigrant communities, thereby making it harder to fight local crimes, including domestic violence and other types of assaults.

The Leadership Conference on Civil and Human Rights opposes H.R.2278 because it wrongly pursues a punitive approach that unfairly and unlawfully profiles immigrants from certain racial and religious backgrounds. Instead, we urge you to support a comprehensive and bipartisan bill that provides a path to citizenship and common sense enforcement reforms that will truly fix the problems in our immigration system. Thank you for your consideration. If you have any questions please feel free to contact June Zeitlin at 202-263-2852 or zeitlin@civilrights.org

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