



## Oppose Goodlatte's Anti-Immigrant Proposal

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Goodlatte's anti-immigrant proposal, The Securing America's Future Act (HR 4760), is an attack on immigrant communities. The bill, which incorporates Trump's four pillars for immigration policy: targets black immigrants by eliminating the diversity visa program; tears families apart by drastically reducing family immigration; further militarizes border communities; harms low-wage immigrant workers already vulnerable to abuse and exploitation; and seeks to facilitate the automatic detention and deportation of most anyone who has contact with the criminal justice system. These proposals were rejected by most Democrats and many Republicans earlier this year in the Senate.

If enacted, Goodlatte's bill 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. Goodlatte, through his proposals attempts to redefine the United States in accordance with the nativist and racist agenda promoted by the Trump Administration. Specifically, Goodlatte's bill:

### ***Attacks Sanctuary Policies***

Goodlatte's bill expands federal overreach and violates the constitution by prohibiting any state or locality from limiting its entanglement with federal immigration enforcement in any way. The provisions seek to restrict federal funding to jurisdictions that have enacted sanctuary policies, a policy which is currently being litigated and which the Department of Justice is currently enjoined from carrying out. The bill also expands 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.

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 limit compliance with detainers. 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.

### ***Embraces Notorious and Discredited Programs that Compel States and Localities to Become Entangled with Immigration Enforcement***

The Goodlatte bill envisions the broad expansion of the 287(g) program, where state and local law enforcement agents are deputized to perform federal immigration law functions. The 287(g) program has been widely discredited and found to incentivize racial profiling and other unconstitutional policing practices. The Goodlatte bill removes the discretion of the

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<sup>1</sup> This analysis is based on the version of HR 4760 that is currently available publicly and will be updated if any changes to the legislation are made and publicly available.

executive branch to refuse to engage in these agreements in jurisdictions with documented records of racial profiling or patterns or practices of discriminatory policing.

### ***Subjects Individuals to Indefinite Detention and Expands Mandatory Detention***

This bill allows 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***

Goodlatte's bill seeks to increase the policing of immigrant communities, vastly expand the universe of offenses used to target the activities of these communities, significantly expand how these activities are punished and massively grow the tools to detain and deport any individual that has contact with the criminal justice system. Specifically, the bill:

- Creates criminal penalties for unlawful presence and overstaying visas;
- Enhances the penalties and the scope of conduct for what is considered illegal reentry;
- Expands the already broad and extensive grounds for removal;
- Expands the scope of individuals subject to mandatory detention and those ineligible for humanitarian relief; and
- Creates new grounds of mandatory detention and deportation for people labeled by ICE as being in a gang. This provision will 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.

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. This bill seeks to expand an already expansive list of offenses, triggering mandatory detention and deportation in most situations. 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.

***Oppose Goodlatte's The Securing America's Future Act. This bill attempts to peddle itself as a solution 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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