



325 W. Main St.
Suite 2210
Louisville, KY 40202

(502) 581-9746
ACLU-KY.org

Erin Kennedy Startzman
President

Michael Aldridge
Executive Director

Kate Miller
Advocacy Director

Heather Ayer
Campaign Coordinator

Amanda Hall
Policy Strategist

Keturah Herron
Policy Strategist

Marcus Jackson
Organizing Coordinator

Jackie McGranahan
Policy Strategist

The Honorable Alejandro Mayorkas
Nominee, Secretary of the Department of Homeland Security
Via email
April 9, 2021

Dear Mr. Mayorkas,

We, the undersigned immigrant justice and civil rights groups, congratulate you on your recent confirmation as secretary of the U.S. Department of Homeland Security (DHS). Under your leadership, DHS can transform into an agency that furthers our shared vision of the United States as a “country of welcome.”

Among your initial reforms, we urge you to prioritize ending Immigration and Customs Enforcement (ICE) collaboration programs and practices that entangle state and local agencies in federal immigration enforcement, including the 287(g) program, Secure Communities and ICE detainers. For four years, the Trump administration made these ICE collaboration programs a centerpiece of its anti-immigrant, fear-based agenda. Ending these programs would signal to our communities that under your leadership, DHS will decisively break from this xenophobic legacy.

We write to share our experiences with these programs in Kentucky and illustrate why ending them is imperative as a matter of public safety and welfare. ICE collaboration programs spread fear and anxiety in our communities, making immigrants and their family members afraid to access public services, protection, and assistance from local government agencies that they justifiably fear are working with ICE to track and deport immigrants.

The American Public Health Association, in a statement opposing Secure Communities, explained: “Immigrants’ health is indirectly undermined by fear of seeking medical care, or relief from domestic abuse, sexual assault, stress and trauma.” The COVID-19 pandemic has placed these concerns in sharp relief, as immigrants and their family members fear that they may be asked to provide identifying information during testing, treatment and vaccinations that could be shared with ICE and lead to their deportation.

Moreover, ICE collaboration programs make people experiencing domestic violence, sexual abuse and human trafficking far less



likely to seek urgently needed police protection and local services, out of fear of deportation and separation from their children. Sheriffs, police chiefs and prosecutors are some of the leading critics of these programs because they make people less likely to seek police protection, report crimes and serve as witnesses. That is why the 2015 report of the President's Task Force on 21st Century Policing concluded that "whenever possible, state and local law enforcement should not be involved in immigration enforcement."

The negative impact of these programs extends beyond police and medical services. Studies show that these collaboration programs drive down labor force participation, which can have serious impacts on local industry. It can make immigrants and their families afraid to apply for public benefits--such as the Supplemental Nutrition Assistance Program--causing immediate and long-term damage to the health of immigrant and U.S. citizen children.

Furthermore, ICE collaboration programs have led to rights violations and abuses. Being in the business of immigration enforcement incentivizes local police to make pretextual arrests on state or local criminal grounds—with the actual goal of identifying immigrants to detain for ICE. It emboldens law enforcement officers across the country to use immigration enforcement as a means of threatening and harassing people in immigrant communities. Our organizations have documented thousands of cases of U.S. citizens held on erroneous detainers. These abuses are one reason why communities across the country have recently elected sheriffs who pledged to end their localities' 287(g) agreements, and why one-fourth of all counties have adopted so-called sanctuary measures that limit ICE collaboration.

We urge the new administration to heed lessons from the Obama administration, when DHS issued enforcement priorities and limited reforms to ICE collaboration programs. ICE and some local law enforcement agencies colluded to flout these enforcement priorities. If these ICE collaboration programs continue to exist in some form--notwithstanding the intentions of the new administration--law enforcement officers are likely to continue exploiting them to engage in racial profiling and harassment.

We urge you to act decisively to end these programs and look forward to engaging with you on a new path forward.



Sincerely,

ACLU of Kentucky
Americana Community Center
Brandeis Human Rights Advocacy Program, Louis D. Brandeis
School of Law
Catholic Charities of Louisville, Inc.
Community Response Coalition of Kentucky, Inc.
Homeless and Housing Coalition of Kentucky
Interfaith Coalition for Immigrant Justice
IUE-CWA
Kentuckians For the Commonwealth
Kentucky Center for Economic Policy
Kentucky Coalition Against Domestic Violence
Kentucky Criminal Justice Forum
Kentucky Dream Coalition
Kentucky Equal Justice Center
Louisville Family Justice Advocates
Medical Students for Choice
Progress Kentucky, LLC
Sustainable Agriculture of Louisville, Inc
United Food and Commercial Workers Local 227
Volunteers of America