



## Georgia Association of Latino Elected Officials (GALEO) Established: 2003

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### Forcing Our Blues into Gray Areas: Local Police and Federal Immigration Enforcement

Should local police be enforcing federal immigration law? There is no clear legal answer, and this discussion remains a heated public debate. For decades it has been accepted law and practice that state and local police do not enforce civil immigration law, however, in recent years the Department of Justice and some Members of Congress are encouraging movement towards increasing the role of state and local police in immigration enforcement.

For the full report, please visit [www.galeo.org](http://www.galeo.org) and look under the Reports & Publications section.

- The basic points that set the law and policy context for this debate are as follows:
  1. The law is unclear regarding the authority of the state and local police to enforce federal immigration.
  2. There is a good legal argument to be made that state and local police do not have the authority to enforce immigration law.
  3. At a minimum, even if state and local police do have the legal authority to enforce immigration law, it is optional, which ultimately makes this a policy decision.
  4. Increasing the role of the state & local police in immigration enforcement is bad policy, and there are very strong reasons for law enforcement and others to reject it.
- A proper role of the police force in enforcing immigration laws is increasingly the subject of national debates.
- **Local police enforcement of immigration laws jeopardize public safety.**
- Demanding that police act as immigration agents distracts them from their core duties of providing order and protection.
  - **Adding immigration enforcement to the duties of local law enforcement is a strain on already limited resources.** This new immigration enforcement will burden departments that are already under-resourced and under-staffed.
  - **Federal immigration law is complex and technical.**
  - **Immigration enforcement by police undermines their efforts to build trust with immigrant communities and may impede anti-terrorism efforts.**
    - Police department effectiveness depends on the relationships with the communities they serve.
    - Many elected officials have argued to de-link immigration and counter-terrorism policies, saying that the immigrant-focused security measures passed after 9/11 have made us less safe.
  - **The safety and lives of victims of domestic violence and other crime victims are at risk.** For example, one of the primary reason immigrants do not report domestic violence is fear of deportation.
  - **Immigration enforcement heightens the risk of racial profiling.** Furthermore, many communities of color already have strained relations with the police, which immigration enforcement would likely worsen.