

## **Members of Houston’s Legal Community Stand Opposed to SB4**

May 9, 2017 - Members of Houston’s legal services community – both non-profit organizations that serve low-income immigrants and members of the private bar – oppose SB4, which was signed by Governor Abbott on Sunday, May 7th and will go into effect on September 1, 2017. Punishing so-called “sanctuary cities” was one of the Governor’s “emergency items” for the 2017 legislative session.

At its core, SB4 will lead to racial profiling and the detention and deportation of long-standing members of our Texas community. Specifically, the bill:

- Prohibits any local jurisdiction or campus police department (both private and public) from adopting, enforcing or endorsing any policy that “prohibits or materially limits the enforcement of immigration laws.”
- Requires all local jurisdictions to comply with ICE detainers, despite the fact that detainers have been found by federal court to be unlawful and are acknowledged by the federal government to be voluntary.
- Creates civil, financial penalties for local jurisdictions or campus police departments who fail to comply with these policies.

It is important to note that immigration law is a federal, civil matter, and is in no way the jurisdiction of local law enforcement or local jurisdictions. As has been argued by many members of local law enforcement agencies and advocates, SB4 will erode trust between local law enforcement and immigrant communities.

## **SB4 Will Lead to Increased Detention and Deportation of our Neighbors**

The greater Houston region is also home to the third largest population of undocumented immigrants living in the U.S. – estimated at 575,000, or nearly one-third of the region’s immigrant population (compared to 28% nationwide).[1] Under President Trump’s expanded immigration enforcement priorities, all of the undocumented members of our community are at risk of detention and deportation. SB4 will only exacerbate this process as local officials are empowered to inquire about immigration status and then refer individuals to ICE for detention and eventual deportation. This will have a dramatic impact on Houston’s local economy – 32% of the labor force and 42% of the self-employed population is foreign-born[2] – and social fabric, from school enrollment to family stability.

## **SB4 Will Reduce Access to Legal Representation and Due Process**

We estimate that local service providers currently serve only 20% of low-income immigrant clients who are eligible for any type of immigration legal services. This number is much lower when it comes to representation for detained immigrants in removal proceedings (deportation).

It is well documented that detention dramatically decreases an individual’s access to legal counsel. Indeed, from 2007-2012, **69% of non-detained** respondents in the Houston Immigration Court were

represented as opposed to just **13% of detained** respondents.[3] Neither is a good figure, but the representation rates for detained individuals is dismal.

Studies have shown that immigrants who are represented are much more likely to win relief than those who go without representation. A 2014 study by the Stanford Law School found that **detained immigrants with representation are three times more likely to win** their deportation case than those without attorneys.[4] For asylum-seeking women and children, the **odds of winning an asylum case increases fourteen-fold with legal representation**.[5] Having a good immigration lawyer is the key factor in being able to establish a right to remain in the United States. This has been proven true particularly in the unaccompanied minor context. While the vast majority cases initially filed in the Houston immigration Court in FY2016 are still pending, less than 1% of represented cases resulted in removal, whereas **99% of unrepresented cases resulted in removal**.[6]

### **SB4 Empowers Domestic Abusers and Human Traffickers**

It is well-documented that domestic abusers and traffickers routinely manipulate their victims by threatening to have them deported if they call the police. A survivor might therefore face the impossible “choice” of risking separation from her young children and forfeiting custody to her abuser upon deportation, or continuing to endure life threatening violence at home. Abusers also commonly hold proof of their victims’ lawful immigration status hostage in order to keep them silent. Citing immigrants’ growing mistrust of police, Houston Police Department cited a 42% reduction in rape reported from Hispanics from January to March 2017 compared to the same period last year.[7]

Regardless of any carve-outs, when local police and federal immigration functions are indistinguishable to immigrants, police become the unwitting accomplices of abusers and traffickers in creating a climate of fear for the most vulnerable among us. Abusers and traffickers are often recidivists and engage in other criminal activity as well. Law enforcement officers rely on victims and witnesses to provide critical, firsthand information to help solve crimes that afflict all members of our communities. Knowing this, Congress created protections for victims in the Violence Against Women Act and Trafficking Victims Protection Act to incentivize immigrant cooperation with law enforcement. SB4 directly undermines their intent. We are all less safe when immigrants are too afraid to come forward, or are swiftly deported and unable to provide eyewitness testimony or access their rights under federal law.

**The undersigned stand opposed to SB4 and its chilling effects on due process and public safety.**

SIGNED\*

United We Dream Houston

BakerRipley (formerly Neighborhood Centers)

Texas Organizing Project

Justice for our Neighbors Houston

Bonding Against Adversity

Daya Inc.

Mi Familia Vota

EmergeUSA-TX  
Tahirih Justice Center  
Texas Annual Conference of the United Methodist Church  
Living Hope Wheelchair Association.  
Migrant Rights Collective  
SEIU Texas  
Chinese Community Center  
Muslim Bar Association of Houston  
Mexican American Bar Association

State Representative Gene Wu  
Andrea Guttin, Houston Immigration Legal Services Collaborative  
Kate Vickery, Houston Immigration Legal Services Collaborative  
Geoffrey A. Hoffman, Director UHLC Immigration Clinic  
Hania Luna, Tahirih Justice Center  
Heidi Tso, Chinese Community Center  
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Law Offices of Midhat Syed

***\*Individuals are not signing on behalf of their institutions/organization. Institutions are listed for identification purposes only.***

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- [1] Pew Research Center, "U.S. metro areas with the most unauthorized immigrants," February 9, 2017. Available: [http://www.pewresearch.org/fact-tank/2017/02/09/us-metro-areas-unauthorized-immigrants/ft\\_17-01-31\\_unauthorizedmetros\\_table/](http://www.pewresearch.org/fact-tank/2017/02/09/us-metro-areas-unauthorized-immigrants/ft_17-01-31_unauthorizedmetros_table/)
- [2] New American Economy, "New Americans in Houston," 2016. Available: [http://www.houstonimmigration.org/wp-content/uploads/2016/08/PNAE\\_HOUSTON-Factsheet\\_FINAL.pdf](http://www.houstonimmigration.org/wp-content/uploads/2016/08/PNAE_HOUSTON-Factsheet_FINAL.pdf)
- [3] See the American Immigration Council's 2016 report, "Access to Counsel in Immigration Court" [https://www.americanimmigrationcouncil.org/sites/default/files/research/access\\_to\\_counsel\\_in\\_immigration\\_court.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf).
- [4] See Key Findings of "Access to Justice for Immigrant Families and Communities: Study of Legal Representation of Detained Immigrants in Northern California." Available: <https://media.law.stanford.edu/organizations/clinics/immigrant-rights-clinic/11-4-14-Access-to-Justice-Report-FINAL.pdf>
- [5] See Syracuse University's TRAC report: <http://trac.syr.edu/immigration/reports/396/>
- [6] See Syracuse University's TRAC data: <http://trac.syr.edu/phptools/immigration/juvenile/>.
- [7] Houston Chronicle, HPD Chief Announces Decrease in Hispanics Reporting Rape and Violence Crime Compared to Last Year, April 6, 2017
- [8] Los Angeles Times, Latinos are Reporting Fewer Sexual Assaults amid a climate of fear in immigrant communities LAPD says. March 21 2017