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Rights Groups Release Documents from U.S. Immigration and Customs Enforcement (ICE) Agency FOIA Lawsuit, Reveal Federal Government Has Been Dishonest with State and Local Police about its “Secure Communities” Program

Groups Call “Secure Communities” Program a Racial Profiling Dragnet That Undermines Community Policing and Public Safety

August 10, 2010, New York, NY — Today, the **National Day Laborer Organization Network (NDLON)**, the **Center for Constitutional Rights (CCR)**, and the **Kathryn O. Greenberg Immigration Justice Clinic of the Benjamin N. Cardozo School of Law** released internal government documents newly obtained through a Freedom of Information Act (FOIA) lawsuit filed in a New York federal court in April. According to advocates who have reviewed the documents, they reveal a pattern of dishonesty regarding the **Immigration and Customs Enforcement (ICE) Agency’s** “Secure Communities” (S-Comm) program. While ICE officials have declared their intention to expand S-Comm into every jurisdiction in the country by 2013, information about the nascent program has been scarce, and the development of operational details has been shrouded in secrecy.

S-Comm, which currently operates in 494 jurisdictions in 27 states, functions like the controversial 287(g) program and Arizona’s SB1070, making state and local police central to the enforcement of federal immigration law. The program automatically runs fingerprints through immigration databases for all people arrested and targets them for detention and deportation even if their criminal charges are minor, eventually dismissed, or the result of an unlawful arrest.

After reviewing the ICE documents and other information, advocates for [*NDLON v. ICE*](#) found evidence supporting the following primary claims. First, that ICE has been dishonest with the public and with local law enforcement regarding S-Comm’s true mission and impact. While ICE markets S-Comm as an efficient, narrowly tailored tool that targets “high threat” immigrants, it actually functions as a dragnet for funneling

people into the mismanaged ICE detention and removal system. ICE's own records show that the vast majority (79%) of people deported due to S-Comm are not criminals or were picked up for lower level offenses. Second, that the program serves as a smokescreen for racial profiling, allowing police officers to stop people based solely on their appearance and arrest non-citizens, knowing that they will be deported, even if they were wrongfully arrested and are never convicted. Preliminary data confirms that some jurisdictions, such as Maricopa County Arizona, have abnormally high rates of non-criminal S-Comm deportations. And lastly, the impression ICE fosters that S-Comm is not mandatory and jurisdictions can opt out is riddled with questions.

In fact, California Representative Zoe Lofgren, Chair of the House Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, wrote a letter to Secretary of Homeland Security Janet Napolitano and U.S. Attorney General Eric Holder asking for clarification on the program. The July 27 letter, which had not previously been made public, [is available here](#).

“These records reveal a dangerous trend,” said **Pablo Alvarado, NDLON Executive Director**. “This program creates an explosion of Arizona-like enforcement at a time when the results have proven disastrous. Thanks to S-Comm, we face the potential proliferation of racial profiling, distrust of local police, fear, and xenophobia to every zip code in America.”

Said **CCR attorney Sunita Patel**, “S-Comm co-opts local police departments to do ICE's dirty work at significant cost to community relations and police objectives. Without full and truthful information about the program's actual mission and impact, police are operating in the dark. The bottom line is that thrusting police into the business of federal immigration enforcement isn't good for anyone.”

Said **Bridget Kessler, Clinical Teaching Fellow at the Immigration Justice Clinic of the Benjamin N. Cardozo School of Law**, “ICE is racing forward imposing its S-Comm program on new states and localities every day, without any meaningful dialog or public debate. ICE should immediately release the full data that communities need to understand the true costs of the S-Comm program.”

The three organizations will continue to litigate for the release of more data and records to uncover the truth behind S-Comm and other ICE efforts to draft local police into immigration enforcement.

Visit CCR's [NDLON v. ICE](#) case page to read a fact sheet with citations, the text of the administrative FOIA request, the lawsuit filed in the Southern District of New York on April 27, 2010 and the documents ICE released on August 2, 2010.

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. Visit www.ccrjustice.org

The mission of the National Day Laborer Organization Network is to improve the lives of day laborers in the U.S. by unifying and strengthening its member organizations to be more strategic and effective in their efforts to develop leadership, mobilize day laborers in order to protect and expand their civil, labor and human rights. Visit www.ndlon.org

The Kathryn O. Greenberg Immigration Justice Clinic of the Benjamin N. Cardozo School of Law was founded in 2008 to provide quality pro bono legal representation to indigent immigrants facing deportation. Under the supervision of experienced practitioners, law students in the Clinic represent individuals facing deportation and community-based organizations in public advocacy, media and litigation projects. Visit www.cardozo.yu.edu/immigrationjustice