



March 4, 2015

House Judiciary Committee  
United States House of Representatives  
Washington, DC 20510

**RE: IJN's Opposition to House Enforcement Legislation**

Dear Representative:

We write on behalf of the Immigrant Justice Network (IJN), a collaboration between the Immigrant Defense Project in New York, the Immigrant Legal Resource Center (ILRC) in San Francisco, and the National Immigration Project in Boston, to urge you to **vote against:**

- **H.R. 1148, the Michael Davis Jr. In Honor of State and Local Law Enforcement Act;**
- **H.R. 1147, the Legal Workforce Act;**
- **H.R. 1149, the Protection of Children Act of 2015; and**
- **H.R. 1153, the Asylum Reform and Border Protection Act of 2015.**

IJN works towards the elimination of unjust penalties for immigrants entangled in the criminal justice system and to end the criminalization of immigrant communities. Our organizations are among the foremost immigration advocacy and defense organizations with expertise in the intersection between the immigration and criminal justice systems. As specialists in these areas, our organizations have worked to provide legal and technical support to immigrant communities, legal practitioners, and all advocates seeking to advance the rights of noncitizens.

**I. H.R. 1148, the Michael Davis Jr. in Honor of State and Local Law Enforcement Act**

H.R. 1148 represents an updated version of the much maligned SAFE Act and is legislation that would excessively criminalize undocumented immigrants, eliminate due process protections, and destroy the federal government's supremacy in regards to immigration enforcement. Designed to criminalize immigrants and drive them further into the shadows, H.R. 1148 provides no real reform solutions; it merely offers an expanded version of the "enforcement" only strategies, a discredited approach divorced from current realities. This bill makes clear that a minority group of extremists are committed to holding real immigration reform hostage at taxpayers' expense.

The following snapshots of the draconian measures contained in H.R. 1148 make clear that its punitive, worn-out provisions would be wasteful, unjust, and ineffective and bring about further deformation, not reformation of our immigration system:

- **Transforms state and local law enforcement officers into immigration police.** The bill contains several provisions which promote racial profiling. Allowing local law enforcement to enforce federal immigration with the same authority as though they were U.S. Immigration and Customs (ICE) agents, will result in racial profiling and violations of constitutional rights.
- **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 has already demonstrated, turning local police officers into ICE agents results in scared, uncooperative communities. As local governments and police wrestle with how to build trust with communities in the wake of Ferguson, bills such as this one—which dramatically criminalize more community members—are a step backwards for both citizens and noncitizens alike.
- **Diverts public resources from local spending priorities and straps state and local governments with costly burdens of enforcing immigration laws.** 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.
- **Overburdens an immigration court system that is already in crisis.** 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.
- **Dilutes evidentiary standards in immigration courts that promise only sham proceedings, not legal proceedings.** More people will 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.
- **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.** 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.
- **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 and subject to deportation.

## **II. H.R. 1147, the Legal Workforce Act**

H.R. 1147, the Legal Workforce Act, offers a false promise to reduce unauthorized immigration through use of an electronic employment eligibility verification system (E-Verify). In reality, this legislation will economically harm millions of authorized workers, drive immigrants to the underground economy, and explode our nation's budget deficit.

The existing E-Verify system already discriminates against authorized workers and this bill would expand that discrimination. For example, E-Verify negatively affects naturalized citizens, ethnic minorities, legal immigrants, and individuals with multiple surnames or accent marks in their name. Foreign-born authorized workers face an error rate 20 times higher than native-born US citizens. Given E-Verify's current error rates, of the 52 million new hires in the United States per year, expanded E-Verify would erroneously flag between 416,000 to 1.2 million authorized workers as not eligible to be employed. Furthermore, under H.R. 1147, authorized workers would be forced to undertake a complicated and time-consuming administrative appeals process to remedy any errors related to employment authorization, making obtaining employment burdensome and excessively bureaucratic.

Finally, expanded E-Verify would serve to drive undocumented immigrants to the underground economy, reducing payroll taxes and narrowing the tax base. Every mainstream economist agrees—undocumented immigrants are a net benefit for our nation's economy. Undocumented immigrants have substantially propped up the social security and Medicare trust funds with their payroll tax contributions. Moreover, their participation in the workforce critically bolsters local, state, and national economies. A system that seeks to target these immigrants overlooks the immense and integral contribution that these workers have on our nation's economy.

In light of the above, IJN strongly urges you to **vote against** H.R. 1147.

## **III. H.R. 1149, the Protection of Children Act of 2015**

H.R. 1149, the so-called Protection of Children Act removes the due process protections afforded to unaccompanied children from noncontiguous countries arriving in the United States. H.R. 1149 would amend existing law to establish a new, expedited screening mechanism conducted by U.S. Customs and Border Patrol (CBP) to identify trafficking, persecution, and other eligible claims for relief. Reports from the United Nations High Commissioner for Refugees<sup>1</sup> and Appleseed<sup>2</sup> have consistently shown that this mechanism is grossly ineffective at identifying instances of trafficking and claims for humanitarian relief. Moreover, CBP facilities are not an appropriate environment to conduct these screenings and CBP officers are not properly trained to engage in screening when issues of trafficking, persecution, or asylum are at play.

In light of the above, IJN strongly urges you to **vote against** H.R. 1149.

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<sup>1</sup> *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (March 12, 2014), available at <http://www.unhcrwashington.org/children/reports>.

<sup>2</sup> *Children at the Border: The Screening, Protection and Repatriation of Unaccompanied Mexican Minors*, APPLESEED (May 2011), available at <http://appleseednetwork.org/wp-content/uploads/2012/05/Children-At-The-Border1.pdf>.

#### **IV. H.R. 1153, the Asylum Reform and Border Protection Act of 2015**

H.R. 1153, the Asylum Reform and Border Protection Act of 2015 drastically reduces due process and parole opportunities for a variety of vulnerable populations. Initially, H.R. 1153 severely restricts parole for most DACA recipients; survivors of domestic violence; battered children; and the spouses, children, and parents of Armed Forces service members. This drastic reduction in the authority to grant parole irrevocably alters a long-standing practice that weighs equities and humanitarian concerns in allowing certain immigrants to be paroled into the country under special circumstances. Additionally, by setting a higher standard of proof for asylum claims, H.R. 1153 would lead to a reduction in the approval of meritorious asylum claims and cause asylum seekers to be sent back to the countries from which they fled.

In light of the above, IJN strongly urges you to **vote against** H.R. 1153.

Congress should move forward on enacting just immigration reform legislation that provides a roadmap to citizenship for the nation's 11 million aspiring Americans and eliminates mass detention and deportation programs that undermine human rights. Legislation that dramatically scales back due process protections for current and future immigrants, including undocumented individuals, lawful permanent residents, and asylum seekers—represents an abdication of the Congress' responsibility to enact fair, humane, and just immigration policy. Accordingly, IJN strongly urges you to vote against all of these bills.

Please contact Jose Magana-Salgado, of the ILRC, at [jmagana@ilrc.org](mailto:jmagana@ilrc.org) or (202) 777-8999 if you have any questions regarding this letter.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jose Magana-Salgado', with a long horizontal flourish extending to the right.

Jose Magana-Salgado  
Immigration Policy Attorney