



**SEARAC**

March 22, 2019

The Honorable Lucille Roybal-Allard  
Chairwoman  
Subcommittee on Homeland Security  
Committee on Appropriations  
20006 Rayburn HOB  
Washington, DC 20515

The Honorable Chuck Fleischman  
Ranking Member  
Subcommittee on Homeland Security  
Committee on Appropriations  
2410 Rayburn HOB  
Washington, DC 20515

Dear Chairwoman Roybal-Allard and Ranking Member Fleischman:

The Southeast Asia Resource Action Center (SEARAC) is the only national civil rights organization devoted to empowering and uplifting Cambodian, Laotian, and Vietnamese American communities to create a socially just and equitable society. Southeast Asian Americans (SEAAAs) now number close to 2.7 million, and most of them arrived in the United States as refugees, are the children of refugees, were sponsored by refugee families or arrived as immigrants. Yet, socioeconomic, educational, and health challenges stemming from SEAAAs' unique refugee experiences have left many community members vulnerable to the prison-to-deportation pipeline.

We write to request the inclusion of the following program funding levels and report language for the Fiscal Year 2020 Homeland Security Appropriations bill.

### **PROGRAM FUNDING REQUESTS**

<b><u>Agency</u></b>	<b><u>Account</u></b>	<b><u>Program Title</u></b>	<b><u>Funding Level Requested</u></b>
Immigration and Customs Enforcement	Enforcement and Removal Operations		Notwithstanding Sections 503 and 208 of the Act or any other provision of law, ICE shall not obligate more than \$X during the period of this Act for enforcement, detention and removal operations. (In which X equals the appropriated amount for the ERO account, which returns to FY16 funded levels or below.)

Immigration and Customs Enforcement	Operations and Support		Drastically reduce funding for detention, enforcement, and removal operations, including transportation of unaccompanied minors.
Immigration and Customs Enforcement	Custody Operations	Average Daily Population	Drastically reduce funding to maintain ICE's average daily population.
Customs and Border Protection	Operations and Support	Salaries and Benefits	Drastically reduce funding for CBP to hire and maintain Border Patrol agents and CBP officers.
Immigration and Customs Enforcement	Criminal Alien Program	287(g)	\$0 – Eliminate the 287(g) program. No funding shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act.
Customs and Border Protection	Procurement, Construction, and Improvements		\$0 - No additional funding for the construction of a wall, fencing, barriers, or boundaries on the border, nor should it be made available for its repairs or upgrades.
United States Citizenship and Immigration Services	Operations and Support	Office of Citizenship	\$8 million - For necessary expenses of U.S. Citizenship and Immigration Services for operations and support of the Office of Citizenship.
United States Citizenship and Immigration Services	Citizenship and Integration Grant Program	Citizenship and Integration Grant Program	\$10 million - Support Funding Level in FY2019 Omnibus
United States Citizenship and Immigration Services	Operations and Support	Public Charge	No federal funds (including fees) made available for any fiscal year, may be used to implement, administer, enforce or carry out the proposed rule of the Department of Homeland Security entitled “Inadmissibility on Public Charge Grounds.”
Immigration and Customs Enforcement	Custody Operations	Alternatives to Detention	No funding should be provided for expanded immigration detention capacity, and any funding made available for alternatives to detention (ATD) must be used in place of, not in

			addition to, existing detention beds.
Office of the Security and Executive Management	Operations and Support	Office for Civil Rights and Civil Liberties	The Office of Civil Rights and Civil Liberties should be funded at no less than in the FY2019 Omnibus.
	Muslim Ban Repeal		<p>No funds, resources, or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency by any Act of Congress for any fiscal year, may be used to implement or enforce—</p> <ol style="list-style-type: none"> <li>1. Executive Order 13780, signed on March 6, 2017; or</li> <li>2. Presidential Proclamation 9645, issued on September 24, 2017; or</li> <li>3. Executive Order 13815, issued on October 24, 2017.</li> </ol>

## **REPORT LANGUAGE REQUESTS**

### **287 (g)**

“ICE is directed to provide an annual report to the Committee on the 287(g) program, due not later than 60 days after the end of each fiscal year, including details on steering committee membership and activities for participating jurisdictions; performance data, including nationality, level of criminality, and enforcement priority level of individuals placed into removal proceedings by 287(g)-designated officers; and any plans for future expansion of or changes to the program.”

### **Alternatives to Detention**

“ICE is directed to prioritize the use of ATD programs and to detain only when necessary (as determined by an individualized assessment of flight risk or danger to the community). Furthermore, ICE should prioritize less-costly ATDs, including release on recognizance, parole, affordable bond, or supervision. If an individual is released under supervision, ICE is directed to prioritize the use of case management support (such as the Family Case Management Program or equivalent ATD programming) over the use of ankle monitors.”

### **United States Citizenship and Immigration Services Fee Waivers**

“The Committee directs U.S. Citizenship and Immigration Services to continue the use of full fee waivers for applicants who can demonstrate an inability to pay the fee for an application for naturalization, for a certificate of citizenship, for a replacement certificate of naturalization or citizenship, or for biometrics fees associated with any such application; as well as the use of partial fee waivers for applicants for naturalization, a certificate of citizenship, or a replacement certificate of naturalization or citizenship who can demonstrate earnings or income between 150 percent and 200 percent of the federal poverty guidelines and who are otherwise ineligible for full fee waivers. The Committee directs U.S. Citizenship and Immigration Services to accept any one of the following items as proof of inability to pay the fee for application for naturalization: documentation of receipt of a means-tested public benefit; documentation of income that is at or below 150 percent of the Federal Poverty Guidelines at the time of filing; or documentation of financial hardship, based on extraordinary expenses or other circumstances.”

#### Homeland Security Investigation

“The Committee is concerned about the significant increase in worksite enforcement operations since January 2018, allegations of misconduct by HSI agents during those operations, and the disproportionate use of resources dedicated to civil administrative arrests of employees when the focus of worksite enforcement operations should be employer violations.

Given these concerns, the Committee directs ICE to collect and make publicly available on its website within 60 days of enactment of this Act a monthly report, to be published on the first day of each month, listing (1) all worksite enforcement operations occurred in the previous month that resulted in the arrest (whether civil or criminal) of twenty or more individuals; (2) the address(es) where such enforcement operations took place; (3) the number of ICE personnel involved in the execution of the raid; (4) the names of any other law enforcement agencies with whom ICE partnered to conduct the raid; (5) the cost of the raid to ICE; (6) whether ICE obtained a judicial warrant signed by a judge before initiating the enforcement action, and the name of the court that issued the warrant; (7) the total number of individuals arrested in each operation; (8) a breakdown of how many individuals arrested were managers or owners and how many individuals were employees; (9) a list of the criminal charges filed, if any, as a result of or in conjunction with the action; (10) the names of the individuals charged and the federal district court in which such charges are pending; (11) a breakdown of how many individuals were released on humanitarian grounds within 24 hours of the action, how many individuals were granted bond, how many individuals were sent to criminal custody, and how many individuals were sent to civil administrative custody due to alleged immigration violations, as a result of the action; and (12) the number of children

who had a parent detained in the action, broken into the following age ranges: 0-3 years old, 4-7 years old, 8-11 years old, 12+ years old.

In addition, the Committee directs ICE to collect and make publicly available on its website, within 60 days of enactment of this Act, a monthly report, to be published on the first day of each month, listing (1) the names of any managers or owners who have been arrested in conjunction with a worksite immigration enforcement action since January 2018; (2) the names of any managers or owners who have been the subject of federal indictments in conjunction with a worksite immigration enforcement action since January 2018, and a list of their names and the federal charges pending against them; and (3) the names of any managers or owners who have been convicted in conjunction with a worksite immigration enforcement action since January 2018.”

#### Homeland Security Investigations Rationale

“HSI has resumed engaging in highly militarized and coercive large-scale worksite immigration raids. Worksite raids are a violent and widely condemned enforcement tactic that tear parents away from unsuspecting children, cause profound psychological harm, destabilize local communities, and generally undermine all workers’ job-related rights. Since the beginning of 2018, ICE has conducted high-profile worksite raids in Florida, Tennessee, Iowa, two locations in Ohio, Nebraska, Minnesota, Texas, Arkansas, North Carolina, and California. Disturbing patterns began to emerge in HSI’s conduct of its worksite raids. Multiple news reports described that while helicopters circled overhead, and local law enforcement blocked nearby roads, HSI agents stormed worksites as heavily armed guards secured all exits. In the utter chaos that ensued, unsuspecting workers were subjected to excessive force, intimidated by police dogs, thrown to the ground, assaulted, had guns pointed at their heads, and were subjected to racist and degrading comments from HSI agents. There have been allegations that HSI agents racially profiled workers, separating workers by skin tone and rounding up brown-skinned workers without asking for identification or immigration status information—which resulted in false arrests of U.S. citizens who were then held unlawfully, in some cases for hours. ICE has not been forthcoming with information regarding such practices.”

Thank you for your attention and consideration of these requests. Should you have any questions or concerns, please do not hesitate our immigration policy advocate Kham Moua at [kham@searac.org](mailto:kham@searac.org).

Sincerely,



Katrina Dizon Mariategue  
Director of National Policy  
Southeast Asia Resource Action Center (SEARAC)

Cc: Members of the House Appropriations Homeland Security Subcommittee