



Freedom Network USA

January 8, 2024

Dear Members of Congress:

Freedom Network USA (FNUSA) urges Members of Congress to vote NO on the Laken Riley Act. This bill cynically manipulates a personal tragedy to criminalize and demonize immigrant communities. **The Laken Riley Act is masquerading as a bill to protect young women from harm, while putting immigrant survivors of gender-based violence at risk of prolonged, indefinite detention without bond based merely on allegations of petty offenses.** FNUSA has appreciated Congress' dedication to protecting trafficking survivors and wants to ensure members of Congress know that if this bill becomes law, it will enable trafficking by handing traffickers another tool of coercion against survivors.

It is a well-known tactic of power and control that abusers and traffickers may force survivors to commit criminal acts under the threat of serious violence. Traffickers often coerce victims to commit crimes by confiscating identity documents and threatening to call the police and report past forced criminal behavior to have them detained or deported if they don't comply. Immigrant survivors often do not speak English as well as their perpetrators and that combined with cultural barriers, lack of information about their rights and resources, and fear of retaliation from the abuser prevents immigrant survivors from fully disclosing what is happening to them. **If passed, the Laken Riley Act would embolden abusers and traffickers and increase the climate of fear that immigrant survivors already face, making it far less likely that they will reach out for help from authorities for fear of retaliatory accusations that could easily land them in detention. This makes us all less safe.**

What the bill says:

- This bill requires the mandatory immigration arrest and detention – without access to bail – of any undocumented person convicted of or merely arrested for burglary, theft, larceny or shoplifting related offenses. There is no statute of limitations and no mechanism for the individual to contest their immigration detention in order to resolve the underlying criminal charges against them (if charges are even brought).
- The bill provides individual States with standing – regardless of whether they have any legitimate interest or stake – to bring litigation against the federal government with regard to any allegation that the federal government is improperly implementing the detention and removal provisions of federal law, visa related provisions, or its discretionary parole authority.

Why the mandatory detention provisions of the bill would be harmful in practice:

- Laken Riley's death was a tragedy. But exploiting that individual tragedy to demonize all immigrants is bad policy. Congress should not harm many people because one person was harmed.
- The bill subjects individuals merely arrested for certain offenses, including petty offenses such as shoplifting, to mandatory detention even when no criminal charges are brought. It would encourage anti-immigrant law enforcement to profile people they believe to be undocumented and arrest them for trumped up charges, knowing such an arrest would lead to their indefinite incarceration. Such profiling disparately harms Black and Brown immigrant communities.
- **Detention is particularly harmful and retraumatizing for survivors of trafficking and sexual and**

domestic violence. The conditions of detention replicate some of the dynamics of power and control that victims experience in the course of domestic violence. This includes vulnerability to arbitrary rules, sudden and disproportionate punishments, and destruction of independent agency and autonomy. Furthermore, the persistence of sexual abuse by guards in detention is well established. One complaint detailed that women reportedly suffered sexual abuse at the hands of facility guards, who allegedly removed them from their sleeping quarters late at night to force them to engage in sexual acts, groped them in front of their children, and promised money or assistance in exchange for sexual favors. Another report found that the number of sexual assault allegations across multiple facilities suggests limited adherence to the Prison Rape Elimination Act universally, with sexual assault occurring at a rate up to 3.5 times higher than that of the general US population.

- Mandatory immigration detention – detention without access to a bond or bail hearing and with no mechanism for release prior to deportation – is a harmful retrogressive practice that should be ended, not expanded. There is no other area of American law where people can be locked up for prolonged periods without any individualized determination of the necessity of such detention. Mandatory detention premised merely on an arrest is unprecedented even within immigration laws.
- In the criminal legal system, there is a presumption favoring pretrial release and individuals detained for criminal proceedings are entitled to individualized bond hearings, regardless of the severity of the charges against them. Mandatory detention takes away this discretion from judges, forcing them to deprive everyone of their liberty, regardless of the severity of their conduct. It also undermines finality in criminal proceedings: unlike their citizen counterparts, noncitizens subject to mandatory detention are precluded from appearing at their criminal hearings to resolve their charges. Jailing and deporting noncitizens preemptively based on charges also undermines victims' access to justice, as federal immigration authorities effectively short-circuit criminal proceedings that would resolve charges and address any culpability. **Immigrant survivors already face unique and severe barriers to justice and their access to legal counsel would be disproportionately impacted. And, if deported as a result, they could face life threatening violence upon return.**

We urge Members of Congress not to allow a tragic act to be manipulated in an effort to demonize and criminalize an entire group of people. Those who seek to dehumanize and stigmatize immigrants are conflating immigration with decreased public safety. But we know there is no correlation between citizenship or immigration status and crime. Evidence shows that immigrants make our communities stronger by invigorating local economies and fortifying urban development and cultural growth. As the mayor of Athens-Clarke County said, the conversation about Laken Riley's death should be focused on mourning the tragic loss endured by her family and loved ones because of the acts of one person, not an entire group.

We recommend a NO vote on the Laken Riley Act.

Sincerely,



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