



***Statement of the Fair Immigration Reform Movement “FIRM”
Submitted to the House Committee on Oversight and Government Reform
HEARING DATE: APRIL 28, 2016
9:30 AM***

We submit this statement for the record on behalf of the Fair Immigration Reform Movement, a national coalition of 44 grassroots organizations from 32 states around the country committed to promoting and preserving the rights of immigrants at the local, state and federal level.

The vast majority of immigrants, like the vast majority of all Americans, are hardworking people trying to take care of their families and help their kids succeed. In fact, research shows that immigrants are *less* prone to commit crime than native-born Americans¹ and cities with high concentrations of immigrants show *lower* crime rates.² For example, in Chicago, New York and Los Angeles, the crime rate has dropped the fastest in neighborhoods with the highest immigrant concentrations.³ Research also shows immigrants bring great benefits to America’s cities and towns by revitalizing struggling local economies.⁴ The arrival of immigrants has helped revive many blighted cities and towns across America.⁵

Recognizing these facts, the Department of Homeland Security has taken steps to prioritize the use of enforcement resources to ensure families are not unnecessarily ripped apart and hardworking, contributing members of the community are allowed to remain in their homes with their loved ones and live and work without fear of deportation. The Department’s use of prosecutorial discretion was intended to be a measured approach that considered a person’s equities, not only whether they fell under one of the broad enforcement priorities. However, we have repeatedly raised with ICE and the Department of Homeland Security our concerns about the enforcement priorities, and their inconsistent, and, too frequently, unfair application.. We have urged ICE to better align

¹ See Immigration Policy Center, available at: <http://immigrationpolicy.org/special-reports/criminalization-immigration-united-states>

² See Immigration Policy Center, available at: <http://www.immigrationpolicy.org/just-facts/anecdotes-evidence-setting-record-straight-immigrants-and-crime-0>

³ *Id.*

⁴ The Atlantic, *Immigrants Injecting Life Into the Rust Belt*, (2013); available at: <http://www.theatlantic.com/politics/archive/2013/10/immigrants-injecting-life-into-the-rust-belt/430314/>; Partnership for New American Economy, *Immigration and the Revival of American Cities*, (2013); available at: <http://www.renewoureconomy.org/wp-content/uploads/2013/09/revival-of-american-cities.pdf>.

⁵ *Id.*

its practices with DHS policy by evaluating an individual's equities and ties to the community, even in cases where an individual might otherwise fall under the enforcement priorities.

For example, a case raised by the immigrant rights advocacy group, Not1More, involving **Javier Flores Garcia**, a thirty-nine year old husband and father of three U.S. citizen children clearly demonstrates a failure by ICE to exercise appropriate and fair discretion. Javier is currently detained in Pike County Detention Center. He has lived in the U.S. since 1997. USCIS made a "prima facie determination" that Javier qualified as a crime victim and could be eligible for a U-visa but ultimately denied his application because of his history of multiple deportations and returns to the United States to be reunited with his family. Javier has appealed USCIS' decision but the ICE Field Office in Philadelphia has denied requests to release Javier. This is an example of a case where we would expect ICE to exercise discretion and release an individual. Javier could have a permanent solution to his immigration status but instead he is being held in immigration detention.

The case of **Yefri Sorto**, a 19-year-old high school student from North Carolina who was picked up by ICE in late January on his way to the school bus stop, also underscores a failure by ICE to exercise appropriate discretion. Yefri is a B+ student, with an excellent attendance record and just four months from graduating high school. He was threatened by gangs and had no choice but to escape his home country. It had been 14 years since he last saw his family before he came to the U.S.

ICE considers Yefri a top priority for enforcement because he entered the country after January 2014 as an unaccompanied minor fleeing violence in Central America even though he has never been in trouble with law enforcement. Despite strong support from his community, elected officials, and community based groups like the Latin American Coalition, Yefri has been taken out of school and held in a detention facility since ICE apprehended him in January – a clear waste of resources.

We believe the above cases clearly demonstrate circumstances warranting an exercise of discretion that would be consistent with DHS policy and urge the Committee to inquire about ICE's failure to consider all of the relevant factors in these cases (and many others like them).

Finally, we urge the Committee to reject cynical calls for "mass deportation" policies and unfair efforts characterizing an entire community for the acts of a few. This type of scaremongering and such misguided calls for aggressive enforcement will not reduce crime but will instead serve to increase immigrants' fear of law enforcement, making crime prevention and community policing *more* difficult. For example, when local police are enlisted by ICE to engage in immigration-enforcement related activities, immigrants and their families are less likely to report crimes or become active members of their communities for fear of deportation. In fact, many state and local law enforcement officials have been vocal in opposing their entanglement with immigration authorities for this reason. **The Major Cities Chiefs Police Association** has argued that local

immigration enforcement undermines community trust and cooperation and significantly diverts resources from the core mission of police to create safe communities.⁶

While the prioritization of enforcement resources – despite its flawed implementation – is a welcome and necessary step, the real solution is broad and humane immigration reform with a path to citizenship. FIRM stands ready to work with the Committee on real policy solutions that keep families together and protect the rights and safety of all community members.

⁶ Available at: https://majorcitieschiefs.com/pdf/news/immigration_position112811.pdf.