

August __, 2011

Chuck Wexler
Chairman
Task Force on Secure Communities
Homeland Security Advisory Council (HSAC)
U.S. Department of Homeland Security
Washington, D.C. 20528

Via E-Mail: TFSC@dhs.gov

RE: Homeland Security Advisory Council's Task Force on Secure Communities Meeting
in _____, August __, 2011

Dear Mr. Wexler:

We at [_____] regret our inability to attend the August ____th Task Force on Secure Communities Meeting in _____, but we are grateful for the opportunity to communicate with you by E-mail. We understand that the mission of the Task Force is to make recommendations to the Director of the U.S. Immigration and Customs Enforcement (ICE) on ways to adjust and improve the Secure Communities program and to better enable the program to meet its goal of removing dangerous criminal aliens. We would like to provide our faith-based perspective on the Secure Communities program and to make recommendations that flow from our unique concerns.

Christ lived the life of the migrant, the stranger, the alien. We are challenged to see Christ in each migrant, and to consider our care for anyone in need equivalent to our care for Him: "For I was a stranger and you welcomed me." (Mt: 25 : 35). Pope John Paul II said it best in his Message for World Migration Day, 1996:

Today the illegal migrant comes before us like that "stranger" in whom Jesus asks to be recognized. To welcome him and to show him solidarity is a duty of hospitality and fidelity to Christian identity itself.

We live in an imperfect world, and when a law contradicts the very heart of Christ's message, we have a duty to advocate for change in that law. We do so now with respect to Secure Communities.

Secure Communities makes everyone feel less safe. The fear of being detained or deported, of being taken away from children and from families, makes victims as well as neighbors much less likely to report crimes. Fear erodes the important element of trust between the police and the communities they serve. Many local police forces have opposed requiring them to enforce federal immigration law for this very reason. The erosion of trust impacts immigrant women particularly harshly. It renders them helpless in the face of domestic violence and an easier target for human traffickers.

Secure Communities further destabilizes already marginalized families. Family separation, economic insecurity, and health insecurity are all documented consequences of increased enforcement of our currently broken federal immigration system, and these consequences hit children hardest. Parents in immigration detention often face the loss of their parental rights while incarcerated, since they may not receive notice of court proceedings, may not have adequate legal counsel, cannot comply with the terms of family reunification plans mandated by the child welfare system, and are often not even told where their children are.

Secure Communities cannot achieve its stated goals because it is structurally flawed. There is a serious disconnect between the goal of the program – to remove truly dangerous *criminal* aliens – and the operation

of the program – to catch anyone *arrested* by local police, regardless of the nature of the charge or the existence of a conviction. Secure Communities is designed to rely upon a data set accumulated by local police who are neither trained nor sufficiently monitored, who are free to act as they see fit. This leaves the program open to the potential for pre-textual arrests and for detentions longer than the dictated 48 hours.

Secure Communities lacks meaningful oversight or redress for civil rights violations. The actions of state and local police are a critical component of the operation of Secure Communities: officers bring fingerprints into the system through arrests. Nonetheless, the Department of Homeland Security (DHS), which runs the Secure Communities Program, asserts no jurisdiction to investigate complaints against local officers acting under Secure Communities. In fact, Secure Communities continues to operate in jurisdictions where the Department of Justice has opened investigations into allegations of racial profiling. Thus, DHS's oversight of the actions of local officers is completely inadequate.

These and other concerns were heard by our state's governor, Pat Quinn, who announced on May 4, 2011 that he wished to withdraw from the 2009 Memorandum of Agreement (MOA) whereby Illinois had voluntarily entered into the Secure Communities program. Then on August 5, 2011, ICE announced that it would unilaterally cancel all the MOAs it had signed with local leaders like our governor and would mandate rather than negotiate the operation of Secure Communities. We are very concerned by this development and feel that our voices have been shut out.

We urge the Task Force to recommend the following programmatic changes to Secure Communities:

- The Director should return to a policy of voluntary state participation in Secure Communities and negotiate with local leaders who know best the needs of residents and of law enforcement.
- The Director should institute a post-conviction detainer policy, preventing the issuance of any detainers solely on the basis of arrest.
- The Director should mandate that no detainers be issued for victims of crime.
- The Director must create oversight mechanisms and investigate any civil rights complaint against any officer, whether local or federal, when that officer's behavior results in the issuance of a detainer.
- The Director should provide tangible legal safeguards for parental rights and obligations from the moment a detainer is issued.
- The Secure Communities Program should be frozen until these changes are made.

Looking forward, we ask for federal immigration policies that conform to these precepts:

- Any enforcement program must make it a priority to keep families together.
- Any enforcement program must respect the human dignity of every immigrant.
- No enforcement program can operate in a world without comprehensive immigration reform.

We thank you very much for the opportunity to place these concerns and recommendations before the Task Force. We eagerly await your recommendations.

Sincerely,