

November 29, 2011

Subcommittee on Immigration Policy and Enforcement
U.S. House Committee on the Judiciary
B-353 Rayburn House Office Building
Washington, DC 20515

RE: Concern Over November 30 Subcommittee Hearing on Secure Communities Program

Dear Chairman Gallegly, Ranking Member Lofgren, and Members of the Subcommittee:

The Council on American-Islamic Relations (CAIR), the nation's largest Muslim civil liberties and advocacy organization, appreciates that the House Subcommittee on Immigration Policy and Enforcement plans to hold a hearing on November 30 regarding the Immigration and Customs Enforcement (ICE) Secure Communities Program.

CAIR, in addition to the Rights Working Group and numerous civil rights and advocacy organizations, recognizes the need for a comprehensive review of Secure Communities and U.S. immigration law as a whole. According to ICE, in 2010, 27 percent of those detained nationwide under the program were "criminals,"¹ and in the state of Illinois 78 percent of those detained were individuals who had committed only "misdemeanors or had no criminal record."²

We oppose Secure Communities because it is ineffective, it threatens the safety of our communities, it runs counter to American principles of fairness and justice and it has been imposed on our country's states and local communities. While the program -- as it was originally devised -- was intended to identify, prioritize, and remove only the most serious criminal offenders, in practice it has led to deportation based on minor immigration violations, racial profiling, and state disengagement from the program.

The program requires state and local law enforcement agencies (LEAs) to focus on undocumented immigrants, diminishing overall law enforcement efforts to prevent other serious types of crime. Frequently, those who report crime or are victims of crime are the ones deported because of their immigration status.

While Secure Communities is supposed to be a "voluntary" state-federal deportation program that enhances information-sharing between ICE, the Federal Bureau of Investigation, and states and local LEAs, ICE has announced that it will, "proceed with Secure Communities without the agreement of state and local jurisdictions" after having rescinded its prior agreements with participating states and jurisdictions. Massachusetts, Illinois and New York have already attempted to withdraw from the program.

We believe that the Department of Homeland Security (DHS) has misrepresented Secure Communities to the American public, state and local governments, LEAs, and members of Congress. The program also creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pre-textual arrests.³

We ask the Subcommittee to support comprehensive reform of the Secure Communities Program, establishing a common-sense approach for states and LEAs, respecting the rights of citizens and immigrants, and promoting greater public safety. To safeguard our communities and the protection of our rights we recommend that:

- Congress reform Secure Communities to focus state and local LEA resources on deporting “high priority” convicted drug traffickers, gang members, and violent criminals, not “low priority” immigrants seeking a path towards citizenship.
- Congress pass the End Racial Profiling Act, which would ban profiling based on race, religion, ethnicity, and national origin at the federal, state and local levels.
- Congress eliminate funding for the Secure Communities Initiative and other programs that use state and local law enforcement agencies to conduct immigration enforcement, until and unless meaningful and effective protections are put into place to prevent racial profiling or other civil and human rights violations.
- The subcommittee should urge DHS to terminate Secure Communities in jurisdictions that have chosen to opt out of the program and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where the Department of Justice is actively investigating a pattern or practice of discriminatory policing.

We look forward to the hearing and hope to distribute the highlights of its proceedings to our constituency in order to alleviate concerns regarding the mismanagement and abuses of this nationwide immigration enforcement program.

Sincerely,

Nihad Awad
National Executive Director

¹ See U.S. Immigration and Customs Enforcement: *Secure Communities, IDENT/IAFIS Interoperability Monthly Statistics through February 28, 2011*, March 7, 2011, available at <http://ndlon.org/pdf/scommfeb/nationwidestats20112.pdf>

² See Illinois Coalition for Immigrant and Refugee Rights, "Immigration Enforcement--The Dangerous Reality Behind "Secure Communities," 2011, available at <http://icirr.org/sites/default/files/ImmigrationEnforcementTheDangerousRealityBehindSecure%20Communities.pdf>

³ See Aarti Kohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, The Chief Justice Earl Warren Institute on Law and Social Policy, October 2011, available at http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.