



IMMIGRATION FACTSHEET & TALKING POINTS

The NAACP has a longstanding policy against racial profiling and has always strongly supported the rights of immigrants. We have opposed many of the recent anti-immigrant state laws, starting with Arizona’s SB1070, which are not only unconstitutional but essentially require law enforcement officials to profile people of color to enforce the laws. Federal immigration enforcement programs – such as 287(g) and Secure Communities – also ultimately lead to racial profiling by law enforcement. These recent policies have created a wave of anti-immigrant sentiment that mirror the type of treatment the African American community has historically experienced at the hands of law enforcement and other government and public officials. They contribute to the further criminalization of Black and Brown community members and mass incarceration. The NAACP remains committed to preventing the fusion of police responsibilities and immigration enforcement as part of its goal to protect the rights of people of color. For this reason, it is important for our members to know the facts that not only dispel the myths and stereotypes but also shed light on some of the new immigration policies that are sweeping the nation.

The Facts

- It is *not a criminal offense* for an immigrant to be in the United States illegally, it is a civil violation.ⁱ Civil violations by definition involve violations of administrative matters (e.g. not paying your bills), whereas criminal offenses are violations of laws prohibiting certain conduct (e.g. laws against theft or physical violence).
- Immigrants *contribute* to the U.S Economy by paying taxes and Social Security. According to studies, immigrants generate an average of \$80,000 more revenue than they cost the public in terms of the state, federal, and local benefits they receive over their lifetimes.ⁱⁱ
- Immigrants *positively* impact the U.S. economy and particularly the salaries of U.S. citizens. According to a 2007 report of the President’s Council of Economic Advisors, immigrants’ skill sets tend to compliment the skills of those born in America, not compete with them, which increases productivity and income.ⁱⁱⁱ An earlier study by the National Research Council estimated an annual wage gain for U.S. workers of \$10 billion per year due to immigration.^{iv}
- Contrary to common stereotypes that immigration is associated with higher crime rates, according to a 2010 study by Dr. Tim Wadsworth of the University of Colorado, between 1990 – 2000, when immigration to the U.S. rose drastically, communities with the largest influx of immigration saw a decline in homicide and robbery rates.^v Additionally, a 2008 study of Chicago communities by Harvard University’s Dr. Robert Sampson found that communities experiencing immigration actually saw reduced violence.^{vi} Another 2008 California report found that those born outside of the U.S. make up roughly 35% of the state’s population, but only account for 17% of the adult prison population.^{vii}

The Facts about Recent Policies & Trends

- Section 287(g) of the Immigration and Nationality Act implements the 287(g) program. 287(g) deputizes local law enforcement to act as federal immigration officials and assist Immigration and Customs Enforcement (ICE) to enforce immigration laws. A 2010 report by the Department of Homeland Security (DHS) Office of Inspector General found that:
 - Deputized officers often are not able to speak Spanish and are often unaware of the issue of racial profiling, and act beyond the control of ICE - for whom they are supposed to be working.
 - The 287(g) program lacks basic safeguards, such as data collection and reporting requirements, to ensure that civil rights are not violated.
 - Fewer than 10% of all the captured individuals under this program have any ties to any violent crimes.
 - Almost half of the individuals captured under this program had no connections to any violence, drug, or property crimes.^{viii}
- Secure Communities is a program of the Department of Homeland Security (DHS) which mirrors the 287(g) program's purpose of centralizing police in the enforcement of immigration laws. Secure Communities relies on police, at the time of arrest or booking, to share fingerprints between local police and ICE for comparison with immigration databases. If the person is out of status, they may be placed in a holding cell while ICE determines whether or not to deport that individual. However, reports show that:
 - Nearly half of those swept up by the program have been categorized as "non-criminals" by ICE's own data.^{ix}
 - Of the nearly 109,000 deportations since 2008, three out of ten people had no criminal records - in part due to Secure Communities.^x
 - Many law enforcement agencies are accusing ICE of lying to them about the voluntary nature of Secure Communities. Many law enforcement and local elected officials want to "opt out" of Secure Communities.^{xi}
 - Several states, including Illinois, New York, and Massachusetts have respectively terminated, suspended, and refused to participate in the program due to these grave concerns.^{xii} DHS is now saying states cannot opt out and must participate.^{xiii}
- In 2010, Arizona passed SB1070, which would give certain powers constitutionally reserved for the federal government to local law enforcement, including the requirement to ask for immigration papers from anyone with whom they come into contact. The law further called for checking immigration status of anyone being released from prison or jail before they are let back out. The NAACP along with a number of civil and human rights organizations brought a lawsuit against SB1070.^{xiv} Since then, a federal judge has blocked certain provisions of the law – those requiring police to check immigration papers and those requiring checking immigration status of inmates that are about to be released.^{xv} Arizona is still fighting to reverse this decision.
 - Currently, there are over 15 Arizona copycat laws being considered around the country.^{xvi}

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Because this is a highly politicized and often complex issue, it is important for NAACP leaders and members to know how to address and speak about immigration enforcement.

## Talking Points

- AZ SB1070 and other copycat laws that have swept the nation –allowing local law enforcement officials to enforce federal immigration laws – encourage racial profiling, betray American values, and are unconstitutional.
- The United States Constitution assigns responsibility for immigration enforcement to the federal government and not states.
- These types of laws:
  - Invite racial profiling in violation of the Equal Protection Clause and the Unreasonable Search and Seizure Clause of the U.S. Constitution;
  - Infringe on free speech by criminalizing certain speech by people peacefully seeking work; they impede free speech rights of people who may be perceived as foreign based on their language or accent;
  - Undermine public safety by diverting limited law enforcement resources away from law enforcement’s first priority of solving violent crimes and promoting public safety; and
  - Undermine public safety by promoting reluctance among those who are victims or witnesses to crimes in coming forward to work with the police to solve crimes.
- Many police associations – including Arizona’s Police Chief Association – are against these laws precisely because it undermines public safety and diverts their attention away from addressing real crime.<sup>xvii</sup>
- In 2010, the NAACP National Board of Directors voted to boycott AZ SB1070 and the NAACP filed a lawsuit with a coalition of civil and human rights groups against the law.
- The 287(g) program has no safeguards against racial profiling and civil rights violations and only serves to divert law enforcement attention and limited resources away from solving real crime and protecting public safety.
- 287(g) programs and Secure Communities invite racial profiling and have proven ineffective, as many who have been swept up in these initiatives have had no ties to violent or any other types of crimes.
- The NAACP strongly believes that any immigration “reform” must address current problems in our immigration system; it cannot focus solely on enforcement.
- Despite attempts by government officials to say that they do not support racial profiling, in reality many of these laws are essentially pathways to requiring law enforcement to engage in the practice of racial profiling.
- The U.S. government should prevent police from investigating and detaining people based color and accent, not mandating it.
- Americans deserve an immigration system that protects all workers and guarantees the safety of our nation without compromising our fundamental civil rights, human rights, and civil liberties.
- Laws that encourage discrimination have no place in this country.

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<sup>i</sup> Julia Preston, “States Resisting Program Central to Obama’s Immigration Policy,” New York Times, May 5, 2011 <http://www.nytimes.com/2011/05/06/us/06immigration.html>.

<sup>ii</sup> “The New Americans: Economic, Demographic, and Fiscal Effects of Immigration,” ed. James P. Smith and Barry Edmonson, National Research Council, 1997.

<sup>iii</sup> “Immigration’s Economic Impact,” Council of Economic Advisers, 2007.

<sup>iv</sup> “The New Americans: Economic, Demographic, and Fiscal Effects of Immigration,” ed. James P. Smith and Barry Edmonson, National Research Council, 1997.

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- <sup>v</sup> "Is Immigration Responsible for the Crime Drop? An Assessment of the Influence of Immigration on Changes in Violent Crime between 1990 – 2000," Tim Wadsworth Social Science Quarterly, June 2010. <http://onlinelibrary.wiley.com/doi/10.1111/j.1540-6237.2010.00706.x/abstract>.
- <sup>vi</sup> "Rethinking Crime and Immigration," Robert J. Sampson, University of California Press, Winter 2008. [http://contexts.org/articles/files/2008/01/contexts\\_winter08\\_sampson.pdf](http://contexts.org/articles/files/2008/01/contexts_winter08_sampson.pdf).
- <sup>vii</sup> "Crime, Corrections, and California: What Does Immigration Have to Do with It?" Kristin F Butcher and Anne Morrison Piehl, Public Policy Institute of California, 2008.
- <sup>viii</sup> "The Performance of 287 (g) Agreements," Department of Homeland Security, Office of the Inspector General, 2010.
- <sup>ix</sup> "Noncriminals Swept Up in Federal Deportation Program," Lee Romeny and Paloma Esquivel, Los Angeles Times, April 25, 2011. <http://articles.latimes.com/2011/apr/25/local/la-me-secure-communities-20110425>.
- <sup>x</sup> "Deportation Record Has States Reconsidering Secure Communities," Daniel C. Vock, Stateline, June 20, 2011. <http://www.stateline.org/live/details/story?contentId=582261>.
- <sup>xi</sup> "Congresswoman Zoe Lofgren Demands Investigation into ICE's Secure Communities Program," Immigration Impact, April 25, 2011. <http://immigrationimpact.com/2011/04/25/congresswoman-zoe-lofgren-demands-investigation-into-ice's-secure-communities-program/>.
- <sup>xii</sup> "Briefing Guide to ICE's Minor 'Secure Communities' Modification," Turning the Tide, June 23, 2011. <http://altopolimigra.com/2011/06/23/briefing-guide-to-ice's-minor-'secure-communities'-modifications/>
- <sup>xiii</sup> "Controversial Immigration Program Spurs Federal-State Spat," Mallie Jane Kim, US News, June 27, 2011. <http://www.usnews.com/news/articles/2011/06/27/controversial-immigration-program-spurs-federal-state-spat>.
- <sup>xiv</sup> Friendly House et. al. v. Michael B. Whiting et. al., May 17, 2010, case 2:10-cv-01061-MEA, in the District Court of Arizona, <http://www.aclu.org/immigrants-rights-racial-justice/friendly-house-et-al-v-whiting-complaint>.
- <sup>xv</sup> "Why Judge Susan Bolton Blocked Certain Parts of Arizona's SB 1070," Warren Richey, Christian Science Monitor, July 28, 2010. <http://www.csmonitor.com/USA/Justice/2010/0728/Why-Judge-Susan-Bolton-blocked-key-parts-of-Arizona-s-SB-1070>.
- <sup>xvi</sup> "Bills Modeled After Arizona's SB 1070 Spread through the States," Seth Freed Wessler, Colorline, March 2, 2011. [http://colorlines.com/archives/2011/03/sb\\_1070\\_copycat\\_bills.html](http://colorlines.com/archives/2011/03/sb_1070_copycat_bills.html).
- <sup>xvii</sup> "U.S. Police Chiefs Say Arizona's Immigration Law Will Increase Crime," Spencer S. Hsu, Washington Post, May 20, 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/26/AR2010052601200.html>.