

National Hispanic Leadership Agenda

September 12, 2017

U.S. House of Representatives
Washington, DC 20515

Re: NHLA Opposition to H.R. 3697, Criminal Alien Gang Member Removal Act

Dear Representative:

We write on behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of 45 leading national Latino nonpartisan civil rights and advocacy organizations, to strongly urge you to vote against H.R. 3697, Criminal Alien Gang Member Removal Act. This bill further entrenches a national narrative that immigrants and Latinos are criminals. To vote on this bill on the heels of the President's decision to rescind the Deferred Action for Childhood Arrivals program sends a clear message to our communities that we are unwelcome. NHLA recommends a "no" vote on H.R. 3697, and any similar legislation, including amendments and cloture votes. **NHLA will closely monitor any votes on these matters for inclusion in future NHLA scorecards evaluating Member support for the Latino community.**

The purpose of legislation like this is to categorize immigrants and Latinos as dangerous criminals, by making sweeping, false generalizations and assumptions about these populations. Studies repeatedly have shown that immigrants are less likely to be incarcerated than native-born Americans, less likely to commit crimes, and less likely to be repeat offenders. Meanwhile, the damage to immigrant and Latino communities is clear. Latinos are already reporting fewer crimes in major cities as a result of the toxic political rhetoric against Latinos and immigrants under the current administration. This proposal only serves to paint immigrants and Latinos with a broad brush as gangsters and lawbreakers.

H.R. 3697 creates a new definition under the Immigration and Nationality Act for the term "criminal gang," and would severely penalize individuals determined by the Secretary of the Department of Homeland Security or the Attorney General to allegedly be a member of a criminal gang. This is troubling legislation for a few reasons. The expansive definition of what constitutes a "criminal gang" and "criminal gang activity" in this bill will open the door to racial profiling and lead to the criminalization of individuals who have never supported criminal behavior. The bill empowers government officials to arrest, detain, and deport any non-citizens, even lawful permanent residents, who have not been found guilty of any crime under the law, raising serious due process concerns. H.R. 3697 sets an alarmingly low evidentiary standard, whereby government officials can deport non-citizens who they "know or ha[ve] reason to believe" are gang-involved. Another due process concern is that once a non-citizen receives a gang-classification, they may be unable to apply for any legitimate relief. For example, one would be disqualified from applying for Temporary Protected Status or Special Immigrant Juvenile Status, even in cases where the child was forced to join a gang at gunpoint, as is often the case with minors fleeing Central America.

MEMBER ORGANIZATIONS

Alianza Americas
American G.I. Forum
ASPIRA Association
Avance Inc.
Casa de Esperanza: National Latin@ Network
Congressional Hispanic Caucus Institute
Farmworker Justice Green Latinos
Hispanic Association of Colleges & Universities
Hispanic Federation
Hispanic National Bar Association
Inter-University Program for Latino Research
Labor Council for Latin American Advancement
LatinoJustice PRLDEF
League of United Latin American Citizens
MANA, A National Latina Organization
Mexican American Legal Defense and Educational Fund
Mi Familia Vota
National Association of Latino Arts and Cultures
National Association of Hispanic Federal Executives
National Association of Hispanic Publications
National Day Laborer Organizing Network
NALEO Educational Fund
National Association of Latino Independent Producers
National Conference of Puerto Rican Women, Inc.
National Hispanic Caucus of State Legislators
National Hispanic Council on Aging
National Hispanic Environmental Council
National Hispanic Foundation for the Arts
National Hispanic Media Coalition
National Hispanic Medical Association
National Institute for Latino Policy
National Latina/o Psychological Association
National Latina Institute for Reproductive Health
Presente.org
SER Jobs for Progress National
Southwest Voter Registration Education Project
UnidosUS
United States Hispanic Chamber of Commerce
United States Hispanic Leadership Institute
United States-Mexico Chamber of Commerce
U.S.- Mexico Foundation
Voto Latino

For people fleeing gender-based violence, which is occurring with much more frequency in Central America, barriers to forms of relief or protection are particularly acute as many are often forced to join gangs to save their lives.

H.R. 3697 sends a dangerous message to the country in a time when our elected officials must be standing against nativist messages, not catering to them. This bill does nothing but criminalize immigrants and bar those who have credible asylum claims from the safe haven they need. To the extent Congress seeks to address the issue of gangs in the U.S. and abroad, it must do so after careful study and with smart policy. H.R. 3697 is neither well studied nor smart. Rather, it is a misguided effort to broaden the scope of those who will be accused of gang membership and to prohibit future relief from individuals based merely on association or unreliable indicators of gang membership, or to those who were forced into gang membership under duress. Those who have never been convicted, those who are not gang members, and even those who have been extorted in an effort to save a loved one's life will be punished. In the process, immigrants and Latinos will continue to suffer the brutal consequences of policies that criminalize our communities and stereotype our people as nothing more than gang members. It is clear that this bill is intended to further demonize immigrants and will not serve to make communities safer, especially considering that law enforcement already has mechanisms in place to track gang activity.

This Congress has not only shirked its responsibility to effectively address the problems with our broken immigration system, but it is consistently moving our country in the wrong direction by fostering space for dangerous and xenophobic rhetoric and policy. Nonetheless, this body can truly make meaningful change in the immigration landscape by supporting efforts to provide a path to citizenship for undocumented immigrants like DREAMers who have contributed so much to our country.

We urge you to vote no on H.R. 3697.

Please contact NHLA through Andrea Senteno, of MALDEF, at asenteno@maldef.org, or Laura Esquivel, of Hispanic Federation, at lesquivel@hispanicfederation.org, with any questions regarding this letter. Thank you for your time and consideration.

Sincerely,



Thomas A. Saenz
MALDEF, President and General Counsel
NHLA Immigration Committee Co-Chair



Jose Calderón
Hispanic Federation, President
NHLA Immigration Committee Co-Chair