



Unidad Latina en Acción

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March 22, 2013

RE: H.B. No. 6659 - An Act Concerning Civil Immigration Detainers

Dear Senator Coleman, Representative Fox, and Members of the Joint Committee on Judiciary,

My name is John Jairo Lugo, and I am a member and organizer of Unidad Latina en Acción (ULA), a human rights organization with several hundred members in Greater New Haven. We support Raised House Bill 6659 - An Act Concerning Civil Immigration Detainers, because we believe that this bill is necessary for immigrants to report human rights abuses without fear of deportation.

For ten years, ULA has worked to build trust between the immigrant community and the police, so that victims can report crimes without fear of deportation.

The members of ULA are immigrants who face serious abuses in the workplace. Some of them have been paid as little as \$2 per hour working in restaurants, farms, factories and construction sites in Connecticut. Some of them have been fired for refusing sexual advances from a supervisor. Some of them have been sickened, injured, or even killed by workplace hazards.

We help them complain to the Connecticut Department of Labor, police, and other government agencies. We help immigrants and non-immigrants organize together to improve terrible working conditions, which are widespread. The workers always ask, "If I complain, will I end up in immigration prison?" Their bosses tell them that they will be detained by Immigration & Customs Enforcement (ICE) if they report abuses to the government. We tell them that the Connecticut Department of Labor does not share their personal information with ICE. The Department of Labor knows that when immigrants are afraid to report wage violations, it is impossible for the government to enforce the minimum wage.

Immigrants also come to us because their landlords have turned off the heat in the winter and violated housing codes. They call us to the hospital when they have been attacked by a husband or a boyfriend. We tell them that they should report these abuses to the police without fear. The New Haven Police in 2006 established a General Order that forbids police from asking people about their immigration status. Police chiefs across the country know that when immigrants are scared of police, it is impossible for the police to create public safety.

Unfortunately, because of the federal Secure Communities program (S-Comm), all police departments in Connecticut have been recruited to funnel people into deportation proceedings. This has shattered the trust that used to exist between the police and the community. We used to feel safe reporting abuses to the police in New Haven. We no longer feel that way.

Right now three members of our organization are in deportation proceedings because of S-Comm.

Mr. Suarez, Mr. Piscil, and Mr. Islas have similar stories. They were arrested by mistake or because of racial profiling. The charges were later dismissed. The judge, after considering the

evidence, ordered them to go free. Nevertheless, instead of being released from custody, they were held by court marshals on immigration detainers and turned over to ICE.

Some law enforcement believe that an ICE detainer is a legally binding order. In truth, an ICE detainer is merely a request, and local governments can use discretion and set guidelines to prevent unwarranted detentions. ICE detainers frequently have no merit, because the agent who issues the detainer does not need to meet any standard of proof. ICE has mistakenly issued detainers for more than 800 US citizens, even though the Constitution prohibits ICE from detaining US citizens.

In the case of Mr. Suarez, Mr. Piscil, and Mr. Islas, their families have suffered needlessly because of ICE detainers. It is possible that they are not even deportable.

Mr. Suarez is a twenty-one-year-old young man who lives in New Haven. He was brought to Connecticut as a child and is studying to earn his GED. He was ensnared by S-Comm when he was arrested for traffic charges that were later dismissed. However, his deportation can be halted, because he is eligible for a program called Deferred Action for Childhood Arrivals.

Mr. Piscil has two children in New Haven, and one of them is a five-month-old baby with a heart condition. His deportation may be cancelled on humanitarian grounds. He was trapped by S-Comm when his cousin called the police on him after they argued about rent payments. The charge was later dropped.

Mr. Islas has lived in New Haven with his sister, nephews and niece for eight years. He was taken by ICE after Hamden police mistakenly arrested him during his lunch break. They were looking for a Latino man who had tried to steal a bike, and they thought that he fit the profile. He was acquitted, and he had no prior arrests on his record, but he was still turned over to ICE.

These are working people who contribute to our society and have done no harm. Their families, Connecticut families and Connecticut children, have suffered from their incarceration. They have lost income while in jail and have barely scraped together enough money for legal defense. If the TRUST Act had existed a year ago, they never would have ended up in immigration prison.

ICE says that the goal of S-Comm is to funnel criminals into deportation. However, ICE data shows that the majority of people issued immigration detainers, 77%, had no criminal convictions. They were simply arrested for charges that were later dismissed. In Connecticut, 40% of people deported had no criminal convictions. Another 40% were convicted of misdemeanors including traffic offenses.

H.B. 6659 would create the guidelines that we need to stop needless detentions and deportations. The lack of guidelines has led Connecticut law enforcement to detain people without due process beyond their court-ordered release date. We can pass H.B. 6659 to restore due process and restore TRUST in the community.

Sincerely,

John Jairo Lugo