



What Can Domestic Violence and Sexual Assault Organizations Do to Help Immigrant Survivors Affected by “Secure Communities” and Related Immigration Enforcement Programs?

What is “Secure Communities”?

Programs such as “Secure Communities” and 287(g) programs implemented by the U.S. Immigration and Customs Enforcement (ICE) over the past few years have resulted in the unprecedented entanglement of the state and local criminal justice systems with federal immigration enforcement. When state or local law enforcement agencies arrest someone and fingerprint them, those fingerprints are often sent to an FBI database. Under Secure Communities, the FBI database communicates with ICE’s immigration database and if these checks reveal immigration questions, ICE can take enforcement actions. Serious problems occur when local law enforcement (a) arrests victims, thereby exposing them to ICE’s database through fingerprinting sent to the FBI or (b) enters the fingerprints of an individual who was arrested or detained but not subsequently charged with a crime, thereby triggering scrutiny by ICE nonetheless.

Do state and local communities have to participate in Secure Communities?

The District of Columbia and states like Massachusetts, Illinois and New York, among others, chose not to sign and to rescind agreements with the Department of Homeland Security (DHS) to implement the Secure Communities program, expressing concerns that it undermines public safety, encourages racial profiling, and has a detrimental impact on immigrant victims of domestic violence. Nonetheless, DHS recently announced on August 5, 2011 that it no longer needs agreements with state and local law enforcement agencies to implement the FBI/ICE database system. ICE has reported implementing Secure Communities in over 1,400 jurisdictions in 43 states and one U.S. territory since 2008 and plans to have this program operating in all jails and prisons in the country in 2013.

In response to many complaints about the way the program has been implemented, ICE recently issued new guidance to their officers regarding the prioritization of ICE enforcement actions, in which they emphasize that ICE officials should focus on serious criminal offenders, and that they should take particular care not to initiate deportation proceedings against a person known to be a victim or witness to a crime.ⁱ

What is the impact on community policing?

Law enforcement officials and civil rights organizations across the country have raised serious concerns that Secure Communities, and other laws like it blur the lines between local law enforcement and immigration enforcement, encourage racial profiling, and lead to pretextual arrests for minor offenses (such as traffic violations). These programs threaten public safety and undermine community policing initiatives by eroding the trust of community members. Also, when law enforcement doesn’t help immigrants—exposing them to ICE instead—they are failing in their duty to provide justice and protect the safety of all people in the U.S., regardless of immigration status.

What is the potential impact on immigrant victims of violence?

Local law enforcement entanglement with ICE puts survivors of domestic violence (DV) and sexual assault (SA) at increased risk in situations such as:

- Dual arrests (arresting both people), particularly where language is a barrier
- Perpetrators calling the police on unfounded allegations in order to expose victims to ICE
- Victims who run the risk of getting arrested for driving without a license (when an abusive spouse who is a citizen or legal permanent resident has refused to legalize their immigration status)
- Local law enforcement entering victims’ fingerprints into the FBI/ICE database because they either incorrectly think they must, because they fail to adequately determine that the person is a victim, or because they think being in the United States without documents is a crime (it is not) and fail to follow ICE prioritization standards

- Other immigrant victims in the community becoming further isolated with increased fears of contacting the police or seeking help, thus allowing abusers to use the system and threats of deportation as a tool of abuse.

What can Advocates do?

- Participate in free webinars and access tools developed for advocates to help immigrant survivors of DV and SA harmed by local law enforcement's collaboration with ICE. ⁱⁱ ASISTA and Casa Esperanza are hosting webinars for advocates to review the suggestions below, share strategies and lessons learned, and prepare you for meetings with law enforcement and ICE. We will also provide you with tools to help implement the suggestions below.
- Collaborate with immigrant rights and civil rights organizations and other groups in your communities that are organizing efforts to address Secure Communities and other related programs. If you don't know who they are in your area, we will help connect you.
- Know the facts and be prepared to answer questions when you meet with local officials. The webinar on October 21 will help you prepare for action.
- Meet with local law enforcement to discuss their understanding of Secure Communities and related laws that encourage collaboration with ICE and how this affects their obligations to provide community policing to all victims of crimes, regardless of status. Build on existing relationships to ensure noncitizen victims of DV and SA are identified before being exposed to ICE, which should include bringing DV/SA advocates into the process as early as possible.
- Meet with your local ICE office to discuss how they will implement their new policies designed to avoid detaining and deporting victims. Discuss how they will include advocates like you as an integral part of the system for identifying and providing services to noncitizen victims.
- Educate immigrants about how the system should work, their rights if they are arrested, services available to them, and potential ways to secure status for immigrant victims of DV, SA, and trafficking (e.g. VAWA Self-Petition, U-Visa, T-Visa, among others).
- Educate and help expand your local network of service providers willing to work together on this project, including developing pro bono immigration legal support for victims. Collect stories from survivors about how these laws affect their access to support and safety. These stories can be used to show the true consequences of these policies.
- Share strategies with other advocates and national organizations so that we can learn what is working and what is not working and continue to enhance strategies and policy advocacy efforts.

These are just some of the actions you can take. For additional information or questions, please contact us:

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ⁱ See ICE Memorandum on Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs, June 17, 2011, available at <http://www.ice.gov/doclib/secure-communities/pdf/domestic-violence.pdf>

ⁱⁱ We suggest you start with www.uncoverthetruth.org and www.immigrationadvocates.org. (The latter requires joining, which is free for non-profits and will give you access to lots of useful information on immigration laws, including those designed for immigrant crime survivors.)

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