

May 16, 2013

The Honorable Patrick J. Leahy
Chairman
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

RE: Oppose Senator Grassley's Amendment 43 (ARM13616) to S.744

Dear Chairman Leahy, Ranking Member Grassley, and Members of the Committee:

We, the undersigned juvenile justice, criminal justice, immigrant rights, civil rights, and faith-based organizations, write to express opposition to Grassley Amendment #43 to the immigration reform bill. This amendment would create new and expansive deportation grounds for suspected gang members. As advocates for children, youth, and immigrant families across the nation, we respect efforts to improve our nation's response to gang violence and gang crimes. However, we are concerned that Grassley Amendment #43 would exacerbate existing problems of misidentifying gang members, increase profiling, and result in targeting children and youth who are victims of crime and human trafficking. Moreover, such proposals fly in the face of efforts to create an immigration reform bill that is fair, functional and consistent with American values because they undermine due process and waste scarce resources.

Grassley Amendment # 43 would sweep in individuals who have never committed a crime.

The proposed amendment would create a new definition of criminal gang that is unworkably broad and includes such minor crimes as obstruction of justice. Arguably, this definition could include school groups like sororities and fraternities, or groups engaged in protest activities, such as the Occupy movement. Moreover, the amendment shifts the burden to the individual to prove that they could not reasonably have known they were in such a gang that committed qualifying offenses. Proving a negative is often impossible. This amendment would also sweep in individuals who have never been convicted of a crime and are merely suspected of being in a gang. This kind of dragnet approach targets the wrong people and risks deporting, and separating from their families, individuals who are not gang members.

Creating a new deportation ground for suspected gang members would likely result in reliance on flawed gang databases to determine gang membership.

Gang databases face mounting criticism for their use of inconsistent definitions, improper documentation procedures, and inadequate review. For example, gang databases label individuals as gang members because the individual resides or associates with a family member known to be in a gang or lives in a neighborhood where there is a high concentration of gangs and gang members. This "guilt by association" unfairly and disproportionately affects youth of color, many of whom live in inner-city neighborhoods or low-income communities. Disregarding the obvious problems with such a wide-net approach, gang databases have no mechanisms for validation, and are not reliably "purged" for accuracy. As a result, they include people who "belong" to groups that are not in fact gangs, people who left a gang years ago and are rehabilitated, and people who have never been a member of any group or gang. A legislative proposal that would permit deportation based on information contained in these gang databases would invariably result in erroneous deportations.

Creating a new ground of deportability for suspected gang members is unnecessary because the government already has enough tools and resources to deport such individuals.

Most states and the federal government already have laws that punish or enhance sentences for individuals suspected of being gang members, recruiting gang members, or committing crimes while in a gang. In addition, immigration laws already provide the government with the ability to deport individuals engaged in criminal activity. The Department of Homeland Security already uses its full discretionary power and prioritizes the use of its resources to target suspected gang members for deportation. Therefore, enacting additional laws to address gangs and gang activity would be duplicative, unnecessary, and a waste of scarce resources.

Grassley Amendment #43 would increase the unwarranted targeting of children and youth.

One particular subgroup of juveniles - unaccompanied minors - runs a greater risk of being wrongfully misidentified and prosecuted under this broad proposal. Some of these children flee their home countries to escape gang violence, forced drug trafficking and sexual violence. These unaccompanied minors run the risk of falling prey to gangs and sex traffickers, and being coerced into participating in criminal activity. Under Grassley Amendment #43, individuals who flee persecution, including unaccompanied children, would run the risk of being classified as “gang members” or “gang associates”, which can result in prolonged detention and eventual deportation to countries where they face persecution or death. Amendments such as Grassley #43, broaden the deportation drag net to target the wrong people and would dramatically increase the federal prosecution of children and youth. In overhauling our current immigration system, Congress must keep in mind the importance of protecting the rights of juveniles and prevent changes in the law that are duplicative and that do not improve, but rather exacerbate existing problems.

Again, we urge you to oppose Grassley Amendment #43. Please do not hesitate to contact Paromita Shah paromita@nipnlg.org or Angie Junck, ajunck@ilrc.org if you have questions or need further assistance.

Sincerely,

National Organizations

Advancement Project

African American Ministers in Action

All of Us or None

American Civil Liberties Union

Americans for Immigrant Justice, formerly Florida Immigrant Advocacy Center

American Immigration Lawyers Association (AILA)

America's Voice

Asian American Justice Center, member of Asian American Center for Advancing Justice

Asian Pacific American Labor Alliance, AFL-CIO

Campaign for Community Change (CCC)

Capital Area Immigrants' Rights Coalition

Center for Gender & Refugee Studies

Centro CHA, Inc.

Committee in Solidarity with the People of El Salvador (CISPES)

Define America

Detention Watch Network (DWN)

Drug Policy Alliance

Fair Immigration Reform Movement (FIRM)

Immigration Equality Action Fund

Immigrant Defense Project

Immigrant Legal Resource Center

Justice Strategies

Labor Council for Latin American Advancement (LCLAA)

Muslim American Society (MAS)

National Asian Pacific American Women's Forum (NAPAWF)

National Network for Immigrant and Refugee Rights

Mexican American Legal Defense and Educational Fund (MALDEF)

MoveOn.org

NAACP

National African American Drug Policy Coalition, Inc.

National Association of Criminal Defense Lawyers

National Black Justice Coalition

National Center for Transgender Equality

National Council of La Raza (NCLR)

National Day Laborer Organizing Network

National Gay and Lesbian Task Force Action Fund

National Immigrant Solidarity Network

National Immigration Forum

National Immigration Law Center (NILC)

National Center for Youth Law

National Immigrant Justice Center

National Immigration Project of the National Lawyers Guild

1love Movement

PICO National Network

Progressive National Baptist Convention, Inc.

LATINO JUSTICE PRLDEF

Rights Working Group

South Asian Americans Leading Together (SAALT)

School of the Americas Watch

Southeast Asia Resource Action Center

StoptheDrugWar.org

The Leadership Conference on Civil and Human Rights

Teatro Moonagaus

Unitarian Universalist Service Committee

United We Dream (UWD)

W. Haywood Burns Institute

Women's Refugee Commission

Alabama

Alabama Justice Gap, LLC

Arizona

Florence Immigrant & Refugee Rights Project

California

ACLU Berkeley/NorthEastBay

AF3IRM

Alliance San Diego

Asian Law Caucus

Asian Pacific American Legal Center, a member of the Asian American Center for Advancing Justice

Asian Pacific Policy and Planning Council

Aztlan Media Kollektive

Aztecs Rising

Bakersfield College M.E.Ch.A

Becoming Kingdom Ready

Biggam, Christensen, & Minsloff

Black Alliance for Just Immigration

California Coalition for Women Prisoners

California Fund for Youth Organizing

California Immigrant Policy Center

California NOW

California Prison Focus

California Rural Legal Assistance Foundation

Canal Alliance

CARECEN Los Angeles

Causa Justa/Just Cause

Center for Juvenile Law and Policy, Loyola Law School

Center for Young Women's Development

Center on Juvenile and Criminal Justice

Central American Resource Center San Francisco

CHALK

Circle of Nations

City Lites

CLOUD

Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)

Coco Films

Coleman Advocates

Colibri Law Group

Community for Education

Committee for Immigrant Rights of Sonoma County, CA

Communities United for Restorative Youth Justice

Community Justice Network for Youth

Communist Party, USA Los Angeles Metro Club

Contra Costa Interfaith Supporting Community Organization

Cuentame

Dolores Street Community Services

Dream Team Los Angeles

East Bay Community Law Center

Equality Federation
Esperanza Immigrant Rights Project, Catholic Charities of Los Angeles, Inc.
Families in Good Health
Filipino Advocates for Justice
Florence Azria
Homeboy Industries
HOMIE4Life.org
Homies Organizing the Mission to Empower Youth
Homies Unidos
IDEPSCA
Immigrant Legal Resource Center (ILRC)
Immigrant Youth Coalition
Insight Prison Project
Instituto Familiar de La Raza
Intervention Prevention Response
Isidore Recycling
Interfaith Coalition for Immigrant Rights (CLUE-CA)
J Mason Consulting
Justice for Palestinians
Khmer Girls in Action
Korean American Coalition
Korean Resource Center
La Raza Centro Legal
Law Offices of Carrie Rosenbaum
Law Offices of Leticia T. Moreno, APC
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Legal Services for Children
Legal Services for Prisoners with Children
Maximum Force Enterprise
M.E.Ch.A. de UC Merced
Movimiento Estudiantil Xican@ de Aztlan de SJSU
New Visions Foundation
Occupy RWC
Operation Street Kidz
Orange County DREAM Team
Peninsula Direct Action
Presente.org
Projectools & Partners
Public Counsel
San Francisco Public Defender's Office
Services, Immigrants Rights and Education Network (SIREN)
Silicon Valley De-Bug
Silicon Valley Alliance for Immigration Reform
Solano County Public Defender's Office
Southern Border Communities Coalition

Sunrise Community Outreach Center
Temple in the Heart Community
The Ella Baker Center for Human Rights
UC Davis Immigration Law Clinic
Unitarian Universalist Legislative Ministry, CA
United Cambodian Community
Wake The Beast
West County Concilio Latino
Youth Justice Coalition
Youth Law Center
Youth United for Community Action

Colorado

American Friends Service Committee Colorado
Colorado Immigrant Rights Coalition
Criminal/Immigration Defense Clinic, University of Colorado Law School
Izaguirre Law Firm
Rocky Mountain Immigrant Advocacy Network

District of Columbia

Capital Area Immigrants Rights Coalition
Maggio Kattar
Creative Ways Therapy, LLC

Florida

FANM/Haitian Women of Miami
Farmworker Association of Florida, Inc
FedCURE
Public Defender, 11th Judicial Circuit of Florida
Students Working for Equal Rights

Georgia

Raksha, Inc

Idaho

Law Office of Andrew Parnes

Illinois

Illinois Coalition for Immigrant and Refugee Rights
Justice for Our Neighbors -- Northern Illinois Conference
Katz Law Office, Ltd.
Law Office of Mary O'Leary
Law Offices of Shirley Sadjadi

Maria Baldini-Potermin & Associates, P.C.
Dady & Hoffmann LLC
Northwestern University School of Law
Young Center for Immigrant Children's Rights at the University of Chicago

Kentucky

Kentucky Coalition for Immigrant and Refugee Rights

Louisiana

New Orleans Workers' Center for Racial Justice
V.O.T.E.

Maryland

CASA de Maryland, Inc.
Identity, Inc.
Law Offices of Jay S. Marks, LLC
Sin Fronteras

Massachusetts

American Friends Service Committee, Project Voice Cambridge MA
Lutheran Social Services of New England
Political Asylum Immigration Representation Project

Michigan

American Citizens for Justice
Detroit Hispanic Development Corporation
Latino Family Services
Michigan National Lawyers Guild Immigration Committee
Michigan United
The Micah Center
Washtenaw Interfaith Coalition for Immigrant Rights

Minnesota

Immigrant Law Center of Minnesota
Asian Economic Development Association
CAPI
Center for Hmong Arts and Talent
Hennepin County Public Defenders
Interfaith Coalition on Immigration (ICOM, MN)
The Advocates for Human Rights
Zimmer Law Group
ACCESS JUSTICE, PSC

New Mexico

El CENTRO de Igualdad y Derechos
Justicia Digna
New Mexico Immigrant Law Center
Transgender Resource Center of New Mexico
Christina Rosado, Attorney at Law, LLC

New York

Brooklyn Defender Services
Daniel Aharoni & Partners
DRUM - Desis Rising Up & Moving
Families for Freedom
Houses on the Moon Theater Company
Immigrant's Journal Legal & Educational Fund (IJLEF), Inc.
New York State Defenders Association
Northern Manhattan Coalition for Immigrant Rights
Reyes Del Bajo Mundo
The Bronx Defenders

North Carolina

Southeast Asian Coalition

Ohio

Svetlana Schreiber & Assoc CO LPA
United Church of Christ Justice and Witness Ministries

Oregon

Partnership for Safety and Justice

Pennsylvania

Asian Americans United
BPSOS-Delaware Valley
Cambodian Association of Greater Philadelphia
Pennsylvania Immigration Resource Center
Philadelphia Student Union

Regional

Inland Empire Immigrant Youth Coalition
Southeast Immigrant Rights Network

Rhode Island

Providence Youth Student Movement

Tennessee

Gopal & Pedigo, PC
Ozment Law

Texas

Austin Immigrant Rights Coalition
Artemis Justice Center
St. Mary's University School of Law
Austin MoveOn Council
Comal, Guadalupe and Hayes Counties MoveOn Council
Dallas MoveOn Council
Justice for Our Neighbors-South Texas
San Antonio MoveOn

Utah

Perretta Law Office
United for Social Justice

Vermont

Vermont Immigration and Asylum Advocates

Virginia

Families & Allies of Virginia's Youth

Washington

OneAmerica
Northwest Immigrant Rights Project
Communications Workers of America
Washington Defender Association's Immigration Project
Community to Community Development
First Star Moving and Services
Forks Human Rights Group
Gibbs Houston Pauw
Law Office of Shara Svendsen

Wisconsin

UW Law School Immigrant Justice Clinic