

Testimony for Hearing on HB6659

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Good morning, thank you to Senator Coleman, Representative Fox, and the entire Judiciary Committee for the opportunity to speak with you on this issue. My name is Mary Yanik. I am a law student intern with the Worker and Immigrant Rights Advocacy Clinic at Yale Law School. Our clinic provides representation on a range of legal needs to individuals and organizations that otherwise would be unable to afford a lawyer. For several years, we have been representing clients who have been harmed by the entanglement of federal, civil immigration enforcement and local, criminal law enforcement. We have met and represented Connecticut residents who have been detained, transferred to the custody of U.S. Immigration and Customs Enforcement (ICE), and placed in deportation proceedings after being arrested for minor offenses: a mother of three who was arrested for leaving her kids in the car while she ran inside a store on a brief errand; a young man jailed for driving without a license; and a father and construction worker arrested after breaking up a bar fight in East Haven, to name just a few examples.

Since the implementation of the Secure Communities program, Connecticut's law enforcement officials have been receiving requests from ICE, known as immigration detainers, to hold Connecticut residents for transfer to federal immigration authorities. In many cases, these Connecticut residents have been targeted for deportation even though they have no or only minor criminal histories. Local law enforcement's involvement in immigration enforcement sows distrust between local law enforcement and immigrant communities, leading to a breakdown in community policing efforts underway in our cities and towns.

After our clinic brought a lawsuit against the Connecticut Department of Correction on behalf of one of our clients, Sergio Brizuela, DOC put into place a policy to review these detainers on a case-by-case basis. While this policy is an important step forward, it currently only applies to individuals held in DOC custody. It does not extend to other law enforcement agencies who may hold Connecticut residents on immigration detainers, like local police and the judicial marshals. HB 6659 would address this and other gaps in the DOC policy.

Connecticut stands on firm legal ground in seeking to release residents to their families rather than hold them for ICE after their state custody expires. Immigration detainers have come under fire repeatedly as legally invalid. Immigration detainers do not provide a legal basis for holding someone and many are not authorized by statute. Detainers also violate the Fourth Amendment because they are issued without a warrant or any finding of probable cause by a neutral magistrate. Local law enforcement agencies are not obligated to honor an ICE detainer. Therefore, Connecticut is fully within its rights to decline to honor immigration detainers, as it is doing now with certain individuals held in DOC custody.

By adopting this bill, the Connecticut legislature would join many other local jurisdictions that are limiting compliance with immigration detainers in an effort to protect local community policing initiatives. Washington, D.C., New York City, Cook County, Illinois, home of Chicago, and San Francisco and Santa Clara Counties all have implemented policies limiting their cooperation with ICE and refusing to honor some—and in some cases, all—immigration detainers.

HB6659 would be in keeping with a nationwide trend of limiting participation in this controversial ICE practice. Connecticut has taken steps through administrative policy to protect its residents and disentangle local law enforcement from federal immigration actions, but more is needed. This bill will uphold Connecticut's commitment to fostering safe communities for all its residents, immigrant and non-immigrant alike.