



Mar. 11, 2025

Letter by Just Futures Law in Opposition to HF 16

Dear Minnesota House Committee on Public Safety Finance and Policy:

I submit this letter on behalf of my organization in opposition to House Bill 16, which limits local and state government authority to implement sensible policies that better serve all members of their community. The language of HF 16 both is in part duplicative of existing federal law, extends prohibitions that go beyond what federal law requires, and creates a new reporting requirement that is ripe for discriminatory impact.

My organization, Just Futures Law, has conducted extensive research on immigration policies, with a particular focus on data-sharing practices between local and federal law enforcement. My organization also focuses on federal law enforcement use of technology to surveil and track immigrant community members, and on the related privacy and constitutional concerns associated with these mass surveillance practices. Collaboration between local law enforcement and federal agents worsens public safety, as it erodes trust between communities, local law enforcement, and public institutions. People are more afraid to access health care, take their kids to schools, or report when they have been victims of a crime when faced with the chilling effect of immigration enforcement.¹

Despite threats made by the current administration against states and local governments that enact sanctuary policies, noncooperation ordinances and policies do not violate federal immigration law. 8 USC § 1373 is a federal statute that prohibits local and state governments and agencies from enacting laws or policies that limit communication with DHS about “information regarding the immigration or citizenship status” of individuals. The statute prohibits such policies but does not contain any requirement for specific action.² It does not require collection

¹ “Data Shows Sanctuary Policies Make Communities Safer, Healthier, and More Prosperous,” Isobel Mohyeddin, National Immigration Law Center, Mar. 5, 2025, <https://www.nilc.org/articles/data-shows-sanctuary-policies-make-communities-safer-healthier-and-more-prosperous/>.

² “8 USC § 1373, What Does It Mean for Sanctuary Jurisdictions?,” Immigrant Legal Resource Center, Mar. 2025, <https://www.ilrc.org/sites/default/files/2025-03/8%20USC%20C2%A7%201373%20What%20Does%20It%20Mean%20for%20Sanctuary%20Jurisdictions%3F.pdf>.

of immigration information from local residents, nor does it require compliance with ICE's requests to hold individuals subject to immigration detainers— any attempt by the federal government to mandate these actions would likely be unconstitutional federal commandeering of state law enforcement.³

HF 16 subsection 1(a) duplicates the purpose of 8 USC § 1373, which already makes clear that local and state governments cannot enact laws designed to limit information regarding the citizenship or immigration status of individuals. Given that the text of the bill does not require any new data collection for local governments and only clarifies that local and state governments may not enact their own policies that limit sending, maintaining, or exchanging data in connection with federal immigration authorities, it is unclear how this bill changes the status quo in regard to data sharing. That said, the bill has the potential to create confusion for local and state government officials, who in most situations will have no reason to collect immigration-related information and who will not encounter situations where immigration-related information is revealed in the course of their daily activities.

Federal immigration authorities already dedicate millions of dollars to surveillance systems that allow them to locate and track individuals subject to their enforcement operations.⁴ HF 16's confusing language in subsection 1(b)(2) regarding the maintenance of datasets related to immigration status may create a sense that state authorities should also be engaged in the collection of immigration information, despite no state or federal authority requiring them to do so. There is little oversight over how ICE uses data provided by state and local authorities, or other entities, in support of federal enforcement operations. As ICE develops more high-tech AI tools⁵, the data of both noncitizens and citizens alike could very well end up subject to federal law enforcement scrutiny with little transparency and few safeguards against misuse.

In addition, HF 16 Section 3 raises serious questions about how local and state peace officers would comply with a reporting requirement to share that undocumented individuals are in their custody on suspicion of having committed a crime of violence. To the extent peace officers have in their possession some information provided by federal authorities regarding the person's immigration status, this policy creates an affirmative obligation to share information about individuals in custody for some crimes. However, in situations where peace officers do not have pre-existing immigration information about individuals, the bill's text opens the door for potentially unconstitutional racial profiling, as individuals who are under suspicion of being

³ *Id.*

⁴ See “American Dragnet: Data-Driven Deportation in the 21st Century,” Georgetown Law Center on Privacy and Technology, <https://www.law.georgetown.edu/privacy-technology-center/publications/american-dragnet-data-driven-deportation-in-the-21st-century/>.

⁵ See “Automating Deportations: The Artificial Intelligence Behind the Department of Homeland Security's Immigration Enforcement Regime,” Just Futures Law and Mijente, June 2024, <https://mijente.net/wp-content/uploads/2024/06/Automating-Deportation.pdf>.

undocumented could face additional targeting and questioning as to their immigration status based on their race or ethnicity.

Lastly, as a Minnesota resident myself, I am disturbed by this proposal on a personal level. Policies that require local police to collaborate with ICE instill fear in our communities. HF 16 at its best is unnecessary and confusing by duplicating existing federal law, and at its worst opens the door for an environment of fear, surveillance, and racial profiling. This bill will not promote safety and creates more confusion for state and local governments, who already face tremendous pressure to provide high-quality services in our communities. I strongly urge the committee to reject this bill and support policy solutions that promote the health and wellbeing of all people within our communities.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dinesh McCoy".

Dinesh McCoy
Staff Attorney
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