



# Lutheran Immigration and Refugee Service

## House Judiciary Committee

### Mark-up of H.R. 1148: “The Michael Davis Jr., in Honor of State and Local Law Enforcement Act”

March 3, 2015

By Lutheran Immigration and Refugee Service (LIRS)<sup>1</sup>

Lutheran Immigration and Refugee Service appreciates the opportunity to submit a statement for this mark-up. We have long advocated for the humane enforcement of the United States’ immigration laws and as such we are deeply concerned with this bill that would unduly inflict harm upon migrants, families, communities, and congregations by expanding immigration detention, limiting access to due process, and reducing the effectiveness and accessibility of our asylum and trafficking protection systems. We believe there are simple ways to improve the efficiency of our immigration system that, unlike this bill, do not curb important protections or due process. We urge you to protect vulnerable migrants instead of stripping away fundamental protections. We look forward to working with Congress on legislation that will improve our immigration system while also protecting migrant families and refugees.

The Michael Davis Jr., in Honor of State and Local Law Enforcement Act (H.R. 1148)

Our organization opposes H.R. 1148 as it would expand the use of immigration detention, encourage state and local law enforcement officials’ participation in immigration enforcement, and decrease access to justice, protection, and critical immigration safeguards for vulnerable migrants. LIRS opposes any additional restrictions imposed by this bill that would impede access to the protections offered under the Convention Against Torture and the Refugee Convention.

Through our organization’s work with asylum seekers, torture survivors, unaccompanied children and migrant families, we have witnessed firsthand the detrimental effects immigration enforcement measures, such as immigration detention, have on individuals, families, and communities. Currently, the scope of immigration enforcement is huge, sweeping in hundreds of thousands of individuals each year. For example, in Fiscal Year 2013, the Department of Homeland Security, Immigration and Customs Enforcement (ICE) detained 441,000 persons. The number of individuals whose lives are impacted by immigration enforcement is even greater when expanded to include the communities and families left behind.

H.R. 1148 mandates even greater use of immigration detention and explicitly allows indefinite detention of migrants — including asylum seekers and victims of torture. This is the wrong

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<sup>1</sup> Founded in 1939, Lutheran Immigration and Refugee Service is the second largest refugee resettlement agency in the United States. It is nationally recognized for its leadership advocating with refugees, asylum seekers, unaccompanied children, immigrants in detention, families fractured by migration and other vulnerable populations. Through more than 75 years of service and advocacy, LIRS has helped over 500,000 migrants and refugees rebuild their lives in America.

approach. In a country that honors due process and justice, our overreliance on detention as an immigration enforcement tool is a glaring and costly blemish. The decision to detain should never be automatic or arbitrary, especially regarding vulnerable individuals such as survivors of torture, nursing mothers, and children. Instead, ICE should utilize a broad continuum of alternatives to detention with an emphasis on community-based alternatives that provide a holistic and fiscally-responsible approach to ensuring compliance with appearance at immigration proceedings. Further, provisions that expand mandatory detention and allow for indefinite detention run counter to the fundamental American value of liberty and justice for all.

Similarly, H.R. 1148 would empower state and local law enforcement officials to act as immigration agents. For example, the bill expands the 287(g) program, a flawed enforcement approach that weakens relationships between migrant communities and local law enforcement. In December 2012, ICE announced that 287(g) would only be continued in jurisdictions operating the program out of their jails, terminating those programs operating amidst communities, also known as the “task force” model. Unfortunately, H.R. 1148 would reverse this decision. In addition, H.R. 1148 would punish states and localities that decide to not comply with ICE detainers by withholding federal grant money in an attempt to force states and localities to comply with detainer requests. Detainers raise serious constitutional concerns, including lack of due process and indefinite and prolonged detention. Transforming state and local law enforcement officials into immigration agents erodes trust between officers and the communities they police and decreases safety for everyone.

H.R. 1148 would also create new a crime, punishable by prison time, for individuals lacking immigration status to be present in the United States. As an organization that actively works to answer the Biblical call to welcome the stranger, we reject this approach as unnecessary, costly, and without compassion.

H.R. 1148 also includes provisions to block funding for not only the President Obama’s November 2014 immigration actions, but also the 2011 Morton memos and the Deferred Action for Childhood Arrivals program, begun in 2012. Eliminating the reasoned use of prosecutorial discretion by immigration enforcement agencies not only conflicts with accepted best practices among law enforcement agencies, but would return millions of families and individuals to the constant and daily fear of deportation and destabilize communities and congregations by needlessly rupturing families.

H.R. 1148 is not a solution to our broken immigration system. LIRS urges the House Judiciary Committee to prioritize immigration legislation that ensures humane and just enforcement of our immigration laws, promotes family unity, welcomes individuals fleeing persecution, and protects US citizen and migrant workers over piecemeal legislation that exacerbates our current heavy-handed immigration enforcement approach. Rather than stripping protections and due process, we appeal to Congress to enact legislation that keeps families together, protects children, migrants, refugees and other vulnerable persons, and upholds the American value of justice for all.