



April 25, 2025

The Honorable Amy Kuhn, Chair
Maine Legislature
Joint Committee on the Judiciary
Room 438, Maine State House
100 State House Station
Augusta, ME 04333

Dear Chair Kuhn, Ranking Member Poirier, 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 laws 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 three million members and supporters nationwide including approximately 4,000 in Maine. On behalf of our members and supporters, I am writing to express FAIR's strong support for Legislative Document (LD) 1656. FAIR opposes the

reckless lawlessness of sanctuary policies and recognizes that LD 1656 makes Maine safer.

If enacted, LD 1656 would prohibit jurisdictions from employing 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 and practices undoubtedly encourage illegal immigration and lawlessness.

Sanctuary cities impede the enforcement of federal immigration laws and often attempt to block or bar free communication between state and local officials and federal immigration officials. State and local officials cooperate with federal law enforcement in every aspect of the law, like gun control and drug trafficking and sales – immigration should not be an exception.

Moreover, by blocking free communication and cooperation between state and local officials and federal immigration authorities, sanctuary policies endanger the nation as a whole. For example, days prior to the infamous 9-11 attacks, two of the hijackers, one of whom was one of the pilots, were stopped on separate occasions by police. If their backgrounds and immigration status been checked, their plot might have been uncovered before this tragedy occurred.

Opponents of anti-sanctuary policies justify shielding illegal aliens from our immigration laws saying it is necessary for law enforcement to build trust within the community. Contrary to these assertions, law enforcement does not need sanctuary policies to enable immigrants to feel comfortable reporting crimes. Just consider the anonymous tips police departments receive all the time. This frequently heard claim that sanctuary policies are necessary to foment trust has never been substantiated and, in fact, has been repudiated by several reputable studies. In fact, there is zero empirical evidence of a so-called chilling effect from law enforcement cooperation with Immigration and Customs Enforcement (ICE).

Moreover, state and local cooperation with ICE does not reduce the number of non-citizens reporting crimes or coming forward with testimony about being criminalized. Besides the fact that anonymous tips can be given, there are already a number of programs that allow state and local police to encourage victim and witness cooperation by granting lawful status to illegal aliens who aid in the prosecution of criminals. If illegals provide helpful information to police, they may qualify for a “U,” “T,” “S” or “VAWA” nonimmigrant visa, which, in-turn, would allow them to apply for permanent legal status in the U.S. Sanctuary

policies actually prevent illegal alien victims of crime from taking advantage of these programs.

Many jurisdictions are bullied into adopting sanctuary policies by advocates claiming that honoring or complying with detainers (written requests issued on behalf of the US Department of Homeland Security to another law enforcement agency to detain an individual based on an inquiry into immigration status or an alleged violation of civil immigration law) would be unconstitutional and a violation of the Fourth Amendment. The United States Court of Appeals for the First Circuit, which governs Maine, has never determined that honoring or complying with detainers is unconstitutional. In *Morales v. Chadbourne*, 790 F.3d 208 (1st Cir. 2015), the First Circuit held that for a federal government official to issue a detainer they must have probable cause to believe that a person is in the country unlawfully.

The only court that has directly ruled on the question of constitutionality of honoring detainers is the Court of Appeals for the 5th Circuit in *El Cenizo v. Texas*, 890 F.3d 164 (5th Cir. 2018). In *El Cenizo*, the court held that not only is honoring them lawful under the 4th Amendment but that a state can require its localities to do so. Additionally, the court determined that state and local law enforcement are not making any independent decisions about detaining someone but acting only where there has already been direction from the ICE agent who makes the underlying removability determination. Therefore, Maine law enforcement would be able to comply with properly made detainer requests.

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, who number about 900,000 strong, is a force multiplier vital to ferreting out those among us who wish to cause us harm. If ICE is forced to go into communities rather than the secure environment of local jails, many who wish us harm will not be removed, and others may be put at risk. LD 1656 ensures this cooperation.

Furthermore, shielding illegal aliens needlessly endangers innocent lives. There are roughly 3 million criminal aliens—that is, illegal aliens with a criminal record in addition to their illegal immigration status—living in the United States, and nearly 1 million of these criminal aliens have final orders of removal that have already been issued by a federal immigration judge.¹ These criminals should not be able to continue to live in communities and engage in further criminal activity.

¹ Paul Bedard, “ICE: 950,000 illegals with ‘removal orders’ free, raids get just a sliver,” *Washington Examiner*, February 20, 2017.

Sanctuary policies tell 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. On the contrary, the cost of illegal immigration disproportionately affects state and local governments, giving them even more incentive to cooperate with federal officials. According to FAIR's 2023 cost study, 12,000 illegal aliens and their 4,000 U.S. born children cost Maine taxpayers \$90.4 million annually.² These costs come in the form of educational, healthcare, welfare, and law enforcement expenditures.

LD 1656 is needed to clarify Maine's public policy of cooperation with federal immigration authorities and for this reason FAIR strongly supports this legislation.

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 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

² "Fiscal Burden of Illegal Immigration on Maine", FAIR,
<https://www.fairus.org/sites/default/files/2023-03/maine2023.pdf>, 2023