



## REJECT “KATE’S LAW” AND THE FURTHER CRIMINALIZATION OF IMMIGRANTS

Proposals like H.R. 3004 or Section 406 of S. 1757, known as “Kate’s Law,” should not be used as a bargaining chip or trade-off for the Dream Act, which would provide a legislative solution for DACA recipients and immigrant youth. “Kate’s Law” politicizes the tragic loss of a California family and scapegoats immigrants rather than offering real solutions on improving public safety.

Provisions of “Kate’s Law” try to expand criminal penalties for illegal reentry under INA § 276. Illegal reentry is when an individual unlawfully enters or attempts to enter the US after a prior removal. Legislative proposals to expand reentry provisions must be rejected because:

- Illegal reentry is already over-prosecuted and harshly punished. Currently, illegal reentry is the number one most prosecuted federal offense in US District Courts.<sup>1</sup> In 2016, illegal entry and reentry prosecutions constituted over half of all federal prosecutions.<sup>2</sup>
- The criminal penalties for this offense are already incredibly severe, carrying a maximum sentence of up to 20 years in prison.<sup>3</sup>
- The reasons an individual returns to the US are not considered, even when related to critical life events like the death of a family member, birth of a child, fleeing persecution or making it possible for a family to escape extreme poverty.
- These proposals would result in exponential increases to the federal prison population, at the taxpayer’s expense, because individuals returning to the US to reunify with and support their families or escape persecution would spend years behind bars, compounding the mass incarceration of people of color in the US.
- Prosecutions for reentry at the border often capture individuals fleeing persecution and seeking asylum. Instead of offering humanitarian protections to individuals seeking safety and refuge, they are placed in prison.
- Expanding the sentences or scope of prosecutions for illegal reentry flies in the face of bipartisan efforts to reform the criminal justice system and reduce the use of mandatory minimums.<sup>4</sup>

**For more information, please contact Sameera Hafiz at the Immigrant Legal Resource Center at 202.870.1398 or [shafiz@ilrc.org](mailto:shafiz@ilrc.org).**

<sup>1</sup> [See Immigration Prosecutions for October 2017, TRAC Immigration.](#)

<sup>2</sup> [See Immigration Now 52 Percent of All Federal Criminal Prosecutions, TRAC Reports, Nov. 28, 2016.](#)

<sup>3</sup> [See \\* U.S.C. 1326 - Reentry After Deportation \(Removal\), Office of the United States Attorneys.](#)

<sup>4</sup> [See Senators unveil bipartisan criminal justice reform package, Politico, Oct. 4, 2017](#) and [Bipartisan duo offer criminal justice reform legislation, The Hill, Nov. 7, 2017.](#)