



**CWS Statement to the U.S. Senate Judiciary Committee,
Regarding its Hearing on Immigration Enforcement Policies on Tuesday July 21, 2015**

As the Committee discusses the Department of Homeland Security's enforcement of immigration laws, Church World Service (CWS) urges all Members of Congress to consider the thousands of families that have been torn apart by our nation's broken immigration system. For decades, the United States has increased border and interior enforcement efforts. In 2013, the United States spent more than \$18 billion on immigration enforcement, more than all other federal law enforcement agencies combined.¹ However, border militarization and fence construction, workplace and home invasion raids, utilizing local police to enforce immigration laws, and inhumane detention, coupled with the House of Representatives' failure to follow the Senate's lead and enact real solutions, have only further damaged an already broken system.

On November 20th 2014, President Obama announced executive actions that could provide temporary relief from deportation for some of our undocumented community members. The president has the full constitutional authority, and a moral obligation to keep families together and stop needless deportations. President Obama has signed fewer executive orders than most presidents,² and deferred action is one of the many long-standing forms of prosecutorial discretion available to the Executive Branch.³ CWS supports these executive actions, and is concerned that they are not being implemented as they should. The administration is not abusing prosecutorial discretion, as it rarely implements it. While the Deferred Action for Parents of Americans (DAPA) and expanded Deferred Action for Childhood Arrivals (DACA) programs are delayed due to an injunction by the Fifth Circuit Court, ICE should still be implementing prosecutorial discretion.

However, individuals who are not enforcement priorities continue to be detained and deported. This includes long-standing community members, parents of children, elderly persons and victims of crime. Despite statements by Immigration and Customs Enforcement (ICE) declaring that the agency targets "the worst of the worst" criminals, we have seen grandparents, mothers and fathers, and pastors deported. In March of 2015, ICE engaged in a week-long raid during which officials stole over two thousand immigrants from their homes. More than two thirds of the individuals picked up were convicted only of nonviolent offenses. "Operation Cross Check" showed just how ICE is not implementing the President's November 2014 memo.⁴

In the aftermath of the recent tragedy in San Francisco, there are many outstanding questions. As we grieve for Kathryn Steinle's family and investigators learn more about this situation, it is important that we do not over-correct and end up hurting intentional, community-based policing efforts that are vital in communities across the country. Many cities recognize how requests by Immigration and Customs Enforcement (ICE) to hold individuals beyond their court-appointed sentences violate due process and have been found unconstitutional by Federal Courts⁵. Choosing not to honor ICE detainer requests without probable cause or a signed warrant from a judge improves public safety by increasing community trust in its police force. When all individuals can report dangerous situations without the fear of being deported and separated from their families, safety is increased for all community members. When local police collaborate with ICE, more crimes go unreported⁶ because victims and witnesses are afraid of being deported if they contact the police. Many local law enforcement agencies and community leaders have spoken out about the harm that this collaboration inflicts on their communities. CWS opposes proposals that would punish or attempt to stop states, cities, localities and police departments from regulating how they interact with ICE.

CWS urges Congress to support immigration policies that treat our neighbors with the dignity and respect that all people deserve, and to affirm DHS's role in utilizing prosecutorial discretion and respecting local law enforcement officer's efforts to build trust with their communities.

¹ *Immigration Enforcement in the United States: The Rise of a Formidable Machinery*. The Migration Policy Institute. <<http://www.migrationpolicy.org/pubs/enforcementpillars.pdf>>.

² "Executive Orders: Washington - Obama," The American Presidency Project. <www.presidency.ucsb.edu/data/orders.php>.

³ Immigration and Nationality Act (INA) § 103(a), 8 U.S.C. § 103(a)

⁴ "Worst of the Worst?" March 2015 Report. Mennonite Central Committee.

http://mcc.org/sites/mcc.org/files/media/common/documents/worstoftheworstreport-march242015_0.pdf

⁵ Maria Miranga-Olivares, Plaintiff, v. Clackamas County, Defendant. United States District Court, D. Oregon, Portland Division. 11 April 2014. <https://scholar.google.com/scholar_case?case=7183853698243436215&hl=en&as_sdt=20006>.

⁶ Anita Kashu, "The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties." The Police Foundation. April 2009. <www.policefoundation.org/sites/g/files/g798246/f/Khashu_%282009%29_-_The_Role_of_Local_Police.pdf>.