

March 10, 2017

The Honorable Chuck Grassley
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Cornyn
United States Senate
517 Hart Senate Office Building
Washington, DC 20510

Re: Oversight Hearings on Immigration Executive Orders

Dear Chairman Grassley and Senator Cornyn:

On behalf of the 132 undersigned national, state, and local organizations, we call on the Senate Judiciary Committee and the Subcommittee on Border Security and Immigration to hold rigorous oversight hearings of [the immigration executive orders](#) issued by President Trump. From the get-go, these executive orders – on border security, interior enforcement, and banning refugees and Muslim immigrants – have created shock waves of fear in refugee and immigrant communities nationwide, provoked protests by Americans and people around the world, and sparked litigation in courts.

We urge the Committee to hold oversight hearings on all three immigration executive orders, with special attention to the issues laid out in this letter. If the Judiciary Committee remains on the sidelines and refuses to conduct oversight, the Committee will be giving free license to the Trump administration to pursue whatever policies it so chooses, even if those policies violate the Constitution, civil rights, and civil liberties.

Refugee and Muslim ban: For over a month, the refugee and Muslim ban has occupied center stage at the airports, in the media, the courts, on the streets, and in town halls. The original ban was put on hold after being blocked by multiple federal courts, with nearly every court rejecting the Trump administration's arguments at every turn. Federal judges reviewing the ban, including judges appointed by [Republican presidents](#) and [Democratic presidents](#), have made clear that there are constitutional limits to presidential power, with one judge stating, "Maximum power does not mean absolute power. Every presidential action must still comply with the limits set by Congress' delegation of power and the constraints of the Constitution, including the Bill of Rights." That judge further [laid out in detail how the ban probably violates the First Amendment of the U.S. constitution](#).

After the courts blocked the original refugee and Muslim ban, the administration was forced to rewrite and narrow the original ban. The revised refugee and Muslim ban, set to go into effect on March 16, 2017, has already been challenged by the states of [Hawaii](#), [Washington](#), Minnesota, Massachusetts, New York, and Oregon. Although the revised ban is narrower than the original ban, it still bans all refugees for at least 120 days and bans visa issuance, for at least

90 days, to nationals of six Muslim-majority countries (Iran, Sudan, Syria, Libya, Somalia, and Yemen). The revised ban, like the original ban, attempts to deliver on Donald Trump's promise "for a total and complete shutdown of Muslims entering the United States" – a statement that he has never repudiated. Both the original and the revised ban raise multiple constitutional issues, including possible violations of the First Amendment establishment clause which forbids the government from singling out any particular religion for favor or disfavor.

Beyond the numerous constitutional issues implicated by the Muslim ban, there are many critical questions that the Trump administration has declined to answer or has answered with inaccurate information. At least 756 [individuals were wrongfully detained for long periods of time by DHS Customs and Border Protection \("CBP"\) agents at airports](#) and other ports of entry, during the weekend after the original Muslim ban went into effect. An unknown number of [individuals](#), including [lawful permanent residents](#), were handcuffed, detained, and illegally removed from the U.S., after having landed at U.S. airports with proper documentation. Families have been torn apart, and [many remain separated across oceans](#).

Interior immigration and border enforcement executive orders: These two executive orders along with the [new DHS](#) implementation memoranda have sent shock waves of fear in immigrant communities across the country. [DHS's new enforcement policies](#) have made clear that nearly all of the 11 million undocumented immigrants are now targets for arrest, detention, and deportation. It does not matter if the individual has lived in the U.S. for one day or decades. It does not matter if the individual has a violent criminal record or no record whatsoever. And it does not matter if the individual has U.S. citizen children, extensive family ties, military service, academic achievements, or community contributions.

Immigration enforcement under the Trump administration has already wrought devastating consequences. Immigration agents have conducted enforcement actions that led to the detention of [homeless people emerging from a church hypothermia shelter](#), [a domestic violence survivor in court to obtain a restraining order](#), [a parent after dropping off his child at school](#), and [Dreamers](#) who had been protected under DACA. There are growing reports of [parents keeping their children home from school](#) and [avoiding hospitals and health clinics](#), for fear of being arrested by DHS agents.

The border and interior enforcement executive orders also call for a massive expansion of state and local immigration enforcement. Through the controversial 287(g) program, DHS is inviting states and localities to assume federal immigration enforcement powers even though the [DHS Inspector General](#) had previously concluded that the program lacks adequate civil rights safeguards. The much-criticized 287(g) program was a favorite of Joe Arpaio, the former [Maricopa County](#) (Arizona) Sheriff and the former [Alamance County](#) (North Carolina) sheriff. In both cases, DOJ concluded that the sheriff's departments engaged in a pattern and practice of constitutional violations including racial profiling and unlawful detention of Latinos. Now the Trump administration is openly promoting this kind of discriminatory law enforcement.

The border executive order contains significant additional border security resources implicating federal environmental and other laws, including eminent domain, without providing justifications or metrics regarding why, for example, a wall is wise. Legal alterations affecting

our country's proud tradition of offering protection to those fleeing persecution also require scrutiny. These include reclassifying children who arrive at our borders alone seeking help, threatening their parents with criminal prosecution, and [potentially separating children and mothers seeking asylum protection](#). The Judiciary Committee must oversee these orders' sea changes to refugee/asylum law and their wider effects on federal immigration and criminal courts.

Indeed, the border and interior enforcement Executive Orders will subject many immigrants to expedited removal – a deportation shortcut that allows a single DHS agent, rather than an impartial judge, to determine an immigrant's permanent fate. The executive orders also establish a mass mandatory detention system, allowing DHS to lock up children, families, and asylum seekers without individualized consideration of flight risk and danger. These executive orders shred due process while creating a boondoggle for the private prison companies that will profit through new detention contracts.

Taken together, these immigration executive orders implicate a host of serious constitutional and civil rights issues and will result in the devastation and permanent separation of countless American families. We call upon the Judiciary Committee to conduct rigorous oversight hearings of the immigration executive orders.

Sincerely,

National Organizations

Advocates for Youth
Alianza Americas
Alliance for Citizenship
America's Voice Education Fund
American Civil Liberties Union (ACLU)
American Federation for Teachers
American Immigration Council
American Immigration Lawyers Association
American-Arab Anti-Discrimination Committee
Americans United for Separation of Church and State
Amnesty International USA
Arab American Institute
Asian American Legal Defense and Education Fund (AALDEF)
Asian Americans Advancing Justice | AAJC
Asian Pacific Institute on Gender-Based Violence
ASISTA
Association of Asian Pacific Community Health Organizations (AAPCHO)
Bill of Rights Defense Committee/Defending Dissent Foundation
Black Alliance for Just Immigration
Casa Esperanza
Center for Community Change
Center for Gender & Refugee Studies, UC Hastings, College of the Law
Center for Law and Social Policy

Church World Service
CODEPINK
Community Initiatives for Visiting Immigrants in Confinement (CIVIC)
Domestic Violence Legal Empowerment and Appeals Project (DV LEAP)
Enlace
Fair Immigration Reform Movement
Farmworker Justice
First Focus Campaign for Children
Friends Committee on National Legislation
Futures Without Violence
Global Progressive Hub
Grassroots Leadership
HIAS
ICNA CSJ
Immigrant Justice Corps
Immigrant Legal Resource Center
Interfaith Worker Justice
International Refugee Assistance Project
J Street
Just Foreign Policy
Justice Strategies
Latin America Working Group (LAWG)
Lutheran Immigration and Refugee Service
Mi Familia Vota
MoveOn.org Civic Action
NAAPIMHA
National Advocacy Center of the Sisters of the Good Shepherd
National Center for Transgender Equality
National Coalition Against Domestic Violence
National Council of Asian Pacific Americans (NCAPA)
National Council of Jewish Women
National Council of La Raza
National Education Association
National Immigration Law Center
National Network for Arab American Communities
National Partnership for New Americans
NETWORK Lobby for Catholic Social Justice
NIAC Action
Niskanen Center
Poligon Educational Fund
Public Affairs Alliance of Iranian Americans
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Salvadoran American National Network (SANN)
Service Employees International Union (SEIU)
South Asian Americans Leading Together (SAALT)
South Asian Bar Association of North America

Southeast Asia Resource Action Center (SEARAC)
Southern Border Communities Coalition
Southern Poverty Law Center
T'ruah: The Rabbinic Call for Human Rights
Tahirih Justice Center
The American Federation of State, County and Municipal Employees (AFSCME)
The Multifaith Alliance for Syrian Refugees
U.S. Committee for Refugees and Immigrants
United We Dream
Voto Latino
Washington Office on Latin America (WOLA)
Win Without War

State/Local Organizations

Amara Legal Center
Asian Americans Advancing Justice - Atlanta
Asian Americans Advancing Justice - Los Angeles
Austin Jewish Voice for Peace
Ayiti An Aksyon Inc.
Brooklyn Defender Service
Capital Area Immigrants' Rights Coalition
Causa Oregon
Coalition for Humane Immigrant Rights (CHIRLA)
Community Legal Services in East Palo Alto
Daniel Aharoni & Partners LLP
DC Coalition Against Domestic Violence
DC National Organization for Women
DC-Maryland Justice for Our Neighbors
Dolores Street Community Services
El Refugio Ministry
Equality New Mexico
Farmworker Association of Florida, Inc
Florida Immigrant Coalition
For The Children Inc.
Friends of Broward Detainees
Hispanic Coalition
HIV Law Project, Inc., Brooklyn, NY
Human Rights Initiative of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Legal Advocacy Project
Justice for All
Kino Border Initiative
Latin American Coalition
Leadership Conference of Women Religious
Legal Aid at Work
Montgomery County Civil Rights Coalition

Muslim Justice League
Nebraska Appleseed Center for Law in the Public Interest
Needham Area Immigration Justice Task Force
North Carolina Justice Center
Reformed Church of Highland Park
Resurrection Catholic Church
Safe Passage Project
Services, Immigrant Rights, and Education Network (SIREN)
Sisters of Our Lady of Charity of the Good Shepherd, Central South US Province
Sisters of Our Lady of Charity of the Good Shepherd, Mid North America Province
Sisters of Our Lady of Charity of the Good Shepherd, New York/Toronto Province
Sligo-Branview RESIST
South Florida Interfaith Worker Justice
Unidos por la Igualdad
United Methodist Church
USC International Human Rights Clinic
VIDA Legal Assistance, Inc.
Washington Defender Association's Immigration Project
Workers Defense Project

cc: The Honorable Dianne Feinstein
United States Senate
Ranking Member, Senate Committee on the Judiciary

The Honorable Dick Durbin
United States Senate
Ranking Member, Senate Subcommittee on Border Security and Immigration