



# Center for Immigration Law and Policy

HIROSHI MOTOMURA & AHILAN ARULANANTHAM  
FACULTY CO-DIRECTORS  
CENTER FOR IMMIGRATION LAW AND POLICY

UCLA SCHOOL OF LAW  
BOX 951476  
LOS ANGELES, CALIFORNIA 90095-1476  
EMAIL: [cilp@law.ucla.edu](mailto:cilp@law.ucla.edu)

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California State Senate  
State Capitol  
1315 10th Street  
Sacramento, CA 95814

Re: Support AB 937 (VISION Act)

Honorable California State Senators:

On behalf of the UCLA Center for Immigration Law and Policy (CILP), we write to urge you to **support Assembly Bill 937**, the Voiding Inequality and Seeking Inclusion for Our Immigrant Neighbors (VISION) Act, based on our research on the history and current effects of attaching immigration consequences to contact with the criminal legal system.

Currently, California permits law enforcement officials to transfer people convicted of certain criminal offenses from local jails and state prisons to federal Immigration and Customs Enforcement (ICE).<sup>1</sup> California also permits the California Department of Corrections and Rehabilitation to use its resources for immigration enforcement.<sup>2</sup> The VISION Act would end those policies, thereby **protecting all immigrants from the draconian consequences that the immigration system imposes after immigrants have already served their time.**<sup>3</sup>

Based on our research, we urge you to support the VISION Act for four reasons. First, extensive research establishes that stopping ICE transfers will not affect crime rates, as immigration enforcement does not enhance public safety. Second, as a forthcoming report from CILP describes in more detail, the conviction-based grounds of deportation that the VISION Act targets were motivated by racism and are grounded in a long history of racist immigration laws. Third, the transfers to ICE custody that the VISION Act would end have torn apart immigrant communities in California. Ending those transfers will greatly enhance family and community unity. And finally, many of the people subjected to such immigration enforcement are veterans of the United States Armed Forces. Thus, the VISION Act would play an important role in protecting our veterans.

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<sup>1</sup> Cal. Gov't Code § 7282.5.

<sup>2</sup> *Id.* § 7284.4(a).

<sup>3</sup> Voiding Inequality and Seeking Inclusion for Our Immigrant Neighbors (VISION) Act, A.B. 937, CA Leg. 2021-22 Regular Session, sec. 2 (2021).

## 1. Stopping ICE Transfers Will Not Impact Crime Rates

**Cooperation between local law enforcement and federal immigration authorities does not reduce crime; it does nothing to make us safer.** Several rigorous studies by social scientists provide overwhelming support for this conclusion.<sup>4</sup> More than ten years ago, the federal government began more aggressively recruiting local governments as partners in federal immigration enforcement. Several years later, some of those governments reversed course and began adopting “sanctuary city” policies under which they refused ICE detainer requests. This shifting policy landscape allowed scientists to study the effects of immigration enforcement on crime. The results of those analyses provide strong evidence that policies limiting cooperation between law enforcement agencies and ICE have no detectable impact on crime.<sup>5</sup> In fact, on average, **there are 35.5 fewer crimes committed per 10,000 people in sanctuary counties than in non-sanctuary counties**—i.e., counties that hold people in criminal custody beyond their release date in order to facilitate ICE transfers.<sup>6</sup>

Nor is there any evidence that immigrants with prior criminal convictions are more likely to commit crimes than their citizen counterparts. On the contrary, in a study of 192,556 people released from Florida prisons, U.S.-born individuals were 13% more likely to “reoffend” than their foreign-born counterparts.<sup>7</sup>

That the core rationale for immigration enforcement targeting people with criminal convictions—that it makes us safer—has repeatedly been proven false is in and of itself a strong reason to support the VISION Act.

## 2. The History of Conviction-Based Deportation is Racist

If deporting people for convictions does not make us safer, then one might reasonably ask why our legal system has tolerated it for so long. CILP will shortly release a report that addresses that question. Funded by the California Legislature as part of a research program administered by the UCLA Asian American Studies Center, our report explains that these laws are grounded in a history of anti-Asian racism.

As our research shows, **conviction-based deportation is rooted in racist immigration lawmaking.** California legislators and civil servants have been complicit in the development and implementation of these laws for more than one hundred years, thus fostering and perpetuating the anti-Asian racism from which they arose.

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<sup>4</sup> Annie Laurie Hines & Giovanni Peri, *Immigrants’ Deportations, Local Crime and Police Effectiveness*, INST. LAB. ECON. (June 2019), <https://docs.iza.org/dp12413.pdf>; Thomas J. Miles & Adam B. Cox, *Does Immigration Enforcement Reduce Crime? Evidence from Secure Communities*, 57 J. L. ECON. 937 (2014); David K. Hausman, *Sanctuary Policies Reduce Deportations Without Increasing Crime*, 117 PROC. NAT’L ACAD. SCI. 27262 (2020).

<sup>5</sup> Hausman, *supra* note 4 (examining a sample of 296 counties, 140 of which had sanctuary policies between 2010-2015 finding ‘no evidence of significant effects of sanctuary [when a county refuses retainer requests] and crime’).

<sup>6</sup> Tom K. Wong, *The Effects of Sanctuary Policies on Crime and The Economy*, CTR. AM. PROGRESS & NAT’L IMMIGR. L. CTR. (Jan. 26, 2017), <https://www.nilc.org/wp-content/uploads/2017/02/Effects-Sanctuary-Policies-Crime-and-Economy-2017-01-26.pdf>.

<sup>7</sup> Javier Ramos & Marin R. Wenger, *Immigration and Recidivism: What is the Link?*, 37 JUST. Q., 436-460 (Sept. 2019), <https://doi.org/10.1080/07418825.2019.1656763> (Of foreign-born individuals, 19% were reconvicted for a felony offense within three years of release, while native-born individuals had a reconviction rate of 32%.).

Some of this country's first deportation laws were rooted in anti-Asian racism. **These laws purported to use morality to determine belonging—but morality was defined in racial terms.**

1909: “The Japanese... carry with them wherever they go the same moral leprosy that the Chinese carry,” proclaimed Almont Gates, the Secretary of the California State Board of Charities and Corrections, in 1909.<sup>8</sup> In this context, Congress passed a law in 1907 that provided for the deportation of women and girls if they were found in a “house of prostitution or practicing prostitution” within three years of their entry.<sup>9</sup>

1915: “California being on the shores of the Pacific seems to be a dumping ground for the undesirable from Asia, and I assure you the Hindu and the Japanese are the greatest problems and the greatest plagues we have in the West ... the standard of living and the standard of morality of our people are lowered by the arrival of this ignorant and immoral horde from across the sea,”<sup>10</sup> stated Denver Samuel Church, a U.S. Congressman from California, in 1915. He made those remarks in support of an early version of the Immigration Act of 1917, which barred immigration from most of Asia and made noncitizens deportable if they were sentenced for a “crime involving moral turpitude.”<sup>11</sup>

**Other deportation laws linked narcotics to Asian Americans and other racial groups as a way of justifying their deportation.**

1922: The narcotics situation in 1922 was allegedly worse in California “because we have more orientals there, and orientals are great at this drug game,”<sup>12</sup> said Arthur M. Free, a U.S. Congressman from California who successfully advocated for the federal Narcotic Drugs Import and Export Act of 1922,<sup>13</sup> which became the first federal law attaching immigration consequences such as deportation to convictions for controlled substances.

1931: “Our narcotic problem in California is intensified by the Mexicans in southern California and the Chinese in northern California,”<sup>14</sup> stated a 1931 California state government report on controlled substances and immigrants. That year, Congress passed a law that made all noncitizens who were sentenced for controlled substances violations deportable.<sup>15</sup>

**Contrary to some popular misconceptions, Asian American communities continue to suffer the harmful effects of deportations based on criminal convictions.** Among California's Asian American and Pacific Islander (AAPI) communities, the highest numbers of deportations between

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<sup>8</sup> ALMONT GATES, ORIENTAL IMMIGRATION ON THE PACIFIC COAST 10 (1909).

<sup>9</sup> Act of Feb. 20, 1907 (An Act to Regulate the Immigration of Aliens into the United States), ch. 1134, § 3, 34 Stat. 898.

<sup>10</sup> 52 Cong. Rec. 3055-56 (1915) (statement of Rep. Denver Samuel Church).

<sup>11</sup> Act of February 15, 1917 (Act To regulate the immigration of aliens to, and the residence of aliens in, the United States), ch. 29, §§ 3, 19, 39 Stat. 874.

<sup>12</sup> Deportation of Aliens Convicted of Violation of Narcotic and Prohibition Acts Hearings before the Committee on Immigration and Naturalization: House of Representatives, 67th Cong., 2d Sess., 544 (on H.R. 11118), (Mar. 29, 1922).

<sup>13</sup> Pub. L. No. 67-227, ch. 202, 42 Stat. 596 (“Any alien who at any time after his entry is convicted [of importing controlled substances] shall, upon the termination of the imprisonment... be taken into custody and deported”).

<sup>14</sup> Deportation of Aliens Convicted of Violation of Narcotic and Prohibition Acts Hearings before the Committee on Immigration and Naturalization: House of Representatives, 67th Cong., 2d Sess., 206 (on H.R. 11118), (Mar. 29, 1922), *citing* California State Narcotic Committee, Survey of Drug Addiction in California (1931).

<sup>15</sup> Act of February 18, 1931, ch. 224, 46 Stat. 1171; *see also* Alina Das, *Inclusive Immigrant Justice: Racial Animus and the Origins of Crime-Based Deportation*, 52 UC DAVIS L. REV. 171, 187 (2018).

January 2017 and February 2022 came from the state’s Chinese (2,348), Indian (1,476), Filipino (547), Armenian (390), and Vietnamese (293) communities.<sup>16</sup> **Of course, racial stereotypes have expanded and shifted to encompass Latinx and Black immigrants in the popular conception of immigrant criminality as well. Those stereotypes remain the foundation of today’s laws** that make individuals with certain convictions deportable, separating them from their families, communities, and homes. And through its criminal laws, California remains complicit in amplifying the effects of these laws.

The VISION Act offers a chance to alleviate the harms that California communities continue to experience at the hands of state and local officials and employees because of their race. Given this history and the role that California continues to play in perpetuating this highly disturbing legacy, **one of our report’s key recommendations is that California end all transfers from the state and local criminal system to federal immigration enforcement officials.**

### **3. Transfers to ICE Tear Communities Apart**

We also urge support for the VISION Act because research shows that transfers to ICE impose tremendous harm on immigrant communities. Presently, California law allows state and local law enforcement to transfer certain refugee and immigrant community members to ICE custody after their release from jail or prison. **From 2017-2020, a yearly average of 1,576 noncitizen Californians became eligible for release from criminal custody, but were transferred to federal ICE custody.**<sup>17</sup>

Of the approximately 1,576 Californians transferred yearly to ICE, about 81% are deported.<sup>18</sup> Deportation is devastating for communities. Behind each of these deportations are wounded communities, heartbroken parents and spouses, and traumatized children. “[M]y mom, to this day, because her husband was detained and deported, **she lives in fear of getting picked up by the police,**”<sup>19</sup> recounts Tina in a 2018 report from the Southeast Asia Resource Action Center and National Asian Pacific American Women’s Forum. After her father was deported when she was a teenager, Tina got a part-time job to support her mother.<sup>20</sup> “[W]e were also sending money back to him in Laos. So **the financial impact was really rough,**” she says.<sup>21</sup>

The VISION Act would greatly benefit those who have earned their release from state or local criminal custody by allowing them to reunify with their families and loved ones — without facilitating the federal government’s efforts to impose the massive additional harm of deportation on them.

### **4. Veterans Are Among Those Transferred to ICE and Deported**

Finally, we urge support for the VISION Act because data shows that many noncitizens,

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<sup>16</sup> *Outcomes of Deportation Proceedings in Immigration Court*, Transactional Records Access Clearinghouse (last accessed April 11, 2022), [https://trac.syr.edu/phptools/immigration/court\\_backlog/deport\\_outcome\\_charge.php](https://trac.syr.edu/phptools/immigration/court_backlog/deport_outcome_charge.php).

<sup>17</sup> Daniel Trotta, *California Bill Seeks to Halt Prison-To-ICE Deportation Pipeline*, REUTERS (Sept. 7, 2021), <https://www.reuters.com/world/us/california-bill-seeks-halt-prison-to-ice-deportation-pipeline-2021-09-07/>; see also Senate Committee on Appropriations, AB 937 (Carrillo) - Immigration enforcement at 4 (Aug. 16, 2021), <https://trackbill.com/s3/bills/CA/2021/AB/937/analyses/senate-appropriations.pdf>.

<sup>18</sup> *Id.*

<sup>19</sup> *Dreams Detained, in Her Words: The effects of detention and deportation on Southeast Asian American women and families*, SEARAC & NAPAWF (Sept. 2018), [https://www.searac.org/wp-content/uploads/2018/09/dreams\\_detained\\_in\\_her\\_words\\_report-2.pdf](https://www.searac.org/wp-content/uploads/2018/09/dreams_detained_in_her_words_report-2.pdf).

<sup>20</sup> *Id.* at 8.

<sup>21</sup> *Id.*

including those with lawful permanent resident status, who serve in the U.S. military, are subject to deportation due to contact with the criminal legal system. In 2013, noncitizens made up 4% of all first-time military recruits.<sup>22</sup> In 2015, the Department of Defense estimated that 5,000 lawful permanent residents enlist each year.<sup>23</sup> As with other veterans, the physical and emotional effects of their service are often felt in their return to civilian life and sometimes lead to criminal convictions. But when a noncitizen veteran is convicted of a crime, they face not only the criminal penalty but also the prospect of permanent deportation from the country they served.

Data on the exact number of deported veterans is difficult to confirm because, as noted in a 2019 report of the U.S. Governmental Accountability Office, “ICE does not maintain complete electronic data on veterans it encounters.”<sup>24</sup> That report estimated that **between 2013 and 2018, at least 250 noncitizen veterans were in deportation proceedings, and ICE deported at least 92 of those veterans.**<sup>25</sup> Of those 92 deported veterans, 90 had criminal convictions,<sup>26</sup> indicating that in the overwhelming majority of cases, veterans are deported due to contact with the criminal legal system. Veterans who are transferred to ICE custody and deported are denied their rights to benefits and services that they have earned during their time in the military.<sup>27</sup>

The VISION Act would honor the sacrifices of noncitizen California veterans by preventing their transfer to ICE, allowing them to receive the benefits they have earned, and preventing the separation of military families.

**For all these reasons, we urge you to pass AB937** to ensure that the legacy of racist immigration lawmaking is not allowed to keep harming Californians in the name of public safety concerns that have no empirical basis. Every person detained or deported because of these transfers represents a devastating loss to our state and its communities.

Respectfully,

Hiroshi Motomura & Ahilan Arulanantham

Faculty Co-Directors  
Center for Immigration Law & Policy  
UCLA School of Law

CC: Governor Gavin Newsom

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<sup>22</sup> Catherine N. Barry, *New Americans in Our Nation’s Military*, CTR. AM. PROGRESS (Nov. 8, 2013), <https://www.americanprogress.org/wp-content/uploads/2013/11/ImmigrantVets-brief-5.pdf>.

<sup>23</sup> U.S. Department of Defense, *Military Accessions Vital to National Interest (MANVI) Recruitment Pilot Program* (2015), <https://dod.defense.gov/news/mavni-fact-sheet.pdf>.

<sup>24</sup> U.S. Governmental Accountability Office, REPORT TO CONGRESSIONAL REQUESTERS: IMMIGRATION ENFORCEMENT, ACTIONS NEEDED TO BETTER HANDLE, IDENTIFY, AND TRACK CASES INVOLVING VETERANS 16 (June 2019), <https://www.gao.gov/assets/gao-19-416.pdf>.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Bardis Vakili, et al., *Discharged Then Discarded*, ACLU OF SOUTHERN CAL. (2016), <https://www.aclu-sdic.org/sites/default/files/wp-content/uploads/2017/07/DischargedThenDiscarded-ACLUofCA.pdf>; see also Pilar Marrero, *The U.S. Has Deported Thousands of Veterans. A New Policy Change Offers New Hope for ‘Soldiers Left Behind’*, PBS SoCAL (Nov. 17, 2021), <https://www.pbssocal.org/shows/voces/the-u-s-has-deported-thousands-of-veterans-a-new-policy-change-offers-new-hope-for-soldiers-left-behind>.