



TENNESSEE IMMIGRANT AND REFUGEE RIGHTS COALITION

446 Metroplex Dr Bldg A Ste 224 Nashville TN 37211

Tel: 615.833.0384 Fax: 615.833.0387

Web: www.tnimmigrant.org

Abdihakur Mohamed – President
Catholic Charities of Tennessee
(Nashville)

Alfredo Peña – Vice-President
Workers Interfaith Network
(Memphis)

Katherine Dix Esquivel – Secretary
Justice for Our Neighbors
(Nashville)

**Aram Khoshnaw –
Executive Committee Member**
Health Assist Tennessee
(Nashville)

Avi Poster
Coalition for Education about Immigration
(Nashville)

Fran Ansley
Distinguished Professor of Law Emeritus
University of Tennessee College of Law
(Knoxville)

Gatluak Thach
Sudanese Community & Women's Service Center
(Nashville)

Julio Fernández
Comité de Hispanos
(Madison)

Mauricio Calvo
Latino Memphis
(Memphis)

Miguel González
El Centro Latino
(Shelbyville)

Mohammad "Mo" Ali Syed
King & Ballou
(Nashville)

Nathaly Pérez
Catholic Charities of East Tennessee, Inc.
(Knoxville)

Sharmila Murthy

*Organizations are listed for
identification purposes only.*

June 14th, 2010

The Honorable Phil Bredesen
Governor of Tennessee
Tennessee State Capitol
Nashville, TN 37243-0001

Re: House Bill No. 670 / Senate Bill No. 1141

Dear Governor Bredesen:

The Tennessee Immigrant & Refugee Rights Coalition would like to express deep concern with HB670/SB1141, which dramatically increases the responsibilities of local sheriffs in Tennessee regarding enforcement of federal immigration law. We urge you to exercise your veto authority and prevent this dangerous bill from turning Tennessee into the next Arizona.

Currently, local jurisdictions can choose to cooperate with the U.S. Customs and Enforcement Agency (ICE) through a number of federal programs. Memphis participates in the Criminal Alien Program (CAP), which enables the Shelby County Sheriff to communicate directly with ICE when an arrestee is not a U.S. Citizen. Nashville participates in the 287(g) program, which gives cross-designated and trained sheriff's deputies the authority to inspect immigration documents and compare them with a federal immigration database. And Knoxville participates in the new Secure Communities program, which provides access to a federal immigration database but specifically prevents local officers from making decisions regarding immigration status or enforcement.

While these existing programs are rightly criticized for conflating the roles of federal immigration enforcement and local law enforcement – and for undermining the trust of immigrant community members – they do conform to two fundamental principles designed to mitigate racial profiling:

- Local officers are not authorized to make determinations of immigration status themselves unless specifically designated by ICE and trained in immigration law; and
- Local officers are not authorized to make determinations of immigration status themselves without access to a real-time immigration database maintained by ICE.

In direct conflict with these principles, HB670/SB1141 requires jailers in 92 counties in the state to report "individuals to the appropriate Immigration and Customs Enforcement Detention and Removal Operations field office *if the keeper of the jail determines that the individual is in violation of the Immigration and Naturalization [sic] Act...or if such status cannot be determined.*"

This requirement goes well beyond normal booking questions regarding citizenship. Jailers would be required to determine themselves whether someone is in full compliance with federal immigration code, e.g. whether a foreign national has a valid immigration visa or whether a designation of Temporary Protected Status (TPS) is current. Unfortunately, the legislation provides no additional funding, federal training, database access, or protection from civil rights litigation.

We believe this unfunded mandate will invariably lead to disparate treatment of foreign nationals, unlawful detentions, and racial discrimination. We strongly urge you to veto HB670/SB1141.

Very respectfully,

Stephen Fotopulos
Executive Director