

Statement of  
Mary Meg McCarthy, Executive Director  
Heartland Alliance's National Immigrant Justice Center

House Subcommittee on Immigration and Border Security  
Hearing on "Sanctuary Cities: A Threat to Public Safety"

*Public Safety is a Shared Goal, but Requires Community Trust;  
NIJC urges Congress to respect local law enforcement's prioritization of limited resources*

July 22, 2015

In the wake of the tragic death of Kate Steinle in San Francisco just weeks ago, Heartland Alliance's National Immigrant Justice Center (NIJC) strongly urges Congress to resist enacting misguided and harmful laws like H.R. 3009, "Enforce the Law for Sanctuary Cities Act," sponsored by Rep. Duncan Hunter (R-CA), which would undermine local law enforcement's ability to foster trust in the communities they serve.

As a legal service provider to thousands of low-income immigrants and their families in the Midwest, NIJC encounters many victims of violence, including survivors of human trafficking, who have struggled to report crime out of fear that working with law enforcement will trigger deportation and separation from loved ones. Our experience is consistent with findings from a 2013 University of Illinois study which found that 44 percent of Latinos surveyed were less likely to contact the police if they were victims of crimes because they feared that the police would inquire about their immigration status or that of people they know.<sup>1</sup> NIJC client Rafael (pseudonym) is one of many who did not report a crime to the police out of fear of deportation:

*Rafael is a gay Mexican man who has lived in the United States for more than 15 years. A few years ago, Rafael was drugged and raped, and as a result contracted HIV. He never reported the crime out of fear of deportation. His rapist—a U.S. citizen—threatened to have him deported if he went to the police.*

Rafael's story illustrates what many law enforcement agencies already acknowledge: the police cannot fight crime without the trust of the communities they serve.

When local law enforcement is forced to divert personnel and financial resources to immigration enforcement, it prevents them from focusing on their primary job of upholding public safety and addressing violent, dangerous crime. It also deters many women from escaping abusive situations because they fear law enforcement, deportation, and separation from their children. One of these women is NIJC client Margarita (pseudonym):

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<sup>1</sup> Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*, University of Illinois at Chicago, May 2013, [http://immigrantjustice.org/sites/immigrantjustice.org/files/INSECURE\\_COMMUNITIES\\_REPORT\\_FINAL.PDF](http://immigrantjustice.org/sites/immigrantjustice.org/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF) p. i.

*Margarita's U.S. citizen fiancé, Will (pseudonym), lured her to the United States with false promises to support and care for her and her two children. As soon as she arrived, Will forced her and her children to work as cleaners at his business without pay, and forced her to have sex with him. At the time, her eldest child was only nine years old. Margarita was not allowed to leave the house or eat without asking permission. He told her that if she went to the police, she would be deported. Eventually, Will allowed her to work outside of his business, but he forced her to give him all of her wages. Through the help of friends, Margarita and her children were able to leave Will after more than a year of abuse. A local shelter referred her to NIJC, where an attorney explained that the police and immigration authorities are separate entities. Shortly after, Margarita went to the police station to report the crimes she had suffered and NIJC helped her successfully apply for a T visa. Margarita and her children are now safe and rebuilding their lives.*

Many law enforcement officials oppose the incursion of immigration enforcement into their work, including the Major Cities Chiefs Association<sup>2</sup> and the President's Task Force on 21<sup>st</sup> Century Policing, which recommends that "whenever possible, state and local law enforcement should not be involved in immigration enforcement."<sup>3</sup> In Illinois, Lake County Sheriff Mark Curran has stated that "The neighborhoods are going to be safe when citizens are involved and act as the eyes and ears of the community. And that doesn't work in communities that have large... immigrant populations where there's great fear from law enforcement."<sup>4</sup>

H.R. 3009 and other legislative attempts to prevent state and local law enforcement from exercising their best judgment for their own communities are misguided. Punitive efforts to cut federal funding for states and localities which choose to limit cooperation with federal immigration enforcement will only harm public safety. Congress should not prevent state and local law enforcement agencies from using their expertise to decide how best to police the communities they serve. We strongly urge lawmakers to oppose any legislation that will force state and local law enforcement to act as immigration enforcement agents. The best way to promote public safety is for Congress to provide a legal path for undocumented immigrants in our communities to come out of the shadows, live without fear of deportation, and be able to place their trust in the law enforcement agencies that serve them.

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<sup>2</sup> Major Cities Chiefs Association, "Police Chiefs from Nation's Major Cities Object to Legislative Proposals Requiring Local Police to Enforce Federal Immigration Law," Sept. 2013, <http://immigrantjustice.org/sites/immigrantjustice.org/files/Major%20City%20Chiefs%20SAFE%20Act%20press%20release%202013.pdf>.

<sup>3</sup> President's Task Force on 21<sup>st</sup> Century Policing, *Interim Report of the President's Task Force on 21<sup>st</sup> Century Policing*, Mar. 2015, [http://www.cops.usdoj.gov/pdf/taskforce/interim\\_tf\\_report.pdf](http://www.cops.usdoj.gov/pdf/taskforce/interim_tf_report.pdf), p. 17

<sup>4</sup> Statement of Sheriff Mark Curran during a telephonic press conference sponsored by CAMBIO, June 17, 2013, [https://immigrantjustice.org/sites/immigrantjustice.org/files/2013\\_06\\_17%20Mark%20Curran%20Statement%20Oppose%20SAFE%20Act.pdf](https://immigrantjustice.org/sites/immigrantjustice.org/files/2013_06_17%20Mark%20Curran%20Statement%20Oppose%20SAFE%20Act.pdf).