



**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
NEW YORK CHAPTER
2011-2012**

November 28, 2011

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The Subcommittee on Immigration Policy and Enforcement
House of Representatives
B-353 Rayburn House Office Building
Washington, DC 20515

Re: **Opposition to Secure Communities**

Dear Chairman Gallegly, Ranking Member Lofgren & Members of the Subcommittee:

On behalf of the New York Chapter of the American Immigration Lawyers Association (AILA), we are writing to express our deep opposition to "Secure Communities." Secure Communities remains an ill-conceived program that tears families apart, puts public safety at risk and destroys cherished civil liberties. Unless it can be implemented in a way that does not violate the civil and human rights of immigrants, we cannot support it.

Secure Communities is a devastating addition to an already broken immigration system that results in mass detentions and deportations and fails at respecting the dignity, humanity and contributions of immigrants. As the centerpiece of an already aggressive immigration enforcement system, Secure Communities is overbroad, makes communities less safe, violates due process and civil liberties, and encourages racial profiling and pre-textual arrests. It was created without adequate oversight of the Department of Homeland Security or transparency within DHS, and has been implemented without any meaningful public input. In April, Rep. Zoe Lofgren (D-CA) wrote a letter to Secretary Napolitano and ICE Director John Morton stating that "DHS and ICE personnel repeatedly made false and misleading statements to local governments, the public, and members of Congress" about the program. Mr. Morton has formally acknowledged that ICE made "inconsistent statements."

In line with the concerns expressed by the Task Force, and in spite of the minor tweaks made to Secure Communities over the past few



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months, AILA attorneys across the state and country continue to see the devastating consequences of Secure Communities everyday. Just last week, one AILA-NY attorney practicing in a jurisdiction where Secure Communities is active reported meeting with five different families over a 24 hour period that were experiencing severe distress due to the detention and imminent deportation of family members as a result of Secure Communities, which she called a “super-energized deportation and profiling effort on steroids.”

If the goal of Secure Communities is simply to further enhance enforcement - without regard to the family and community ties, work history and other equities of the victims of this program - then it is clearly successful. But if those factors matter – as we believe they must - then Secure Communities is severely flawed, as it simply adds to the suffering of countless people (including a generation of immigrant and U.S. citizen children who are already suffering through the predictably negative and wide-ranging effects of losing one or two parents to deportation) while doing nothing to fix our broken immigration system. Unless major, meaningful changes are made to this program, Secure Communities will continue to add to the problems of our immigration system, and prosecutorial discretion – no matter how generously it is granted – will not change this.

If Congress is truly interested in ensuring the human and civil rights of immigrants, as well as the safety of all communities, we recommend that it take these steps immediately:

- Pass the End Racial Profiling Act, which would ban profiling based on race, religion, ethnicity and national origin at the federal, state and local levels.
- Eliminate funding for Secure Communities and other programs that empower state and local law enforcement to enforce the immigration laws, until and unless meaningful, effective and verifiable protections are put in place to prevent racial profiling and other civil and human rights violations.
- Urge DHS to terminate Secure Communities in jurisdictions that have opted out of the program, and suspend Secure Communities in jurisdictions with a documented record of racial profiling or where the Department of Justice is actively investigating a pattern



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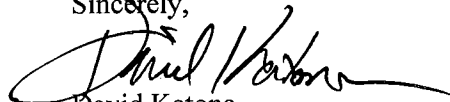
or practice of discriminatory policing.

- Provide meaningful opportunities to hear from immigrants and U.S. citizens who have been directly impacted by Secure Communities and similar enforcement programs.

In the event that Congress and/or DHS is unwilling or unable to act on these recommendations or similar, just remedial measures, we will have no choice but to join the call for nationwide termination of Secure Communities.

Thank you for your consideration.

Sincerely,



David Katona
Chair