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.
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. 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. 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. 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

---


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
Nanette Diaz Barragán
Member of Congress

Donald S. Beyer Jr.
Member of Congress

Earl Blumenauer
Member of Congress

Suzanne Bonamici
Member of Congress

Jamaal Bowman, Ed.D.
Member of Congress

Anthony G. Brown
Member of Congress

Cori Bush
Member of Congress

Tony Cardenas
Member of Congress

Joaquin Castro
Member of Congress

Judy Chu
Member of Congress

Yvette D. Clarke
Member of Congress

Gerald E. Connolly
Member of Congress

Jason Crow
Member of Congress

Danny K. Davis
Member of Congress

Madeleine Dean
Member of Congress

Adriano Espaillat
Member of Congress

Bill Foster
Member of Congress

Jesús G. "Chuy" García
Member of Congress

Sylvia R. Garcia
Member of Congress

Jimmy Gomez
Member of Congress

Raúl M. Grijalva
Member of Congress

Sara Jacobs
Member of Congress

Pramila Jayapal
Member of Congress

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

/ls/  
Barbara Lee  
Member of Congress

/ls/ Carolyn B. Maloney  
Member of Congress

/ls/ James P. McGovern  
Member of Congress

/ls/ Gregory W. Meeks  
Member of Congress

/ls/ Grace Meng  
Member of Congress

/ls/ Grace F. Napolitano  
Member of Congress

/ls/ Eleanor Holmes Norton  
Member of Congress

/ls/ Alexandria Ocasio-Cortez  
Member of Congress

/ls/ Ilhan Omar  
Member of Congress

/ls/ Mark Pocan  
Member of Congress

/ls/ Ayanna Pressley  
Member of Congress

/ls/ David E. Price  
Member of Congress

/ls/ Linda T. Sánchez  
Member of Congress

/ls/ Mary Gay Scanlon  
Member of Congress

/ls/ Adam Smith  
Member of Congress

/ls/ Mark Takano  
Member of Congress

/ls/ Rashida Tlaib  
Member of Congress

/ls/ Ritchie Torres  
Member of Congress

/ls/ David Trone  
Member of Congress

/ls/ Nydia M. Velázquez  
Member of Congress

/ls/ Debbie Wasserman Schultz  
Member of Congress

/ls/ Bonnie Watson Coleman  
Member of Congress

/ls/ Frederica S. Wilson  
Member of Congress