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February 27, 2017

The Honorable John Kelly
Secretary
U.S. Department of Homeland Security
800 7th Street SW
Washington, D.C. 20024

Dear Secretary Kelly:

Our national security and the safety of the American public are paramount responsibilities of government at all levels. In the course of regularly scheduled meetings in my Congressional district on a host of issues with law enforcement agents, local and state elected officials and community organizations, several concerns have arisen regarding the implementation of President Trump's border security and immigration enforcement executive order.

We are a nation of laws, and Immigration and Customs Enforcement (ICE) officials have an extremely important job to do in keeping our border secure and enforcing immigration statutes. ICE also has an equally important responsibility to be transparent in its operations and to clearly communicate with local communities and law enforcement about their policies and activities.

Routine meetings became very intense last week, with both the issuing of new executive orders as well as reports of increased targeted enforcement actions generating a great deal of uncertainty and confusion. More specifically, many in our communities have perceived these actions as raids which has heightened tensions, eroded trust in law enforcement at all levels and sowed fear.

The confusion and anxiety surrounding this immigration enforcement activity is becoming a serious issue among local law enforcement that could harm successful community initiatives implemented to inspire trust and cooperation to improve national security. This very issue surfaced at a meeting last week of BRIDGES (Building Respect in Diverse Groups to Enhance Sensitivity) whose mission is dedicated to providing a regular forum for the Arab-American community to discuss issues of concern and build up trust with federal agencies. It was founded post 9-11 to help support our national security, and it has done just that. Participants include leaders of the Arab-American Community, government officials and law enforcement representatives including the U.S. Attorney, FBI, ICE, DHS, USCIS, and Customs and Border Protection among others.

Many other community groups are also being forced to cancel meetings, and victims of domestic violence or sexual assault are afraid to report crimes as I learned at a regular meeting with survivors at SafeHouse in Ann Arbor this past Friday. Furthermore, vetted asylum seekers, green card holders and even American citizens with passports are unsure about their futures, and our universities need guidance for serving students who are legally attending school here.

Recognizing the important work you do in protecting our national security, many of us in Congress, Democrats and Republicans alike, have advocated for comprehensive immigration reform as a more effective, stable and long term way to secure our border and protect national security while staying true to our values as a nation. Since this doesn't seem likely to occur soon, and with the Administration's new executive order, there are a number of critical issues that need clarification for local communities. We would also hope that enforcement actions would prioritize people with serious criminal records who pose an immediate threat to the security and safety of our communities. It is also reported that the executive office for Immigration Review is scheduling hearings well into 2019 with a significant backlog in the Detroit area and is being adjudicated by a panel of just three immigration judges and with an existing vacancy for a fourth opening. This is also concerning for due process and civil rights protections.

Over the weekend and this morning, because there are so many questions and concerns in our communities, government officials at all levels, law enforcement officials and community leaders have been asked to participate in numerous emergency meetings. This morning the heads of all law enforcement entities and local municipalities met seeking to clarify a number of issues. There were far more questions than answers to the challenges before us in keeping our communities safe, defending the rule of law, and protecting core civil liberties.

This letter is a result of this meeting and those of the last ten days seeking information to ensure our communities fully understand your actions and are afforded the transparency they need to do their jobs.

We are requesting clarification of your policies and answers to the following questions:

1. How is ICE coordinating and briefing local law enforcement and government officials on enforcement activities in their communities? Are local law enforcement agencies notified ahead of time, or are they briefed about ICE activities afterwards?
2. What is ICE doing locally in communities across the country to keep the public informed of their activities to provide transparency?
3. How are DHS and ICE prioritizing people who will be targeted for immigration enforcement? In a nation built on the premise of innocent until proven guilty, will actual convictions take precedent over criminal charges that have yet to be adjudicated? Moreover, with respect to convictions, will serious crimes such as felonies be prioritized over misdemeanors? In essence, what steps is ICE taking to insure due process?

4. How does ICE inform a detainee of their rights and legal options? Does ICE inform family members or next of kin when a person is detained?
5. In Michigan, there are limited detention facilities and judges able to carry out immigration hearings. For those individuals detained, how long can they expect to remain in custody before having a hearing? What is the current backlog?
6. How is DHS working with local law enforcement to provide assistance for immigrant victims of domestic violence or sexual abuse? Will DHS be issuing new guidance?
7. We have heard stories from owners of local businesses being targeted by scams from people posing as ICE agents. What is the process for any federal agency to properly identify themselves to a business owner during an enforcement operation?
8. Some children who are American citizens and need to obtain a passport are encountering difficulties obtaining one due to complicated situations such as living in a home with domestic abuse, etc. How will minors who are legally in the United States be afforded an unfettered opportunity to obtain a passport and be protected in unsafe situations?
9. Schools are reporting higher cases of absenteeism because children are afraid to leave their homes for fear they may be separated from their families. What guidance will be provided to local schools and social service agencies to ensure that these children receive the educational and social services they are legally obligated to receive?
10. How much funding and what new resources are needed to execute this shift in policy?
11. What impact will this policy have on Freedom House and the people it serves who have legitimate claims for and are seeking asylum in the United States? 85 percent of their clients are granted asylum on their first interview, and they are now afraid to allow them to walk out the front door.
12. Under Deferred Action for Childhood Arrivals (DACA), the government committed to offer temporary work permits and protection from deportation to people who arrived in the United States as children. Is DHS committed to adhering to and continuing the DACA program moving forward? How many DACA protected immigrants have been detained during your escalated enforcement activities? What actions are being taken to prevent those protected under DACA from deportation? What does the DHS suggest we tell these young people going forward?
13. We are learning that individuals are afraid to seek medical treatment and may be contributing to public health risks. How do we assure that people can seek medical treatment and be safe?
14. It is my understanding that U.S. Customs and Border Protection (CBP) has the authority to conduct warrantless vehicle searches within 100 miles of an international border, and the entire State of Michigan falls under that definition. According to the ACLU of

Michigan, only two percent of foreign citizens who are stopped by CBP have a criminal record, and 40 percent of people processed are either U.S. citizens or foreign citizens lawfully in the United States. What policies does CBP have in place to ensure that this authority is being implemented in a manner that is not contrary to the Fourth Amendment's prohibition on unreasonable searches and seizures?

15. It is my understanding that DHS has designated schools, hospitals, and places of worship as "sensitive locations" where enforcement actions should generally be avoided. Is this policy still in place today? Under what circumstances would ICE consider conducting an enforcement action at a sensitive location?

Given these pressing questions by community leaders, local and state government officials, law enforcement agencies, judges and concerned citizens, a timely response is requested. It is my understanding that many other communities across the nation have similar questions and experiences. Thank you for your assistance with these important issues.

Sincerely,



Debbie Dingell
Member of Congress