

# **National Hispanic Leadership Agenda**

June 29, 2017

U.S. House of Representatives  
Washington, DC 20515

**Re: NHLA Opposition to H.R. 3003, No Sanctuary for Criminals Act and H.R. 3004, Kate's Law**

Dear Representative:

We write on behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of 45 leading national Latino nonpartisan civil rights and advocacy organizations, to strongly urge you to vote against H.R. 3003, No Sanctuary for Criminals Act and H.R. 3004, Kate's Law. These bills are contrary to public safety and target much-needed community resources for the sake of punishing jurisdictions that aim to strengthen the trust between immigrant communities and local law enforcement. NHLA recommends a "no" vote on H.R. 3003 and H.R. 3004, and any similar legislation, including amendments and cloture votes. **NHLA will closely monitor any votes on these matters for inclusion in future NHLA scorecards evaluating Member support for the Latino community.**

Congressional legislation to mandate that states and localities comply with Immigration and Customs Enforcement (ICE) detainer and notification requests, despite the fact that these detainers have been found to be unconstitutional under some circumstances, is severely misguided. It serves to further foment fear and panic in immigrant and Latino communities across the country by making sweeping and false generalizations about these populations. Studies repeatedly have shown that immigrants are less likely to be incarcerated than native-born Americans, less likely to commit crimes, and less likely to be repeat offenders. Meanwhile, the damage to immigrant and Latino communities is clear. Latinos are already reporting fewer crimes in major cities as a result of the toxic political rhetoric against Latinos and immigrants under the current administration. These proposals only serve to blur the lines between local police and federal immigration enforcement, severely undermining community-police relations and trust.

H.R. 3003 would mandate that local jurisdictions comply with ICE detainer requests, placing local law enforcement in the impossible position of choosing to comply with this law or violate the U.S. Constitution. The bill would also withhold critical law enforcement dollars to localities or to any jurisdiction determined to have violated the ICE detainer mandate. As a result, local and state law enforcement officers will be forced to become agents of the Department of Homeland Security (DHS), going so far as to "hold harmless" any localities and officials in any legal proceedings where a local or state official is performing actions in compliance with a detainer request. In addition, this bill raises serious Tenth Amendment concerns by commandeering states to comply with detainer requests, even in the absence of probable cause.

Perhaps most shamefully, H.R. 3003 furthers its nativist message loud and clear by including provisions to allow a private right of action for victims of crimes committed by an immigrant against states or subdivisions that denied an ICE detainer request and

## MEMBER ORGANIZATIONS

Alianza Americas  
American G.I. Forum  
ASPIRA Association  
Avance Inc.  
Casa de Esperanza: National Latin@ Network  
Congressional Hispanic Caucus Institute  
Farmworker Justice  
Green Latinos  
Hispanic Association of Colleges & Universities  
Hispanic Federation  
Hispanic National Bar Association  
Inter-University Program for Latino Research  
Labor Council for Latin American Advancement  
LatinoJustice PRLDEF  
League of United Latin American Citizens  
MANA, A National Latina Organization  
Mexican American Legal Defense and Educational Fund  
Mi Familia Vota  
National Association of Latino Arts and Cultures  
National Association of Hispanic Federal Executives  
National Association of Hispanic Publications  
National Day Laborer Organizing Network  
NALEO Educational Fund  
National Association of Latino Independent Producers  
National Conference of Puerto Rican Women, Inc.  
National Council of La Raza  
National Hispanic Caucus of State Legislators  
National Hispanic Council on Aging  
National Hispanic Environmental Council  
National Hispanic Foundation for the Arts  
National Hispanic Media Coalition  
National Hispanic Medical Association  
National Institute for Latino Policy  
National Latina/o Psychological Association  
National Latina Institute for Reproductive Health  
Presente.org  
SER Jobs for Progress National  
Southwest Voter Registration Education Project  
United States Hispanic Chamber of Commerce  
United States Hispanic Leadership Institute  
United States-Mexico Chamber of Commerce  
U.S.- Mexico Foundation  
Voto Latino

released an immigrant. The legislation punishes states and localities for using their expertise to determine which policies are best for their own communities and for using their First Amendment rights to adopt pro-immigrant positions. The bill also puts forth a misguided attempt to demonize immigrants and Latinos, by conflating issues of immigration enforcement and criminal enforcement. The result will be a dramatic expansion of mandatory no-bond detention and the authority to detain certain immigrants indefinitely. Our laws and policies should not be allowed to run afoul of the Constitution, as H.R. 3003 seeks to do.

Among other things, H.R. 3004 would provide enhanced sentencing for those convicted of illegal reentry with certain previous criminal convictions and those with multiple reentries, and punishes “cross[ing] the border” or “attempts to cross the border” by a fine, two years’ imprisonment or both, even leaving open the possibility that asylum seekers or others who present themselves at the border could be prosecuted for illegal reentry if they present themselves at the border and never leave “official restraint.” This bill would also remove the ability to challenge an underlying removal order. Current law provides limited opportunities for an individual to attack an underlying removal order, and this legislation seeks to remove these narrow but critical due process protections. The communities likely to suffer the most will be primarily Latino. This bill compromises core principles of our legal system that ensure due process and fair adjudications. In doing so, the bill may well violate the Constitution.

These bills only serve to increase criminalization of our immigration population and tear families apart. Using immigration penalties and policies as a means to target criminal activity is not the solution, particularly by compelling local law enforcement to comply with unconstitutional detainer requests. To make it harder for communities to foster trust with local law enforcement or obtain necessary federal support to improve our most underserved communities would only result in greater distrust of law enforcement agencies and increase the number of unreported crimes.

This Congress has shirked its responsibility to effectively address the problems with our broken immigration system, and instead is moving our country in the wrong direction by fostering space for dangerous and xenophobic rhetoric and policy.

**We urge you to vote no on H.R. 3003 and H.R. 3004.**

Please contact NHLA through Andrea Senteno, of MALDEF, at [asenteno@maldef.org](mailto:asenteno@maldef.org), or Laura Esquivel, of Hispanic Federation, at [lesquivel@hispanicfederation.org](mailto:lesquivel@hispanicfederation.org), with any questions regarding this letter. Thank you for your time and consideration.

Sincerely,



Thomas A. Saenz  
MALDEF, President and General Counsel  
NHLA Immigration Committee Co-Chair



Jose Calderón  
Hispanic Federation, President  
NHLA Immigration Committee Co-Chair