

# **City of Mt. Rainer - Celina Benitez\_FAV\_SB903**

Uploaded by: Benitez, Celina

Position: FAV

The Great City of Mount Rainier

Office of Councilmember Celina Benitez

February 26, 2020

Senator Will Smith, Chair  
Judicial Proceedings Committee  
Miller Senate Office Building  
Annapolis, Maryland 21401



**RE: Testimony in Support of Senate Bill 903 “Sensitive Locations Bill SB 903”** – Requires the Attorney’s General to create guidance on ICE entry to public schools, hospitals, and courthouses

Dear Chairman and Members of the Judicial Proceedings Committee:

My name is Celina Benitez, Councilmember for the Great City of Mount Rainier. A city that is enriched by its cultural diversity and A Hub for the Arts. A city that is empowered by its diversity and Proud to make all of our residents feel welcome and part of our community.

I’m writing in support to of Sensitive Location Bill SB903 which requires the Attorney’s General to create guidance on ICE entry to public schools, hospitals, and courthouses. In all honesty, public schools, hospitals, and courthouses should be consider off limits since is targeting our residents in the most vulnerable locations. Immigration agents should not be allowed in these locations. How can we as a municipality or state encourage our residents to be active members of society when a simple dropping off of your child at school could mean the last time they see their family. If a person or their child is sick and need to go to a hospital they should be able to, the alternative is having people sick risking their life by avoiding medical care. When it comes to the courts they want to be responsible member of society they should be allowed.

The image of ripping apart a family would be embedded on all the residents. As a war survivor, myself who as a child lived in fear of not seeing my parents I would tell you the fear is real and I would never wish on someone else to experienced lease alone my own child. Our immigrant community has deals with similar experiences ripping families apart would open wounds of the past and still to the next generation that same fear. Intimidating and fear is not the atmosphere I want my state to be known for.

Lastly, the national discussion on immigration has real implications at the local level that only exacerbates existing local challenges that will affect us even our ability to have an accurate count in the 2020 Census. As part of the census subcommittee we are knocking on doors and visiting schools to make sure every Marylander is counted. No matter where they were born they have chosen Maryland to raise their family, buy their home, open a business and hire others and volunteer in our community. Targeting our community at vulnerable places goes in direct contradiction to the atmosphere of inclusion we are building. In the last two census millions of dollars where not allocated to Maryland and we cannot afford to once again be denied our fair share of our funds to build programs in the short and long term. To build trust with our communities start here and has to start now.

I respectfully urge support for the **Sensitive Locations Bill SB 903**

Sincerely,

*Celina Benitez*

Celina Benitez, Councilmember City of Mount Rainier, Maryland

City of Mount Rainier 1 Municipal Place, Mount Rainier, MD 20712 | [CBenitez@MountRainierMD.org](mailto:CBenitez@MountRainierMD.org)

# **Jim Caldiero\_FAV\_SB 903**

Uploaded by: Caldiero, Jim

Position: FAV



# Unitarian Universalist Legislative Ministry of Maryland

*Shared Voices for Liberal Religious Values in Maryland*

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## **Testimony in Support of SB 903 - Immigration Enforcement - Public Schools, Hospitals, and Courthouses - Policies)**

**To: Senator William Smith, Jr., Chair, and Members of the Senate Judicial Proceedings Committee**

**From: Jim Caldiero, Co-Chair, Immigration Task Force, Unitarian Universalist Legislative Ministry of Maryland**

**Date: February 26, 2020**

Thank you for the opportunity to provide written testimony in support of SB 903 which requires the Attorney General to develop guidelines for schools, hospitals and courthouses to establish policies that limit civil immigration enforcement on their premises and thus making these facilities safe and accessible to all.

Last year, I submitted written testimony in support of SB 599, a bill similar to the current SB 903. That testimony is as valid today as it was last February.

In fact, the issue has become more pressing. Although U.S. Immigration and Customs Enforcement professes to abide by its stated policy of “sensitive locations,” there are numerous examples of ICE agents either deliberately or mistakenly ignoring the policy. Moreover, Mr. Trump has stated that there are no more safe spaces for undocumented immigrants.

Last year, I spoke with several parents of Hispanic/Latino students of Centennial High School in Ellicott City, Howard County. The school is noted as highly competitive, in an affluent neighborhood with only a small percentage of Latino students. These parents related to me that many Hispanic/Latino parents do not allow their children to take advantage of programs offered by the school, including free and reduced meals, because they fear that any involvement with the government could place them in jeopardy.

At a meeting at St. John’s Evangelical Roman Catholic Church in Columbia, a large Latino congregation, I heard stories about mothers afraid to take sick children to the hospital and, much worse, being turned away or reported to U.S. Immigration and Customs Enforcement (ICE). Imagine sending a sick child to school where germs spread, leading to even more children becoming ill? Think of the horrendous effect of a measles outbreak or worse, the current coronavirus from China.

Although ICE promulgated a “sensitive locations” policy in 2011, reports abound of ICE agents ignoring this policy, for example, apprehending undocumented students on their way to school. Mr. Trump’s inhumane statement that there are no safe spaces for undocumented immigrants and the resulting aggressive implementation of Mr. Trump’s immigration policies by U.S. government agencies continues to engender fear among our immigrant neighbors. Passage of SB 903 will help to alleviate some of that fear

My Unitarian Universalist faith calls me to respect the inherent worth and dignity of every person and to promote and affirm justice, equity and compassion in human relations. Removing the fear that is prevalent among some of our neighbors is not only demanded by my faith, but also makes sense. SB 903 will surely help to assuage the fear in our immigrant communities, allow students to take advantage of government-sponsored programs and ensure the public health and safety of all Marylanders.

I urge you to vote in favor of SB 903.

Thank you for your consideration.

Jim Caldiero  
Ellicott City, MD

Sources:

ICE Apprehensions: <https://sojo.net/articles/ice-raids-near-sensitive-locations-stoke-fear-immigrant-communities>

ICE Ignores Policy: <https://pjmedia.com/news-and-politics/2017/03/31/dems-move-to-ban-ice-from-arresting-illegal-immigrants-in-sensitive-locations/>

ICE Raids Hospitals: <https://psmag.com/social-justice/ice-keeps-raiding-hospitals-and-harming-disabled-children>

| President Trump's approach is making it harder to enforce every other type of law, incl...  
<https://thehill.com/blogs/pundits-blog/immigration/327837-public-safety-requires-courthouses-to-be-safe-spaces-for>

ICE Policy on Sensitive Locations: <https://www.ice.gov/ero/enforcement/sensitive-loc>

Reports of ICE Sensitive Locations Violations: <https://www.nolo.com/legal-encyclopedia/is-there-anywhere-i-m-safe-from-an-ice-arrest.html>

# Howard County Board of Education\_FAV\_SB0903

Uploaded by: Education, Board

Position: FAV



**Board of Education of Howard County  
Testimony Submitted to the Maryland Senate  
Judicial Proceedings Committee  
February 26, 2020**

**Board of Education  
of Howard County**

Mavis Ellis  
*Chair*

Vicky Cutroneo  
*Vice Chair*

Kirsten A. Coombs

Christina Delmont-Small

Jennifer Swickard Mallo

Sabina Taj

Chao Wu, Ph.D.

Allison J. Alston  
*Student Member*

Michael J. Martirano, Ed.D.  
*Superintendent  
Secretary/Treasurer*

**SB0903: SUPPORT**

**Immigration Enforcement - Public Schools, Hospitals, and Courthouses - Policies**

The Board of Education of Howard County (the Board) supports **SB0903 Immigration Enforcement - Public Schools, Hospitals, and Courthouses - Policies** in alignment with the Howard County Public School System's (HCPSS) commitment to maintaining a culture that recognizes the worth and dignity of each individual on their journey to academic achievement. While the Board's legislative platform compels the need to maintain local authority to set policies, we support the intent of this bill as guidance and affirmation of the importance of creating a safe learning environment for all students.

In 2017, the Board issued a Safe School Zones resolution that proclaimed "schools are sensitive locations where immigration enforcement action should not occur and urges in the strongest terms possible that the federal government honor that directive" and further resolved "that the Superintendent develop a new, comprehensive policy consistent with this Resolution that recognizes HCPSS schools as 'safe zones' that lawfully safeguard the privacy, safety, educational climate, and emotional health of our foreign born students." HCPSS Policy 1070 - Protections and Supports for Foreign-Born Students and Families was approved by the Board in October 2018 and became effective July 1, 2019.

This policy, similar to that authorized under SB0903, specifically states "unless federal, state, or local law mandates otherwise, immigration enforcement actions may not occur on any property owned or leased by the HCPSS." Maryland's recognition that foreign-born students may face unique circumstances impacting their safety and learning environment unless appropriate safeguards are taken will be reiterated through the enactment of this bill.

The Board believes that an environment of mutual respect and civil conduct between and among students, school system employees, parents, volunteers, and the general public is critical to the achievement of students and staff.

For these reasons, we urge a favorable report of SB0903 from this Committee.

**ACNM\_FAV\_SB 903**

Uploaded by: elliott, robyn

Position: FAV





**Committee:** Senate JPR/EHE

**Bill Number:** SB 903

**Title:** Immigration Enforcement – Public Schools, Hospitals, and Courthouses -  
Policies

**Date:** February 26, 2020

**Position:** Support

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The Maryland Affiliate of the American College of Nurse Midwives (ACNM) supports *Senate Bill 903 – Immigration Enforcement – Public Schools, Hospitals, and Courthouses – Policies*. This bill would require the Attorney General to establish guidelines for public schools, hospitals, and courthouses to limit immigration enforcement on the premises, in a manner allowed by state and federal and law.

No individual should be afraid to go to the hospital because of their immigration status or the status of a family member. This fear can prevent or delay individuals from obtaining care; and this clearly can have a negative effect on the health outcomes of an individual as well as whole communities. This legislation will ensure that there are policies in place that keep people safe when they are getting needed health care. We need to ensure that our communities view hospitals as places of care, rather than places of risk.

Thank you for your consideration of our testimony, and we urge a favorable vote. If we can provide any further information, please contact Robyn Elliott at [relliott@policypartners.net](mailto:relliott@policypartners.net) or (443) 926-3443.

# **Sean Johnson\_FAV\_SB903**

Uploaded by: johnson, sean

Position: FAV

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**Testimony in Support of Senate Bill 903  
Immigration Enforcement - Public Schools, Hospitals, and Courthouses - Policies**

**Senate Judicial Proceedings Committee  
February 26, 2020  
1:00 p.m.**

**Sean Johnson  
Government Relations**

The Maryland State Education Association supports Senate Bill 903 as a matter of social justice, school safety, and respect for all Maryland students and families. This safe harbor legislation will help to make sure that school buildings are places for learning and not for immigration enforcement actions.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our 896,837 students for careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

As it specifically relates to schools, this legislation is likely to lead local boards of education to codify what is already existing in regulations – a prohibition on Immigration and Custom Enforcement agents from coming on school property to enforce an immigration action. Importantly, the legislation does not alter the criminal justice system from running its normal course.

Schools deserve to be safe havens for students and their families. Passing Senate Bill 903 ensures that students can learn, no matter their immigration status, without fear and that educators will not be caught in the middle of an immigration enforcement action. This same peace of mind is needed for families as well, especially to support parental involvement that we know makes a huge difference in the academic outcomes for students. Additionally, we want to remove the fear of deportation in a school setting, and the stress and anxiety that it can cause, so students can instead focus on attending class, participating in lessons, and maximizing their academic performance.

This legislation will allow our schools to serve their mission of meeting the education and support needs of all students and families – every single one who walks through the school building doors seeking new knowledge and opportunities.

Protecting students and schools is a foremost priority for the educators in the state of Maryland.  
**MSEA urges a favorable report on Senate Bill 903.**

# **CASA - Michelle LaRue\_FAV\_SB903**

Uploaded by: LaRue, Michelle

Position: FAV



### **Testimony in SUPPORT of Senate Bill 903**

SB903: Immigration Enforcement - Public Schools, Hospitals and Courthouses - Policies  
Michelle LaRue, M.D., On Behalf of CASA de Maryland, Inc.  
Senate Judicial Proceedings Committee  
February 26, 2020

To Honorable Smith and Members of the Judicial Proceedings Committee:

On behalf of the CASA, I, Michelle LaRue, M.D., Senior Manager of Health and Human Services, am pleased to offer favorable testimony regarding Senate Bill 903 (Immigration Enforcement – Public Schools, Hospitals, and Courthouses - Policies).

CASA is the largest membership based immigrant advocacy and services organization in the region with approximately 100,000 members across the state. CASA provides a variety of services that range from public health outreach and education awareness campaigns, system navigation, and enrollment in health insurance and social services. Our interaction with thousands of community members through these programs gives our organization a unique framework of understanding how critical it is that immigrant families and all individuals have access to sensitive public spaces.

With the Trump administration adopting strong anti-immigrant philosophies and the federal government enforcing systemic attacks on immigrants across the country, we have seen an increase of fear in immigrant communities across Maryland. Our offices have seen firsthand, an active disenrollment of fully eligible community members in a variety of health and social services including unenrolling children from Medicaid, unenrolling children from free and reduced lunch programs, families going months or years without check-ups, management of chronic conditions, and routine screenings - all as a direct result of their fear of ICE being present in these spaces.

House Bill 403 would tackle the crucial issue that immigrants are facing everyday: choosing between their health and being separated from their family. By creating guidance on ICE entry to hospitals, and other sensitive locations like schools and hospitals, it protects families from not only putting their own health at risk, but also but the health of other Maryland residents at risk. Although ICE currently has policies against entering these spaces, it is not enforced. This passage of this bill would ensure that the state is doing its job in protecting all residents, as it ensures that families can enter, exit, and use the services at schools, hospitals, and courthouses across the state safely.

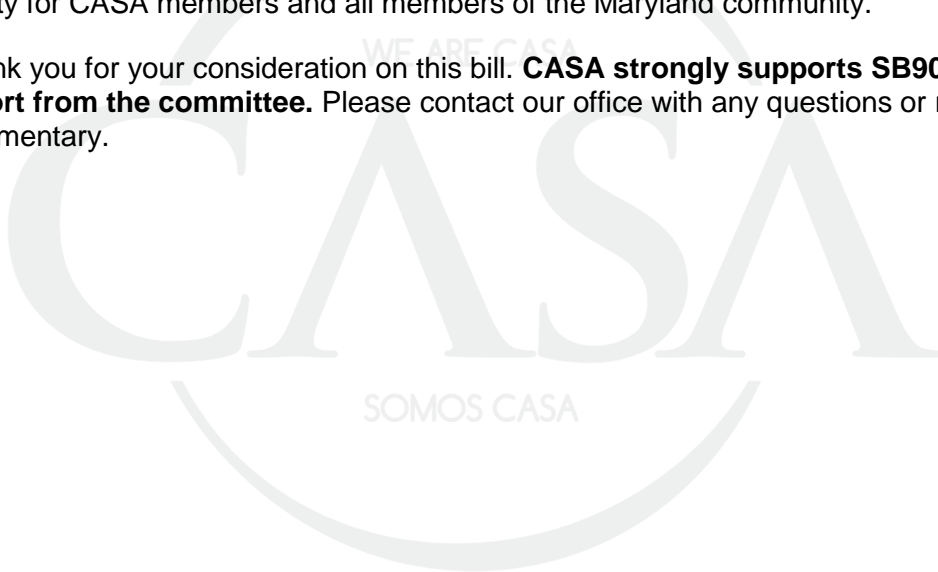
As a physician of over 15 years, I can attest to the fact that there is nothing paramount to our ability to save lives, as the trust that patients bestow on us as physicians and on our facilities to care for them and their loved ones compares to nothing. When a patient is rushed to the emergency room, doctors could care less about their ability to pay, whether they are insured or uninsured, if they are a victim or a perpetrator of an accident, or if they are an immigrant or not – all doctors care saving the precious life in front of us. When people are too afraid to come to the hospital, it means that a precious life is at risk.

Medical studies continue to show us that large percentages of immigrants are missing appointments, scheduling fewer visits, and missing irreplaceable time with their loved ones that are undergoing long-term treatment. Aside from the moral argument, that we have a responsibility to care for one another, it is also an enormous risk to the general community when people don't get their routine preventable interventions such as flu shots and vaccinations. Additionally, delays in treatment lead to economic consequences for the community, as it causes individuals to be absent for work for longer periods of time - and drastically increases the cost of care because conditions are more advanced.

Furthermore, we have seen cases across the country of heart-wrenching and inhumane ways that immigration agents have interfered with medical treatment including ICE detaining individuals who have attempted to help loved ones seek medical attention, immigration officers detaining individuals in ambulances in the midst of a medical emergency, and a young 10-year-old individual who woke up from a painful surgery in custody, instead of with family. Our fear is that similar scenarios will occur in Maryland without the passage of this important bill. Members of CASA fear the same.

I, like many doctors, chose this profession to heal people - regardless of their immigration status. Many hospitals across the country have taken a stand in implementing policies to protect all patients and it is our strong belief that the state must follow the recommendation of doctors from across the country in making it law to have these policies in place. This legislation will be a significant step in achieving safety for CASA members and all members of the Maryland community.

Thank you for your consideration on this bill. **CASA strongly supports SB903 and urges a favorable report from the committee.** Please contact our office with any questions or requests for further commentary.



**EAC\_FAV\_SB903**

Uploaded by: MARGOLIS, LESLIE

Position: FAV

# Education Advocacy Coalition for Students with Disabilities

**SENATE JUDICIAL AND EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEES**

**SENATE BILL 903**

**Immigration Enforcement—Public Schools, Hospitals, and Courthouses—Policies**

**February 26, 2020**

**POSITION: SUPPORT**

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of more than 25 organizations and individuals concerned with education policy for students with disabilities in Maryland, supports Senate Bill 903, which would require the Attorney General, in consultation with appropriate stakeholders, to develop guidelines to assist public schools, hospitals and courthouses to draft policies that would limit immigration enforcement activities on their premises to ensure that these facilities remain safe and accessible to all, regardless of immigration status.

In 1972, the United States Supreme Court ruled that all children, regardless of immigration status, have the right to public education. *Plyler v. Doe*, 457 U.S. 202. Similarly, the federal Individuals with Disabilities Act (IDEA), 20 U.S.C. §1400 *et. seq.* guarantees a free appropriate public education to all children with disabilities who need special education and related services in order to make educational progress. The IDEA stresses the importance of schools and parents working together to properly identify the needs of children with disabilities and to ensure that appropriate and effective instructional services and supports are provided by the school. The IDEA and Maryland law contain provisions about including parents at meetings, and these laws also require translation of documents and provision of interpreters at IEP meetings if necessary; ensuring that parents have the opportunity to be active participants in the IEP process is one of the cornerstones of both federal and state law.

However, schools are hampered in their effort to secure parental participation, and children suffer the consequences, if their parents do not come to school to participate in the special education process and work with school staff to help their children succeed because of their fear of arrest by Immigration and Customs Enforcement officials on school grounds.

School should be a refuge for all children; it should be the place where they come to grow and learn academically, developmentally and socially. This is especially true for children with disabilities, whose parents have the right to help shape the special education they receive and to participate as full members of the IEP team. Children and parents should not live in fear that the simple act of going to school every day might result in the trauma of arrest and separation simply because of how they arrived in the United States. For these reasons, the Education Advocacy Coalition supports Senate Bill 903. For more information or if questions, please contact Leslie Seid Margolis at [lesliem@disabilityrightsmd.org](mailto:lesliem@disabilityrightsmd.org) or 410-727-6352, ext. 2505.

Respectfully submitted,

Selene A. Almazan  
Selene Almazan Law, LLC



Linda Barton, M.Ed.  
Education Advocate

Elizabeth Benevides  
Howard County Autism Society

Ellen A. Callegary  
Law Offices of Ellen A. Callegary, P.A.

Michelle Davis  
ABCs for Life Success

Jennifer Engel Fisher  
Weinfeld Education Group

Ann Geddes  
Maryland Coalition of Families

Marjorie Guldan  
Parent Advocacy Consortium

Morgan Horvath  
Abilities Network

Nicole Joseph  
Law Offices of Nicole Joseph

Rosemary Kitzinger  
Bright Futures, LLC

Leslie Seid Margolis  
Disability Rights Maryland

Ronnetta Stanley  
Loud Voices Together

Wayne Steedman  
Steedman Law Group, LLC

Maureen van Stone  
Project HEAL at Kennedy Krieger Institute

**DTMG\_FAV\_SB903**

Uploaded by: Noveau, Barbara

Position: FAV



**DATE:** February 26, 2020

**BILL NO:** SB903

**BILL TITLE:** Immigration Enforcement--Public Schools, Hospitals, and Courthouses--Policies

**COMMITTEE:** Judicial Proceedings

**POSITION:** *SUPPORT*

**BILL CONTACT:** Senator William C. Smith, Jr.

**To:** The Honorable Senator William C. Smith, Jr., Chair, Judicial Proceedings Committee, and Committee Members,

I am submitting this testimony on behalf of DoTheMostGood—Montgomery County, a progressive organization with more than 1600 members who live in all areas of Montgomery County. One of the primary areas of focus for our organization is to increase public health and safety for all Maryland residents.

SB903, in brief, would bar Federal immigration authorities from accessing public schools, hospitals, and courthouses. Specifically, Maryland’s attorney general, in consultation with stakeholders, shall develop guidelines to assist public schools, hospitals, and courthouses draft policies that limit civil immigration enforcement activities on their premises. This is to ensure that these facilities remain safe and accessible to all, regardless of their immigration status. After issuance of the guidelines, public schools, hospitals, and courthouses would be authorized to establish and publish policies that limit immigration enforcement on their premises to the full extent possible consistent with Federal and State law based on the guidelines developed by the Attorney General.

DoTheMostGood strongly supports the enactment of SB903 as its scope is carefully limited to facilities that all residents of Maryland must be able to access without concern about being subject to immigration enforcement. Children have a legal right to attend public schools and they should be able to attend them without fear of the presence of immigration authorities. Educating residents to further their own personal development and the future economy of the state and the country must remain a top priority of the legislature. Concomitantly, parents, guardians, and caretakers must be able to transport students to school without concern of being taken away from the children they are responsible for.

Additionally, when individuals or family members are sick and need medical treatment at a hospital, they must not be fearful that going to the hospital could result in deportation. If that is a concern, some individuals may stay at home and not receive essential treatment.

Similarly, all residents should not have concerns about deportation when at a courtroom on matters that do not pertain to their immigration status. Justice requires that all residents be able to make necessary court appearances or enter a judicial facility to file legal documents.

Therefore, enactment of SB903 is an essential step for preserving traditional American values that we all cherish.

In closing, DoTheMostGood recommends a **Favorable** report on SB903.

Respectfully submitted,

Barbara Noveau  
Executive Director, DoTheMostGood  
[barbara@dtmg.org](mailto:barbara@dtmg.org)  
240-338-3048

# **MD Center on Economic Policy\_FAV\_SB903**

Uploaded by: Orr, Benjamin

Position: FAV

# Keep Schools, Hospitals, and Courts Safe for Maryland's Immigrant Population

## Position Statement in Support of Senate Bill 603

*Given before the Senate Judicial Proceedings Committee*

For years, Maryland has recognized the benefits of welcoming immigrants into its communities. It is beneficial to all Marylanders when immigrants are able to enroll their children in school, seek necessary medical treatment, and participate in our justice system without fear of unjust discrimination, detention, or separation from their families, regardless of their legal status. Limiting the access of immigration enforcement officials to schools, hospitals, and courts helps these critical institutions function the way that they are supposed to. For these reasons, the Maryland Center on Economic Policy supports Senate Bill 603.

Adopting policies that afford all residents, regardless of their immigration status, the opportunity to thrive helps Maryland foster community well-being and strengthen its economy. Maryland is home to about 250,000 residents who are undocumented,<sup>i</sup> and these individuals make significant contributions to our communities and economy. More than half of Maryland's undocumented residents have lived in the U.S. for more than 10 years and about one in seven have lived here for 20 years or more.<sup>ii</sup> Immigrants make up nearly 20 percent of Maryland's workforce, and immigrant-led households pay \$3 billion a year in state and local taxes.<sup>iii</sup> It is critical that Maryland remain a welcoming place for immigrants to build their lives.

No parent should have to fear being separated from their family when they are taking a child to school, attending a parent-teacher meeting, or participating in the PTA. Schools with a high level of parental involvement tend to have more satisfied teachers, higher-quality programs, and better reputations in their communities,<sup>iv</sup> so removing barriers that prevent some parents from fully participating in their child's education is beneficial to all students.

Fear of immigration enforcement in courts can prevent immigrants from participating in our criminal justice system. An immigrant who is the victim of a crime or witnesses one is less likely to come forward if they don't trust law enforcement or the court system. As some jurisdictions in Maryland struggle with high crime rates, it benefits all Marylanders to ensure that immigrants don't fear discrimination or detention when they report a crime or are summoned to court.

**For these reasons, the Maryland Center on Economic Policy respectfully requests that the Judicial Proceedings Committee make a favorable report on Senate Bill 603.**

## **Equity Analysis: Senate Bill 603 reduces racial disparities by making Maryland institutions more accessible**

Policies in the past have led to a system of unequal opportunities for marginalized groups within Maryland. Although the most obvious racially discriminatory policies have long been overturned or mitigated, the impact of these policies continue to persist in both society and public policy, and have led to significant racial disparities in educational attainment, access to health care, and criminal justice outcomes.

Allowing the fear of immigration enforcement officials to prevent immigrants and their families from accessing schools, hospitals, and courts only exacerbates these disparities. Senate Bill 603 will help to alleviate that fear and improve access to services that help Marylanders thrive.

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<sup>i</sup> Pew Research Center. “Mexicans decline to less than half the U.S. unauthorized immigrant population for the first time.” June 12, 2019. <https://www.pewresearch.org/fact-tank/2019/06/12/us-unauthorized-immigrant-population-2017/>

<sup>ii</sup> Center for Migration Studies. “State-Level Unauthorized Population and Eligible-to-Naturalize Estimates.” <http://data.cmsny.org/state.html>

<sup>iii</sup> American Immigration Council. “Immigrants in Maryland.” 2017. [https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants\\_in\\_maryland.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_maryland.pdf)

<sup>iv</sup> Education.com. “The Benefits of Parent Involvement: What Research Has to Say.” 2017. <https://tx50000103.schoolwires.net/cms/lib/TX50000103/Centricity/Domain/21/Parent%20Liaison/benefits-parent-involvement-research.pdf>

# **SB0903\_MD\_NARAL\_FAV**

Uploaded by: Philip, Diana

Position: FAV





**SB0903 - Immigration Enforcement - County Boards of Education, Public Institutions of Higher Education, and Hospitals - Policies**  
**Presented to Hon. Will Smith and Members of the Senate Judicial Proceedings Committee**  
**February 26, 2020 12:00 p.m.**

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POSITION: SUPPORT

NARAL Pro-Choice Maryland **urges the Senate Judicial Proceedings Committee a favorable report on SB0903** Immigration Enforcement - County Boards of Education, Public Institutions of Higher Education, and Hospitals - Policies, sponsored by Senator Will Smith.

Our organization is an advocate for reproductive health, rights, and justice. We work to ensure every childbearing individual has the freedom to decide if, when, and how many children to have. The safety of one's community is a factor in this type of decision-making. Reproductive justice cannot be obtained if a child cannot be raised in safety and with dignity, and instances in which parents are unjustly forced apart from their children. Immigration policies are often used to express society's prejudices about which bodies are valued and which ones are not. In the spirit of reproductive justice, we support SB0903.

This legislation seeks to clarify the parameters of state and local participation in federal civil immigration enforcement efforts on certain premises through the guidance of the state attorney general. We are particularly supportive of SB0903 calling for state and local governments to create and institute policies at hospitals to ensure accessibility to the public good regardless of immigration status. Without clear assurances, child-bearing individuals may delay or simply not seek urgent pregnancy-related medical services at hospitals for fear of being turned into the authorities. Women will not receive timely prenatal testing, miscarriage management, and hospital deliveries – that could lead to maternal or infant mortality, as well as infertility. Without assurances, undocumented families will fear that giving birth in hospitals means risking mothers and infants being deported, leaving behind other children that would be motherless.

Reproductive justice calls for the right to experience healthy pregnancies and to parent with dignity. The absence of safety affects the health of both men and women and can structure important life decisions around fertility, birth, and parenthood. **Therefore, NARAL Pro-Choice Maryland urges a favorable report on SB903.** Thank you for your time and consideration.

# **Prince Georges County Council\_FAV\_SB903**

Uploaded by: Prince George's County Council, Prince George's County Council

Position: FAV



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3700  
County Council

## POSITION STATEMENT

**SB 903**  
Senator Smith  
Judicial Proceedings  
Committee

Immigration Enforcement - Public Schools, Hospitals,  
and Courthouses - Policies

### POSITION:

### SUPPORT

**SB 903** – Immigration Enforcement - Public Schools, Hospitals, and Courthouses - Policies – FOR the purpose of requiring the Attorney General, in consultation with certain stakeholders, to develop guidelines to assist public schools, hospitals, and courthouses to draft policies that limit civil immigration enforcement activities on their premises in order to ensure these facilities remain safe and accessible to all; and authorizing public schools, hospitals, and courthouses to establish and publish policies that limit immigration enforcement on their premises to the fullest extent possible.

This bill authorizes public schools, hospitals, and courthouses to establish and publish policies that limit immigration enforcement on their respective premises to the fullest extent possible consistent with federal and State law based on guidelines developed by the Attorney General.

U.S. Immigration and Customs Enforcement (ICE) currently has in place a “sensitive location” policy, which states that immigration enforcement actions at sensitive locations should generally be avoided and require either prior supervisory approval or exigent circumstances. Locations covered by the policy include public schools, colleges, and universities in addition to places of worship, public demonstrations, and religious or civil ceremonies or observances.

In 2012, the U.S. Department of Homeland Security (DHS) issued the Deferred Action for Childhood Arrivals (DACA) policy (pursuant to an executive order) to allow young unauthorized immigrants who are low enforcement priorities to remain in the country. DACA does not grant an individual legal immigration status or provide a pathway to citizenship, but it does provide individuals with a temporary lawful status.

In 2017, DHS rescinded the DACA program and several lawsuits were filed against the administration for terminating the program. In 2018, however, ICE announced it would accept DACA renewal applications. In November 2019, the U.S. Supreme Court heard arguments in *McAleenan v. Vidal*, which consolidated three of the DACA lawsuits into one case. That decision is expected by June 2020. It is assumed that the Attorney General will develop guidelines that ensure compliance with federal law and that the specified parties fully comply with those guidelines.

The Prince George's County Council has long supported our undocumented population and their access to all of our public spaces without fear of immigration enforcement. This bill will give clear direction to

**County Administration Building – Upper Marlboro, Maryland 20772**

**Page 2**

these public facilities as to their responsibilities under federal law as well as allow them to protect any undocumented person from unnecessary immigration enforcement. The Council firmly believes that the policies being proffered by the President with respect to our immigration laws are flawed. The Council also believes that allowing these institutions to publish their policies concerning immigration enforcement on their premises will foster better trust and cooperation with our undocumented population. This bill simply codifies the Council's position in state law.

For the foregoing reasons, the Prince George's County Council **SUPPORTS SB 903** and respectfully requests your favorable consideration of this legislation.

---

Prepared by: Carrington & Associates, LLC  
On behalf of the Prince George's County Council

**A2J\_FAV\_SB903**

Uploaded by: Shah, Reena

Position: FAV

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**Reena K. Shah**  
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**Senate Bill 903**  
**Immigration Enforcement - Public Schools, Hospitals, and Courthouses - Policies**  
**Senate Judicial Proceedings Committee**  
**SUPPORT**

The Maryland Access to Justice Commission (A2JC) is an independent entity that unites leaders to drive reforms and innovations to make the civil justice system more accessible, user-friendly and fair for all Marylanders. A2JC is comprised of prominent leaders from different segments of the legal community in Maryland – including the deans of the two law schools, the attorney general, law firm partners, heads of the legal services providers and funders, corporate counsel, academics, legislators, the state bar and judiciary. A2JC is a proud partner of the Maryland State Bar Association (MSBA).

A2JC supports SB903 and requests a favorable report. The bill simply requires the Maryland Office of the Attorney General to promulgate guidelines consistent with federal and state law that schools, hospitals and courthouses could use to develop their own policies to limit ICE enforcement on their premises. A2JC has studied the issue of ICE enforcement in state courts and supports curtailing ICE presence and arrests in and around courthouses. A survey<sup>1</sup> A2JC conducted in 2018 to study the scale and scope of ICE arrests in state courts found that the enforcement in courts was:

1. impeding the ability of all Marylanders to access equal justice under law;
2. undermining the ability of the courts to administer justice fairly and efficiently; and
3. impacting public trust in the justice system and the rule of law.

**A2JC's survey found that ICE flouts its own policy<sup>2</sup> to "generally avoid enforcement actions in courthouses" and have enforcement take place in "non-public areas"**

Incidents of ICE court arrests were reported across the state, with 10 jurisdictions reporting the most activity. Survey respondents reported a total of 72 witnessed arrests between January 2017 and October 2018. This may be an undercount as organizations that routinely work with detainees and track how individuals end up in detention provided a count in the range of 110-154 arrests for the time period. ICE court arrests were

<sup>1</sup> A2JC's survey yielded responses from 106 individuals from 60 organizations representing every jurisdiction in the state. The organizations were comprised of legal and social services providers, private attorneys, community, faith-based and health organizations and other entities that serve immigrant communities in Maryland.

<sup>2</sup> See, [January 2018 ICE Directive entitled "Civil Immigration Enforcement Actions Inside State Court"](#)

reported to have happened in courtrooms, courthouse halls, and courthouse parking lots - always in public view and usually by ICE agents in plain clothes. Court security personnel and judges were informed and aware of ICE's presence in courts. Sheriff's offices were also informed. Sometimes, they were aware of the individuals who would be targeted for arrest.

### **ICE Arrests in state courts are causing substantial impact on our justice system**

The survey also demonstrated the ICE court arrests caused substantial collateral impact to Marylanders and the justice system as a whole. **Fear of going to court and interacting with the justice system was pervasive, highlighted by the finding that people were more fearful of going to court than interacting with law enforcement.**

The survey found that the ICE court arrests caused many Marylanders to forego their shot at justice, choosing not to pursue or defend potentially meritorious cases. About 50% of the respondents reported that they encountered at least one individual who refused to file an action or defend a case because of ICE court arrests. Marylanders chose not to apply for public benefits, pursue housing actions, and file wage theft claims. However, in the largest area where individuals were reticent to pursue claims was domestic violence, respondents reported 472 instances where individuals did not file or were afraid to file a domestic violence or sexual assault case. Additionally, respondents reported 411 instances where individuals did not file or were afraid to file a family law case, and 338 instances in which they did not file or were afraid to file an immigration case.

The survey further showed how ICE court arrests impacted the administration of justice. People were afraid to serve as witnesses in cases, opposing attorneys were using the threat of an ICE arrest to sway case outcomes, and bench warrants were issued for individuals in ICE custody. A quarter of the respondents reported encountering at least one person who refused to serve or was afraid to serve as a witness in a case. This cohort reported approximately 110 cases where witnesses refused to testify because of the fear of an ICE court arrest. Thirty-eight percent of respondents encountered at least one individual who had been threatened by or was afraid of an opposing party or attorney calling ICE on them. Twenty-six percent of respondents reported encountering at least one client being arrested by ICE immediately upon release from State custody, causing the client to miss his upcoming criminal hearing and have an outstanding bench warrant.

### **ICE arrests in state courts are deleterious to the rule of law and access to justice**

ICE arrests in courts are having a chilling effect and are freezing out many Marylanders from their opportunity to access justice. They are impeding the administration of justice and negatively affecting the public's perception of courts as a destination for justice. Our courts are one of the core foundations of our democracy and when people opt out because of fear of ICE, it hurts the rule of law and the promise of justice for all Marylanders.

For the reasons stated, the Maryland Access to Justice Commission requests the Senate Judicial Proceedings Committee to issue a FAVORABLE report on SB903. For more information, please contact Reena K. Shah, ED of the Maryland Access to Justice Commission, at [reena@msba.org](mailto:reena@msba.org).

*The Maryland Access to Justice Commission is an independent entity and does not endorse or oppose any political party or candidate for elected office.*

# **ACLU Maryland - Joseph Spielberg\_FAV\_SB903**

Uploaded by: Spielberg, Joseph

Position: FAV





**Testimony for the Senate Judicial Proceedings Committee  
February 26, 2020**

**SB 903 – Immigration Enforcement – Public Schools, Hospitals, and  
Courthouses – Policies**

**FAVORABLE WITH AMENDMENT**

JOSEPH SPIELBERGER  
PUBLIC POLICY COUNSEL

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FOUNDATION OF  
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OFFICERS AND DIRECTORS  
JOHN HENDERSON  
PRESIDENT

The ACLU of Maryland supports with amendment SB 903, which would require the Attorney General to develop guidelines that would assist public schools, hospitals, and courthouses in drafting policies to limit civil immigration enforcement on their premises, and allow these locations to issue their own policies based on the guidelines.

All Marylanders, regardless of immigration status, must have safe access to these sensitive locations, and we therefore urge an amendment to *require* these locations to issue policies based on the Attorney General's guidance.

This testimony focuses on the constitutional arguments against immigration enforcement in courthouses.

It is important to distinguish arrests made by police officers from arrests by immigration agents. A police officer arrests someone because there is probable cause that the person has committed a crime. A federal immigration agent arrests someone because they suspect the person has violated civil immigration law. Immigration arrests for the purpose of starting deportation proceedings are therefore civil arrests.<sup>1</sup>

**Civil immigration arrests violate common law tradition.**

There is a longstanding common law tradition against civil arrests at courthouses, dating back to 18<sup>th</sup> Century England, which was extended not just to parties and witnesses in a case, but to all people “necessarily attending” the courts on business, including coming to and returning from the courthouse.<sup>2</sup> The Supreme Court has explicitly held up the tradition as well.<sup>3</sup> Civil arrests in courthouses, therefore, violate the common law tradition, and in fact the practice of civil arrests entirely had ended until resurrected by ICE.

<sup>1</sup> See also ICE Directive 11072.1: Civil Immigration Enforcement Inside Courthouses; *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1038 (1984) (“A deportation proceeding is a purely civil action.”)

<sup>2</sup> William Blackstone, *Commentaries on the Laws of England* 289 (1769)

<sup>3</sup> See *Lamb v. Schmitt*, 283 U.S. 222, 225 (1932) (“witnesses, suitors, and their attorneys, while in attendance in connection with the conduct of one suit are immune from service of process in another.”)



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### **Civil immigration arrests are not made pursuant to the Fourth Amendment.**

For a criminal arrest to adhere to the Fourth Amendment, there must be probable cause. ICE arrests, on the other hand, do not follow this constitutionally mandated procedure. Instead, ICE arrests are typically pursuant to an “administrative warrant,” which is issued by ICE officers without judicial review. They do not satisfy Fourth Amendment requirements because there is no neutral finding of probable cause for arrest.

### **Civil immigration arrests violate due process and equal protection under the Fifth Amendment.**

The Supreme Court has upheld the right to access court as a constitutional right rooted in the Fifth Amendment.<sup>4</sup> The Court further held clearly that the common law tradition against civil courthouse arrests, cited earlier here, protects the administration of justice by ensuring that individuals are not afraid of attending court and show up when needed for court proceedings.<sup>5</sup> The threat of civil arrests, therefore, interferes with the right to access court, because without necessary parties in attendance, administration of justice is impossible. It is necessary to issue a reminder that the right to access court applies to noncitizens as well.<sup>6</sup>

### **Civil immigration arrests violate the principle of the Tenth Amendment.**

Independent state government, including courts, embodies the principle of federalism under the Tenth Amendment (“The powers not delegated to the United States by the Constitution, nor prohibited to it by the states, are reserved to the States respectively, or to the people.”). Individuals can freely challenge federal laws that may contravene principles of federalism, even when a state interest is implicated.<sup>7</sup> State governments also cannot consent to federal infringement of their authority, even when they argue it is in their best interests.<sup>8</sup> Therefore, individuals may argue that civil courthouse arrests and subsequent deportation proceedings represent a fundamental deprivation of

<sup>4</sup> See e.g. *United States v. Kras*, 409 U.S. 434, 440 (1973).

<sup>5</sup> *Lamb v. Schmitt*, 283 U.S. 222, 225 (1932) (“As commonly stated and applied, [the privilege] proceeds upon the ground that the due administration of justice requires that a court shall not permit interference with the progress of a cause pending before it, by the service of process in other suits, which would prevent, or the fear of which might tend to discourage, the voluntary attendance of those whose presence is necessary or convenient to the judicial administration in the pending litigation.”)

<sup>6</sup> *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).

<sup>7</sup> *Bond v. United States*, 564 U.S. 211, 220-22 (2011) (“[F]ederalism protects the liberty of the individual from arbitrary power. When government acts in excess of its lawful powers, that liberty is at stake.”)

<sup>8</sup> *New York v. United States*, 505 U.S. 144 (1992).



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individual rights under the Tenth Amendment, regardless of whether state actors are implicated.

**State courts must particularly be protected by federal encroachment.** Courthouses should rightfully be considered sacrosanct to maintain equal justice under the law, and ensure that justice is administered fairly and efficiently. Civil immigration arrests at courthouses violate both the Constitution and longstanding common law tradition. These facilities must remain safe and accessible to all Marylanders, regardless of immigration status, to ensure they receive the full rights and protections the law affords them, and that our justice system does not further split into separate tiers, for the powerful and powerless in our state.

For the foregoing reasons, we urge a favorable report on SB 903.

**PGC - Deni Taveras\_FAV\_SB903**

Uploaded by: Taveras, Deni

Position: FAV



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-4436

**Deni L. Taveras**

Council Member, District 2

February 26, 2020

Hon. William C. Smith, Jr., District 20  
Chair, Judicial Proceedings Committee  
Maryland Senate  
2 East, Miller Senate Office Building  
Annapolis, MD 21401

Dear Chairman Smith and Esteemed Members of the Judicial Proceedings Committee,

I urge you to support Senate Bill 903, Immigration Enforcement – Public Schools, Hospitals, and Courthouses – Policies, which will require the Attorney General to develop guidelines that will help public schools, hospitals, and courthouses develop policies that limit civil immigration enforcement on their premises.

Access to education, justice, and healthcare are the foundations of a healthy and thriving society. I can attest to their importance as the representative of one of our state's most vibrant immigrant communities, the Northern Gateway in Prince George's County. Since I was elected in 2014, I have worked tirelessly with school leadership to engage immigrant parents in our public schools and encourage them to advocate for the funding necessary to relieve overcrowding and fulfill the needs of their children. The barriers to involvement are high for these parents, and without the assurance that SB 903 would provide these families, much of our work could be undone in a moment.

We are lucky to have health providers who provide culturally sensitive and affordable preventative care to the Northern Gateway community, such as La Clinica del Pueblo and Mary's Center. But this care is severely limited if my constituents avoid visiting hospitals to receive treatment for more urgent or severe medical needs due to the fear of deportation.

Finally, in Prince George's County, and I am sure all across the state, our courthouses see the most vulnerable members of the undocumented community—those who are the victims of crime, including those who have been trafficked or suffered domestic violence. Without policies to limit civil immigration enforcement on the premises of courthouses, we will be even less likely to bring the perpetrators of these crimes to justice and ensure the safety of our communities. Moreover, I find it utterly unacceptable to risk revictimizing those who seek justice in our courthouses.

Thank you for considering these comments and I again urge you to support SB 903.

Sincerely,

A handwritten signature in black ink that reads "Deni Taveras".

Hon. Deni Taveras  
Prince George's County Council, District 2

# **Maryland Catholic Conference\_FAV\_SB903**

Uploaded by: Wallerstedt, Anne

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

**February 26, 2020**

**SB 903**

**Immigration Enforcement – Public Schools, Hospitals, and Courthouses – Policies**

**Senate Judicial Proceedings Committee**

**Position: Support**

The Maryland Catholic Conference (“Conference”) represents the public policy interests of the three Roman Catholic (arch)dioceses serving Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington.

Senate Bill 903 directs the Attorney General to develop guidelines that assist public schools, hospitals, and courthouses to draft policies that limit civil immigration enforcement on their premises.

The Catholic Church has historically held a strong interest in immigration and how public policy affects immigrants seeking to live their lives in the United States. The United States Conference of Catholic Bishops has written extensively of their support for codifying these sensitive locations into law, stating that although we “respect the right of our country to enforce its immigration laws...we work to quell community fear and encourage participation in daily life among our immigrant parishioners, [and] it is vital that all sensitive community locations remain free from nonessential immigration enforcement actions and surveillance by ICE and CBP officials.”

The Conference strongly supports legislation that protects immigrants and their families. A person and their family shouldn’t have to live in fear from the very entities who are tasked with keeping every person safe and healthy and helping our communities thrive. This fear is palpable and it permeates all aspects of a person’s life, such as running errands, driving children to and from school or activities, attending religious services, and going to work. Living in such fear has chilling effects on one’s well-being in terms of stability and ability to contribute positively to their family and community.

The Conference appreciates your consideration and, for these reasons, respectfully requests a favorable report on Senate Bill 903.

**Sheriff\_Jenkins\_UNF\_SB903**

Uploaded by: Jenkins, Chuck

Position: UNF



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To: The Honorable William C. Smith, Jr. and Members of the Senate  
Judicial Proceedings Committee

From: Sheriff Charles A. Jenkins, Frederick County

Date: February 26, 2020

Re: **SB 903 – Immigration Enforcement –Public Schools, Hospitals, and  
Courthouses – Policies**

**Position - Oppose**

As Sheriff and Chief Law Enforcement Officer for Frederick County, I respectfully offer written and verbal testimony in opposition to SB 903. I have worked closely with the Department of Homeland Security (DHS)/ Immigration and Customs Enforcement (ICE) for 12 years in the 287g Delegation of Authority Program. I will positively attest that cooperation with ICE is a critical layer of protection within public safety and law enforcement to keep Maryland and local jurisdictions safer from known criminals. Effective national security measures also require intergovernmental agency cooperation. This is a crime and public safety issue.

This is clearly sanctuary legislation that grossly undermines public safety and places the general public at risk by restricting and prohibiting a law enforcement agency or agent from cooperating or interacting with immigration authorities on specific premises. This places a very dangerous restriction on law enforcement if an action is necessary in an emergency or extreme case. Beware of the potential unintended consequences of this bill.

This legislation is totally unnecessary, as it is currently NOT the practice of local law enforcement or Immigrations and Customs Enforcement (ICE) to enforce the immigration laws in schools, hospitals, and public courthouses. Most of those facilities already have internal policies in place that have already created safe zones from law enforcement inquiring into a person's immigration status. It is also a fact that no law enforcement agency in the state of Maryland enters any of these facilities during the course of their duties for the purpose of immigration enforcement or immigration status inquiry.

Law enforcement is in our schools every day to protect our schools, our courthouses every day for court and a variety of other reasons, and in and out of our hospitals. There are absolutely no actions taken that are remotely related to immigration enforcement or determining immigration status. ICE does not enter our schools, courthouses, or hospitals for purposes of immigration enforcement or status inquiries.

It would be wholly inappropriate for the Attorney General of Maryland to consult with these public facilities, for the purpose of influencing policies that could under extreme circumstances or during an emergency prevent a law enforcement action from being taken that would impact the immediate safety of the public or national security. The Office of the Attorney General has made it very clear in previous opinions that state and local law enforcement should not be involved with immigration enforcement to any degree, provide any support to, or participate in any level of cooperation with ICE. I also raise the important question as to who the "appropriate stakeholders" would be that are consulted to establish the policy for these facilities. This stakeholder group would most certainly be a one-sided decision making authority.

I can attest that in Frederick County these public facilities are currently accessible and safe for all persons, regardless of race, ethnicity, or immigration status. Anyone who would testify otherwise is being disingenuous to the facts and is not being honest with this committee. Further, I re-emphasize that law enforcement personnel in the state of Maryland do not perform any functions of immigration enforcement or inquire about immigration status of an individual during the course of their law enforcement duties.

Federal law prohibits states from interfering with federal law enforcement, including immigration enforcement. To be clear, local law enforcement is permitted to assist with the fulfillment of federal law. States may not regulate the presence of aliens in a way that obstructs that enforcement.

This is overreaching legislation that is intended to prohibit actions that are not occurring and address a falsely created problem that does not currently exist. The possible risks and more dangerous ramifications by passing this law would far outweigh any meaningful benefit of passing this law in an extreme or extraordinary situation. I strongly urge an unfavorable report on SB 903.

# **MDJudiciary\_UNF\_SB903**

Uploaded by: Jones, Tyler

Position: UNF



**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
Senate Education, Health, and Environmental Affairs Committee

**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523

**RE:** Senate Bill 903  
Immigration Enforcement – Public Schools, Hospitals, and  
Courthouses - Policies

**DATE:** February 7, 2020  
(2/26)

**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 903. This bill requires the Attorney General to develop guidelines to assist courthouses in drafting policies that limit civil immigration enforcement activities on courthouse premises. This bill also allows courthouses to establish and publish policies that limit immigration enforcement on the courthouse premises consistent with federal and state law based on the guidelines developed by the Attorney General.

Although it is discretionary for the court to adopt and implement policies based on the guidelines established by the Attorney General, any state guidelines that could serve to impede Federal law enforcement personnel from carrying out activities that are lawful under Federal law may well be unconstitutional under the Supremacy clauses in both the U.S. and Maryland Constitutions. This bill goes beyond and is quite different from policies that prohibit state personnel from actively cooperating with or assisting Federal officials in enforcing federal law. This bill could have the consequence of barring federal officials from public courthouses because an employee believes that the guidelines drafted by the Attorney General permit such a restriction.

In addition, Article IV, §18 of the Maryland Constitution dictates that the “Court of Appeals from time to time shall adopt rules and regulations concerning the practice and procedure in and the administration of the appellate courts and in the other courts of this State.” This bill instructs the legislative and executive branches to develop guidelines for court operations, which is inconsistent with judicial independence.

cc. Hon. William Smith, Jr.  
Judicial Council  
Legislative Committee

Kelley O'Connor

**Payne\_UNF\_SB903**

Uploaded by: Payne, Sue

Position: UNF

I am here in opposition to SB 903, and I oppose it on many levels. The concept of sanctuary cities and in this case a sanctuary state law is fundamentally flawed because of their almost mutinous refusal to follow federal law. And because of laws like this bill proposes, you and your family are in real danger.

The premise is that SB 903 protects illegal aliens from crime and that it fosters good relations between them and law enforcement; thus here we see the Trust Act morphed into the Safe Act morphed into this bill. The problem is that the sanctuary is for the illegal and not for the American citizen

Simply put, sanctuary jurisdictions are safe havens for criminal aliens, not their innocent victims.

However, the state of Maryland, has no power to grant immunity to anyone who does not cooperate with the federal government concerning any aspect of someone's immigration status; in essence, frustrating the federal government to enforce the law. The Supremacy Clause of the Constitution grants congress and the United States government exclusive powers of certain matters, one of which is immigration.

A bill like SB 903 creates a conflict preemption where the federal law says X, the state law says don't follow X, instead follow Y. It makes the enforcement of federal law so extremely difficult to render it useless and frustrates the federal government in its exclusive ability to perform its job.

Imagine, if you will, that Maryland passed this bill and then shielded its state and local officials under an umbrella of immunity whereby the state officials could refuse to share any information with federal investigators. The state official could say that they have the information the government wants, as part of a government investigation might well include communication with the state, and that state official could say they will not share any information because they have immunity...in essence they are shielded and not ever held liable under this law.

This would result in state wide obstruction of justice.

Immigration law is under that authority of the federal government and any state law which frustrates or conflicts with the government to enforce its laws is unconstitutional.

SB 903 would never pass constitutional muster because it completely frustrates the exclusive and sole power of the federal government to enforce immigration law. This is not a power reserved to the states, not a shared power between the federal government and the states, but rather, an exclusive and explicit power of the federal government only.

Sanctuary laws are designed for a state to illegally create its own immigration law, something the sponsors of this bill do not have the authority to perform. Former Del. Gutierrez stated when expressing her opposition to the Arizona 1070 Supreme Court case *"I enthusiastically applaud the federal government's important decision to challenge Arizona's flawed anti-immigrant law, SB1070, and DOJ's declaration that "...SB 1070 unconstitutionally interferes with the federal government's authority to set and enforce immigration policy," said Ana Sol Gutierrez, Former Maryland State Delegate.*

Yet this bill attempts to allow Maryland to write and enforce its own immigration laws. Maryland cannot choose which Federal laws it will enforce or which ones it will ignore.

So when states tread in this area, they must tread lightly.

When you start granting immunity to all these state officials, whether you think it is good policy or not is irrelevant, as you are promoting something that is unconstitutional and endorsing obstruction of justice.



**FAIR\_UNF\_SB903**

Uploaded by: Rendall, Shari

Position: UNF

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\*Board of Directors Emeritus

*FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.*



FEDERATION FOR AMERICAN IMMIGRATION REFORM

February 23, 2020

The Honorable William Smith, Jr., Chairman  
Judiciary Committee  
2 East  
Miller Senate Office Building  
Annapolis, MD 21401

Dear Chairman Smith and other distinguished members of the Committee,

My name is Shari Rendall and I am the Director of State and Local Engagement at the Federation for American Immigration Reform (FAIR). FAIR is a non-profit, non-partisan organization of concerned individuals who believe that our immigration law must be reformed to serve our nation's interests.

FAIR advocates for immigration policies that reduce the harmful impact of illegal immigration on national security, public safety, the economy, jobs, education, healthcare and the environment.

Founded in 1979, FAIR has two million members and supporters nationwide including approximately 12,300 in Maryland. On behalf of our members and supporters, I am writing to express FAIR's strong opposition to Senate Bills (SB) 649, 901 and 903. FAIR opposes the reckless lawlessness of sanctuary policies like those imposed by these bills.

If enacted, these bills would enact dangerous policies that provide a safe-haven, or "sanctuary," in which illegal aliens can work and live without fear of apprehension by federal immigration authorities. Such policies undoubtedly encourage illegal immigration.

Most everyone is familiar with Kate Steinle's story: The young woman was walking with her father on the San Francisco pier and was gunned down by Juan Francisco Sanchez-Lopez, an illegal alien with seven prior criminal convictions and five previous deportations.



Sanchez-Lopez admitted that he chose to live in San Francisco because he knew he would be protected by its sanctuary policy.<sup>1</sup> His belief couldn't have been truer—as law enforcement in San Francisco had him in custody just months before Kate Steinle's death—but refused to turn him over to federal immigration authorities.

Many expect crimes like this to happen in border states like California. However, most would be shocked to find out these incidents are not relegated to those states alone. Many Maryland jurisdictions that enacted sanctuary policies that shelter criminal aliens by impeding the enforcement of federal immigration laws and blocking or barring free communication between state and local officials and federal immigration officials, did so under former President Obama. They have affirmed these policies in defiance of President Trump.

Despite US Immigration and Customs Enforcement (ICE) detainer requests, sanctuary jurisdictions like Montgomery and Prince George's Counties regularly release criminal aliens that pose a clear public safety threat back into the community. In May 2017, Montgomery County released 19 year-old Salvadoran national, Mario Granado-Alvarado, after he posted bail even though ICE requested he be held. Granado-Alvarado was arrested for vehicular theft and for bringing an assault-style rifle onto his high school parking lot. He had been arrested previously also on auto theft charges.

In Prince Georges County, a 14 year-old may have been alive today if law enforcement had honored an ICE detainer. Two suspected murderers and MS-13 gang members, Josue Rafael Fuentes-Ponce and Joel Ernesto Escobar, had been in police custody the year before a 14 year-old girl was killed on another attempted murder charge. They were released because Prince Georges County banned honoring immigration detainees.

These are clear and unambiguous violations of federal law. State and local officials cooperate with the federal law enforcement in every aspect, such as gun control and drug laws, and immigration should not be an exception.

Sanctuary policies rely on the false premise that individuals in the country unlawfully are "law-abiding," but simply lack "papers" or "documentation." However, the average adult illegal alien routinely commits multiple crimes just to conceal their presence in the United States and work without authorization. In 2013, the Social Security Administration's Office of the Chief Actuary estimated that more than 40 percent of all illegal aliens working in the United States were using fake or stolen Social Security Numbers. Elsewhere, the office has put the figure as high as 75 percent.<sup>2</sup> Furthermore,

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<sup>1</sup> Breitbart, "Murderer: I chose SF Because it is a 'Sanctuary City,'" July 6, 2015.

<sup>2</sup> The Washington Times, "When Illegals Use Piflered Social Security Numbers, May 23, 2018; See also, The New York Times, Illegal Alies Are Bolstering Sociall Security with Billions, April 5, 2005

many falsify I-9 forms under penalty of perjury. It is improper for a state legislature to tolerate sanctuary jurisdictions that enable these federal crimes.

Moreover, the assumption that illegal aliens commit crimes at a lower rate than American citizens is simply not true. FAIR's recent study of data from the federal government's State Criminal Alien Assistance Program (SCAAP) found that illegal aliens are more likely to be incarcerated in state prisons and county jails than U.S. citizens and legal immigrants.<sup>3</sup> In fact, this report finds that in the states examined, illegal aliens are incarcerated up to five and a half times as frequently as citizens and legal immigrants.<sup>4</sup> Additionally, the report found that states with the highest incarceration rates are also the states that boast numerous sanctuary jurisdictions.<sup>5</sup>

According to U.S. Sentencing Commission data provided at a recent U.S. House of Representatives hearing on immigration enforcement, over 35 percent of the individuals who are sentenced for federal crimes are illegal aliens.<sup>6</sup> Given that illegal aliens are an estimated 3.5 percent of the population<sup>7</sup> that means that illegal aliens are ten times more likely to be sentenced for a federal crime than legal residents.

Furthermore, shielding criminal aliens needlessly endangers innocent lives. There are roughly 3 million criminal aliens living in the United States, and nearly one million of these aliens have final orders of removal.<sup>8</sup> These criminals should not be able to continue to live in communities and engage in further criminal activity.

Many jurisdictions are bullied into adopting sanctuary policies by open-borders advocates claiming that honoring or complying with immigration detainers would be unconstitutional, primarily as a violation of the Fourth Amendment. Detainers are written requests issued on behalf of the U.S. Department of Homeland Security to another law enforcement agency to hold an individual based on an inquiry into immigration status or an alleged violation of civil immigration law for up to 48 hours. Simply put, detainers constitute a reasonable request for state/local assistance in effectuating a civil arrest based on an administrative warrant, which ICE may issue, pursuant to explicit statutory authority.

Neither the U.S. Supreme Court nor the U.S. Court of Appeals for the 4th Circuit, which governs Maryland, has ever determined that honoring or complying with detainers is unconstitutional. The only federal appellate court that has ever directly ruled on the

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<sup>3</sup> Federation for American Immigration Reform, "SCAAP Data Suggest Illegal Aliens Commit Crime at a Much Higher Rate Than Citizens & Lawful Immigrants," February 3, 2019.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> United States Sentencing Commission Interactive Sourcebook.

<sup>7</sup> Pew Research Center, "5 facts about illegal immigration in the U.S.," Nov. 3, 2016.

<sup>8</sup> The Washington Examiner, "ICE: 950,000 Illegals With 'Removal Orders', Raids Get Just A Sliver," Feb 20, 2017

constitutionality of detainers, the Fifth Circuit in *El Cenizo v. Texas*<sup>9</sup> last year, held not only that detainers are constitutional, but that Texas in its 2017 anti-sanctuary law, SB 4, could constitutionally require its cities and counties to honor them.

It is no secret that Americans face serious threats from terrorist organizations. With the FBI pursuing hundreds of active extremist investigations, federal agents are stretched thin and depend heavily on intelligence provided by state and local law enforcement. By impeding cooperation with federal immigration officials, sanctuary policies create an environment where terrorists and other criminal aliens can go undetected and uninterrupted.

A recent report issued by the Departments of Justice and Homeland Security showed three out of every four individuals convicted of international terrorism-related charges in U.S. federal courts between September 11, 2001 and December 31, 2016 were foreign born.<sup>10</sup>

ICE has just 20,000 employees, only half of whom are dedicated to the apprehension and removal of illegal aliens. The cooperation of state and local law enforcement, which number about 900,000 strong, is vital to ferreting out those among us who wish to cause us harm. At least five of the 9/11 hijackers were illegal aliens, four of whom came into contact with state and local law enforcement several times before the attacks, in some cases just days prior to the attack.<sup>11</sup> If those state and local law enforcement officers had worked with federal immigration officials, the 9/11 terrorist plot might have been thwarted.

While the cost of illegal immigration to public safety is incalculable, the fiscal cost of illegal immigration also bears a heavy price tag. Annually, U.S. taxpayers pay roughly \$116 billion in costs associated with illegal immigration. A significant majority of this price tag, \$88.9 billion, is absorbed by state and local governments.<sup>12</sup>

In Maryland, taxpayers spend an estimated \$2.4 billion each year for illegal aliens and their U.S.-born children.<sup>13</sup> One hundred thirty-seven million of those expenditures are for Criminal Justice alone. These costs come in the form of educational, healthcare, welfare and law enforcement expenditures to illegal aliens and their families.

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<sup>9</sup> No. 17-50762 (5th Cir. May 8, 2018).

<sup>10</sup> Department of Justice Press Release, DOJ/DHS Report: Three Out of Four Individuals Convicted of International Terrorism and Terrorism-Related Offenses Were Foreign Born, January 16, 2018

<sup>11</sup> CNN, "Another Hijacker Was Stopped for Traffic Violation, January 9, 2002

<sup>12</sup> Federation for American Immigration Reform, "The Fiscal Burden of Illegal Immigration," 2017.

<sup>13</sup> *Ibid.*

Sanctuary policies contribute significantly to these costs by telling individuals that despite violating federal laws, law enforcement and other government officials will ignore them. Just because the regulation of immigration is a federal issue, does not mean that state and local law enforcement agencies must overlook immigration violations that harm their communities.

To the contrary, the cost of illegal immigration disproportionately affects state and local governments, giving them even more incentive to cooperate with federal officials. To ensure the safety of our communities, state and local law enforcement and governments should be encouraged—not discouraged—from cooperating with federal immigration authorities. For these reasons, FAIR opposes SB 649, 901 and 903.

I thank you for the opportunity to provide my input. Please do not hesitate to reach out to me, if I may be of assistance. I may be reached by email at [srendall@fairus.org](mailto:srendall@fairus.org) or by phone at 202-328-7004.

Sincerely,

A handwritten signature in black ink that reads "Shari Rendall". The signature is written in a cursive, flowing style.

Shari Rendall

# **Josephine\_Salazar\_UNF\_SB903**

Uploaded by: Salazar, Josephine

Position: UNF

## **Please Oppose Bills SB850, SB901 and SB903**

Dear Committee Members,

My name is Josephine Salazar, I am a U.S. citizen by birth and have resided in the great State of Maryland since 1986. As a Montgomery County resident, I oppose Sanctuary Bills SB850, SB901, and SB903.

I had the honor of serving our Nation for over 31 years in Washington D.C. and used my bilingual skills in the work place.

As a federal employee we were asked to safeguard and protect our Personal Identifiable Information (PII). We turned over financial disclosures had our biometrics taken and maintained our integrity in the workplace.

It is difficult for me to understand why we would have to turn over our PII to individuals who are not here legally and can jeopardize our wellbeing. The PII identifies our unique identity such as our personal information which includes our name, gender, address, telephone, email address or basic biometric data information that is electronically stored within a device or application.

Are you asking that our law enforcement officers be transparent with their PII to individuals who entered our country illegally?

How can you stop law enforcement from doing their jobs? Do you not trust them? Our Nation protects their employees I can attest to this because I was a federal employee. The State of Maryland should also protect their federal enforcement counterparts.

Our family experienced a terrible situation that involved our underage daughter and an adult undocumented student in her high school who was sexually harassing her. We could not stop him from calling our daughter in the middle of the night or prevent his mother from calling and encouraging our daughter to go out with her son because she wanted desperately for him to become "Americanized" or "legal." We could not get personal information about this individual except for the fact that he was incarnated in Texas for three months prior to coming Maryland to benefit from all of the free services Montgomery County and the State of Maryland afforded him.

The end result was that we could not get any help to stop this individual from harassing our daughter. To protect our daughter, we sent her to a different school out of state.

As providence would have it, and prior to my daughter asking me immigration related questions, my son brought to my attention a May 7, 2018, Washington Post article making reference to undocumented individuals trying to become Americanized by getting involved with young girls.

[https://www.washingtonpost.com/local/heinous-and-violent-ms-13s-appeal-to-girls-grows-as-gang-becomes-americanized/2018/05/04/a4132e94-40bf-11e8-bba2-0976a82b05a2\\_story.html?noredirect=on&utm\\_term=.9e5b5f7cef65](https://www.washingtonpost.com/local/heinous-and-violent-ms-13s-appeal-to-girls-grows-as-gang-becomes-americanized/2018/05/04/a4132e94-40bf-11e8-bba2-0976a82b05a2_story.html?noredirect=on&utm_term=.9e5b5f7cef65)

Then we started noticing changes in our daughter's behavior and it was not good.



As parents of students, we are held accountable for their school attendance. If we do not send our children to school, we immediately receive a notification phone or e-mail that our child was absent.

When your child does not come home after school, one gets an empty nervous feeling as to what is going on. Did she have an accident? Did a strong gust of winds knock down a tree branches and hurt your child?

When you discover that the reason, your child is truant because there is an adult male student encouraging your child to skip school or not to go home after school. What does one do? You find out that the adult male student crossed illegally at the U.S. border and was incarcerated for over a month. You find out these individuals drive without a license and have total disregard for the MVA laws to acquire a license to drive legally. You contact the county police; the County's State's Attorney's Office child abuse office and they tell you their hands are tied and they can do nothing.

But what does one do, when there are adult undocumented high school students who want to become Americanized no matter who they hurt and at what cost? Whether it be financially or morally! They become professional students by staying as long as they can in high school to reap the benefits? They encourage truancy and who holds them accountable? They encourage their friends to bully your child when she doesn't want to have anything to do with him? Your child becomes depressed and wants to go to another school or leave school.

How can you stop law enforcement from doing their jobs? Do you not trust them?

Our country is governed by the rule of law as you may know, (The rule of law is the legal principle that law should govern a nation, as opposed to being governed by arbitrary decisions of individual government officials. It primarily refers to the influence and authority of law within society, particularly as a constraint upon behavior, including behavior of government officials.) and anyone who chooses to live in our great Nation is not above the law whether they are here legally or illegally.

If anyone commits a crime whether it is a hit or run driver or contributing to the truancy of a minor. Does the individual run away because they are afraid to be asked their legal status and do not want to be held accountable for the crime or crimes they have committed?

Are we not in this great Nation to be law abiding citizens only to have an individual or individuals infringe on OUR rights? I say no. That is why I am here. There are others who have not voiced their concerns but soon they will be here too. It is my hope that they trailblaze behind me to do the right thing and testify against Sanctuary bills.

Perhaps if these individuals who are not held accountable know they are not above the law, they will not feel so empowered to break the law. If they indoctrinate our children to break the law then it is time for these individuals to learn the consequences of breaking the law. Whether it be driving without a license or teaching your child to commit immigration fraud.

Antonio Machado Spanish poet said "**Todo lo que se ignora, se desprecia.**" "All that is ignored, is despised." Is this true? Do we want to ignore this situation because it is despised and is not of our interest?

Thank you and please do the right thing for the law-abiding citizens of this state.

# **Yin\_Zheng\_UNF\_SB903**

Uploaded by: Zheng, Yin

Position: UNF

Please oppose SB850, SB901 and SB903

Dear committee members,

My name is Yin Zheng. This is the fourth time I have come here to testify against sanctuary bills. I oppose SB850, SB901 and SB903, which will convert Maryland into a sanctuary state.

America, to me, is a place where justice is served fairly and appropriately; however, I have noticed that certain people always seem to be exempt from the law. If that is to be allowed, then can one truly consider immigration law a bona fide law at all? If immigration law is selective in whom it applies to and optional for some, why should we have these laws in place at all?

Fourteen years ago, I applied for my sister to immigrate here. At the time of the application, her son was a young child, and after 14 years long & tedious years, he became an adult and was no longer eligible to accompany his parents. During the application process, she had to undergo background checks to prove that she didn't have any criminal record, and she had to provide a birth certificate, immunization record up to date, a list of places she had lived, and her education & working history. As a legal immigrant applicant, you are required to yield everything that ICE requests of you. Your visa will not be granted until you provide everything to immigration offices; nevertheless, if you somehow break the law to enter this country, you will be offered special protection, and nobody can inquire about your immigration status and anything about you. This is penalizing law-abiding people and unfairly rewarding those who willingly disobey this nation's laws.

No wonder there are always people who seek to break the law: mainly because our legislators are the ones who *enable* them.

I feel deep sorrow for the Angel wife and Angel moms who testified several times at the hearings in Annapolis. What is wrong with our legislation here? Why we are so lenient to criminals but risking those who are here to protect us (FBI agents/police officers) This is immoral!

Immigrants don't come here solely because they want a better life; they arrive here because they love America and its values, and they honor qualities of law and order that makes this country so great. They don't come here to despise America and express their animosity.

Immigrants are frequently misunderstood by lawmakers and are often weaponized to push political agendas and are also used to sow division within the immigrant community. Please end this madness. Get to know the average legal immigrant, their tribulations, their struggles, and their views; by doing so, you will finally comprehend *why* they oppose sanctuary laws. **SB850, SB901 and SB903 are pursuing prohibiting any cooperation or exchange of information with Federal Immigration officials.**

These bills would handcuff our public entities in their effort to keep our community safe, and it would risk the safety of the public as a whole. What is the true purpose of this bill? Our legislators are busy creating safe havens for some while completely ignoring the fact that our police officers and law enforcement agents are being killed by illegal aliens.

Please oppose SB850, SB901 and SB903. Thank you for your time.

Yin Zheng  
11216 Green Watch Way, North Potomac, MD 20878

**MHA\_INFO\_SB 768**

Uploaded by: Witten, Jennifer

Position: INFO



Maryland  
Hospital Association

February 26, 2020

To: The Honorable Paul G. Pinsky, Chair  
Senate Education, Health & Environmental Affairs Committee

From: Brian Frazee, Vice President, Government Affairs  
Maryland Hospital Association

Re: Letter of Information- Senate Bill 768- Health- Health and Wellness Standards- Correctional Facilities and Health Care Facilities

Dear Chair Pinsky:

On behalf of the Maryland Hospital Association's (MHA) 61 member hospitals and health systems, we appreciate the opportunity to comment on Senate Bill 768. Maryland's nonprofit hospitals and health systems care for millions of people each year, treating 2.3 million in emergency departments and delivering more than 67,000 babies. The 108,000 people they employ are [caring for Maryland](#) around-the-clock every day—delivering leading edge, high-quality medical service.

We know that food is medicine. That is why Maryland's hospitals provide plant-based meal options to their patients and visitors in accordance with their dietary needs. MHA works with advocacy organizations, including Friends of the Earth and Healthy Food in Health Care to educate hospitals about these options. MHA recently partnered with these organizations on a webinar to share strategies for serving more plant-based dishes and, more importantly, encouraging patients and staff to eat more fruits and vegetables. It's clear a plant-based diet benefits patients and the general population, improves health, and has environmental benefits. When there are adequate staff resources to prepare plant-based foods from scratch, there can also be cost savings. Our patients, employees, and community benefit from choosing these healthier options.

Maryland hospitals assist patients who have limited access to fresh produce to continue healthy habits at home after discharge. Many hospitals make fresh produce available to patients and communities. That includes "prescriptions" for locally grown vegetables that can be redeemed at hospital-supported farmers markets and Hungry Harvest subscriptions that provide a weekly delivery of a box of fresh fruits and vegetables.

We look forward to learning more and continuing to expand access to healthy food with the advocates of this issue and legislation.

For more information, please contact:  
Brian Frazee  
Bfrazee@mhaonline.org

**MHA\_INFO\_SB 903**

Uploaded by: Witten, Jennifer

Position: INFO



Maryland  
Hospital Association

February 26, 2020

To: The Honorable William C. Smith Jr., Chairman  
Senate Judicial Proceedings Committee

From: Jennifer Witten, Vice President, Government Affairs  
Maryland Hospital Association

Re: Letter of Information- Senate Bill 903- Immigration Enforcement - Public Schools,  
Hospitals, and Courthouses - Policies

Dear Chairman Smith:

On behalf of the Maryland Hospital Association's (MHA) 61 member hospitals and health systems, we appreciate the opportunity to comment on Senate Bill 903. Maryland's hospitals protect the rights of all individuals, including our immigrant population, and ensure access to quality health care. In 2017, at the request of members of the Maryland General Assembly, MHA asked Maryland's hospitals to review their policies related to undocumented individuals and non-U.S. citizens and update them to reflect guidance from the Maryland Office of the Attorney General (OAG).<sup>i</sup>

Notably, the guidance references federal requirements, including the Health Insurance Portability and Accountability Act (HIPAA) and the Emergency Medical Treatment and Active Labor Act (EMTALA). Title VI of the federal Civil Rights Act of 1964 and Section 1557 of the Affordable Care Act prohibit discrimination based on race, color, and national origin in programs and activities that receive federal financial assistance, including Medicaid and Medicare. Maryland law also prohibits discrimination by health care providers.<sup>ii</sup>

The guidance issued by the OAG noted the Department of Homeland Security has a policy against enforcement and removal of any individual at "sensitive locations." These include medical treatment and health care facilities, such as hospitals, doctors' offices, accredited health clinics, and emergent or urgent care facilities.<sup>iii</sup> Prior approval by DHS in limited circumstances allows federal agents access to patients if there is imminent threat or national security concerns.

Maryland's hospitals complied with this request and updated their policies to align with the OAG guidance. Hospitals in Maryland went beyond the initial request and agreed to a reporting protocol with the OAG if the U.S. Immigration and Customs Enforcement (ICE) agency contradicts its own policy by enforcing federal immigration laws in "sensitive locations," including hospitals. This process was conducted in coordination with other stakeholders such as Casa de Maryland, which generously offered to provide technical assistance to hospitals. The

OAG guidance, ICE policy, and a form hospitals received are attached to this letter. To date, we are not aware of a single instance of ICE enforcement in Maryland's hospitals.

Though well intentioned, SB 903 may attract the attention of parties such as ICE, which could create the very issue this legislation seeks to prevent. Further, any requirement to publicly publish a policy effectively provides the means for actors to circumvent it. For these reasons, we urge the committee to consider the unintended consequences of this legislation. We respectfully ask the public publishing to be reconsidered as a requirement.

For more information, please contact:

Jennifer Witten

Jwitten@mhaonline.org

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<sup>i</sup> In addition, in a July 12, 2017 letter to Attorney General Frosh, John Barsa, Acting Asst. Secretary, DRS Office of Partnership and Engagement, stated the policy was still in effect.

<sup>ii</sup> Md. Code, Health-Gen. § 19-355

<sup>iii</sup> US Immigration and Customs Enforcement. (n.d.) FAQ on Sensitive Locations and Courthouse Arrests. <https://www.ice.gov/ero/enforcement/sensitive-loc#wcm-survey-target-id>



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THE ATTORNEY GENERAL OF MARYLAND  
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

September 21, 2017

The Honorable Brooke E. Lierman  
Maryland General Assembly  
311 House Office Building  
Annapolis, Maryland 21401

Dear Delegate Lierman:

You asked for guidance about immigration enforcement in hospitals and other health care facilities. Although personnel at hospitals and other health care facilities should consult with their institution's legal counsel about that institution's policy regarding interaction with federal immigration and other law enforcement officials, below I have outlined information that I hope you will find helpful. This information is not a formal Opinion of the Attorney General and should not be construed as legal advice to any health care provider or patient.

*Immigration Enforcement Generally*

The U.S. Department of Homeland Security ("DHS"), mostly through the U.S. Immigration and Customs Enforcement ("ICE") agency, has primary responsibility for enforcing federal immigration laws. ICE agents are typically the federal officers who take into custody or arrest non-citizens for alleged violations of immigration law. An ICE agent may have a judicial warrant, which authorizes the arrest of a specific individual or a search of specified places or for specified information. A judicial warrant is signed by a federal judge and is supported by probable cause that the named individual committed a crime or, in the case of a search warrant, that the place where a search may take place contains evidence of a crime. In the alternative, an ICE agent may have an administrative warrant, sometimes called an ICE warrant, which allows arrest of the person named in the warrant if the person is located in a public location. 8 U.S.C. § 1357, 8 C.F.R. § 287.5. An administrative warrant is not signed by a judge and does not provide the probable cause made necessary by the Fourth Amendment to the U.S. Constitution to allow a seizure or search in private places; rather, it is signed by an ICE official who found that the named individual may be removable from the U.S. or may be arrested on the basis of an alleged violation of a federal immigration law. An

administrative warrant alone does not authorize an ICE agent to enter non-public areas without appropriate consent.<sup>1</sup>

### *Immigration Enforcement in Hospital and Health Care Facilities*

If staff in hospitals or other health care facilities encounter a federal officer seeking information about or the location of a non-citizen, the federal officer involved will most likely be an ICE agent. For almost six years, however, ICE has maintained a policy against enforcement and removal in “sensitive locations.” (Memorandum of ICE Director John Morton, Policy No. 10029.2, dated Oct. 24, 2011) (attached). “Sensitive locations” are specified as, among other places, “[m]edical treatment and health care facilities, such as hospitals, doctors’ offices, accredited health clinics, and emergent or urgent care facilities.”<sup>2</sup> As of the date of this letter, the website of DHS indicates the policy is still in effect.<sup>3</sup>

In an “FAQ on Sensitive Locations and Courthouse Arrests,” ICE explained that, pursuant to its policy, “enforcement actions” are not to occur at or be focused on sensitive locations unless:

1. exigent circumstances exist;
2. other law enforcement actions have led officers to a sensitive location,  
or
3. prior approval is obtained from a designated supervisory official.<sup>4</sup>

Moreover, DHS specifies:

Enforcement actions covered by this policy are apprehensions, arrests, interviews, or searches, and for purposes of immigration enforcement only, surveillance. Actions not covered by this policy include activities such as obtaining records, documents, and similar materials from officials or employees, providing notice to officials or employees, serving subpoenas, engaging in Student and Exchange Visitor Program (SEVP) compliance and certification visits, guarding or securing detainees, or participating in official functions or community meetings.<sup>5</sup>

The DHS policy also makes clear that its sensitive locations policy “is not intended to categorically prohibit lawful enforcement operations when there is an

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<sup>1</sup> DHS Federal Law Enforcement Training Center Training transcript, “ICE Administrative Removal Warrant,” <https://www.fletc.gov/audio/ice-administrative-removal-warrants-mp3>.

<sup>2</sup> See <https://www.ice.gov/ero/enforcement/sensitive-loc>.

<sup>3</sup> In addition, in a July 12, 2017 letter to Attorney General Frosh, John Barsa, Acting Asst. Secretary, DHS Office of Partnership and Engagement, stated the policy was still in effect.

<sup>4</sup> See <https://www.ice.gov/ero/enforcement/sensitive-loc>.

<sup>5</sup> *Id.*

immediate need for enforcement action...” The policy goes on to list the following situations as those falling within the foregoing exception:

- the enforcement action involves a national security or terrorism matter;
- there is an imminent risk of death, violence, or physical harm to any person or property;
- the enforcement action involves the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual(s) that present an imminent danger to public safety; or
- there is an imminent risk of destruction of evidence material to an ongoing criminal case.

### *Requests for Access*

An ICE agent does not have the right to enter a non-public area, i.e., those areas not open to the public such as a treatment room, unless the agent has a judicial warrant or consent from an authorized person. The judicial warrant should specify the person or information the agent is authorized to seize. Nevertheless, if “exigent circumstances” are present, an ICE agent may enter a non-public area without a warrant. Those are emergency situations that require immediate action to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a criminal suspect, or destruction of evidence. *See Mincey v. Arizona*, 437 U.S. 385 (1978).

Under the Fourth Amendment to the U.S. Constitution, if a patient or anyone else in a health care facility has an encounter with the ICE agent, the individual has the right to refuse to answer questions until they have a chance to speak to a lawyer. Additionally, an individual can refuse to share any information about where they were born or how they entered the country. In fact, an individual has a constitutional right to remain silent and can choose not to speak at all.

### *Requests for Patient Information*

The federal Health Insurance Portability and Accountability Act (“HIPAA”) protects a patient’s health information, sometimes referred to as “protected health information” (“PHI”). The protections in HIPAA’s privacy rule apply regardless of the patient’s immigration status. Notwithstanding, federal law allows disclosure of patient information for certain identified law enforcement purposes. 45 C.F.R. § 164.512(f). These purposes are:

- (1) to comply with a court order or judicial warrant, subpoena or summons issued by a judicial officer, or a grand jury subpoena (45 C.F.R. § 164.512(f)(1)(ii)(A)-(B));
- (2) to comply with an administrative request (45 C.F.R. § 164.512(f)(1)(ii)(C));

- (3) to respond to a request for PHI for purposes of identifying or locating a suspect, fugitive, material witness or missing person (45 C.F.R. § 164.512(f)(2));
- (4) to respond to a request for PHI about a victim of a crime, and the victim agrees (45 C.F.R. § 164.512(f)(3));
- (5) to report PHI to law enforcement when required by law (45 C.F.R. § 164.512(f)(1)(i));
- (6) to alert law enforcement about the death of the individual (45 C.F.R. § 164.512(f)(4)).<sup>6</sup>

The facility may disclose only that information specifically described in the subpoena, warrant, or summons. Under federal regulations,

Before disclosure in response to subpoenas or other lawful process not accompanied by an order of a court or administrative tribunal, there must be reasonable efforts to notify the patient as described in 45 C.F.R. § 164.512(e)(1). The covered entity must verify the identity of the person requesting the information and the authority of the person to have access to the information if the identity is not otherwise known to the individual. The covered entity must also obtain any documentation that is a condition of disclosure. 45 C.F.R. § 164.514(h)(1).<sup>7</sup>

Before responding to any request for patient information, however, it is best for staff at hospitals and other health care facilities to consult with attorneys to ensure they are in compliance with confidentiality laws.

### *Provision of Health Care*

The federal Emergency Medical Treatment and Active Labor Act requires emergency departments to provide persons seeking emergency medical treatment with “an appropriate medical screening examination” and treatment to stabilize their condition regardless of citizenship, legal status, or ability to pay. 42 U.S.C. § 1395dd. Moreover, individuals seeking health care are not required to disclose their immigration status to receive health care. Title VI of the federal Civil Rights Act of 1964 and Section 1557 of the Affordable Care Act prohibit discrimination on the basis of race, color, and national origin in programs and activities that receive federal financial assistance, including Medicaid and Medicare. Maryland law also prohibits discrimination by health care providers. *See* Health-Gen. Article (“HG”), § 19-355(a) (“A hospital or related institution may not discriminate in providing personal care for an individual because of the race, color, or national origin of the individual.”). *See also Ehrlich v. Perez*, 394 Md.

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<sup>6</sup> The U.S. Dept. of Health and Human Services has more information on each of these exemptions at <https://www.hhs.gov/hipaa/for-professionals/faq/505/what-does-the-privacy-rule-allow-covered-entities-to-disclose-to-law-enforcement-officials/index.html>.

<sup>7</sup> “Guidance on Immigration Enforcement,” Washington State Office of the Attorney General (April 2017) at 48-49.

691, 732 (2006) (holding that plaintiffs had sufficiently shown a likelihood of success on their claim that denying health services on the basis of national origin violated federal and State law equal protection provisions). Health care providers should ask for immigration information only if the individual wishes to apply for public benefits.

Federal law prohibits “unqualified” immigrants from receiving any State or local benefit. 8 U.S.C. § 1621(a). A “qualified” immigrant is a non-citizen who is lawfully admitted for permanent residence, a non-citizen who is granted asylum, a refugee admitted into the U.S., a non-citizen who is paroled into the U.S., a non-citizen whose deportation is being withheld, a non-citizen who is granted conditional entry, or a non-citizen who is a Cuban or Haitian entrant. 8 U.S.C. § 1641(b). The prohibition against providing benefits and services to unqualified immigrants does not apply to emergency medical care, short-term, non-cash in-kind emergency disaster relief, public health assistance for immunizations, services “such as soup kitchens, crisis counseling and intervention, and short-term shelter” that the U.S. Attorney General approves. 8 U.S.C. § 1621(b).<sup>8</sup>

With regard to Medicaid and the Children’s Health Insurance Program (“CHIP”), under federal law unqualified immigrants are not eligible for these programs and qualified immigrants are ineligible for these benefits for five years after they enter the U.S., subject to some exceptions. 8 U.S.C. § 1613(a). As allowed by federal law, Maryland law extends coverage under some federal programs to legal immigrants at the State’s expense, including the Family Investment Program (Human Services Article (“HS”), § 5-308(c)), Temporary Cash Assistance (HS § 5-312(d)); and Supplemental Nutrition Assistance Program/Food Supplement Program (HS § 5-503). In addition, Medicaid provides comprehensive medical care all legal immigrants who meet Program eligibility standards and who arrived in the U.S. before August 22, 1996, and comprehensive medical care for all legal immigrant children under the age of 18 years as well as for pregnant women who meet Program eligibility standards and who arrived in the U.S. on or after August 22, 1996. HG § 15-103(a)(2)(vii) and (viii). Some coverage for lawfully residing immigrant children and pregnant women regardless of entry into the U.S. is authorized by the CHIP Reauthorization Act of 2009. Pub. L. 111-3.<sup>9</sup>

A child’s immigration and residency status determines Medicaid eligibility. If the parents are not U.S. citizens or legal immigrants, but the child is a citizen or legal

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<sup>8</sup> Federal law allows States to provide, at their own expense, benefits and services to undocumented immigrants under certain circumstances. 8 U.S.C. § 1621(d) (“A State may provide that an alien who is not lawfully present in the United States is eligible for any State or local public benefit for which such alien would otherwise be ineligible under subsection (a) only through the enactment of a State law after August 22, 1996, which affirmatively provides for such eligibility.”) The only Maryland provision enacted under this authority appears to be the Dream Act. Education Article, § 15-106.8.

<sup>9</sup> For more information about immigration status and Medicaid or Maryland Children’s Health Program coverage see <https://mmcp.health.maryland.gov/Pages/Medicaid-Immigration-Status-Requirements.aspx>.

resident, Medicaid may cover the child, even if the parents are not eligible. The information any family members provide about the child's or their immigration status when applying for health coverage may only be used to determine if the child is eligible for health insurance and in connection with fraud investigations, but not for immigration enforcement or any other purposes. *See Affordable Care Act ("ACA") § 1411(g).*<sup>10</sup> Nevertheless, a hospital or health care facility should collect and keep only as much immigration information as necessary for treatment or compliance with applicable laws.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Benson Brantley". The signature is written in a cursive style with a large, sweeping flourish at the end.

Sandra Benson Brantley  
Counsel to the General Assembly

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<sup>10</sup> *See also* DHS Memo "Clarification of Existing Practices Related to Certain Health Information (Oct. 25, 2013) ("Consistent with the ACA's, the SSA's, and implementing regulations' limitations on the use of information provided by individuals for such coverage, and in line with ICE's operational focus, ICE does not use information about such individuals or members of their household that is obtained for purposes of determining eligibility for such coverage as the basis for pursuing a civil immigration enforcement action against such individuals or members of their household, whether that information is provided by a federal agency to the Department of Homeland Security for purposes of verifying immigration status information or whether the information is provided to ICE by another source.")



U.S. Immigration  
and Customs  
Enforcement

OCT 24 2011

MEMORANDUM FOR: Field Office Directors  
Special Agents in Charge  
Chief Counsel

FROM: John Morton   
Director

SUBJECT: Enforcement Actions at or Focused on Sensitive Locations

Purpose

This memorandum sets forth Immigration and Customs Enforcement (ICE) policy regarding certain enforcement actions by ICE officers and agents at or focused on sensitive locations. This policy is designed to ensure that these enforcement actions do not occur at nor are focused on sensitive locations such as schools and churches unless (a) exigent circumstances exist, (b) other law enforcement actions have led officers to a sensitive location as described in the "Exceptions to the General Rule" section of this policy memorandum, or (c) prior approval is obtained. This policy supersedes all prior agency policy on this subject.<sup>1</sup>

Definitions

The enforcement actions covered by this policy are (1) arrests; (2) interviews; (3) searches; and (4) for purposes of immigration enforcement only, surveillance. Actions not covered by this policy include actions such as obtaining records, documents and similar materials from officials or employees, providing notice to officials or employees, serving subpoenas, engaging in Student and Exchange Visitor Program (SEVP) compliance and certification visits, or participating in official functions or community meetings.

The sensitive locations covered by this policy include, but are not limited to, the following:

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<sup>1</sup> Memorandum from Julie L. Myers, Assistant Secretary, U.S. Immigration and Customs Enforcement, "Field Guidance on Enforcement Actions or Investigative Activities At or Near Sensitive Community Locations" 10029.1 (July 3, 2008); Memorandum from Marcy M. Forman, Director, Office of Investigations, "Enforcement Actions at Schools" (December 26, 2007); Memorandum from James A. Puleo, Immigration and Naturalization Service (INS) Acting Associate Commissioner, "Enforcement Activities at Schools, Places of Worship, or at funerals or other religious ceremonies" HQ 807-P (May 17, 1993). This policy does not supersede the requirements regarding arrests at sensitive locations put forth in the Violence Against Women Act, see Memorandum from John P. Torres, Director, Office of Detention and Removal Operations and Marcy M. Forman, Director, Office of Investigations, "Interim Guidance Relating to Officer Procedure Following Enactment of VAWA 2005 (January 22, 2007).

## Enforcement Actions at or Focused on Sensitive Locations

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- schools (including pre-schools, primary schools, secondary schools, post-secondary schools up to and including colleges and universities, and other institutions of learning such as vocational or trade schools);
- hospitals;
- churches, synagogues, mosques or other institutions of worship, such as buildings rented for the purpose of religious services;
- the site of a funeral, wedding, or other public religious ceremony; and
- a site during the occurrence of a public demonstration, such as a march, rally or parade.

This is not an exclusive list, and ICE officers and agents shall consult with their supervisors if the location of a planned enforcement operation could reasonably be viewed as being at or near a sensitive location. Supervisors should take extra care when assessing whether a planned enforcement action could reasonably be viewed as causing significant disruption to the normal operations of the sensitive location. ICE employees should also exercise caution. For example, particular care should be exercised with any organization assisting children, pregnant women, victims of crime or abuse, or individuals with significant mental or physical disabilities.

### Agency Policy

#### *General Rule*

Any planned enforcement action at or focused on a sensitive location covered by this policy must have prior approval of one of the following officials: the Assistant Director of Operations, Homeland Security Investigations (HSI); the Executive Associate Director (EAD) of HSI; the Assistant Director for Field Operations, Enforcement and Removal Operations (ERO); or the EAD of ERO. This includes planned enforcement actions at or focused on a sensitive location which is part of a joint case led by another law enforcement agency. ICE will give special consideration to requests for enforcement actions at or near sensitive locations if the only known address of a target is at or near a sensitive location (e.g., a target's only known address is next to a church or across the street from a school).

#### *Exceptions to the General Rule*

This policy is meant to ensure that ICE officers and agents exercise sound judgment when enforcing federal law at or focused on sensitive locations and make substantial efforts to avoid unnecessarily alarming local communities. The policy is not intended to categorically prohibit lawful enforcement operations when there is an immediate need for enforcement action as outlined below. ICE officers and agents may carry out an enforcement action covered by this policy without prior approval from headquarters when one of the following exigent circumstances exists:

- the enforcement action involves a national security or terrorism matter;
- there is an imminent risk of death, violence, or physical harm to any person or property;



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- the enforcement action involves the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual(s) that present an imminent danger to public safety; or
- there is an imminent risk of destruction of evidence material to an ongoing criminal case.

When proceeding with an enforcement action under these extraordinary circumstances, officers and agents must conduct themselves as discretely as possible, consistent with officer and public safety, and make every effort to limit the time at or focused on the sensitive location.

If, in the course of a planned or unplanned enforcement action that is not initiated at or focused on a sensitive location, ICE officers or agents are subsequently led to or near a sensitive location, barring an exigent need for an enforcement action, as provided above, such officers or agents must conduct themselves in a discrete manner, maintain surveillance if no threat to officer safety exists and immediately consult their supervisor prior to taking other enforcement action(s).

### Dissemination

Each Field Office Director, Special Agent in Charge, and Chief Counsel shall ensure that the employees under his or her supervision receive a copy of this policy and adhere to its provisions.

### Training

Each Field Office Director, Special Agent in Charge, and Chief Counsel shall ensure that the employees under his or her supervision are trained (both online and in-person/classroom) annually on enforcement actions at or focused on sensitive locations.

### No Private Right of Action

Nothing in this memorandum is intended to and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

This memorandum provides management guidance to ICE officers exercising discretionary law enforcement functions, and does not affect the statutory authority of ICE officers and agents, nor is it intended to condone violations of federal law at sensitive locations.