Oppose Anti-Immigrant Proposals in the House:

Reject the Goodlatte and Ryan Immigration Bills

June 19, 2018

Both Ryan's Border Security and Immigration Reform Act of 2018 and Goodlatte's The Securing America's Future Act (HR 4760) are attacks on immigrant communities. These bills both incorporate Trump's four pillars for immigration policy by: (1) eliminating pathways to gain immigration status, like the diversity lottery and family immigration, that will disproportionately impact black immigrants (2) further militarizing the border (3) attacking sanctuary jurisdictions, and (4) vastly expanding laws that criminalize immigrants and lead to automatic detention and deportation. These proposals were rejected by most Democrats and many Republicans earlier this year in the Senate.

If enacted, both Ryan's and Goodlatte's bills would result in communities of color, across the board, targeted for immigration enforcement, subject more individuals to mandatory detention and others to indefinite detention and further criminalize immigrants - who are essential to our country's neighborhoods, schools, communities, workplaces and society. These proposals attempt to redefine the United States in accordance with the nativist and racist agenda promoted by the Trump Administration. Specifically, both Ryan's and Goodlatte's bills:

Attacks Sanctuary Policies

The Ryan and Goodlatte bills expand how detainers, which are requests from Immigration and Customs Enforcement (ICE) to hold an individual beyond a constitutionally permissible timeframe to effectuate their transfer to ICE custody, currently operate and shifts liability from constitutional defects inherent in detainer compliance to the federal government. The bills also create a new private right of action for victims or surviving relatives where the incident involved an individual who was released in a locality that limits its local role in federal immigration enforcement.

Through the activism and organizing of local communities, often with the support of local law enforcement, district attorneys, and elected officials, over 760 counties in the United States have enacted sanctuary policies that prohibit or limit local law enforcement from undertaking arrests for federal immigration enforcement purposes. Goodlatte's bill seeks to derail these efforts by local stakeholders to influence their county policies and, moreover, are a slap in the face to those counties that want to support healthier relationships with the communities of color they serve by promoting constitutional policing practices.

Subjects Individuals to Indefinite Detention and Expands Mandatory Detention

These bills allow the Department of Homeland Security (DHS) to detain individuals indefinitely in contravention of constitutional due process protections and radically expands the range of individuals subject to mandatory detention, which is detention without access to an individualized

bond determination. No-bond mandatory detention would be applied to nearly every apprehended immigrant during the entirety of their immigration proceedings.

Further Criminalizes Immigrants and Tears Families Apart

Our existing immigration laws are already extremely harsh for both those trying to get and those trying to keep their immigration status. There are dozens, if not hundreds, of ways to deport people under our current immigration laws. There are over 52 separate grounds of removal, many of which contain dozens of subcategories. These bills seek to expand an already expansive list of offenses, triggering mandatory detention and deportation - prohibiting a judge from considering any equities in an individual's life such as weighing military service, family ties, community contributions, and seriousness of or length of time since the offense. There are no statute of limitations and the bills apply the expansions in law retroactively. These provisions undermine our commitment to second chances, upends the idea of rehabilitation and erases years of bipartisan understanding on criminal justice reforms.

Given how these existing laws have allowed the Trump Administration to maintain high levels of deportation and increase the scope of surveillance and enforcement, further expansion of our immigration laws is an unnecessary and misguided approach to addressing the crisis in our immigration system.

Creates New Grounds of Removal, including a Ground Based on Gang-Labeling Which Defers to ICE's Flawed Labeling and Profiling of Immigrant Youth

Rather than providing serious solutions to address gang violence that involve prevention and effective interventions, the Ryan and Goodlatte bills create provisions that target immigrant youth fleeing violence from Central America, or those coming with their family members, by expanding the tools to falsely label them and deport them as gang members, criminalizing the act of entering the US for the purpose of seeking asylum and ensuring the detention of these individuals.

In the gang-related provisions, Ryan's bill is actually even more extreme than Goodlatte's, as Ryan's bill looks at the ways sentencing enhancements are used against individuals to determine if the consequences of gang labeling should apply.

Further, Ryan's bill undermines a pillar of immigration law, called the categorical approach, that has repeatedly been affirmed by the Supreme Court. This approach prevents the re-litigation of old criminal cases in immigration court, ensures due process rights of immigrants facing deportation, and helps protect the integrity and finality of the criminal justice system.

<u>*Oppose*</u> *Ryan's Border Security and Immigration Reform Act of 2018 and Goodlatte's The Securing America's Future Act. These bills attempt to peddle themselves as solutions for immigrant youth and those that lost DACA - it is not. Rather, this bill targets black immigrants, families, low-wage workers and the immigrant communities that are an essential part of our country's fabric.*

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