

FLORIDA CONFERENCE OF CATHOLIC BISHOPS

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MICHAEL B. SHEEDY
EXECUTIVE DIRECTOR



January 21, 2016

The Honorable Larry Metz
Room 222, The Capitol
402 S. Monroe Street
Tallahassee, FL 32399-1300

RE: HB 675: Unnecessary Expansion of Federal Program within State and Local Borders

Dear Chairman Metz:

We share your concern of protecting the common good and keeping society safe; however, we oppose HB 675.

Immigration is a Federal Issue

The federal government's primacy to determine immigration policy is well settled. States are precluded from regulating conduct in a field that Congress has determined must be regulated by its exclusive governance. As you know and your bill recognizes, Immigration and Customs Enforcement (ICE), an agency within the Department of Homeland Security, is responsible for identifying, apprehending, and removing undocumented persons.

Unnecessary – Federal Policies Require Collaboration

The Federal Code already prohibits state and local government entities from restricting communications between Department of Homeland Security officials and state and local government officials. Federal law specifies limited circumstances in which state officers may perform an immigration officer's functions. This includes instances where the Attorney General has granted that authority in a formal agreement with a state or local government.

No evidence of Lack of Compliance by Florida's State and Local Law Enforcement

There is no evidence Florida law enforcement agencies do not support and cooperate with federal immigration enforcement. Sheriffs in some of our counties require ICE to provide a warrant, obtain an order of deportation or an order of removal to hold an undocumented person after federal court cases *Galarza v. Szalczyk* and *Miranda-Olivares v. Clackamas County*. These call into question the validity of detaining inmates based solely upon an ICE detention order when no probable cause exists to support their seizure. In these cases, the courts ruled that ICE detainers are not mandatory and will not shield county jails from liability arising from the detention of an individual pursuant to an ICE detainer alone, without a warrant or deportation order.

Immigrants Can Already Be Prosecuted

Regardless of immigration status, nothing in current law prevents any individual from being prosecuted and convicted for crimes. Additionally, isolated, high profile crimes committed by non-citizens should not overshadow the consistent findings that immigrants are much less likely than the native-born to be incarcerated.

Conclusion: HB 675 Expands Federal Enforcement

HB 675 turns state and local police officers into deportation agents, requiring local agencies to use local resources to carry out federal immigration enforcement. This can be considered expansion of a federal program within state and local borders.

Better Path: Resolution in Support of Comprehensive Immigration Reform

We continue to advocate for comprehensive immigration reform at the federal level. In place of this bill, we urge the House to send a resolution to Florida's congressional delegation encouraging them to lead the effort for comprehensive immigration reform in Congress.

Sincerely,



Michael B. Sheedy

cc: The Honorable Charles McBurney, Chair, and Members of the House Judiciary Committee
Most Rev. Thomas G. Wenski, Archbishop of Miami and FCCB President
Most Rev. Frank J. Dewane, Bishop of Venice & FCCB Justice & Peace Moderator
Ingrid M. Delgado, Associate for Social Concerns/Respect Life