



September 13, 2017

Oppose H.R. 3697, the "Criminal Alien Gang Member Removal Act"

Dear Representative:

On behalf of The Leadership Conference on Civil and Human Rights, I am writing to express our opposition to H.R. 3697, which creates new, sweeping grounds for barring entry to or deporting immigrants based on the mere suspicion of gang affiliation. We oppose H.R. 3697 for the following reasons:

- It would subject people who have never committed a crime to deportation, creating a new definition of "criminal gang" that is unworkably vague and could cover a wide range of organizations ranging from churches to fraternities to political groups. It shifts the burden to individuals to prove they did not know they were affiliated with a gang that committed qualifying offenses, even though proving such a negative is often impossible.
- It would expand the use of mandatory, no-bond detention to people facing removal under the bill, even if they have not been convicted of any criminal offenses.
- Deportations based on suspected gang membership or affiliation would likely rely on flawed gang databases, which are rife with inconsistent definitions, improper documentation procedures, and inadequate safeguards.
- Creating a new ground of deportability for suspected gang members is also unnecessary, because the government already has enough tools and resources to deport such individuals. Most states and the federal government also have laws that punish or enhance sentences for individuals suspected of being gang members, recruiting gang members, or committing crimes while in a gang. In addition, DHS has long prioritized its resources to target suspected gang members for deportation.
- H.R. 3697 will disproportionately harm younger immigrants – particularly unaccompanied minors, some of whom flee their home countries to escape gang violence, forced drug trafficking, and sexual violence, and who are at high risk of being coerced to participate in criminal activity. It will also indiscriminately bar these immigrants from asylum, withholding of removal, or other forms of humanitarian relief.

Only a week after the elimination of the Deferred Action for Childhood Arrivals (DACA) program, we are deeply disappointed that Congress's first legislative response is to further erode due process protections for immigrants and put them at an even greater risk of deportation. We urge you to oppose H.R. 3697. If you have any questions, please contact Rob Randhava, Senior Counsel, at (202) 466-6058.

Sincerely,

Vanita Gupta
President & CEO

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