

JUSTICE FOR IMMIGRANTS: A ROADMAP FOR LOCAL COMMUNITIES



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EXECUTIVE SUMMARY

More than 4.5 million Floridians, 21% of the population, were born in another country.¹ Nearly half of these Floridians are not naturalized U.S. citizens.² They are our neighbors, our colleagues, our friends. Unfortunately, they have been targeted in order to capitalize on the worst tendencies of human nature – xenophobia, othering, fear – in the pursuit of political power.

This is not a new development but has reached new lows in recent years with presidential and gubernatorial campaigns alike promoting tired stereotypes to scapegoat whole demographics. From arguing “These aren’t people. These are animals.”³ to separating and caging the youngest children from their parents, former President Donald Trump used xenophobia to build power. In Florida, Governor Ron DeSantis has attempted to follow the same path – villainizing immigrants as criminals and co-opting local law enforcement to serve in the deportation machine.

While the country has been confronted with the harsh consequences of this rhetoric, Florida remains firmly in the Trump era as its political leaders continue to build their legacies on the backs of immigrants. With the 2020 presidential election, many of the Trump Administration’s cruelest policies have been rolled back. While progress is being made on the national front, our country has a long way to go to correct the injustices of a broken immigration system. Florida’s political leaders, meanwhile, continue to push harmful narratives painting immigrants as criminals and actively engaging in unnecessarily cruel anti-immigrant actions, such as sending state resources to the Texas-Mexico border.

In addition to the injustice of continuing the

‘cruelty is the point’ legacy, this is woefully counterproductive. Immigrants, regardless of their legal status, contribute billions of dollars in local and state taxes and billions more in our communities. They are more likely to be entrepreneurs and are vital to our agriculture and service economies. They also make Florida vibrant, diverse, a microcosm of all our nation offers – simply, they make Florida Florida.

Nearly three-fourths of Floridians personally know an immigrant, and those who do are more likely to believe that immigration is a good thing for Florida.⁴ Instead of calling for deportations and criminalizing undocumented immigrants, 71% of Floridians support a path to citizenship for undocumented immigrants living in the U.S.⁵

Local governments lost some power when the Florida Legislature, at Governor DeSantis’s urging, removed their discretion over whether to get entangled in federal immigration detention and deportation efforts. However, local governments still have the authority – and responsibility – to serve and protect their communities without regard to citizenship status. To mitigate against the harms of forced participation in federal immigration detention and deportation efforts, local governments must adopt policies that:

- » Limit Warrantless Detention: Local governments do not have to have a 287(g) agreement with ICE to comply with state law. They do have a duty to serve their communities and prioritize local public safety concerns over political rhetoric. They can do this by reducing entanglement with federal immigration enforcement, preserving local policing resources to address local

crime, and protecting their communities by proactively adopting policies that standardize any immigration enforcement activities they feel they must perform under the law.

- » **Increase Transparency and Accountability:** Being transparent with the public is an essential part of law enforcement. State law requires cities and counties to participate in federal immigration detention efforts, but they should do this transparently, not secretly.
- » **Prohibit Discrimination:** Too often, local police wrongfully detain U.S. citizens and legal permanent residents without probable cause, simply based on how they look or speak. We need to protect the civil liberties of Floridians and make sure our friends and neighbors are not unfairly targeted or discriminated against.
- » **Protect Public Safety:** If immigrants either witness a crime, or are victims of a crime, but feel too afraid to report it to local law enforcement because they are worried they'll be deported, everyone loses. If we want our communities to be safer, then we have to make sure everyone can safely report criminal activity to the police.
- » **Protect Civil Liberties:** Less than half of the people facing deportation cases in Florida have legal representation. Because undocumented immigration is not a crime, immigrants, even children, do not have a right to an attorney. Local governments can partner with legal aid

foundations and reputable law firms to ensure immigrants have the legal advice necessary to navigate our incredibly complex immigration system.

Florida's political leadership is increasingly out-of-sync with Florida's people, but the public interest can still be furthered at the local level through inclusive, commonsense local policies. Local policymakers have the power to help – or hurt – their communities.



LOCAL GOVERNMENTS' ROLE IN IMMIGRATION

While much of immigration policy and enforcement is set at the federal level and the state has restricted local control in this area, local government officials have the power and duty to protect their constituents through policies protecting immigrants' rights and supporting immigrant families.

It is important to understand that our state, and our nation, are not suffering from a crisis of undocumented immigration. Despite the rhetoric, the number of undocumented immigrants has slightly declined, both in Florida and nationwide, over the last two decades, even as immigration has increased. Florida's undocumented immigrant population has declined by more than 13% since 2008, while the total number of immigrants in Florida has increased by nearly 20%.⁶

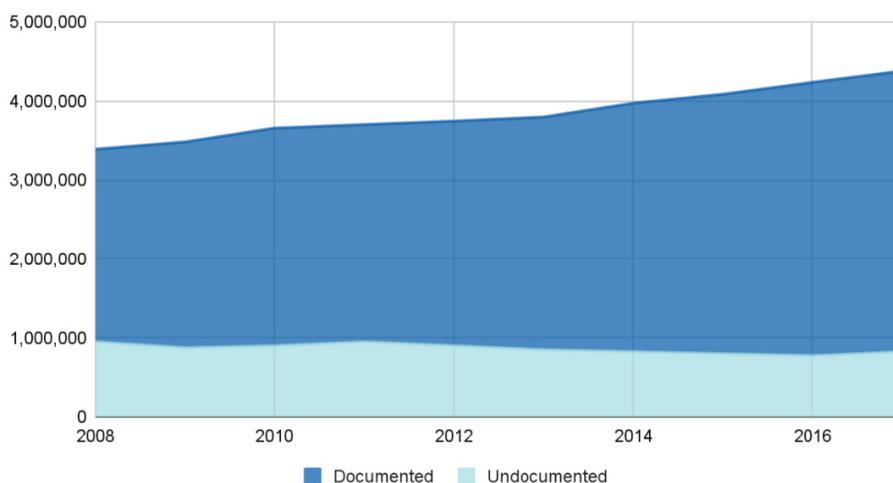
It's also important to recognize that those Floridians who lack legal immigrant status do not live in isolation. It is very common for families to have mixed status, with U.S. citizens living alongside both documented and

undocumented immigrants. More than 80% of undocumented Floridians are of working age, and we know immigrants who lack citizenship are more likely to work than their U.S. born peers.⁷ They're also more likely to be entrepreneurs,⁸ and an estimated 90,000 undocumented Floridians own their own business.⁹ They pay an estimated \$1.7 billion in taxes, including nearly \$590 million in local and state taxes.¹⁰ So the impact of policies targeting undocumented immigrants can never be contained.

DEPORTATION BEGINS HERE

The path to deportation often starts in our communities, when an immigrant crosses paths with local police. While being in Florida without legal immigrant status is not a criminal act, police may refer people suspected of civil immigration violations to ICE. Even when they don't, once they take someone into custody, ICE may request they hold the person in jail while it decides whether to take the person into federal custody for a suspected

Florida's Foreign-Born Population



immigration violation. This is called an “ICE detainer” or “immigration hold.” ICE doesn’t ask a judge for a warrant or prove that there is probable cause that the person has broken any criminal or civil laws. The agency just asks the local government to hold the person for up to 48 hours, so it can decide whether to take the person into federal custody and begin deportation proceedings.

While rhetoric may point to violent criminals, the reality is 40% of those detained by state and local police on civil immigration violations had no criminal record and no pending criminal charges in fiscal year 2015, the last year data is available.¹¹ Deportation cases often begin much more mundanely – a traffic stop; a ‘civil immigration violation,’ often simply existing in Florida without the necessary paperwork; or even just seeming suspicious. In 2013, nine out of every ten requests to detain people that ICE sent local police were based on offenses that were not, by ICE’s own standards, serious offenses that posed a threat to public safety or national security.¹² ICE has since stopped releasing information on the offenses people detained on their behalf face.

Immigration enforcement is a civil, not criminal, process and a function of the federal, not state or local, government.¹³ The presence of undocumented immigrants does not increase crime.¹⁴ Thus, traditionally, states, and local police, were not involved in immigration enforcement. Over the last few decades, local police have been drafted into an ineffective immigration enforcement system that focuses on criminalizing immigrants. The primary method for this in Florida is 287(g) agreements, whereby local officers are authorized to act as if they were ICE agents, interrogating and/or detaining people they suspect of being unauthorized immigrants.

287(g) Agreement: An agreement between ICE and a local police agency, whereby local officers are authorized to act as if they were ICE agents, interrogating and/or detaining people they suspect of being unauthorized immigrants.

Detainer: An immigration detainer request is a tool ICE uses to deport people who are in the country without authorization. Local police screen people who they come in contact with for immigration status and notify ICE, exposing them to the federal deportation system. An ICE detainer is a written request that a local jail or other law enforcement agency detain an individual for an additional 48 hours after they would otherwise have been released. This provides ICE agents extra time to decide whether to take the individual into federal custody for removal purposes.

In 1996, Congress created the 287(g) program to allow local police officers to perform limited immigration enforcement functions.¹⁵ It wasn’t until after the September 11th terrorist attacks that the first agreement under the program was established. That first agreement, with the State of Florida, like many early agreements prioritized state-specific public safety interests, not civil immigration violations.¹⁶

Since then, the agreements have shifted to focus primarily on using local resources to further federal deportation goals. Today, there are three models in use in Florida – the jail enforcement model, the Warrant Service Officer program, and the use of Basic Ordering Agreements. In each model, the aim is for local police to hold people in jail who ICE suspects of civil immigration violations, while attempting to avoid liability for unconstitutional warrantless seizures.

Under the jail enforcement model, ICE deputizes officers working in jails to

interrogate and detain people suspected of civil immigration violations. The Warrant Service Officer Program, introduced by the Trump Administration in 2019, likewise deputized local police as ICE agents authorized only to serve ICE administrative warrants – or detainers.

Basic Ordering Agreements are arrangements designed for purchasing goods and services. Florida sheriffs and ICE began using these for immigration detention in 2017. Under these agreements, ICE promises to pay sheriffs \$50 for every person they hold in jail for ICE.¹⁷ Sheriffs, recognizing they have no authority to imprison a person not charged with a crime, argue that they are not detaining the person, ICE is.¹⁸

Another 287(g) model, the task force model, saw local officers screening the general public for civil immigration violations, with the goal of apprehending as many undocumented immigrants as possible.¹⁹ When the task force model was phased out, a similar federal-local partnership, the Secure Communities program, spread across the country.²⁰ In this program, fingerprints of people booked into local jails were screened for federal immigration violations, which triggered detainer requests.²¹ While the program was replaced with the

similar Priority Enforcement Program from 2014 to 2017, it was reinstated during the Trump Administration.²² Secure Communities has since been ended once again by the Biden Administration.²³

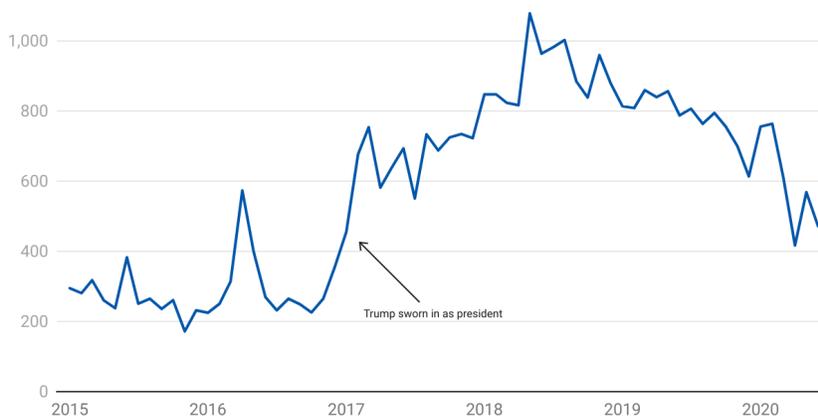
Abuses in these partnerships emerged almost immediately, most notoriously by Sheriff Joe Arpaio in Maricopa County, Ariz., who used the program to conduct immigration sweeps in Latino neighborhoods and illegally stop Latino drivers to check their immigration status.²⁴ The constitutional issues of local police relying on ICE detainer requests to hold people in jail without charges resulted in several federal judicial decisions finding the practice an unconstitutional violation of fourth amendment rights.²⁵

The U.S. Government Accountability Office found the 287(g) program did not have documented objectives or protocols on how local officers should use their authority or maintain data, nor did it have consistent supervision, making it difficult to determine whether the program served its purpose,²⁶ findings it reiterated 12 years later in 2021.²⁷

Multiple law enforcement entities also raised concerns about the costs and consequences

Detainers in Florida Over Time (2015-2020)

A look at recorded I-247 detainers or notice requests prepared by ICE by month and year



Source: TRAC Immigration • Created with Datawrapper

of participating in the program, including the erosion of trust between law enforcement and immigrant communities.²⁸ However, even without participating in these formal programs, local police can get pulled into immigration enforcement by ICE requesting they detain a person under suspicion of a civil immigration violation, even when that person is not suspected of any criminal behavior.

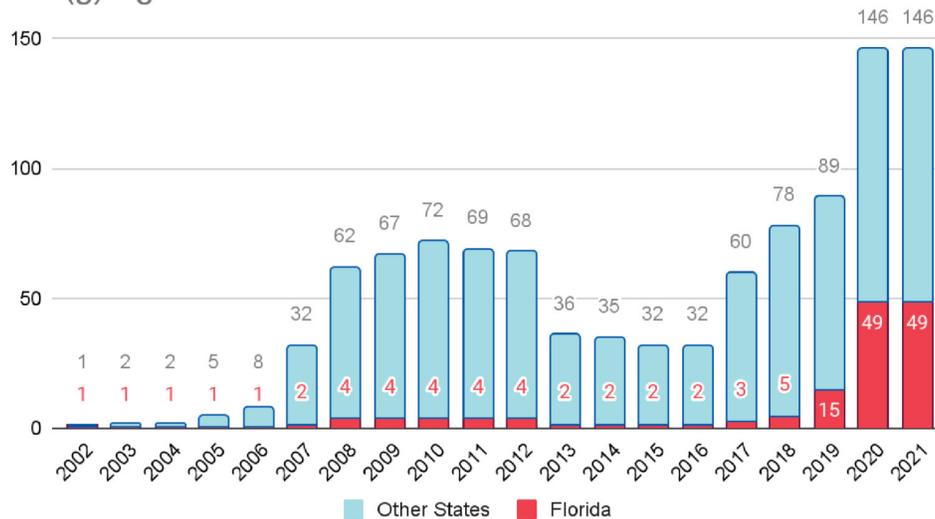
These requests to detain are not backed by a judicial finding of probable cause. Without judicial oversight, ICE makes mistakes. Over the two-year period before the new law was enacted, ICE sent Miami-Dade County 420 requests to detain people who were U.S. citizens.²⁹ These mistakes uproot people’s lives, separate them from their families and jobs and waste local resources. Local communities, in Florida and elsewhere, have faced litigation, and paid five-, six- and seven-figure settlements to compensate for imprisoning people at ICE’s request.³⁰ In 2020, Los Angeles County agreed to pay \$14 million to settle a class-action lawsuit based on the practice of holding people on ICE detainers.³¹

Recognizing concerns with local entanglement, some police agencies decline to detain people who aren’t facing criminal charges or require a reimbursement commitment or showing of

probable cause before doing so.³² However, in Florida, Governor DeSantis had campaigned on anti-immigrant rhetoric and called for a ban on local discretion to limit entanglement with immigration enforcement.³³ In 2019, the Florida Legislature passed SB 168, requiring that local police participate in federal immigration enforcement. The law prohibits local governments from adopting policies that “prohibit or impede local police from communicating or cooperating with a federal immigration agency” in a way that limits or prohibits:

- » Complying with a detainer request.
- » Complying with a request to notify federal immigration authorities before releasing an inmate or detainee.
- » Providing federal immigration authorities information about the incarceration status or release date of an inmate.
- » Providing federal immigration authorities access to an inmate for interview.
- » Participating in a 287(g) program or agreement.

287(g) Agreements



The law provides an exception for requests for information related to victims or witnesses to crimes.

In the year after Gov. DeSantis signed SB 168 into law, 49 of Florida’s 67 counties entered 287(g) agreements with ICE,³⁴ and local authorities held more than 8,800 people in jail at the request of federal immigration authorities investigating civil law violations.³⁵

Today, Florida accounts for more than a third of the 287(g) agreements in the country.³⁶

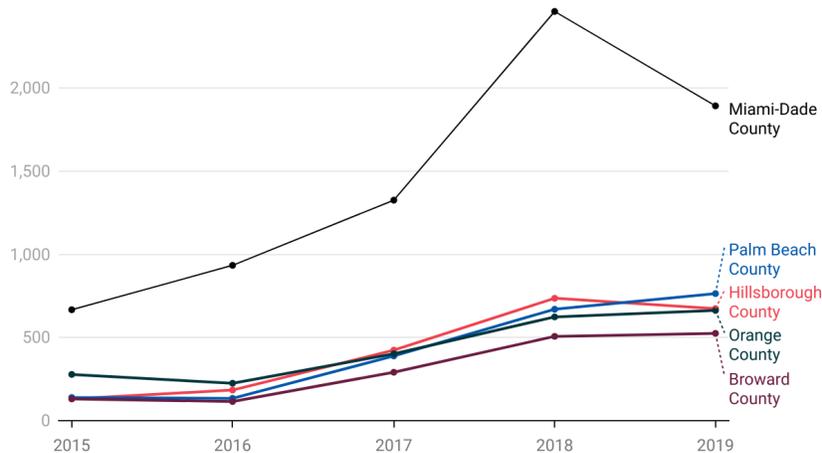
Florida maintains some of the highest immigration detention levels in the nation. Nearly 100,000 immigrants have been detained in facilities across Florida over the past 10 years. The Homestead Detention Center alone held more than 8,000 children in captivity before it was shut down in 2019. The Glades County Detention Center in Moore Haven continues to be the subject of human rights abuse reports on a regular basis.³⁷ The suffering, human rights violations, and deaths that have occurred in these facilities are too numerous to list and new reports of such tragic occurrences continue on a regular basis.

LOCALS BEAR THE CONSEQUENCES OF ANTI-IMMIGRANT POLICIES

These actions diminish community trust in law enforcement, instill fear in immigrant communities, lead to family separation, and make our communities less safe due to immigrants’ hesitation to contact law enforcement and report crimes.

ICE’s use of detainers to imprison people without a judicial warrant and, in many cases, without any probable cause of any violation raises serious constitutional concerns, erodes public trust in law enforcement and other local services and worsens public health and safety.

Detainers Over Time: 5 Largest Counties



Source: Trac Immigration • Created with Datawrapper

ANTI-IMMIGRANT POLITICS IS HARMING FLORIDIANS

FLORIDIANS' CONSTITUTIONAL RIGHTS ARE BEING VIOLATED

The U.S. Government Accountability Office has repeatedly found that 287(g) agreements continue to lack oversight or accountability measures sufficient to measure their effectiveness.³⁸ The lack of oversight and accountability has led to countless injustices. While the most notorious patterns of constitutional violations, such as racial profiling, were uncovered by U.S. Department of Justice investigations in Maricopa County, Ariz.,³⁹ and Alamance County, N.C.,⁴⁰ Florida's political targeting of immigrants is dangerous.

For example, Marion County Sheriff's Office, which participates in the Warrant Service Officer program, frequently refers foreign-born U.S. citizens to ICE. It has also held people beyond the prescribed 48 hours, because the sheriff forgot to email ICE promptly. This Sheriff's Office has even held someone for whom no detainer had been issued.⁴¹ Similarly, the Walton County Sheriff's Office, also a Warrant Service Officer program participant, has referred multiple Puerto Rican U.S. citizens to ICE.⁴²

The U.S. Supreme Court has made clear that state officials do not have the authority to make the "unilateral decision ... to arrest an alien for being removable."⁴³ "An immigration detainer is a piece of paper issued by immigration officials that purports to command other law enforcement officials to hold a prisoner, who otherwise would be released, in custody and deliver that person to federal immigration officials."⁴⁴ However, in 2017, ICE started

including with detainer requests what it called an "administrative immigration warrant" issued by an ICE agent that explained the agent's probable cause to believe the person could be deported. This document is not a judicial warrant, nor is it reviewed by a judicial or quasi-judicial officer.

A detainer request does not give local police the authority to keep a person in jail. Likewise, since presence in the state without authorization is not a crime, local police cannot arrest someone on suspicion being undocumented.⁴⁵ So, courts across the country, including in Florida, have found repeatedly that these detainer holds are unconstitutional arrests under the Fourth Amendment and can subject counties to civil liability.⁴⁶ Settlements have been as costly as \$14 million.⁴⁷

LOCAL ENTANGLEMENT DOES NOT REDUCE CRIME

Much of the immigration policy debate is clouded by fear and misconceptions. While immigration law is largely civil, not criminal, politicians paint immigrants as criminals, reducing people to 'illegals' or even 'animals'. Yet, a meta-analysis of studies between 1994 and 2014 found that, rather than increase crime, immigration has a weak, but negative, effect on crime rates.⁴⁸ In other words, communities with higher rates of immigration had *lower* crime rates. Likewise, a longitudinal analysis of the relationship between undocumented immigration and violence between 1990 and 2014 found a small, but negative, relationship.⁴⁹

An analysis of 2012-2018 arrest data in Texas found that U.S. born citizens were more than twice as likely to be arrested for violent crimes than undocumented immigrants, 2.5 times as likely to be arrested for drug crimes and more than 4 times as likely to be arrested for property crimes.⁵⁰

Analysis of 287(g) program participation in North Carolina found no evidence the program had any impact on crime rates.⁵¹ At the height of the 287(g) program's nationwide use in 2011, a comprehensive analysis found that the program did not target those with serious convictions.⁵² Programs in the southeast were more likely to be designed to capture as many undocumented immigrants as possible. Half of all those detained had committed only traffic violations or misdemeanors. Likewise, an analysis of the Secure Communities program found it led to no meaningful reductions in the crime rate or violent crime.⁵³

Local immigration enforcement diverts funding from local public safety concerns. In 2017, Harris County, TX, Sheriff Ed Gonzalez ended the county's 287(g) agreement, freeing up \$675,000 to be spent on major crimes and other priorities. An analysis of the first task force model 287(g) agreement in Mecklenburg County, N.C., found the first year's operating costs came in at \$5.3 million, while Alamance County, N.C., spent \$4.8 million. The Brookings Institute found Prince William County, Va., raised property taxes and spent reserves to implement a 287(g) program to the tune of \$6.4 million in its first year.

There is evidence that communities that are politically welcoming to immigrants experience lower crime rates. For example, while cities with higher concentrations of immigrants had lower rates of robberies and homicides on average, cities that also limited local enforcement of immigration laws had even lower rates of robberies and homicides.⁵⁴



A victim of a crime is a victim no matter their immigration status.”

| Hillsborough County Sheriff Chad Chronister, Hillsborough will not turn sheriff's office into a branch office for ICE, Tampa Bay Times, May 10, 2019.

LOCAL ENTANGLEMENT HURTS LOCAL ECONOMIES

FLORIDA'S IMMIGRANTS

- » **3.2 million** Entrepreneurs
- » **\$492.4 billion** in Taxes Paid
- » **\$1.3 trillion** in Spending Power

There is evidence that local entanglement with immigration enforcement has consequences for local economies. Industries pivotal to Florida's economy rely on immigrants, regardless of their status. Immigrants are employed at higher rates than native-born Floridians (62.3% to 54.2%), with immigrants without citizenship employed at the highest rates (65.2%).⁵⁵ Top industries employing undocumented immigrants include service industries, construction, and agriculture.⁵⁶ Immigrants are also more likely to be entrepreneurs, with 10.2% of immigrants without citizenship self-employed, compared to 5% of native-born citizens.⁵⁷

More than \$161.7 billion million in local and state taxes is paid by undocumented Floridians each year, plus \$330.7 billion in federal taxes.⁵⁸

Participation in the 287(g) program has been shown to decrease the local immigrant population and labor supply.⁵⁹ We cannot afford such an exodus. Over the last decade,

the United States has experienced the slowest population growth in eighty years.⁶⁰ Demographers expect us to continue that decline. This is partially due to decreased immigration.⁶¹ In the face of such declines, the business community has been advocating for more visas for temporary and seasonal workers.⁶²

The agricultural sector, with approximately half of farm workers estimated to be undocumented,⁶³ is particularly vulnerable. An analysis of the effect of 287(g) participation on farms in particular found that farms in participating counties experienced increased labor and fuel expenses and reduced production on local farms, with some results suggesting declines in short- and long-term profitability.⁶⁴ Meanwhile, farms in neighboring counties that were not participating in the program saw increases in labor supply as migrant workers moved to more friendly communities.⁶⁵

Local entanglement also exposes workers to risks of abuse, as it dissuades vulnerable immigrants from reporting such abuse. The implementation of Section 287(g) has been associated with a decrease in employer discrimination claims based on national origin.⁶⁶

Likewise, there is evidence that county participation in the 287(g) program is associated with increases in foreclosures, with a larger impact for Hispanic homeowners, especially in places with higher detention rates.⁶⁷ Nearly 30% of undocumented immigrants, an estimated 215,000 people, live in homes that are owned, not rented, in Florida.⁶⁸

Despite paying more than a billion in taxes each year, undocumented Floridians are not eligible for government aid, like Supplemental Nutrition Assistance Program (SNAP, colloquially known as food stamps), regular

Medicaid, Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF). They cannot get health care subsidies under the Affordable Care Act and cannot buy health coverage, subsidized or not, on ACA exchanges.

Local entanglement with immigration enforcement increases the need for these services, as it has also been associated with increased food insecurity and poverty in vulnerable families with children,⁶⁹ and reduces food stamp use in households likely to have an undocumented parent.⁷⁰

Local Entanglement Hurts Public Health

The COVID-19 pandemic illustrated the consequences of treating some people as second-tier residents. People had to choose between their, and their family's, health or exposure to immigration enforcement. The cruel realities of warehousing people were undeniable, as outbreaks spread in detention centers.

Even without a pandemic, local entanglement with immigrant enforcement increases stress and fear of deportation, which adversely affects the physical and mental health of undocumented immigrants and their family members, many of whom are U.S. citizens.⁷¹ Despite the measured health effects of the stress of being targeted, immigrants report avoiding using health care and other social services because of the threat of police enforcement and their lack of trust in public institutions. They delay and reduce both preventative and curative care.⁷² Lack of access to higher education, public welfare, and workplace protections further contributes to worse health outcomes and results in higher public health costs.⁷³

These effects are not limited to undocumented immigrants. Many families are mixed status, and even when they aren't, "anti-immigrant sentiments can facilitate racism and xenophobic attitudes toward all Latinos, irrespective of immigration status."⁷⁴ Decreases in diagnoses and health service use by immigrants, including citizens, in the aftermath of state and local immigration enforcement efforts, have been documented in cases as diverse as tuberculosis, autism, prenatal and infant care.⁷⁵

A survey of South Florida health care providers in 2012 found that "immigrants in South Florida continuously face barriers while trying to access even allowable forms of health care."⁷⁶ Even then, immigrants avoided care for fear of immigration enforcement and high costs. In 2020, a survey of Michigan providers found similar barriers to healthcare access, including "(a) generalized fear resulting from anti-immigrant rhetoric; (b) behavior change due to threat of immigration enforcement; (c) financial and opportunity costs related to healthcare access; and (d) culturally discordant health seeking practices informed by country of origin."⁷⁷

Collier County offers a window into how aggressive local enforcement of immigration can impact health. Until 2013, Collier County operated a 287(g) task force, whereby local police officers would interrogate and arrest people suspected of being undocumented immigrants. The program ended in 2013, when the Obama Administration phased out the program. Over the next three years, several health care quality measures improved in the Hispanic community:

- » The number of Hispanic adults in the county who had had a medical check-up in the past year increased by 11.7% while decreasing in the non-Hispanic white population.

- » The percentage of Hispanic people receiving a flu shot increased by 9.1%.
- » The percentage of Hispanic people who rated their health 'fair' or 'poor' declined by 6.1%, while the percent who rated their health 'good' or 'excellent' increased by the same amount.⁷⁸

The Collier County Sheriff's Office has continued to operate a Jail Enforcement Model 287(g) agreement, whereby deputies serve ICE detainees and question people who have been admitted to the jail who they suspect may be undocumented.

Local Entanglement Hurts Education

Immigration enforcement does not happen in a vacuum. The number of children with at least one immigrant parent increased from 11% to 23% between 1990 and 2015. In Florida, more than a third of undocumented immigrants live with children. In 72% of these cases, at least one child is a U.S. citizen. An estimated 59,000 undocumented immigrants in Florida are between 3 and 17 years old.⁷⁹ Targeting undocumented immigrants impacts all these children.

Local 287(g) agreements with ICE have been shown to reduce the number of Hispanic students, primarily elementary students, by 10% within two years.⁸⁰ Not only does this reduction in diversity harm the students left behind, there is ample evidence that such reactive moving has negative impacts on student outcomes.⁸¹ Local immigration enforcement has also been associated with increases in student absenteeism,⁸² high school drop-out rates, and grade retention.⁸³

LOCAL GOVERNMENTS HAVE OPTIONS

Many police, sheriffs, prosecutors, and other criminal justice professionals across the country agree that ICE programs that use local and state police officers diminish community trust and safety. In a letter to the U.S. Department of Homeland Security (DHS) Secretary Mayorkas earlier this year, a coalition of law enforcement officers, prosecutors and other criminal justice professionals, urged DHS to end the use of ICE detainers, explaining “with community trust in police at a historic low nationwide,⁸⁴ this is one of the most urgent and important barriers to public safety today.”⁸⁵ They also noted the importance of protecting civil liberties in the ICE notification process.

Local elected officials have also publicly opposed local entanglement with federal immigration enforcement and supported local efforts to protect immigrants. During the 2020 election, voters chose candidates who expressed commitments to protect civil rights and local communities in the face of the targeting of immigrants:

- » In Miami-Dade County, Mayor Daniella Levine Cava was elected after committing to opposing 287(g) agreements and increasing transparency in any local entanglement with federal immigration enforcement, explaining “I am strongly opposed to the Federal government’s effort to coerce counties and cities across America to fulfill draconian immigration mandates. Additionally, I stand in opposition to Florida Senate Bill 168, which preempts local government and does not require the feds to reimburse the county.”⁸⁶ Since being

elected, she has launched the Miami-Dade New American Task Force to develop a strategic plan to address economic, civic, and social integration of immigrants in Miami-Dade County.⁸⁷

- » In Broward County, Sheriff Gregory Tony likewise committed to protecting local communities, explaining, “I believe that public safety is a right of all who live here, not just citizens. All people in Broward County need to not fear calling 911 in an emergency or asking for assistance from BSO.”⁸⁸ Broward County State Attorney Harold Pryor has made commitments to examine how prosecutorial decisions impact immigrants in the Broward community.⁸⁹
- » In Orange County, Sheriff John Mina was reelected after committing to opposing participating in 287(g) agreements and to supporting efforts to repeal SB 168.⁹⁰ Likewise, State Attorney Monique Worrell committed to training state attorneys on the consequences that their decisions and statements can have on immigrants.⁹¹

Local governments can serve their communities by mitigating the harmful political targeting of immigrants. The following policies can be enacted by local governments to keep communities safe and local economies vibrant, while keeping immigrant families together.

Limit Warrantless Detention

- » Adopt a policy to formalize processes

around detainer requests.

- » Prohibit government employees from detaining someone on behalf of ICE beyond the requested 48 hours, including preventing the person from posting bail or bond based on immigration status or the detainer.
- » Adopt a policy that if someone held on behalf of ICE claims to be a U.S. citizen or legal resident, local government staff will reasonably assist them get documentation.

Increase Transparency and Accountability

- » Require preapproval or notification of expected local impacts before local agencies enter an agreement with a federal immigration agency to detain people on behalf of federal immigration authorities or otherwise engage in immigration enforcement activities.
- » Publish data on the scope, and cost, of any involvement in immigration enforcement, including the number and outcome of federal detainer requests.
- » Collect and use data to understand the impact state and federal laws have on local resources and communities to better mitigate any harms that arise.
- » Establish an Immigration Community Advisory Board to ensure immigrant communities are well-represented and provide robust civic engagement.

Prohibit Discrimination

- » Prohibit government staff from discriminating based on race, color, creed, religion, sex, sexual orientation,

gender identity or expression, national origin, marital status, age, disability, status as a veteran, or ability to speak English.

- » Prohibit government staff from asking about immigration status.
- » Prohibit consideration of these factors when deciding to initiate a stop, or in deciding whether to question, search, arrest, detain or take any other law enforcement action against any individual, except when a specific suspect description is received during an investigation into a specific crime.
- » Prohibit detention of any person solely based on the person's citizenship or immigration status, absent any request from a federal immigration agency.

Protect Public Safety

- » Formalize a procedure to issue the necessary form, Forms I-918, Supplement B (“U Visa Certifications”), for witnesses and victims of crimes who are helping in the investigation or prosecution of the crime.
- » Institute regular training of officers and assistant state attorneys in U-Visa procedures.

Protect Civil Liberties

- » Establish an Immigrant Legal Aid Program to provide legal counsel to local community members navigating the immigration system.
- » Establish an Immigrant Legal Aid Fund to help fund legal aid for local immigrants.

CONCLUSION

While Floridians have been uniquely impacted by the misguided, politically motivated attacks on immigrants and the criminalization of undocumented immigration, local governments are well-situated to mitigate against these harms. To do so, they must appreciate the contributions of the immigrants they serve and recognize the outsized impact of local entanglement with federal immigration enforcement.

Through adopting local policies to limit entanglement with immigration enforcement to only what is required

by law and conduct any immigration functions with full transparency, local officials can ensure they are not further harming their constituents. Through establishing advisory boards, formalizing U-Visa protocols and passing anti-discrimination policies, local officials can proactively reduce the harms of local entanglement and ensure everyone in the community has the opportunity to thrive.



LIMIT WARRANTLESS DETENTION

Local governments do not have to have a 287(g) agreement with ICE to comply with state law. They do have a duty to serve their communities and prioritize local public safety concerns over political rhetoric. They can do this by reducing entanglement with federal immigration enforcement, preserving local policing resources to address local crime, and protecting their communities by proactively adopting policies that standardize any immigration enforcement activities they feel they must perform under the law.

BEST PRACTICES

- » Adopt a policy to formalize processes around detainer requests.
- » Prohibit government employees from detaining someone on behalf of ICE beyond the requested 48 hours, including preventing the person from posting bail or bond based on immigration status or the detainer.
- » Adopt a policy that if someone held on behalf of ICE claims to be a U.S. citizen or legal permanent resident, local government staff will be alerted and reasonably assist the individual in obtaining documentation.

WHY?

- » ICE detainer requests are not supported by a judge or neutral third-party's finding of probable cause.
- » ICE has a history of detaining U.S. citizens under warrantless suspicion of civil immigration violations.
- » Local entanglement with ICE erodes public confidence in local authorities and harms public safety.

BUT WHAT ABOUT...

The Rule of Law

- » Immigration enforcement is a function of the federal government, not local police.

Public Safety

- » Undocumented immigration is not a criminal offense and numerous studies show it does not increase crime.

54% of Floridians oppose a state law requiring local police hold people in jail whenever requested by federal immigration authorities.



INCREASE TRANSPARENCY AND ACCOUNTABILITY

Being transparent with the public is an essential part of law enforcement. State law requires cities and counties to participate in federal immigration detention efforts, but they should do this transparently, not secretly. Unfortunately, immigration data notoriously lacks transparency and thus oversight, particularly at the local level.

BEST PRACTICES

- » Require preapproval or notification of expected local impacts before local agencies enter an agreement with a federal immigration agency to detain people on behalf of federal immigration authorities or otherwise engage in immigration enforcement activities.
- » Publish data on the scope, and cost, of any involvement in immigration enforcement, including the number and outcome of federal detainer requests.
- » Collect and use data to understand the impact state and federal laws have on local resources and communities to better mitigate any harms that arise.
- » Establish an Immigration Community Advisory Board to ensure immigrant communities are well-represented and provide robust civic engagement.

BUT WHAT ABOUT...

Cost

- » Immigration enforcement is a function of the federal government, not local police.

Police Autonomy

Undocumented immigration is not a criminal offense and numerous studies show it does not increase crime.

WHY?

- » ICE reporting has been inconsistent and incomplete, especially at the local level.
- » Most county sheriffs in Florida have entered agreements with ICE to deputize local law enforcement officers to act as federal immigration enforcement agents. Few held public hearings to discuss whether to enter these agreements
- » Few engaged their local county or city commissions at all.
- » Immigration Community Advisory Boards can be instrumental in collecting data and stories of the impact of federal immigration enforcement operations in their community. They may also assess and make recommendations on anti-discrimination policies, language access, newcomer integration, public safety, community services, and facilitate outreach to immigrant populations. The goal is for immigrants to be represented and participate in civic affairs, as well as to educate the locality on how immigration policies impact their community.

61% of Florida voters support a policy requiring law enforcement agencies to notify local elected officials of the expected local impacts and expenses before they contract with federal authorities to participate in immigration detention and deportation efforts.

PROHIBIT DISCRIMINATION

Too often, local police wrongfully detain U.S. citizens and legal permanent residents without probable cause, simply based on how they look or speak. We need to protect the civil liberties of Floridians and make sure our friends and neighbors are not unfairly targeted or discriminated against.

BEST PRACTICES

There should be uniform policy for government employees in performing their duties and responsibilities and when interacting with immigrant communities and other vulnerable populations. Local governments should adopt ordinances that:

- » Prohibit government employees from discriminating based on confirmed, perceived, or suspected race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, marital status, age, disability, status as a veteran, or ability to speak English.
- » Prohibit local government employees from asking about immigration status.
- » Prohibit consideration of these factors when deciding to initiate a stop, or in deciding whether to question, search, arrest, detain or take any other law enforcement action against any individual, except when a specific suspect description is received during an investigation into a specific crime.
- » Prohibit detention of any person solely based on the person's citizenship or immigration status, absent any request from a federal immigration agency.

86% of Florida voters support prohibiting government employees, including police, from discriminating against people based on their perceived race, color, national origin, immigration status, or ability to speak English.

WHY?

- » It is critical that every person in our state, regardless of their immigration status, be able to live, work and travel without fear of violence, harassment and discrimination.
- » Local entanglement with immigration enforcement has been rife with discriminatory abuse, like profiling, immigration violations.



PROTECT PUBLIC SAFETY

If immigrants either witness a crime, or are victims of a crime, but feel too afraid to report it to local law enforcement because they are worried, they'll be deported, everyone loses. If we want our communities to be safer, then we have to make sure everyone can safely report criminal activity to the police.

BEST PRACTICES

- » Formalize a procedure to issue the necessary form, Forms I-918, Supplement B (“U Visa Certifications”), for witnesses and victims of crimes who are helping in the investigation or prosecution of the crime.
- » Institute regular training of police officers and assistant state attorneys in the U-Visa procedures.

“ It's extremely important for our community to feel comfortable coming to the police.”

| Then-OPD Police Chief John Mina

WHY?

- » Local entanglement with federal immigration enforcement erodes public confidence and trust in local police, making victims afraid to report crimes. To address this, the U.S. Congress created the U nonimmigrant visa (U Visa) in 2000 when it passed the *Victims of Trafficking and Violence Protection Act*.
- » If awarded, U visa benefits may include the following, life-changing benefits for immigrants: lawful status for up to four years; work authorization; derivative benefits for qualifying family members; and eligibility to adjust status to a lawful permanent resident after three years.



61% of Florida voters support a policy that if an immigrant has been the victim of a crime, is helping with the police investigation, and requests a U.S. visa, police will sign a necessary form for their visa application request.

PROTECT CIVIL LIBERTIES

Less than half of the people facing deportation cases in Florida have legal representation. Because undocumented immigration is not a crime, immigrants, even children, do not have a right to an attorney. Local governments can partner with legal aid foundations and law firms to ensure immigrants have the legal advice necessary to navigate our incredibly complex immigration system.

BEST PRACTICES

- » Establish an Immigrant Legal Aid Program to provide legal counsel to local community members navigating the immigration system.
- » Establish an Immigrant Legal Aid Fund to help fund legal aid services for local immigrants.

WHY?

- » According to the Vera Institute of Justice, a staggering 77 percent of immigration court cases in 2019 had no legal representation.
- » Studies have shown that immigrants with legal representation are up to 10 times more likely to establish their right to remain in the United States than those without representation.

BUT WHAT ABOUT...

Cost

- » Public-private partnerships can offset the cost. The local economic impact of immigrants being ensnared in the system outweighs this cost.

TRAILBLAZERS

Broward County and West Palm Beach provide funding for local legal aid societies to provide legal counsel to people subject to immigration detainers or those in detention.

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APPENDIX

Appendix A: Number of Detainers and 279g Status by County

Number of Detainers and 279g Status by County			
County	Number of Detainers (2019)	Type of Local ICE Agreement	
		Warrant Service Officer	Jail Enforcement Model
All	10012		
Alachua County	63		
Baker County	6	✓	
Bay County	196	✓	
Bradford County	16	✓	
Brevard County	123	✓	
Broward County	525	✓	
Calhoun County	13	✓	
Charlotte County	77	✓	
Citrus County	8		
Clay County	47		✓
Collier County	788		✓
Columbia County	31	✓	
Dade County	0		
DeSoto County	58	✓	
Dixie County	5		
Duval County	322		✓
Escambia County	114		
Flagler County	11	✓	
Franklin County	12	✓	
Gadsden County	15		
Gilchrist County	8		
Glades County	7		
Gulf County	4		

Hamilton County	18	✓	
Hardee County	33		
Hendry County	54	✓	
Hernando County	28	✓	✓
Highlands County	40	✓	
Hillsborough County	674		
Holmes County	15	✓	
Indian River County	57	✓	
Jackson County	39		
Jefferson County	5	✓	
Lafayette County	7	✓	
Lake County	46	✓	
Lee County	350		
Leon County	292	✓	
Levy County	24	✓	
Liberty County	19	✓	
Madison County	7	✓	
Manatee County	169	✓	
Marion County	112	✓	
Martin County	224	✓	
Miami-Dade County	1893		
Monroe County	76	✓	
Nassau County	26	✓	
Okaloosa County	186		
Okeechobee County	31	✓	
Orange County	663		
Osceola County	197	✓	

Palm Beach County	764		
Pasco County	112		✓
Pinellas County	239	✓	
Polk County	249	✓	
Putnam County	11	✓	
Santa Rosa County	67	✓	
Sarasota County	154	✓	
Seminole County	228	✓	
St. Johns County	107	✓	
St. Lucie County	50		
Sumter County	87	✓	
Suwannee County	18	✓	
Taylor County	14	✓	
Union County	12		
Volusia County	58		
Wakulla County	35	✓	
Walton County	59	✓	
Washington County	14		
Source: TRAC Immigration https://trac.syr.edu/phptools/immigration/detain/ICE.gov.MOAs			

Appendix B: Benefits of Immigration

Benefits of Immigration in FL: Fact Sheet for Counties with Available Tax Data				
County Name	Foreign Born	Federal Taxes (in M\$)	State & Local Taxes (in M\$)	Number of Entrepreneurs
Alachua	10.54%	\$ 190.2	\$ 55.6	706
Bay	6.2%	\$ 48.5	\$ 17.7	430
Brevard	8.5%	\$ 256.4	\$ 95.9	1603
Broward	34.1%	\$ 3,442.3	\$ 1,255.3	34600
Charlotte	10.92%	\$ 75.1	\$ 31.4	447
Citrus	5.41%	\$ 38.7	\$ 14.8	122
Clay	6.89%	\$ 87.2	\$ 31.5	672
Collier	25.39%	\$ 425.9	\$ 151.8	4136
Columbia	3.88%	\$ 11.6	\$ 3.9	N/A
DeSoto	15.3%	\$ 11.0	\$ 6.1	N/A
Duval	11.05%	\$ 583.8	\$ 198.4	3583
Escambia	5.09%	\$ 67.2	\$ 25.0	688
Flagler	12.2%	\$ 61.8	\$ 22.4	585
Hardee	10.10%	\$ 8.7	\$ 4.9	N/A
Hendry	27.65%	\$ 19.8	\$ 9.0	244
Hernando	6.81%	\$ 58.2	\$ 22.9	420
Highlands	11%	\$ 33.1	\$ 17.9	317
Hillsborough	17.55%	\$ 1,168.4	\$ 439.2	10523
Indian River	9.9%	\$ 60.2	\$ 25.2	562
Lake	9.51%	\$ 134.8	\$ 53.4	557
Lee	16.73%	\$ 534.4	\$ 198.7	4483
Leon	6.84%	\$ 135.2	\$ 41.6	595
Manatee	12.57%	\$ 251.7	\$ 88.9	1632
Marion	7.57%	\$ 114.4	\$ 46.4	1199
Martin	10%	\$ 112.1	\$ 30.6	509
Miami-Dade	53.72%	\$ 6,468.9	\$ 2,461.6	78894
Monroe	19.09%	\$ 85.5	\$ 32.8	831
Nassau	4.29%	\$ 25.5	\$ 7.2	N/A
Okaloosa	6.83%	\$ 79.5	\$ 26.5	532

Okeechobee	12.02%	\$	20.3	\$	9.2	N/A
Orange	21.63%	\$	1,351.0	\$	511.9	11513
Osceola	20.95%	\$	223.2	\$	103.7	2675
Palm Beach	25.38%	\$	1,920.8	\$	669.4	18902
Pasco	10%	\$	274.6	\$	101.7	2037
Pinellas	12.12%	\$	646.4	\$	226.7	4464
Polk	10.03%	\$	249.7	\$	108.0	2154
Putnam	3.9%	\$	21.6	\$	6.6	N/A
St. Johns	7.24%	\$	189.2	\$	47.0	761
St. Lucie	16.75%	\$	194.8	\$	93.2	2063
Santa Rosa	4.93%	\$	45.7	\$	14.6	313
Sarasota	12.37%	\$	351.8	\$	110.6	2467
Seminole	14.09%	\$	406.2	\$	126.9	2899
Sumter	5.33%	\$	45.4	\$	14.8	N/A
Volusia	7.49%	\$	186.3	\$	74.2	1589
Walton	6.05%	\$	15.8	\$	5.8	N/A
Source	ACS 2019 5-Year Estimates	New American Economy: ACS 2018 5 Year Estimates	New American Economy: ACS 2018 5 Year Estimates	ACS 2019 5-Year Estimates		

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