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Dear House Public Safety Committee,

I write in opposition to HF 16. My name is Abigail Loesch, and I am a private immigration attorney in Minneapolis with over 10 years of experience. I represent a wide variety of clients, including individuals, families, and employers. Specifically, I help undocumented youth to renew their DACA, residents and citizens to sponsor relatives for status in the US, residents apply to become naturalized citizens, and private and public employers to sponsor foreign-born talent. I got my start at Mid-Minnesota Legal Aid in Willmar, MN, working with indigent populations, and I currently volunteer with the Volunteer Lawyers Network to help asylum seekers apply for temporary work authorization.

I have several concerns with HF 16. First of all, I disagree on principle with a bill to prohibit future prohibitions. As such, *the bill doesn't actually stand for anything*. It doesn't require conduct that provides a service or benefit to the public, nor does it prohibit conduct that protects rights, property, or safety. From my perspective, all it does is set a tone of "anti-immigrant," putting future bills (whether proscriptive or prohibitive) on the defensive back foot. If "noncooperation" legislation is introduced, then the opposition should be able to argue against it on its merits. Attempting to foreclose potential legislation preempts the kind of reasonable, rational debate on the facts that is critical to common sense law-making.

Second, it suggests that state and local government agencies and employees should be commandeered to facilitate federal immigration law enforcement. If the Committee wishes to direct state and local government to comply with data requests from federal authorities, then it should introduce a bill to that effect. I would still oppose such a bill, because I believe in the 10<sup>th</sup> Amendment to the U.S. Constitution and the separation of state and federal powers described therein. Just as our three-branch government system ensures checks and balances, it's necessary for the state and federal governments to be able to balance one another so that neither becomes too powerful. *The state has its own interests to protect that might, unfortunately, conflict with federal immigration enforcement priorities*. Here are some examples that come to mind:

1. **Public schools:** requiring data sharing would undermine the ability of schools to effectively educate by eroding the trust of the families and students they serve. I have personally represented families where undocumented parents were afraid to list themselves as the legal guardians when enrolling their US citizen children.
2. **Local law enforcement:** the cooperation of undocumented victims and witnesses is often critical to the reporting and investigation of crimes in our communities. I have

represented several U Visa applicants who helped put away truly violent criminals; if they had feared the officer taking their report would in turn report them as undocumented, those criminals would be walking free.

3. **Social services:** data sharing requirements would deter mixed-status households from applying for the public benefits their US citizen family members are entitled to. I have advised families many times on which public benefits they and their children are/are not eligible for, and reassured them that applying for benefits for their documented children will not result in the family's deportation.

Third, requiring police officers to report undocumented persons who have been arrested, but not yet convicted, of committing a crime of violence is extremely problematic. I fully support the rule of law, including careful, thorough, and non-discriminatory investigation and prosecution of violent crimes. If law enforcement hand over a suspect to immigration authorities, they lose the opportunity to bring the case to its full conclusion. That can lead to the possible escape of the true perpetrator, and/or the denial of closure and justice to the victim. Note that our current criminal and immigration systems already provide for the referral of convicted criminals to immigration authorities for removal proceedings. *There is already a system in place for removing violent criminals.* And referring suspects instead of convicts actually serves to complicate the removal process, because many removal charges and forms of relief are dependent on the final outcome of a criminal case.

Fourth, again, simply on principle, I reject the idea of turning state employees into immigration enforcement agents. I think it's impractical – they don't have the knowledge or the training to determine whether someone does or does not have valid immigration status, and they don't have the time outside of their regular responsibilities to devote to reporting suspected undocumented persons. And I think it's unethical – they would experience an extreme conflict of interest, reporting the very people they serve, or at the least, the very family members of the people they serve. Last, I think it's immoral – we shouldn't be asking our public servants to contribute to fear-mongering in our immigrant communities, which are, after all, *our* communities.

I've represented hundreds of immigrants and their sponsors throughout the year. I can't think of a single one who wasn't working hard to support their family and make positive contributions to their community. Consider the effort it takes to leave your home, your country, your culture, your family, just to make a new, better start for yourself in a place that doesn't even welcome you. That takes grit. I simply don't understand why we would work so hard to reject the people who want to help us build community.

Thank you for your attention to my letter.

Sincerely yours,



Abigail Loesch  
Attorney