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Rep. Paul Novotny, Chair
c/o Ellen McDaniel, Committee Administrator
Public Safety Finance and Policy Committee
Minnesota House of Representatives
2nd Floor Centennial Office Building
St. Paul, MN 55155

Re: Opposition to Bill H.F. 16

I am writing this letter in *strong opposition* to Bill H.F. 16, “a bill for an act relating to law enforcement noncooperation ordinances and policies; providing for use of immigration-related data; requiring county attorneys to notify federal immigration authorities when an undocumented person is arrested for a crime of violence; proposing coding for new law in Minnesota Statutes, chapters 13; 299A; 388.”

On its face, and in its simplest terms, H.F. 16 does two things:

- It states that no state or local law or government agency may prohibit or restrict a government official from sharing data about an individual’s immigration status to federal immigration authorities; and
- Perhaps more egregious, it prohibits noncooperation of government officials from sharing data about an individual’s immigration status to federal immigration authorities, in effect obligating local law enforcement officers to cooperate in the enforcement of federal immigration law.

In the interest of full transparency, I am an corporate immigration lawyer; this means that I represent employers who sponsor highly skilled foreign talent (e.g., physicians and other healthcare professional, data scientists, researchers, etc.). And while I generally do not represent individuals directly, I deeply understand their concerns; thus, I strongly oppose this bill for the reasons set forth below.

- While I fully agree that criminal laws need to be enforced in order to keep our communities safe (regardless of the immigration status of the person committing the crime), state and local police are currently authorized to enforce **criminal laws** (i.e., laws addressing crimes committed against the public with the goal of punishing offenders to protect society). These laws already authorize local law enforcement to notify immigration authorities about foreign nationals who have committed crimes. H.F. 16 does not take that authorization away.
- The problem with H.F. 16 is that it would **force** local law enforcement authorities to enforce **civil laws** (i.e., noncriminal actions typically against private parties with the goal of resolving disputes). For example, if a person stays in the United States beyond their authorized period of stay – or, much more commonly, if a person files for an extension of

status and does not receive evidence of their application to extend status in a timely manner so that it appears that they have stayed beyond their authorized period of stay – that person is not violating a criminal law. Yet even though such an action could amount to a civil violation, H.F. 16 – which does not distinguish between criminal and civil laws – **obligates** local law enforcement to share that individual’s data with federal immigration authorities in a joint attempt to enforce federal immigration law.

- Local police are not trained in enforcing federal immigration laws. Federal immigration agents undergo an intensive 17-week training in the complexities of immigration law before they can begin duty. At a time when many of the police forces throughout the state of Minnesota are struggling to keep staff, adding such a wide body of federal laws that are considered to be among the most complex bodies laws in the country – more so than U.S. tax law – is not feasible and detracts from the local laws such law enforcement authorities are required and qualified to enforce.
- Federal authorities are not going to enforce local laws, so local authorities should focus only on local laws, as they are trained and equipped to do.
- There is also nothing in this bill that addresses or provides the funding required to provide for the additional training in U.S. immigration law local law enforcement authorities would need in order to be knowledgeable of the federal laws they are being asked to enforce.
- This bill would have a chilling effect on crime reporting. This is true for both the victim of domestic abuse who will choose to not report her abuser out of fear of deportation, as it is for the immigrant neighbor who will not report the burning house or armed robbery of a U.S. citizen neighbor for the same reason.
- To foster participation by the community, local law enforcement must build trust with the communities they serve; this is impossible if they will be forced to cooperate with the immigration authorities to facilitate the deportation of those in the community.
- Finally, in addition to public safety concerns, this bill would ensure the likelihood of civil rights abuses and wrongful arrests – something this committee should think strongly about in the aftermath of the murder of George Floyd.

For the reasons set forth above, I strongly oppose H.F. 16 and all it represents. The Public Safety Finance and Policy Committee should focus on positive changes that will allow for full participation in the safety of our communities instead of creating communities fearful of supporting themselves and each other.

Sincerely,

A handwritten signature in black ink that reads "jmedeiros". The signature is written in a cursive, lowercase style.

John T. Medeiros