

# Local Police and Immigration Enforcement

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## The Center for Immigrants' Rights

Under the supervision of Professor Shoba Sivaprasad Wadhia, clinical students participate in a range of activities including working with national and local organizational clients, individual case work, and conducting community education events.



# Disclaimer

This presentation does not constitute  
legal advice.

## Roadmap

1. Why the issue of local police and immigration enforcement is controversial
2. Functions of the Department of Homeland Security
3. Legal authority and limitations for local police to enforce immigration law
4. Policy reasons for why local police should limit their role in immigration enforcement

Why is the issue of local police  
and federal immigration  
enforcement so controversial?

# PENNSYLVANIA LAW

## Who is responsible for enforcing immigration law?

- Department of Homeland Security
  - U.S. Customs and Border Protection (CBP)
  - U.S. Citizenship and Immigration Services (USCIS)
  - U.S. Immigration and Customs Enforcement (ICE)
    - Enforcement and Removal Operations (ERO)
    - Homeland Security Investigations (HSI)



Photo: [www.dhs.gov](http://www.dhs.gov)

Do local police have explicit statutory authority to enforce immigration law?



# Legal Authority for Local Police to Enforce Immigration



## State Authority to Enforce Immigration Absent Congressional Authorization

- Preemption



Photo: Grassrootschange.net

## Specific Examples of Interactions Between Local Police and ICE

- Sending fingerprints to federal agencies
- Detainers
  - Secure Communities
  - Priority Enforcement Program
- Criminal Alien Program (CAP)



## Public Safety and Policy Concerns When Local Police Carry Out Immigration Enforcement Functions

- Lack of training



## Public Safety and Policy Concerns When Local Police Carry Out Immigration Enforcement Functions

- Limited Resources



## Public Safety and Policy Concerns When Local Police Carry Out Immigration Enforcement Functions

- Lack of clarity in authority to enforce
  - Potential for civil liability due to unclear authority



## Public Safety and Policy Concerns When Local Police Carry Out Immigration Enforcement Functions

- Compromised public safety from chilling effect on relationship between local communities and police
  - Negative perceptions of police
  - Decreased reporting of crimes
  - Decreased investigation and litigation assistance by witnesses



## Positive Steps for Local Police in the Immigration Context

- Limited cooperation agreements
- Detainer Policies
- U and T visa certifications
- Implementation of immigrant-friendly initiative



## Questions for Police Chief King

