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Letter of Opposition: HF 16

Dear Members of Public Safety Finance and Policy Committee,

The American Civil Liberties Union of Minnesota is an organization devoted to preserving the rights and liberties enshrined in our constitution and laws.

We are writing in opposition to HF 16. The stated aim of this bill is to promote cooperation between Minnesota government agencies and the federal government to enforce immigration law. In reality, this bill will encourage untrained officials and employees to engage in unlawful conduct and will divert resources from Minnesotans who need services.

Both sections 1 and 2 infringe on the right of local municipalities to set their own laws on sharing of data that may be protected by Minnesota and federal law and cooperation with federal authorities engaged in enforcing immigration law, something states have no constitutional authority to regulate. The ACLU of MN believes that immigration is a federal issue and that no state law should require the reallocation of limited state and local government resources to assist in immigration enforcement, especially without specialized training in immigration law and without guardrails to protect all people from disparate treatment in violation of the constitution.

Section 2 would allow city and county officials to enter problematic agreements to enforce complex federal law without public input. These agreements will result in high potential cost to local taxpayers through 1) the diversion of scarce local law enforcement resources and 2) legal liability if untrained city and county employees engage in unlawful discrimination against fellow Minnesotans while attempting to enforce the most complex area of federal law. More fundamentally, this bill would deprive communities across the state of their opportunity to determine how and if to participate in federal priorities that do not align with their values. Our state constitution and the federal system of government guaranteed by the Tenth Amendment of the U.S. constitution put immigration enforcement in the hands of federal—not state—agencies.

Moreover, both sections 1 and 2 contain ambiguous language on the jurisdictional limits of enforcement, which could potentially allow a county attorney on one side of the state to investigate a town or government agency on the other side of the state. Local communities should be able to use taxpayer funds to responsibly serve their communities instead of assisting federal authorities with immigration data and enforcement measures. Nor should laws encourage Minnesota counties to investigate each other.

Section 3 has reporting requirements that would unduly burden County Attorneys, who have no expertise on immigration law and do not necessarily monitor all arrests. This section would convert them into federal civil law enforcement agents but would not provide them with any training or a definition of “undocumented” that aligns with federal law. This diverts already scarce resources away from their obligations to ensure public safety and could result in disparate treatment of people based on their race, ethnicity, or national origin.

The ACLU-MN opposes any effort to mandate that states and local governments must assist in federal immigration enforcement. Local entities should have the right to set their own policies on cooperation with federal authorities. These “anti-sanctuary” bills often lead to a weakening of community trust when government employees are directed to act as ICE agents, thereby discouraging people from using public services and reporting crimes, ultimately undermining the wellbeing and safety of all communities in the long run.

We strongly urge the committee to oppose HF 16.

Thank you, Munira Mohamed, ACLU-MN Policy Associate