



July 22, 2021

Dear Secretary Mayorkas:

As the Biden Administration continues to solicit stakeholders for feedback on existing interior enforcement immigration policies, Cities for Action (“C4A”), a national coalition of over 150 mayors and county executives who support pro-immigrant federal policies, urges you to end the misleadingly named Secure Communities program and cease automatic information sharing between the FBI and Immigration and Customs Enforcement (“ICE”).

As leaders of cities and counties across the nation, we are deeply concerned at how overzealous immigration enforcement, facilitated by the Secure Communities program, has devastated our immigrant communities, torn families apart, and pushed immigrants into the shadows. Immigrants who are vulnerable to deportation are less likely to engage with law enforcement and are more likely to suffer labor exploitation silently.¹ Our goal, by contrast, is to collaborate with the administration to ensure that our jurisdictions remain safe and open for all of our residents, regardless of immigration status. This goal recognizes that immigrants make our communities stronger and safer,² and that pro-immigrant policies have positive effects on public safety³ and health.⁴

However, this program is a significant barrier to our efforts to build trust with our immigrant communities and thus fails to keep us all safe. Mandating that the FBI automatically share fingerprints it captures following local arrests—including arrests for minor and non-violent crimes—creates the impression that local law enforcement officials take part in immigration enforcement. Since the shared information can be used by ICE to identify all non-citizens who have contacts with the criminal legal system, any contact can have immigration consequences.⁵ This negatively effects those who are caught up in this all-encompassing enforcement strategy as well as their families and communities who witness the impact.

¹ Shirley P. Leyro & Daniel L. Stageman, *Crimmigration, Deportability and the Social Exclusion of Noncitizen Immigrants*, 15 *MIGRATION LETTERS* 255, 258-60 (2018).

² The vast majority of studies show that immigrants are not tied to increased crime or that immigrants are less likely to commit crimes than the native-born population. *See, e.g.*, Michael T. Light, Jingying He, & Jason P. Robey, *Comparing crime rates between undocumented immigrants, legal immigrants, and native-born US citizens in Texas*, 117 *PNAS* 32340 (2020), available at <https://www.pnas.org/content/117/51/32340>.

³ TOM K. WONG, *THE EFFECTS OF SANCTUARY POLICIES ON CRIME AND THE ECONOMY* 1 (2017), available at <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy> (finding that crime is lower and the economy is stronger in “sanctuary counties.”).

⁴ *See, e.g.*, HEATHER KOBALL & SETH HARTIG, *DO STATES’ IMMIGRANT-FRIENDLY POLICIES IMPROVE THE HEALTH OF CHILDREN OF IMMIGRANTS?* 1 (2020), available at <https://www.nccp.org/wp-content/uploads/2020/04/NCCP-RWJF-Full-Report-Apr-2020-2.pdf> (finding that “sanctuary policies and driver’s licenses for undocumented immigrants improved preventive health outcomes among children of immigrants.”).

⁵ At one point, ICE explicitly noted that the goal of this interoperability was to “create a virtual ICE presence at every local jail[.]” U.S. Immigration and Customs Enforcement, *Wake County Sheriff’s Office first of 4 sites in North Carolina to receive full interoperability technology to help identify criminal aliens* (Nov. 12, 2008), <https://www.ice.gov/news/releases/wake-county-sheriffs-office-first-4-sites-north-carolina-receive-full>.

The chilling effects of entanglement between civil immigration enforcement and local government can be dire. The criminal legal system cannot function without the full participation of victims, witnesses, and defendants, regardless of their immigration status. In addition, a general distrust in local government has alarmingly impacted immigrants' willingness to access health care during the COVID-19 crisis. Our constituents have raised concerns about COVID-19 testing or vaccination because of fears that personal information collected for health care purposes will be automatically shared with ICE, despite assurances to the contrary.⁶

Secure Communities violates principles of due process and exacerbates long-standing inequities in our criminal legal system that disproportionately affect immigrants of color.⁷ The program has led to deprivation of liberty by detaining immigrants and citizens alike.⁸ Over the past several years, we have seen a nationwide reckoning on how to address and undo the harms of systemic racism in policing.⁹ Continuing to entangle police contact and immigration enforcement undermines those efforts. Yet Secure Communities has been justified as necessary to maintain public safety¹⁰ despite having failed to reduce crime rates.¹¹ Simply put, the continuing operation of Secure Communities cannot be justified.

As the federal administration continues to review immigration enforcement programs, we look forward to collaborating on policy that reflects the needs of our diverse communities. We urge you to end the Secure Communities program and make clear to our immigrant residents that local governments are not acting as agents of federal immigration enforcement. This would be a powerful step towards restoring the trust that we have worked hard to build, and so urgently need to keep our cities safe.

⁶ Tori Bedford, *Fear Of Deportation Prompts Undocumented Immigrants To Resist COVID-19 Vaccine*, GBH NEWS (Jan. 5, 2021, 8:21 PM), <https://www.wgbh.org/news/local-news/2021/01/05/fear-of-deportation-prompts-undocumented-immigrants-to-resist-covid-19-vaccine>; Michael Herzenberg, *How Fear of Deportation Compounds COVID-19 Infection Rates and Compromises Recovery for Undocumented Immigrants*, NY1 (Aug. 25, 2020, 8:54 PM), <https://www.ny1.com/nyc/all-boroughs/news/2020/08/25/how-fear-compounds-covid-19-infection-rates-and-compromises-recovery-for-undocumented-immigrants>.

⁷ See BLACK ALLIANCE FOR JUST IMMIGRATION, *THE STATE OF BLACK IMMIGRANTS PART II: BLACK IMMIGRANTS IN THE MASS CRIMINALIZATION SYSTEM 15* (2015), available at <http://baji.org/wp-content/uploads/2020/03/sobi-fullreport-jan22.pdf> (noting that “Black people are far more likely than any other population to be arrested, convicted, and imprisoned in the U.S. criminal enforcement system—the system upon which immigration enforcement increasingly relies.”).

⁸ Linda Wertheimer, *Immigration Effort Mistakenly Holds U.S. Citizens*, NPR (Dec. 20, 2011, 2:48 AM), <https://www.npr.org/2011/12/20/143996530/immigration-effort-mistakenly-holds-u-s-citizens>

⁹ Remarks by President Biden on the Verdict in the Derek Chauvin Trial for the Death of George Floyd, Daily Comp. Pres. Docs., 2021 DCPD No. 00332 (April 20, 2021).

¹⁰ U.S. Immigration and Customs Enforcement, *Secure Communities*, <https://www.ice.gov/secure-communities>.

¹¹ See, e.g., Thomas J. Miles & Adam B. Cox, *Does Immigration Enforcement Reduce Crime? Evidence from Secure Communities*, 57 J. L. & ECON. 937 (2014) (“[T]he Secure Communities program has had no observable effect on the overall crime rate.”).

Sincerely,

Bill de Blasio, Mayor, City of New York, New York

Eric Garcetti, Mayor of Los Angeles, California

Libby Schaaf, Mayor of Oakland, California

Tom Butt, Mayor, City of Richmond, California

Michael B. Hancock, Mayor of Denver, Colorado

Lori E. Lightfoot, Mayor of Chicago, Illinois

Toni Preckwinkle, President of Cook County, Illinois

Jeffrey Slavin, Mayor of Somerset, Maryland

Kim Janey, Mayor of Boston, Massachusetts

Thomas G. Ambrosino, City Manager, City of Chelsea, Massachusetts

Joseph A. Curtatone, Mayor of Somerville, Massachusetts

Jacob Frey, Mayor of Minneapolis, Minnesota

Melvin Carter, Mayor, City of Saint Paul, Minnesota

Mark Freda, Mayor, City of Princeton, New Jersey

Tim Keller, Mayor of Albuquerque, New Mexico

Byron W. Brown, Mayor, City of Buffalo, New York

William W. Moehle, Supervisor, Town of Brighton, New York

Lovely A. Warren, Mayor, City of Rochester, New York

Lydia Lavelle, Mayor of Carrboro, North Carolina

James F. Kenney, Mayor of Philadelphia, Pennsylvania

Jennifer Gregerson, Mayor of Mukilteo, Washington

Jenny A. Durkan, Mayor of Seattle, Washington