

Senator Carney, Representative Kuhn and honorable members of the Judiciary Committee. My name is Marie Follayttar from South Portland and my testimony is in favor of both LD 1259 and LD 1971. Immigration law is complex, and it is different than state law. In Maine, we have our court system to address crimes under Maine law. Immigration court is based upon federal law and not Maine law. Maine taxpayers fund local police. U.S. Congress funds ICE and CBP.

I want to share a personal experience with CBP in the Greater Portland area. I watched CBP officers roll two people in wheelchairs out of the way during a protest. The individuals were protesting the family separation policy during the last Trump administration. A wheelchair is an extension of a person with disabilities body. A CBP officer did not push, shove or otherwise try to move any of the individuals not in a wheelchair. They chose to roll the person in the wheelchair. If a CBP officer had moved the standing or sitting individual it would clearly have been assault. But, what about the wheelchair? I experienced the event as one of assault because I am disabled and understand that adaptive devices are a part of the body and that one does not touch the body of someone else without consent and one does not move someone without their consent. Because of this I have concerns around CBP and ICE respecting the bodies of our people. I've already seen them disrespected.

In the past months, there have been instances where ICE and CBP have deported citizens, including a 2-year-old child sent to Honduras, and deported immigrants without a criminal record. Maine lawmakers do not have oversight over ICE and CBP. They do have oversight over officials charged with upholding Maine law and protecting Mainers. We can ensure that due process occurs by ensuring that there is continued separation between our police and immigration enforcement agencies. The President's response to citizens being deported by mistake was, "Let me tell you that nothing will ever be perfect in this world."<sup>1</sup> This does not bode well for due process in our country or respect for the rule of law.

"Thousands, including other citizens and green card holders, received similar erroneous self-deport notices due to administrative mistakes."<sup>2</sup> With orders to deport given that are mistakes, we cannot put Mainers at risk of losing their due process rights and being deported. This can occur if our police allow our residents to be placed directly into ICE and CBP custody rather than the criminal legal system. You as lawmakers cannot allow this. If we could trust that federal immigration due process would occur, we might be in a different position, but to date, this administration has proven time and time again that it will deport with or without reason and that deportation will include citizens. This is a living nightmare. We need our police to stay within their scope of work and ensure that Maine people are protected. We need our police to protect the people from ICE and CBP and ensure that Mainers are afforded their full rights.

Around the country there are reports from criminal legal system officials sharing that individuals charged with crimes who are immigrants are being deported rather than afforded due process for their criminal charges. "It's not only undermining to the justice system but also impacting community safety<sup>3</sup>," said Adams County District Attorney Brian Mason of Denver.

Witnesses on U visas given the right to stay in our country as a witness to crime to testify can end up afraid of showing up at court as a witness because ICE may be waiting for them one legal scholar speculated.<sup>4</sup> This can interfere with the justice of citizens as testimony may be needed to ensure guilt or innocence.

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<sup>1</sup> [Donald Trump admits US citizens could be deported by mistake as 'homegrown are next'](#)

<sup>2</sup> [Utah immigration lawyer told by Homeland Security to self-deport](#)

<sup>3</sup> [ICE adopts new tactic: Deport before court](#)

<sup>4</sup> [ICE adopts new tactic: Deport before court](#)

If cooperation between ICE and police occurs, more people experiencing domestic violence and or any other dangerous situation will question whether they can call the police for help: we need to preserve this not impede upon this further. No other system in this state exists to receive help. Already, people question whether they can call the police for help. Let's build trust not erode it. Let's protect due process when we can, while we can. Please vote ought to pass on both LD 1259 and LD 1971. Thank you for tackling this difficult issue.