

September 12, 2017

United States House of Representatives
Washington, D.C. 20515

RE: Vote NO on the *Criminal Alien Gang Member Removal Act*, H.R. 3697

Dear Representative:

On behalf of the 350 undersigned local, state, and national immigrant, civil rights, human rights, faith-based, and anti-poverty organizations, **we urge you to oppose the *Criminal Alien Gang Member Removal Act*, H.R. 3697**. This legislation creates a new sweeping definition of the term “criminal gang”¹ and attaches draconian immigration penalties to this definition. The bill is breathtaking in its scope, targeting those who never committed or supported a single criminal act for deportation and returning those who are seeking protection *from gang violence* back to harm. This bill will put the United States in violation of its international obligations to protect asylum seekers, breed racial profiling and other unconstitutional police practices, and further undermine local law enforcement efforts to engage in smart gang prevention techniques. Finally, **this bill hands Immigration and Customs Enforcement (ICE) a vast new set of tools to detain and deport immigrants at a time when all hands should be on deck to legislate protection for DACA recipients.**

H.R. 3697 grants the Secretary of the Department of Homeland Security (DHS) nearly unfettered authority to designate all types of clubs and groups as a “criminal gang.” It requires mandatory detention and deportation for any current or former member or participant of such designated groups and takes great pains to preclude individuals caught up the bill’s provisions from defending themselves in court. In short, the bill is a legislative mirror of the President and Attorney General’s rhetorical efforts to paint “immigrant” and “gang member” as synonymous terms.²

¹ The bill defines a “criminal gang” as a group, club or association of five or more people who, within the last five years, had or has as one of its primary purposes the commission of a wide range of conduct including among many others the use of expired identification documents (18 U.S.C. § 1028(a)), any federally defined felony drug offense, or obstruction of justice.

² See, e.g., Jonathan Blitzer, THE NEW YORKER, [The gang MS-13 is a real problem, but does Trump have any answers?](#), May 9, 2017; J. Weston Phippen, THE ATLANTIC, [What Trump Doesn't Understand About MS-13](#), Jun. 26, 2017.

Under this bill any non-citizen, including lawful permanent residents, can be arrested, detained and deported for being a “gang member” without ever having been convicted of a crime. The definition of a “criminal gang” in this bill sweeps far more broadly than the existing federal definition.³ Any non-citizen falls within the bill’s new grounds of removability if an immigration official knows or has “reason to believe” that person is or has been a member or participant in such a group. Such a low evidentiary standard will impose guilt by association on entire neighborhoods and communities—principally communities of color—not for actual misconduct but because of association with groups that the current or future administrations do not like. Gang databases are notoriously unreliable⁴ and DHS is already prone to conflate mere association with gang membership and encourage racial profiling by using gang “criteria” such as living in a neighborhood that suffers gang activity or wearing a national Salvadoran soccer jersey.⁵

The bill’s penalties are retroactive and make no exceptions for those forced into gang membership as youth or under duress. Those subject to the bill’s penalties will face deportation without any opportunity to seek asylum, withholding of removal, Temporary Protected Status or Special Immigrant Juvenile Status even if they were forced into a gang as a child at gunpoint or fled gang violence in the face of duress. Skyrocketing levels of gender, family, and gang violence in El Salvador, Guatemala and Honduras leave many people with no choice but to flee or face gang recruitment, sexual and gender-based atrocities, or murder.⁶ This bill will prevent bona fide refugees from seeking legal protection in the United States, including children fleeing forced gang recruitment and mothers forced to pay extortion to a gang or watch their children be killed.

In addition to demonizing immigrant communities and undermining policing efforts, this bill is unnecessary. States and the federal government have ample statutory authority to arrest, convict, and deport those individuals who have committed gang-related offenses. Most states and the federal government punish or enhance sentences for individuals suspected of

³ See 18 USC § 521.

⁴ See Joshua D. Wright, *The Constitutional Failure of Gang Databases*, 2 Stan. J. of C.R. & C.L. 115, 125 (2005); also see, e.g., Mick Dumke and Frank Main, CHICAGO SUN TIMES, [“A look inside the watch list Chicago police fought to keep secret.”](#) May 18, 2017.

⁵ See, e.g., Philip Desgranges, New York Civil Liberties Union, [Trump Is Locking Up and Threatening to Deport Children Based on Mere Suspicion of Gang Affiliation](#), Aug. 2, 2017; Liz Robbins, N.Y. TIMES, [Teenagers’ Arrests Are Unconstitutional, A.C.L.U. Lawsuit Says](#), Aug. 11, 2017.

⁶ See, e.g., Kids in Need of Defense, [Neither Security Nor Justice: Sexual and Gender-based Violence and Gang Violence in El Salvador, Honduras, and Guatemala](#), at p. 10 (“[s]urvivors of SGBV [sexual and gender-based violence] by gangs endure a network of gang surveillance and control that they cannot escape within the borders of their country, and from which their states do not protect them”).

being gang members, recruiting gang members, or committing crimes while in a gang. Similarly, immigration laws already provide the government with the ability to deport hundreds of thousands of individuals engaged in even relatively minor criminal activity.

The presence of gangs in communities is a complex public safety issue requiring evidence-based solutions including gang prevention, not a legislative overreach targeting entire immigrant communities. We urge all Members of Congress to vote against H.R. 3697.

Sincerely,

32BJ SEIU

AB540 Ally Training Project

ACLAMO Family Centers

ACLU People Power (Huntington Group / Suffolk County, NY)

Adelante Mujeres

Adjunct Justice

Advocates for Basic Legal Equality, Inc.

Advocates for Youth

African Services Committee

AIDS Action Baltimore

Alianza

Alianza Americas

America's Voice Education Fund

American Civil Liberties Union (ACLU)

American Federation of State, County and Municipal Employees (AFSCME)

American Gateways

Amnesty International USA

Anti-Defamation League

Anti-Racism Collaborative

Apostle Immigrant Services
Arkansas United Community Coalition
Asbury Park Education Justice Collective
Ascentria Care Alliance Immigration Legal Assistance Program
Asian Americans Advancing Justice-AAJC
Asian Americans Advancing Justice-Asian Law Caucus
Asian Americans Advancing Justice-LA
Asian Americans United
Asian Law Alliance
Asian Pacific American Labor Alliance, AFL-CIO (APALA)
Asian Pacific Institute on Gender-Based Violence
Asian Pacific Policy and Planning Council
Asian Services In Action
ASISTA Immigration Assistance
Asylee Women Enterprise
Asylum Seekers Housing Network
Atlas: DIY
Ayuda
Belmont Against Racism
Bend the Arc Jewish Action
Boston Teachers Union
Brighton Park Neighborhood Council
BuxMont UUF Peace and Justice Committee
Cabrini Immigrant Services of NYC
California Coalition Against Sexual Assault (CALCASA)
California Partnership
Campaign for Youth Justice
CARECEN-LA

Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
Casa Freehold
Catholic Charities Immigration
Catholic Charities of West Tennessee
Center for Children's Law and Policy
Center for Community Change
Center for Constitutional Rights
Center for Gender & Refugee Studies
Center for Law and Social Policy (CLASP)
Center for the Human Rights of Children, Loyola University Chicago
Central American Resource Center DC
Centro del Inmigrante, Inc.
Chicago Jobs with Justice
Chicago Religious Leadership Network on Latin America
Child and Family Policy Center
Christian Community Development Association
Church of Our Saviour/La Iglesia de Nuestro Salvador, Episcopal
Church Women United in New York State
Church World Service
Cleveland Jobs with Justice
Coalition for Humane Immigrant Rights (CHIRLA)
Colectiva Legal del Pueblo
Columbia Law School Immigrants' Rights Clinic
Committee in Solidarity with the People of El Salvador (CISPES)
Community Immigration Law Center, Inc.
Community of Friends in Action, Inc.
COMPASSionate Brújula: Advocates for migrants
Congregation of Our Lady of Charity of the Good Shepherd, US Provinces

Connecticut Association for Human Services
Connecticut Institute for Refugees and Immigrants (formerly the International Institute of Connecticut)
Connecticut Legal Services
Connecticut Voices for Children
Council on American-Islamic Relations (CAIR)
Courage Campaign
CRLA Foundation
Defending Rights & Dissent
Detained Migrant Solidarity Committee
Disciples Women
Distrito Hispano of The Wesleyan Church
Dolores Street Community Services
Dominican Sisters of San Rafael
Dominican Sisters of Sinsinawa
Eastern Iowa Community Bond Project
Empire Justice Center
Encuentro
End Domestic Abuse WI
Enlace
Equal Justice Center
Equal Rights Advocates
Equality North Carolina
Equality Texas
Erie Neighborhood House
Fair Immigration Reform Movement (FIRM)
Faith in Public Life
Families First Services Center

Farmworker Justice
First Focus Campaign for Children
Franciscan Action Network
Free Migration Project
Freedom Network USA
Friends Committee on National Legislation
Friends of Broward Detainees
Futures Without Violence
Georgia Latino Alliance for Human Rights
Georgetown University Anthropology Department
Greater New York Labor Religion Coalition
Greater Red Bank Women's Initiative Immigration Committee
Greater Rochester Coalition for Immigration Justice
H-CAN Immigration and Refugee Action Group
HANA Center
Hanul Family Alliance
Harvard Anti-Islamophobia Network
Her Justice
Homeopathic Healing
Hondurans Against AIDS
Hudson Civic Action
Human Rights Campaign
Human Rights First
Human Rights Initiative of North Texas
Human Rights Watch
Identity
IHM Sisters Justice, Peace and Sustainability Office
Illinois Coalition for Immigrant and Refugee Rights

Immigrant Defenders Law Center
Immigrant Defense Project
Immigrant Justice Action Group- First Unitarian Church Portland OR
Immigrant Legal Advocacy Project
Immigrant Legal Resource Center
Immigration Center for Women and Children
Indiana Finding A Way Forward
Individual
Indivisible
Intercommunity Peace & Justice Center
Intercultural Counseling Connection
Interfaith Action for Human Rights
Interfaith Movement for Immigrant Justice -IMIrJ
Interfaith Worker Justice
International Institute of New England
InterReligious Task Force on Central America
Iowa Coalition Against Domestic Violence
Irish International Immigrant Center
Ironbound Community Corporation
Japanese American Citizens League, San Jose Chapter
Jewish Voice for Peace-Denver/Boulder
Jewish Voice for Peace, San Diego
Just Neighbors Ministry
Justice for Families
Justice for Our Neighbors SEMI
Justice for Our Neighbors West Michigan
Justice Policy Institute
Justice Strategies

Juvenile Justice Coalition (Ohio)
Juvenile Law Center
Kankakee County Hispanic Partnership
Kids for College
Kids in Need of Defense (KIND)
Kino Border Initiative
Korean Churches for Community Development/Faith and Community Empowerment
Korean Resource Center
La ColectiVA
La Hermandad Hank Lacayo Center
Lacey and Larkin Frontera Fund
Lambda Legal
Laotian American National Alliance
Latin America Working Group (LAWG)
Latin American Legal Defense and Education Fund
LatinoJustice PRLDEF
Lawyers For Children, Inc.
Lawyers' Committee for Civil Rights Under Law
Legal Aid Justice Center
Legal Services for Children
Lemkin House
LINC
Long Island Language Advocates Coalition
Long Island Wins
Louisiana Center for Children's Rights
Make the Road New York
Maryknoll Office for Global Concerns
Massachusetts Immigrant and Refugee Advocacy Coalition

Massachusetts Law Reform Institute
Mennonite Central Committee U.S. Washington Office
Mi Familia Vota
Mid-Peninsula Human Rights Coalition
Middlesex County College
Migrant and Immigrant Community Action Project
Migrant Justice
Migrant Rights Collective
Minority AIDS Council of Orangeburg, Bamberg and Calhoun Counties
Mission Committee of Cedar Hills United Church of Christ
Mississippi Center for Justice
Montgomery County Civil Rights Coalition
Mosaic Family Services
Mujeres Latinas en Accion
Mundo Maya Foundation
Muslim Public Affairs Council
Muslim Youth Network
NAACP
National Advocacy Center of the Sisters of the Good Shepherd
National Alliance to End Sexual Violence
National Asian Pacific American Women's Forum (NAPAWF)
National Association of Criminal Defense Lawyers
National Center for Transgender Equality
National Coalition Against Domestic Violence
National Council of Asian Pacific Americans (NCAPA)
National Council of Churches
National Council of Jewish Women
National Council of Jewish Women South Cook Section

National Crittenton Foundation
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center
National Justice for Our Neighbors
National Juvenile Justice Network
National Korean American Service & Education Consortium (NAKASEC)
National Latina/o Psychological Association
National Lawyers Guild SF Chapter Immigration Committee
National LGBTQ Task Force Action Fund
National Organization for Women
National Youth Employment Coalition
NC Child
NC Council of Churches
NCJW-Chicago North Shore
NEAT - National Equality Action Team
Network in Solidarity with the People of Guatemala
NETWORK Lobby for Catholic Social Justice
New Jersey Alliance for Immigrant Justice
New Orleans Workers Center for Racial Justice
New York Immigration Coalition
NH Conference UCC Immigration Working Group
NM Immigrant Law Center
Northern Illinois Justice for Our Neighbors
Northwest Immigrant Rights Project
OCCORD
Office for Hispanic Ministry, Windham, CT
OneAmerica

Our Revolution
PAAT: We Are the Change We Seek
Pangea Legal Services
Partners for Our Children
PCASC
Peace and Justice Committee, BuxMont Unitarian Universalist Fellowship
Pennsylvania Immigration Resource Center
PICO National Network
Pilipino Workers Center
Pilipino Workers Center of Southern California
Portland Central America Solidarity Committee
Portland Immigrant Rights Coalition
Positive Women's Network-USA
Prevention Access Campaign
Progressive Leadership Alliance of Nevada Action Fund
Provincial Council Clerics of St. Viator
Public Counsel
Queer Detainee Empowerment Project
Red Tent Initiative
Redwood Justice Fund
Reformed Church of Highland Park
Refugee & Immigration Ministries, Christian Church (Disciples of Christ)
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Refugio del Rio Grande
Religious of the Sacred Heart
Rockland Immigration Coalition
Rocky Mountain Immigrant Advocacy Network (RMIAN)
RootsAction.org

Rural and Migrant Ministry
S.T.R.O.N.G. YOUTH, INC.
San Antonio Region Justice For Our Neighbors
San Diego Immigrant Rights Consortium
San Diego Volunteer Lawyer Program, Inc.
Santa Cruz Barrios Unidos
Sauti Yetu Center for African Women and Families
Seattle Human Rights Commission
Service Employees International Union (SEIU)
Services, Immigrant Rights, and Education Network (SIREN)
Sexuality Information and Education Council of the United States
Sisters of Charity of New York
Sisters of Charity, BVM
Sisters of St. Francis Justice, Peace and Integrity of Creation Committee
Sisters of St. Francis, St. Francis Province
Sisters of St. Joseph of Rochester, NY
Sisters of the Presentation of the Blessed Virgin Mary, New Windsor, New York
SLV Immigrant Resource Center
Social Action Collective
South Asian Fund For Education, Scholarship and Training (SAFEST)
South Bay Jewish Voice for Peace
Southeast Asia Resource Action Center (SEARAC)
Southern California Immigration Project
Southwest Organizing Project
St. Francis Center
St. Matthew Immigration/Detention Committee
St. Anthony/All Saints Catholic Church
St. Paul's Lutheran Church

Stavros Immigration
STEP UP! Sacramento
T'ruah: The Rabbinic Call for Human Rights
Tahirih Justice Center
Temple Beth-El
Tennessee Coalition to End Domestic & Sexual Violence
The Exploitation Intervention Project
The Florence Immigrant and Refugee Rights Project
The Global Forum on MSM & HIV (MSMGF)
The Green Valley/Sahuarita Samaritans
The Leadership Conference on Civil and Human Rights
The Social Responsibilities Council of The Unitarian Society of Ridgewood
The United Methodist Church - General Board of Church and Society
TN Justice for Our Neighbors
Transgender Law Center
Treatment Action Group
Tulsa Immigrant Resource Network
UIUC- La Casa Cultural Latina
UnidosUS (formerly NCLR)
Unitarian Universalist Association
Unitarian Universalist Church in Meriden Social Justice Council
Unitarian Universalist Congregation of the Great South Bay (in Sayville, NY)
Unitarian Universalist Legislative Ministry of New Jersey
Unitarian Universalist Mass Action Network
Unitarian Universalist of Long Island Social Justice Roundtable
Unitarian Universalist Service Committee
UNITE HERE Local 30
United Church of Christ, Justice and Witness Ministries

United Domestic Workers/AFSCME Local 3930
United for A New Economy Action
United States People Living with HIV Caucus
United We Dream
University Leadership Initiative
University of Chicago
UU College of Social Justice
UUFCC
Vermonters for Criminal Justice Reform
W. Haywood Burns Institute
Washington Office on Latin America (WOLA)
Wayne Action for Racial Equality
We Belong Together
West Suburban Action Project (PASO)
Wilco Justice Alliance (Williamson County, TX)
Wind of the Spirit Immigrant Resource Center
Witness for Peace
Women's Refugee Commission
Wyoming Coalition Against Domestic Violence and Sexual Assault
Yemen Peace Project
Young Center for Immigrant Children's Rights
Youth Justice Coalition
YWCA Greater Austin
YWCA of the University of Illinois