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Immigration Enforcement Bill Draws Big Crowd

Balser: Bill Makes Mass. Welcoming Place for Immigrants

Chris Van Buskirk | 1/24/20 4:53 PM



More than 20 lawmakers, led by Rep. Liz Miranda, Rep. Ruth Balser, and Sen. Jamie Eldridge (at microphone), crowded around a hearing table to voice support for limits on immigration enforcement cooperation between local and federal officials. [Photo: Sam Doran/SHNS]

STATE HOUSE, BOSTON, JAN. 24, 2020....Brian Rosa, a 13-year-old living in Allston with his parents and younger sister, said he lives in fear of losing his family. Sony Fernandez, an

immigrant from Brazil living in Fall River, said she has witnessed the disruption deportation causes among immigrant communities in the state.

"I wake up in the morning thinking, what will it be if my parents aren't here?" Rosa told the Committee on Public Safety and Homeland Security at a packed hearing on Friday. "I go to school and come back thinking what will happen if my parents are not home?"

Rosa and Fernandez joined many supporters of a bill (H 3573/S 1401) that would limit the ways local police and federal immigration officials interact over immigration-related matters. The committee heard hours of testimony on the bill, which would also prevent local law enforcement from inquiring about immigration status.

"America was founded by immigrants seeking freedom and protection," Fernandez said. "This legislation is addressing an ongoing problem in all these communities."

The hearing came just ahead of a Feb. 5 deadline for most joint committees to make recommendations on most bills filed for consideration during the two-year session that began in January 2019.

Rep. Ruth Balser, a co-sponsor of the bill, said while the state legislature cannot fix national immigration policy, there are steps the state can take to make Massachusetts a "safe and welcoming place" for immigrants.

"The Safe Communities Act could make a statement that Massachusetts is a safe and welcoming place for immigrants and refugees," she said during a press conference prior to the hearing. "My decision to be the lead House sponsor of this bill is informed in large measure by my being a Jewish American who has the historical memory of the doors of this country being closed."

SHNS Audio: Public Safety Hearing - Jan. 24, 2020

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U.S. Rep. Ayanna Pressley and Boston Mayor Martin Walsh also threw their support behind the bill in separate written statements released Friday.

"The fear and anxiety of our undocumented neighbors is palpable in our communities. And it is our job as elected officials to represent our constituents and their interests," Pressley wrote.

The Massachusetts Republican Party wrote on Thursday that the bill would "protect those who have already broken the law by crossing our borders illegally." Bristol County Sheriff Tom Hodgson, an opponent of the bill, said communication and collaboration between local, state, and federal law enforcement needs to improve, a lesson he said he learned while working in New York City after the attacks on the World Trade Center.

"When you begin to break apart our ability to communicate with our partners, we suddenly are not able to get the information that we otherwise could have to keep somebody from either being released out of jail or from having somebody in the community not be arrested that then is going to go out and victimize more people," he told the News Service.



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The Senate adopted an Eldridge budget amendment last session on a 25-19 vote that shared many similarities with the current legislation. The measure did not survive by House and Senate budget talks.

The issue became a flashpoint in then Ways and Means Chairman Jeffrey Sanchez's unsuccessful reelection campaign. Sanchez was the co-author of the legislation, along with Eldridge, and headed up the House's budget negotiations. His opponent, Rep. Nika Elugardo, repeatedly criticized him for failing to push through the state immigration protection law.



During a tense exchange, Spencer Rep. Peter Durant pushed bill sponsors on what criminal activity would allow for deportation. [Photo: Sam Doran/SHNS]

This session's legislation states that the Department of Correction, state police, sheriff departments, and city or town police departments cannot perform the functions of an immigration officer. U.S. Department of Homeland Security, state, and local enforcement agencies can only conduct interviews, including informal questioning, for immigration purposes only if the individual provides "informed consent" in writing.

Officers or employees of law enforcement agencies also would be unable to notify DHS if someone is about to be released from state or local custody except if their sentence is ending, under the bill. The bill does not, however, prevent state or local agencies from sending or receiving information regarding immigration status from local, state, or federal entities.

In one tense exchange following testimony from Rep. Liz Miranda, Balser, and Eldridge, Rep. Peter Durant began questioning a story Eldridge had told where the Acton senator visited constituents whose father was deported following a traffic stop. The individual had overstayed his travel visa.

"In my opinion just being caught for speeding should not be grounds for deportation," Eldridge said to Durant.

SHNS Audio: Public Safety Hearing - Panel of Bill Sponsors

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Durant pointedly asked Eldridge whether or not he and the other co-sponsors of the legislation were in favor of open borders.

Balser, defending the bill, said the question wasn't relevant to the bill. Durant continued pressing the sponsors on what activity would allow for deportation.

"Nothing in this bill limits police from responding to criminal activity," Balser said. "Nothing in this bill prevents federal and state and local officials from communicating with each other about criminal activity. That's not what this bill does."

Durant followed up by trying to determine what a deportable offense would look like.

"What constitutes a criminal activity and what would constitute something that allows for deportation?" Durant said. "Wouldn't we suggest that this particular gentleman had at least committed some crime?"

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