

Congress of the United States
Washington, DC 20515

September 21, 2021

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

Sent via electronic mail

Dear Secretary Mayorkas:

We write to express our concern with the lack of apparent meaningful review by the administration of 287(g) agreements, the Secure Communities program, and immigration detainer practice and the lack of progress toward disentangling local law enforcement from federal immigration enforcement.

In February, 60 members of the U.S. House of Representatives urged you to terminate DHS programs that entangle state and local law enforcement agencies in U.S. civil immigration enforcement.¹ Over six months later, we are not aware of any significant steps taken by the agency to terminate or even meaningfully review these entanglement programs, despite commitments made by President Biden, our request for action, and similar requests from local sheriffs nationwide.² We respectfully request a written response detailing the steps that DHS is taking on this matter.

We are deeply concerned with the lack of action in reviewing and terminating these programs, particularly in light of the Texas governor's recent politically motivated and discriminatory actions against immigrants. Specifically, under Texas Governor Abbott's orders, local law enforcement agents have arrested hundreds of immigrants at the border based on newly legislated state criminal charges and are collaborating with ICE to issue and enforce detainers transferring these individuals into ICE custody.³ In other words, Governor Abbott is co-opting the agency's continued use of detainers to fulfill his political and ideological anti-immigrant goals.

¹ [2.11.2021 Reps Schakowsky, Espaillat, Quigley Letter to Secretary Mayorkas ICE, local law enforcement programming.pdf \(immigrantjustice.org\)](#); see also [House Dems push DHS to stop working with local police on immigration - POLITICO](#).

² "The Biden Agenda for the Latino Community," Aug. 20, 2020, <https://medium.com/@JoeBiden/the-biden-agenda-for-the-latino-community-4d7329c2644b>; See, e.g., Nat'l Imm. Law Ctr., Local Law Enforcement Leaders Oppose Mandates to Engage in Immigration Enforcement (August 2013), <https://bit.ly/2J929st> (dozens of law enforcement leaders criticizing police-ICE entanglement).

³ [Migrants arrested in Gov. Greg Abbott's border crackdown have served their time | The Texas Tribune](#)

This growing crisis for immigrants in Texas offers a glaring example of how entanglement between local law enforcement and federal immigration authorities is used as a weapon against immigrant communities. Governor Abbott's aggressive state prison-to-deportation pipeline relies on ICE's use of detainers. As we explained in our February letter, many courts nationwide have found that when local law enforcement agents hold individuals beyond their release dates from criminal custody in order to fulfill detainers issued by ICE, they are in violation of the Fourth Amendment.⁴ We urge you to review the legality of and harms caused by detainer practices going forward, particularly in states like Texas where collaboration with local agencies politicizes the enforcement of U.S. civil immigration laws.

While we were pleased to see your announcement regarding the agency's termination of the 287(g) agreement with Bristol County earlier this year, we remain concerned that thus far the administration has taken steps only regarding this single agreement. President Biden himself during the 2020 campaign promised to terminate all 287(g) agreements entered into by former President Trump.⁵ However, the agency still maintains 287(g) agreements with 145 law enforcement agencies across 31 states--the majority of which were signed under the Trump administration.⁶ These can be terminated at any time under your leadership.

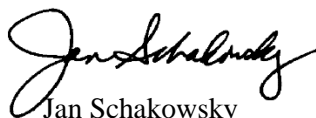
Eight months into this administration we are concerned with the lack of action in reviewing and terminating 287(g) agreements, the Secure Communities program, and the widespread use of detainers. These programs and practices turn local law enforcement agencies into a gateway to deportation, co-opt local resources into questionable, racially discriminatory purposes, and strip communities of safety and public trust. The ongoing crisis in Texas underscores the vulnerability of these programs to the political and discriminatory whims of state and local politicians at the expense of immigrants.

In light of the inaction over the past eight months regarding these programs and practices, we respectfully request a written response. Thank you for your attention to this matter.

Sincerely,



Mike Quigley
Member of Congress



Jan Schakowsky
Member of Congress



Veronica Escobar
Member of Congress

⁴ See Assumption of Risk: Legal Liabilities for Local Governments That Choose to Enforce Federal Immigration Laws, National Immigrant Justice Center, March 2018, https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2018-03/Assumption_of_Risk_March2018_FINAL.pdf.

⁵ [The Biden Agenda for the Latino Community | by Joe Biden | Medium](#)

⁶ [Delegation of Immigration Authority Section 287\(g\) Immigration and Nationality Act | ICE](#)

/s/
Nanette Diaz Barragán
Member of Congress

/s/
Earl Blumenauer
Member of Congress

/s/
Jamaal Bowman, Ed.D.
Member of Congress

/s/
Cori Bush
Member of Congress

/s/
Joaquin Castro
Member of Congress

/s/
Yvette D. Clarke
Member of Congress

/s/
Jason Crow
Member of Congress

/s/
Madeleine Dean
Member of Congress

/s/
Bill Foster
Member of Congress

/s/
Sylvia R. Garcia
Member of Congress

/s/
Raúl M. Grijalva
Member of Congress

/s/
Pramila Jayapal
Member of Congress

/s/
Donald S. Beyer Jr.
Member of Congress

/s/
Suzanne Bonamici
Member of Congress

/s/
Anthony G. Brown
Member of Congress

/s/
Tony Cardenas
Member of Congress

/s/
Judy Chu
Member of Congress

/s/
Gerald E. Connolly
Member of Congress

/s/
Danny K. Davis
Member of Congress

/s/
Adriano Espaillat
Member of Congress

/s/
Jesús G. "Chuy" García
Member of Congress

/s/
Jimmy Gomez
Member of Congress

/s/
Sara Jacobs
Member of Congress

/s/
Henry C. "Hank" Johnson, Jr.
Member of Congress

/s/
Mondaire Jones
Member of Congress

/s/
Carolyn B. Maloney
Member of Congress

/s/
Gregory W. Meeks
Member of Congress

/s/
Grace F. Napolitano
Member of Congress

/s/
Alexandria Ocasio-Cortez
Member of Congress

/s/
Mark Pocan
Member of Congress

/s/
David E. Price
Member of Congress

/s/
Mary Gay Scanlon
Member of Congress

/s/
Mark Takano
Member of Congress

/s/
Ritchie Torres
Member of Congress

/s/
Nydia M. Velázquez
Member of Congress

/s/
Bonnie Watson Coleman
Member of Congress

/s/
Barbara Lee
Member of Congress

/s/
James P. McGovern
Member of Congress

/s/
Grace Meng
Member of Congress

/s/
Eleanor Holmes Norton
Member of Congress

/s/
Ilhan Omar
Member of Congress

/s/
Ayanna Pressley
Member of Congress

/s/
Linda T. Sánchez
Member of Congress

/s/
Adam Smith
Member of Congress

/s/
Rashida Tlaib
Member of Congress

/s/
David Trone
Member of Congress

/s/
Debbie Wasserman Schultz
Member of Congress

/s/
Frederica S. Wilson
Member of Congress