

Testimony by Bishop Minerva G. Carcaño

The United Methodist Church

Before the Subcommittee on Immigration and Border Security

Committee on the Judiciary

Of the U.S. House of Representatives

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“The Real Victims of a Reckless and Lawless Immigration Policy:

Families and Survivors Speak Out on the Real Cost of This Administration's Policies”

Mr. Chairman, Ranking Member Lofgren, and other distinguished members of the subcommittee, thank you for inviting me to speak with you today.

I would like to begin my remarks with heartfelt and sincere condolences to the families who have lost children due to the inexcusable actions of individuals. Mrs. Root and Ms. Wilkerson, I pray that God's grace provides peace and healing for you, your families, and your community. No parent should have to endure the death of their child.

I also pray for the members of this subcommittee. Today, as we discuss these devastating tragedies, it appears that they will be utilized as an argument for deporting more immigrants and forcing local police to serve as immigration enforcement officers. I would strongly suggest that most tragedies cannot be solved by offering simplistic solutions that cast blame on entire communities and fail to take into account the intersections of multiple issues and the complexities of both individual and societal challenges. It is unjust to take isolated, tragic incidents and implicate millions of our undocumented community members. To implicate innocent men, women and children in actions they did not commit is not justice, and goes against our best values as Americans. I implore you to reject blind vengeance, which is neither restorative nor practical. We must not allow our grief to divide our communities and engender hate and fear against our immigrant brothers and sisters.

As Resident Bishop of the California-Pacific Conference of The United Methodist Church, I value the words found in the Social Principles of our Book of Discipline, which states: "We believe in welcoming the immigrant, the newcomer, and we recognize, embrace, and affirm everyone, regardless of where they come from, as members of the family of God. We affirm the right of all persons to equal opportunities for employment, access to housing, healthcare, education, and freedom from social discrimination. We urge our country to recognize the gifts, contributions, and struggles of those who are immigrants and to ensure justice for all."

The United Methodist Church's position is in alignment with our scriptural tradition as we recall the countless times we see in the Bible; such as in Leviticus 19:33, Exodus 22:21 or Deuteronomy 10:19, where we are called to welcome the sojourner, for we too were once sojourners in the land of Egypt. In the New Testament we read in Matthew 25 when Jesus identifies himself with the sojourner, the naked, the hungry, and the prisoner and reminds us that how we treat the "least of these" is how we treat Jesus himself. Indeed, this is the very essence of our faith.

Immigrants have built this country and continue to sustain it, working for the benefit of us all – whether by picking our crops, putting food on our tables, building our roads and homes, tending to the needs of our children and elderly parents, and inspiring our congregations. However, every day, hundreds of our immigrant brothers and sisters are deported. Children live in constant fear that at the end of the school day, they will find that their parents have been deported. Immigrants are subject to arbitrary detention, denied due process, and spit out on the other side of our southern border as if they were trash. It is critical that as people of faith, we work toward community wholeness. We hold true that God loves the immigrant among us, and we care deeply for each and every child of God, no matter where they are from or what language they speak.

Deportation Policies Hurt Communities

The Obama Administration has deported more than 2.5 million immigrants, more than any other President. Despite memorandums attempting to reform deportation priorities, long-standing community members, parents of children, elderly persons, and victims of crime continue to be deported. In 2013 alone, the United States spent more than \$18 billion on immigration enforcement, more than all other federal law enforcement agencies combined.¹ Workplace and home invasion raids, and the failure to legislate true immigration reform have served only to exacerbate the damage caused by enforcement-only policies.

For example, in March 2015, ICE engaged in a week-long raid during which officials stole over two thousand immigrants from their homes. More than two-thirds of the individuals picked up were convicted of nonviolent offenses, including Mennonite Pastor Max Villatoro, devoted husband, father of four young children, pastor and beloved community member. “Operation Cross Check” showed that ICE is failing to implement prosecutorial discretion and continuing to deport our community members who provide no threat to public safety.²

Numerous studies have found that immigrants of every ethnic group, without exception, are less likely than the general U.S.-born population to commit violent crimes.³ A recent report from the Immigration Policy Center notes that while the number of undocumented immigrants in the United States increased between 1990 and 2013, “FBI data indicate that the overall violent crime rate declined 48%.” Likewise, the property crime rate fell 41%.⁴

Sanctuary and Local Detainer Policies

Throughout all of Scripture, God’s people have provided refuge for persons who travel from foreign countries as well as persons who were held in slavery. Today, these same faith communities provide sanctuary for parents who are struggling to keep their families together, to stay with their children. The concept of sanctuary is one that honors sacred space and provides refuge for individuals in need of safety. Recently, in the face of record-breaking deportation numbers congregations have answered the call to offer sanctuary and stand with immigrants facing deportation orders and family separation.

One of the United Methodist churches in Arizona where I previously served witnessed the suffering of our neighbors fearing deportation in a state where families are broken apart every day. Francisco came to St. Francis in the Foothills seeking Sanctuary after the threat of deportation had been looming over his family for eight months. A husband and father of five, Francisco has no criminal history and has proven himself to be a stable and valued member of

¹ The Migration Policy Institute, *Immigration Enforcement in the United States: The Rise of a Formidable Machinery*, <http://www.migrationpolicy.org/pubs/enforcementpillars.pdf>.

² Mennonite Central Committee, “Worst of the Worst?” *March 2015 Report*, http://mcc.org/sites/mcc.org/files/media/common/documents/worstoftheworstreport-march242015_0.pdf.

³ Jason L. Riley, *The Mythical Connection Between Immigrants and Crime*, *The Wall Street Journal*, July 14, 2015, <http://www.wsj.com/articles/the-mythical-connection-between-immigrants-and-crime-1436916798>.

⁴ Walter A. Ewing, Daniel E. Martínez, Rubén G. Rumbaut, *The Criminalization of Immigration in the United States*, American Immigration Council (July 2015), <http://immigrationpolicy.org/special-reports/criminalization-immigration-united-states>.

his community, working full-time and paying taxes. But every time he left his home he ran the risk of never returning, of being picked up by Immigration and Customs Enforcement - ICE.

Since the promises of immigration reform have been broken by the U.S. Congress, we were compelled by our faith to stand in the gap for justice for our undocumented neighbors in need. Eventually, with our support, Francisco's deportation was withdrawn. Today, Francisco can live in peace with his family. This is why we welcomed Francisco into Sanctuary, and this is why we support policies that keep families together.

Local Enforcement of Federal Immigration Laws Reduces Public Safety

Policies that strengthen trust and cooperation between local law enforcement and *all* community members are essential for public safety. On the other hand, policies that would force local police to serve as immigration enforcement officers have drastic consequences of reducing community safety, as immigrants, family members of immigrants, and individuals perceived to be immigrants fear interacting with police. In these situations, community members become reluctant to report a crime that they witness or are victim to because they fear police officers will inquire about the immigration status of themselves or their friends, neighbors or family members.⁵

Local enforcement of immigration law comes at the expense of public safety priorities. Without the trust and cooperation of all community members, local police face challenges in investigating crimes, apprehending those truly guilty of committing crimes, and deterring potential criminal activity. In 2009, The Police Foundation released a report that found that "local police involvement in immigration enforcement could have a chilling effect on immigrant cooperation"⁶ with the police. Forcing local police to serve as immigration officers serves only to exacerbate difficulties with apprehending and prosecuting criminals, thereby reducing public safety in the community. In addition, local police involvement in enforcing federal immigration law has targeted immigrants who already pose little to no risks to public safety.⁷

The enforcement of federal immigration law by local police has created a deep tear in the social fabric of many communities. Local immigration enforcement has exacerbated isolation and disconnectedness from police, increased withdrawal by immigrants from the larger community as they are afraid to leave their homes, and diminished the sense of public safety. A 2013 University of Illinois report indicated that Latino communities, especially undocumented immigrants, are less likely to contact local police to report a crime, including when they have been the victim of a crime, solely because they fear that the officers will leverage that opportunity to investigate their immigration status. Even U.S. citizens are less likely to contact police officers if they are a victim of a crime because they fear police officers will use that time

⁵ Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*, University of Illinois at Chicago (May 2013), https://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF.

⁶ Anita Khashu, *The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties*, Police Foundation (2009).

⁷ Alex Stepick, Steve Held, Cynthia S. Hernandez, Cheryl Little, and Susana Barciela, *False Promises: The Failure of Secure Communities in Miami-Dade County*, Research Institute on Social & Economic Policy, Center for Labor Research & Studies, Florida International University and Americans for Immigrant Justice (2013).

to investigate the immigration status of someone they know. As a result, local police involvement in immigration enforcement has led to a reduction in public safety, while mistrust of the police has increased.⁸

Local policies that foster safe and welcoming communities are in no way a free pass for any immigrant who violates the law. Everyone, including immigrants, remain accountable to our legal system. However, policies that build trust between local law enforcement officials and community members are essential to public safety. For my own personal wellbeing, I want my neighbors to feel comfortable calling the police if they witness a car accident, or if their home is burglarized. When all individuals can report dangerous situations and seek protection from violence without the fear of being deported and separated from their families, police can best protect everyone in the communities they serve.

Ecumenical and interfaith coalitions have taken up the effort to stop as part of our faith traditions and moral responsibility to welcome immigrants. For example, in California, our congregations were instrumental in the passage of the TRUST Act, which went into effect January 1, 2014. Similarly, in Clackamas County, CA, the Interfaith Movement for Immigrant Justice successfully pushed local officials to adopt a local detainer policy to protect all members of the community. In New York, Massachusetts, Pennsylvania, Missouri, Colorado, Ohio, Washington, and Alabama, people of faith are advocating for similar local detainer policies at the state or local level.

Recently, a jurisdiction at the center of this debate has gained attention for their policy of not honoring ICE detainer requests. San Francisco resident, Pedro Figueroa-Zarceno, had reported his car stolen. A few weeks later, he received word from the police that they had found it. But when he went to his local police station to obtain the police report, he found himself in handcuffs on a deportation warrant that was over ten years old. When the police released him, he was apprehended and detained by ICE. After significant public pressure, he was released two months later and was finally given a court date. Cases like Pedro's – when victims of crime become targets of law enforcement – betray the trust of the community.

When local police collaborate with ICE, more crimes go unreported⁹ because victims and witnesses are afraid of being deported if they contact the police. Many local law enforcement agencies and community leaders have spoken out about the harm that this collaboration inflicts on their communities. On the other hand, choosing not to honor ICE detainer requests, especially without probable cause or a signed warrant from a judge, improves public safety by increasing community trust in its police force. When all individuals can report dangerous situations without the fear of being deported and separated from their families, safety is increased for all community members.

⁸ Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*, University of Illinois at Chicago (May 2013),

https://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF.

⁹ Anita Kashu, *The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties*, The Police Foundation (April 2009), <http://www.policefoundation.org/wp-content/uploads/2015/06/The-Role-of-Local-Police-Narrative.pdf>.

Claudia Valdez's story¹⁰ underscores how the participation of local police in immigration enforcement makes our communities less safe. Claudia is a longtime resident of Denver, CO and a devoted mother of three U.S. citizen children. In June 2012, fearing for the safety of herself and her children, Claudia asked a neighbor to call the police for help when a domestic dispute turned physical in her home. As a result of this phone call, Claudia – who has no criminal history – was arrested and imprisoned for three days. She was then subject to deportation proceedings, as well as the prospect of permanent separation from her children. Claudia's story, one which is repeated in counties across the country, sends a strong message to our undocumented community members, as well as their lawfully-present friends and family: avoid contact with law enforcement at all costs, even if you are a victim of a crime, or else you or someone you love may be deported. In order to promote strong families and communities, local law enforcement must disentangle itself from ICE.¹¹

As this committee considers policy proposals, it is critical to not end up hurting intentional, community-based policing efforts that are vital to communities across the country. Sanctuary policies¹² promote the safety of all community members, and encourage all victims and witnesses to report crimes. I urge members of this committee to recognize the beneficial reasons behind these policies and the values that inspired them.

Immigrants Significantly Contribute to the U.S. Economy

The immigrant population comes to this country to reunite with family, work, and make meaningful contributions that enrich our communities. Through an analysis of 505 metropolitan areas from 2005 to 2011,¹³ economist Jack Strauss found that an increasing number of immigrants moving to an area leads to significantly higher employment growth and a decline in the unemployment rate.¹⁴ Another study showed that immigrants started more than 25% of all businesses in seven of eight sectors of the economy that the U.S. government expects to grow the fastest over the next decade.¹⁵ A study by the Small Business Administration (SBA) found that immigrants have high business formation rates and create successful businesses that hire immigrant and U.S. citizen employments and export goods and services.¹⁶

¹⁰ Rebecca T. Wallace, Claudia's Story: How a Domestic Violence Victim's Call for Help Resulted in Three Days in Jail and Deportation Proceedings, American Civil Liberties Union of Colorado, June 19, 2014, <http://aclu-co.org/blog/clauidias-story-domestic-violence-victims-call-help-resulted-three-days-jail-deportation-proceedings/>.

¹¹ Catholic Legal Immigration Network, Inc., CLINIC Sanctuary Cities Toolkit, 2016, <https://cliniclegal.org/resources/sanctuary-cities-toolkit>.

¹² Across the United States, there are 32 cities and 326 counties with sanctuary policies. Sanctuary Cities, Trust Acts, and Community Policing Explained, American Immigration Council, October 2015, http://immigrationpolicy.org/sites/default/files/docs/sanctuary_cities_trust_acts_and_community_policing_explained.pdf.

¹³ Jack Strauss & Hailong Qian, Immigrants or Jobs: Which Comes First to a Metro?, Jan. 23, 2014, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2339192.

¹⁴ See American Immigration Council, Immigrant Entrepreneurs and Innovators across the United States, 2014, <http://www.immigrationpolicy.org/just-facts/immigrant-entrepreneurs-and-innovators-across-united-states> for additional studies.

¹⁵ The Partnership for a New American Economy, *Open for Business: How Immigrants Are Driving Small Business Creation in the United States* (August 2012), <http://www.renewoureconomy.org/sites/all/themes/pnae/openforbusiness.pdf>.

¹⁶ Robert W. Fairlie, Ph.D., SBA Office of Advocacy, *Immigrant Entrepreneurs and Small Business Owners, and their Access to Financial Capital* (May 2012), <https://www.sba.gov/sites/default/files/rs396tot.pdf>.

According to the Institute on Tax and Economic Policy, undocumented immigrants contribute significantly to state and local taxes, collectively paying an estimated \$11.84 billion in 2012 alone. Undocumented immigrants' national average effective state and local tax rate (the share of income they pay in state and local taxes) in 2012 was an estimated 8 percent. To put this in perspective, the top 1 percent of taxpayers pay an average nationwide effective tax rate of just 5.4 percent.¹⁷

We know, first hand, that immigrants contribute economically to this country and are interwoven in the fabric of our communities. They are my friends, my family, my congregation, my neighbors, my doctor, my librarian, cashiers at the stores where I shop, friendly faces, helping hands. Current deportation policies have destroyed many of their lives. Why would our political leaders seek to separate more families, deport more of these community members, and make more people afraid to interact with police? I know that such proposals are not worthy of the spirit of welcome of the American people, the resilience of the immigrant community, and the wisdom of our political leaders.

Conclusion

Mr. Chairman, Ranking Member Lofgren, and all member of the subcommittee, today, I ask you to support policies that treat *all* of your constituents with dignity and respect, and that promote the safety and wholeness of entire communities. By affirming the importance of local police building trust with their communities, and separating policing from immigration enforcement, you can help promote genuine public safety. All of us are called to love our neighbor — all of our neighbors. Generations of immigrants have made this country great with their ideas, hard work, resilience, and traditions. We must resist the inclination to allow grief and despair to turn us against one another, or to blame an entire community for the actions of a few individuals.

Now is the time to channel our grief by uniting around solutions that can prevent incidents like this from happening again. We must have a conversation about drug rehabilitation services, preventing unlimited access to firearms, creating greater access to mental health care and models of justice that are restorative and not just punitive. As we work toward these real solutions, let us do so together, with a future in mind that values the unity of all families, protects the safety of all communities, and brings people together rather than tearing them apart.

Thank you, Mr. Chairman, Ranking Member Lofgren, and all members of the subcommittee for your time and attention.

¹⁷ To view a state by state analysis of tax contributions by immigrants, please review ITEP's report. *Undocumented Immigrants' State & Local Tax Contributions*, Institute on Tax and Economic Policy (ITEP), April 15, 2015, http://itep.org/itep_reports/2015/04/undocumented-immigrants-state-local-tax-contributions.php#.ViprrE0g8dU.