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Local Police Enforcing Immigration Laws

by Ryan Stark Lilienthal

In spite of President Bush's recent positive-toned immigration proposals, the Bush Administration has focused more on deporting illegal immigrants than offering them legal protections. Immigrant communities should be particularly concerned about the Bush Administration's efforts to enlist local law enforcement officials, such as municipal and state police, to enforce immigration regulations. This misguided endeavor will severely harm immigrant communities and undermine the day-to-day, and long-term, safety of Americans.

Under U.S. law, the federal government, not state or municipal governments, has authority over immigration law. Therefore, prior presidential administrations determined that state and municipal governments cannot act against individuals based on immigration law violations. The Bush Administration, however, argues that local law enforcement officials are inherently authorized to enforce immigration laws.

Consistent with the Bush Administration's efforts to use local police to enforce immigration laws, several members of Congress have proposed legislation that clearly mandates this action. Called the Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act, this legislation would promote greater federal, state and local enforcement of immigration laws.

Without a doubt, more undocumented immigrants will be incarcerated and deported if local police start enforcing immigration laws. Local police already report undocumented immigrants to immigration officials when they encounter them on the road for traffic-related issues, like speeding.

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Enacting legislation like the CLEAR Act will push immigrants further into the shadows of society, producing unintended, and harmful consequences. For example, battered immigrant women will be less likely to report domestic abuse and violence to the police for fear of deportation; immigrants who witness crimes will be less forthcoming to support investigations; and undocumented immigrant parents may not seek the proper health care for themselves and their children (many of whom are U.S. citizens) for fear that hospital authorities will report them to police authorities. Moreover, instead of creating a government policy that seeks to unify families by legalizing undocumented family members, as President Bush promised, using enhanced local law enforcement of immigration laws breaks up families by increasing deportations.

Using local police to enforce immigration laws harms not only immigrant families, it also harms the entire community. Local police are ill-equipped to enforce immigration laws. Currently state and municipal police work full-time to meet the demands of their job. The more time police spend seeking to detain and deport undocumented immigrants, the less time they devote to stopping murders, robbers, arsons, assailants and other criminals. Furthermore, by diverting so many resources to deport illegal immigrants, the government will have fewer resources to focus on individuals most Americans worry about – terrorists. Consequently, the effort to deport undocumented, but otherwise law-abiding immigrants, will make Americans less safe from criminal activity and terrorism. For this reason, many police departments oppose the CLEAR Act.

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Immigrant communities need to mobilize on the municipal, state and federal levels to oppose legislation like the CLEAR Act and to ensure that government officials focus on what they are trained to do – stopping bad guys from committing crimes and acts of terror.