

CLASP Testimony on HB 1222 - Favorable with Amendments HB 1222- Public Safety - Immigration Enforcement (Maryland Values Act)

House Judiciary Committee

February 27, 2025

Dear Honorable Chair Clippinger, Vice Chair Bartlett, and Members of the Committee,

The Center for Law and Social Policy (CLASP) urges the committee to provide a favorable report with amendments on HB 1222 - Public Safety - Immigration Enforcement (Maryland Values Act).

Established in 1969, CLASP is a national, non-partisan, non-profit, anti-poverty organization that advances policy solutions for people with low incomes. Our testimony draws upon the work of CLASP experts in the areas of immigration, anti-poverty, and child development policies. As a national anti-poverty organization, we bring a deep commitment to families living with low incomes and knowledge of the challenges that they experience as a result and understand the critical importance of federal programs that support the health and economic well-being of families with low-incomes. At CLASP, we also have deep expertise in policies that support children’s healthy development, such as promoting access to good nutrition, high quality health care and education, a healthy living environment, and stable, nurturing caregivers. We recognize that harsh immigration policies, such as increased immigration enforcement, undermine these very foundations.

Maryland is culturally, linguistically, and ethnically diverse. Approximately 1 million immigrants—about 16 percent of the state population¹—call Maryland home, and roughly one-third of all children in Maryland have at least one parent who was born outside the United States.² The majority of immigrants in Maryland are from the Americas (41 percent) or Asia (30 percent).³ Maryland has 287(g) agreements in Frederick, Harford, and Cecil counties, which are home to approximately 56,000 immigrants, and, without legislation preventing other counties from entering into 287(g) agreements in the future, other communities are at risk of harmful immigration policies in Maryland.⁴

287(g) is a program where state and local law enforcement contract with DHS for their staff to, in essence, become ICE agents and can enforce federal immigration law directly. For years, sheriffs with a history of civil rights violations and racism have weaponized the 287(g) program to target and terrorize immigrant communities. Their deputies, acting directly with ICE, help facilitate family separation and an

¹ US Census Bureau. 2024. “U.S. Foreign-Born Population: 2019-2023.” Census.gov. December 12, 2024. <https://www.census.gov/library/visualizations/interactive/foreign-born-population-2019-2023.html>.

² The Urban Institute. Data from the Integrated Public Use Microdata Series datasets drawn from the 2017 and 2018 American Community Survey.

³ U.S. Census Bureau. 2024. “U.S. Foreign-Born Population: 2019-2023.” Census.gov. U.S. Census Bureau. December 12, 2024. <https://www.census.gov/library/visualizations/interactive/foreign-born-population-2019-2023.html>.

⁴ Migration Policy Institute tabulation of data from the U.S. Census Bureau's pooled 2019-2023 American Community Survey.

environment of fear in immigrant communities that undermines the trust in law enforcement we all need to feel safe. Participation is entirely voluntary and yet Maryland has counties actively choosing to uphold this dangerous and discriminatory policy.

The Maryland Values Act will end current 287(g) agreements in Frederick, Harford, and Cecil counties and stop Maryland from entering into new 287(g) agreements that further harm our Community. Ending partnerships with ICE like 287(g) will safeguard Maryland's scarce local resources, protect its public safety and Marylanders by improving relationships with law enforcement and other state entities, keep families together, and stand against the xenophobic policies of the Trump administration. This bill is an opportunity for Maryland legislators to protect the wellbeing of immigrant families residing in the state.

Disproportionate impact of immigration enforcement on Black and Hispanic communities

Black immigrants face a multitude of barriers to thriving in the U.S., including anti-Black systemic racism and an immigration system ingrained in xenophobic ideology. From the African and Muslim ban and deportations of long-term U.S. residents to the repression of Black migration today, Black immigrants' basic humanity is constantly denied.⁵ In 2023, CLASP collaborated with the Ohio Immigrant Alliance (OHIA) to publish a book and a brief that highlighted the experiences, hopes, and dreams of 255 people who were deported from the United States, the majority of whom are of African origin.⁶ The CLASP and OHIA research documents how immigration detention and deportation unravels peoples' lives with crushing consequences for children, partners, parents, and communities.

While 8 in 10 Latinos in the U.S. are U.S. citizens, the literature also demonstrates that immigration enforcement has historically led to the racial profiling of people—including documented immigrants and citizens—who are perceived as ethnically Latino.⁷ This is for a number of reasons, which include the relatively recent racialization of immigrants in the U.S. as Latino and the widespread assumption that Latino populations in the U.S. are largely undocumented.⁸ In a February 2025 report by NBC News on U.S. citizens caught up in ICE enforcement, Maryland Congressman Raskin was recently quoted from a statement: "If you're not out looking for criminals based on crimes committed, but undocumented immigrants based on their looks, you're going to sweep up a lot of innocent people, including innocent citizens. We've already seen cases of racial and ethnic profiling leading to the unlawful detention of U.S. citizens. That's why I'm demanding answers about some of these profoundly troubling stories we've

⁵ "Anti-Black discrimination against non-citizens and ongoing violations of international protections for migrants, refugees, and asylum seekers of African descent," Black Alliance for Just Immigration (BAJI), Haitian Bridge Alliance (HBA), Human Rights First (HRF), The Refugee and Immigrant Center for Education and Legal Services (RAICES), Robert F. Kennedy Human Rights (RFK Human Rights), July 28, 2022,

<https://rfkhumanrights.org/report/shadow-report-to-the-committee-on-the-elimination-of-racial-discrimination-cerd/>.

⁶ Lynn Tramonte, and Suma Setty, "Issue Brief: Broken Hope," Center for Law and Social Policy. December 11, 2023.

<https://www.clasp.org/publications/report/brief/broken-hope-deportation-harm/>

⁷ David A Harris. "Racial Profiling: Past, Present, and Future?," Criminal Justice 43 (2020),

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3543744

⁸ Viviana Lopez Green. "La Historia Uncovered Season 2, Episode 3: The Roots of Immigration Policy," UnidosUS (February 9 2022), <https://unidosus.org/blog/2022/02/09/la-historia-uncovered-season-2-episode-3-the-roots-of-immigration-policy/> ;

Suzanne Gamboa. "Americans way off on number of Latinos they think are undocumented, poll finds," NBC News, September 30,

2021, <https://www.nbcnews.com/news/latino/americans-way-number-latinos-think-are-undocumented-poll-finds-rcna2464>

heard about citizens being targeted, detained and questioned.”⁹ 287(g) agreements exacerbate and increase the risk of harm to Maryland communities.

Harm of 287(g) agreements on children and families

In a 2023 report, CLASP and UnidosUS analyzed trends in interior enforcement and documented the negative impact on children’s economic security, access to food, housing stability, mental health, and educational outcomes. The sections that follow outline some of the research and evidence from the report that shows the clear harm of 287(g) agreements on immigrant families.¹⁰

Safety

All people living in a community deserve to feel safe attending school, going to work, shopping for groceries, and visiting the doctor. Many immigrants and children in mixed-status families residing in high-enforcement areas, however, experience the opposite. They do not perceive police as allies in enhancing community safety, but instead as extensions of immigration enforcement authorities. Exposure to community violence creates a high-stress environment and can negatively impact early childhood development.¹¹ These developmental impediments, often judged in isolation, should be understood as issues that lie at the intersection of public safety and public health. Despite proponents’ claims that immigration enforcement decreases criminal activity, studies conducted over the past decade, including a November 2022 study from the Department of Justice, have shown that 287(g) agreements have little to no impact on public safety or crime.¹² On the contrary, a 2023 study found that these policies were found to significantly increase the risk that Latinos are victims of crime.¹³

Physical Health

Access to healthy, nutritious food is foundational to a child’s well-being and healthy development. Studies have shown that enforcement actions threaten food security among families with children. In addition, fears about their information being shared with immigration enforcement authorities may cause

⁹ Suzanne Gamboa. “Rep. Jamie Raskin demands details on U.S. citizens caught up in ICE enforcement” NBC News. February 4, 2025.

<https://www.nbcnews.com/news/latino/rep-jamie-raskin-demands-details-us-citizens-caught-ice-enforcement-rcna190649>

¹⁰ Nicole Chávez, Suma Setty, Hannah Liu, and Wendy Cervantes, “Still at Risk: The Urgent Need to Address Immigration Enforcement’s Harms to Children” Center for Law and Social Policy. June 13, 2023.

<https://www.clasp.org/publications/report/brief/urgent-need-address-immigration-enforcement-harm-children/#:~:text=Home-Still%20at%20Risk%3A%20The%20Urgent%20Need%20to%20Address%20Immigration%20Enforcement's,in%20immigrant%20families%20and%20communities>

¹¹ Elvert Barnes and Charles Daniels, “Cradle to Community: A Focus on Community Safety and Healthy Child Development,” Prevention Institute and Center for the Study of Social Policy (December 2017),

https://www.preventioninstitute.org/sites/default/files/publications/PI_Cradle%20to%20Community_121317_0.pdf

¹² Tom K. Wong “287(g) and the politics of interior immigration control in the United States: Explaining local cooperation with federal immigration authorities,” *Journal of Ethnic and Migration Studies* 38, no. 5 (2012): 737-756; Elina Treyger, Aaron Chalfin, and Charles Loeffler, “Immigration enforcement, policing, and crime: Evidence from the secure communities program,” *Criminology & Public Policy* 13, no. 2 (2014): 285-322.; Andrew Forrester and Alex Nowrahsteh, “Do Immigration Enforcement Programs Reduce Crime?,” *The Center for Growth and Opportunity* (2022); Joel A Capellan, and Evan T. Sorg. “Do Local-Federal Immigration Enforcement Agreements Reduce Crime? A Nationwide Evaluation of the Crime Reduction Benefits of Section 287(g) of the United States Immigration and Nationality Act,” *Office of Justice Programs, U.S. Department of Justice* (2022), <https://www.ojp.gov/pdffiles1/nij/grants/305488.pdf>

¹³ Eric P. Baumer and Min Xie, “Federal–local partnerships on immigration law enforcement: Are the policies effective in reducing violent victimization?,” *Criminology & Public Policy*, (March, 2023),

<https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9133.12619> .

families to disenroll from or avoid governmental assistance like SNAP and WIC nutrition assistance that they are eligible for and which their taxes support. For example, one study found that Mexican non-citizen households with children living in an area with a 287(g) agreement are 10% more likely to experience food insecurity than similar families in areas without a 287(g) agreement.¹⁴

The threat of deportation and detention can also intimidate mixed-status immigrant families and keep them from seeking out medical care or applying to certain social safety net programs, even when their U.S.-born children are eligible. Families may be misinformed and fear that their information will not be kept private, or worse, shared with ICE, for simply using available resources to improve their health. The consequences are tangible and long-term when it comes to the physical well-being of the children of immigrants. To demonstrate, a 2012 North Carolina study found that Latina mothers sought prenatal care later and received insufficient care relative to non-Latina mothers. Latina respondents shared that they were mistrustful of health services, likely influenced by the presence of 287(g) agreements in that area at the time.¹⁵

Early Care and Education

Education is an important stepping stone toward future success, but fear and anxiety about immigration enforcement often undermine student achievement and access to education, from early education through postsecondary education. Children with at least one undocumented parent made up 12% of the U.S. K-12 school enrollment in 2021.¹⁶ Beyond setting students up for future economic security and socioemotional development, places of learning also act as important community hubs to help families access emotional or material support.¹⁷ Numerous studies have shown that immigration enforcement actions reduce student engagement and increase absenteeism. For example, local immigration enforcement raids and collaboration with law enforcement through 287(g) agreements have been shown to decrease school engagement by increasing chronic student absenteeism and displacing students, disrupting learning, and threatening future achievement.¹⁸

CLASP supports the Maryland Values Act with amendments

¹⁴ Stephanie Potochnick, Jen-Hao Chen, and Krista Perreira, “Local-Level Immigration Enforcement and Food Insecurity Risk among Hispanic Immigrant Families with Children: National-Level Evidence,” *Journal of Immigrant Minority Health* 19 (2017): 1042–1049, <https://doi.org/10.1007/s10903-016-0464-5>

¹⁵ Scott D. Rhodes et al., “The Impact of Local Immigration Enforcement Policies on the Health of Immigrant Hispanics/Latinos in the United States,” *American Journal of Public Health* 105, no. 2 (Feb. 1, 2015): 329–37, doi:10.2105/AJPH.2014.302218.

¹⁶ “Beyond the Border: Family Separation in the Trump Era,” UnidosUS, (2019), https://unidosus.org/wp-content/uploads/2021/07/unidosus_beyondtheborder_22519.pdf; “Table 203.20. Enrollment in public elementary and secondary schools, by region, state, and jurisdiction: Selected years, fall 1990 through fall 2030,” National Center for Education Statistics, https://nces.ed.gov/programs/digest/d22/tables/dt22_203.20.asp

¹⁷ Michael B. Horn, Julia Freeland, and Stuart M. Butler, “Schools as Community Hubs: Integrating Support Services to Drive Educational Outcomes,” Brookings Institution (September 2015), <https://www.brookings.edu/wp-content/uploads/2016/06/Horn-Freeland-Paper-FINAL.pdf>

¹⁸ Laura Bellows, “Immigration Enforcement and Student Achievement in the Wake of Secure Communities,” *AERA Open* 5, no. 4 (October 29, 2019), <https://doi.org/10.1177/2332858419884891>; J. Jacob Kirksey and Carolyn Sattin-Bajaj, “Immigration Arrests and Educational Impacts: Linking ICE Arrests to Declines in Achievement, Attendance, and School Climate and Safety in California,” *AERA Open* 7 (October 4, 2021), <https://doi.org/10.1177/23328584211039787>; Thomas S. Dee and Mark Murphy, “Vanished Classmates: The Effects of Local Immigration Enforcement on School Enrollment,” *American Educational Research Journal* 57, no. 2 (April 2020): 694–727, <https://doi.org/10.3102/0002831219860816>; Carolyn Heinrich, Mónica Hernández, and Mason Shero, “Repercussions of a Raid: Health and Education Outcomes of Children Entangled in Immigration Enforcement,” *Journal of Policy Analysis and Management* (December 2022), <https://doi.org/10.1002/pam.22443>

The research is clear that policies such as 287(g) agreements harm Maryland communities and children. CLASP stands with immigrant children and families and supports the Maryland Values Act with amendments because it will end current 287(g) agreements in Frederick, Harford, and Cecil County and stop Maryland from entering into new 287(g) agreements that further harm communities. On amendments, CLASP also urges the removal of Sections 9-309(A) and (B) and 5-104(5). These provisions mandate detention and transfer, which courts and the Maryland Attorney General have flagged as likely unconstitutional, exposing local governments to legal risk. Holding individuals past their release for civil immigration matters is unlawful, and transfer often results in wrongful detention and wasted state resources. Maryland must uphold due process and disentangle immigration enforcement from the criminal justice system.

CLASP urges the committee to provide a favorable report with amendments on HB 1222. If you have questions, please contact Wendy Cervantes, director of immigration and immigrant families at CLASP and a Maryland resident, at WCervantes@clasp.org.