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June 17, 2013

Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Re: Opposition to Provisions of the SAFE Act that Would Restrict Local Efforts to Limit the Impact of Immigration Detainers on Criminal Justice Resources

To Members of the House Judiciary Committee:

The New York City Bar Association (the “City Bar”), through its Criminal Courts Committee and Immigration and Nationality Law Committee, writes this letter to express its opposition to provisions within the SAFE Act that would restrict the efforts of New York City and other localities to limit the use of immigration detainers.¹ The City Bar has previously expressed its support of the New York City Council’s efforts to limit the use of immigration detainers in the criminal justice system.² As we have written, immigration detainers harm New York City residents by separating them from their families and legal resources in the city and impose significant practical and fiscal costs on the city’s criminal justice system. Cities should retain their authority to make appropriate decisions regarding the use of such detainers, which are voluntary under the law and do not affect the ability of federal immigration officials to initiate removal proceedings against immigrants.

The SAFE Act would severely and unnecessarily restrict localities’ authority to make these decisions about their law enforcement resources. Specifically, section 114 of the SAFE Act would attempt to make compliance with immigration detainers mandatory and prohibit states and localities from issuing policies, resolutions, or ordinances that restrict local cooperation with federal law enforcement. Section 111 of the SAFE Act would authorize jails and prisons to detain immigrants for up to 14 days after the completion of a criminal sentence—an unprecedented expansion of detention authority that will lead to prolonged detention of longtime residents. The Act would provide only limited training and funding resources, with no guarantee

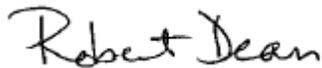
¹ See Strengthen and Fortify Enforcement Act (“SAFE Act”), H.R. 2278, available at <http://www.aila.org/content/fileviewer.aspx?docid=44723&linkid=263633>.

² See Testimony, New York City Immigration Detainer Legislation (Jan. 25, 2013), available at <http://www2.nycbar.org/pdf/report/uploads/20072385-TestimonyonICEDetainmentpolicy.pdf>; Letter of the New York City Bar Association to Hon. Christine Quinn, New York City Council (Jan. 9, 2013), available at <http://www2.nycbar.org/pdf/report/uploads/20072375-PersonsNottoBeDetainedICECollaboration.pdf>.

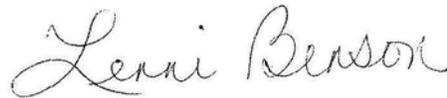
that local law enforcement agencies will be fully compensated for the costs of implementing complex immigration law provisions to hold local residents for immigration purposes. It does nothing to cure the due process concerns inherent to immigration detainees, and would spread fear of local law enforcement in immigrant communities. Moreover, it strips localities of their authority to make their own choices about their public safety resources.

For these reasons, we are opposed to any provisions in the SAFE Act that would make immigration detainees mandatory and restrict New York City and other localities from making their own decisions about criminal justice resources and public safety.

Sincerely,



Robert Dean, Chair
Criminal Courts Committee



Leni Benson, Chair
Immigration and Nationality Law Committee