



**Testimony of
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The Selz Foundation Chair in Immigration Policy
at the Cato Institute
Before
the Committee on
the Judiciary
Subcommittee on Immigration Integrity, Security, and Enforcement
United States House of Representatives**

September 1, 2026

Re: “Sanctuary Policies, Tragic Consequences”

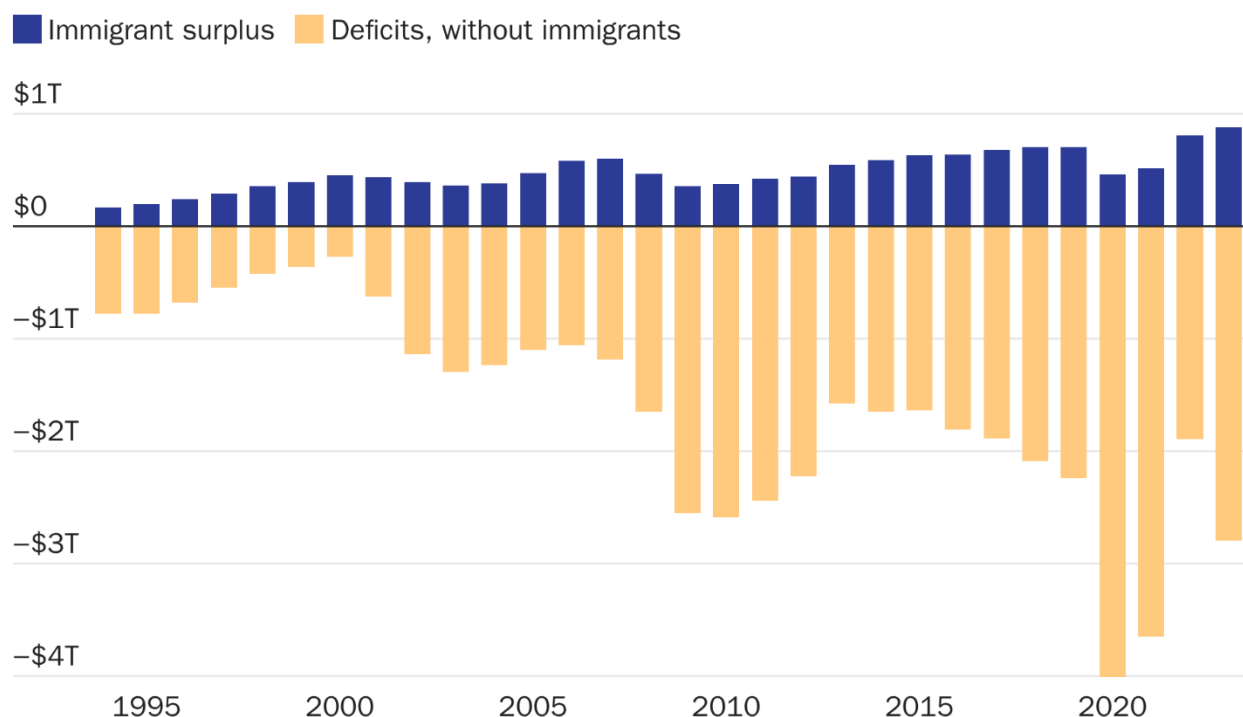
Chairman McClintock, Ranking Member Jayapal, and distinguished members of the subcommittee, thank you for the opportunity to testify.¹

I occupy The Selz Foundation Chair in Immigration Policy at the Cato Institute, a nonpartisan public policy research organization in Washington, D.C. I previously served as senior policy advisor for a member of this subcommittee, and I appreciate the opportunity to testify again about the positive effects of immigration on American cities. For nearly half a century, the Cato Institute has produced original research showing that people—whatever their ancestry, background, or birthplace—can benefit the United States when the Constitution’s principles of individual liberty and limited government are followed.

Immigrants come for freedom—freedom to work for us and with us, to improve our lives, and they will play critical roles in America’s economic vitality in the future.² They work at higher rates and are nearly twice as likely to start businesses.³ Cato’s research has shown that immigrants have reduced federal, state, and local government budget deficits by a combined \$14.5 trillion, including \$1.7 trillion from illegal immigrants, over the last 30 years.⁴

Immigrants’ fiscal surplus has grown even as deficits have exploded

Net fiscal impact, immigrants and US population without immigrants, 2024 dollars, 1994–2023



Source: Calculations are based primarily on the Annual Social and Economic Supplements of the US Census Bureau’s Current Population Survey for March 1994–2023. See Appendix for full details.

Note: Includes interest savings from reduced debt in prior years.



Unfortunately, the economic effect of mass deportation is already being realized. The Congressional Budget Office has found that the Trump administration’s policies—just from early 2025—will increase deficits by \$500 billion over a decade.⁵

Cities are forced to deal with the fallout of Congress's flawed immigration system.

As I've explained to this Committee before, Congress has failed to update the legal immigration system in any meaningful way since 1990.⁶ As a result, only about 3 percent of those seeking lawful permanent resident status in the United States received green cards in 2024.⁷ For people who are not close relatives of US citizens, the percentage is less than one percent. Indeed, for many types of immigrants, there are no legal ways to come, which has created the illegal immigration problem in the United States.

Unfortunately, rather than fix this system, the current administration has undermined it, banning a majority of the few legal immigrants from abroad who were previously permitted to immigrate. That includes nearly all legally admitted refugees—except for South African Afrikaners—and about half of all immigrant visa applicants, including half of all spouses and minor children of US citizens.⁸ Legal entries have fallen twice as much as illegal entries.⁹ It has also cut green card processing in half, setting up applicants for ICE arrests.¹⁰

Congress's continual refusal to correct its past mistakes and legalize immigration has forced states and local governments to deal with the fallout of illegal immigration. America's cities benefit from the economic contributions of these immigrants, who are integrated into their communities as family members, friends, parishioners, workers, and employers. In some areas of the United States, as many as one in five people lives in a household with an illegal immigrant.¹¹ As a result, Congress and the president have forced these communities to choose between aiding federal law enforcement and tearing apart their cities.

Noncitizens who threaten the lives and liberty of Americans should be prosecuted, convicted, imprisoned, and deported—whether they came in legally or not—and states may have a role to play in that effort. However, the federal government's focus on indiscriminate enforcement undermines trust and cooperation with municipalities. A better approach would require Immigration and Customs Enforcement (ICE) to concentrate its efforts on serious offenders so that localities could be confident about ICE's intentions when working with local officers.

Cities have good reasons to ban participation with mass deportation.

America's cities have strong reasons to limit participation with ICE's mass deportation agenda. Deportations harm Americans in countless ways. This doesn't mean *illegal* immigration is good, but it does mean that Congress should create legal ways for immigrants to immigrate to the United States and contribute to US society.

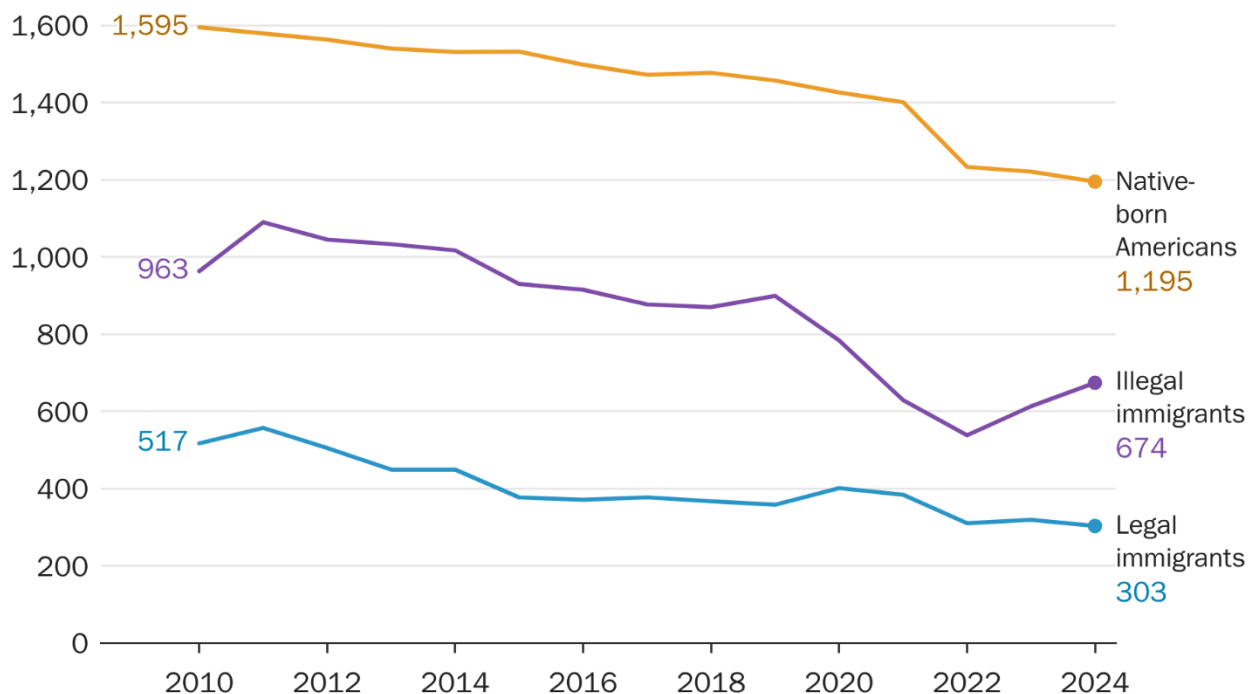
- *Illegal immigrants provide goods and services that improve the lives of Americans.* Mass deportation would cut US production by about 7 percent of Gross Domestic Product.¹² Illegal immigrants look after Americans' children, provide their health care, and care for them when they become elderly and disabled. Immigrants build and clean Americans' homes, harvest their fruits and vegetables, and process their meat and seafood. Mass deportation would crash local economies, creating a death spiral of lost consumers, closed businesses, and declining tax revenue.
- *Many Americans' jobs directly depend on illegal immigrant workers.* For instance, there are 33 million US-born Americans who are managers or supervisors for over 8 million unauthorized immigrant workers.¹³ A team at the Brookings Institution has found that the Trump administration's mass deportation efforts in cities where ICE surged operations

reduced jobs and that “out of the 668,000 jobs lost, 51,000-297,000 would have been held by American-born workers.”¹⁴

- *Illegal immigrants are providers for US citizen family members.* There are over one million undocumented spouses of US citizens, and nearly 17 million US citizens share a household with an unauthorized immigrant.¹⁵ Mass deportation would impoverish many of these families, cutting household income at least in half.¹⁶
- *Illegal immigrants supported state and local governments* with more than \$37 billion in state and local tax revenue in 2022.¹⁷
- *Illegal immigrants reduce crime rates by committing fewer crimes.* More than a dozen studies have found that immigration, including illegal immigration, is associated with less crime.¹⁸ Illegal immigrants were half as likely to have committed an offense serious enough for them to be incarcerated in the United States in 2023.¹⁹ In recent years, there has been a negative correlation between murders and immigration court filings in major US cities.²⁰

Immigrants, regardless of legal status, are less likely to be incarcerated

Subgroup incarceration rate per 100,000 residents, ages 18–54



Source: American Community Survey, 2024; Michelangelo Landgrave and Alex Nowrasteh, "Illegal Immigrant Incarceration Rates, 2010–2024," Cato Institute, 2026 (forthcoming).



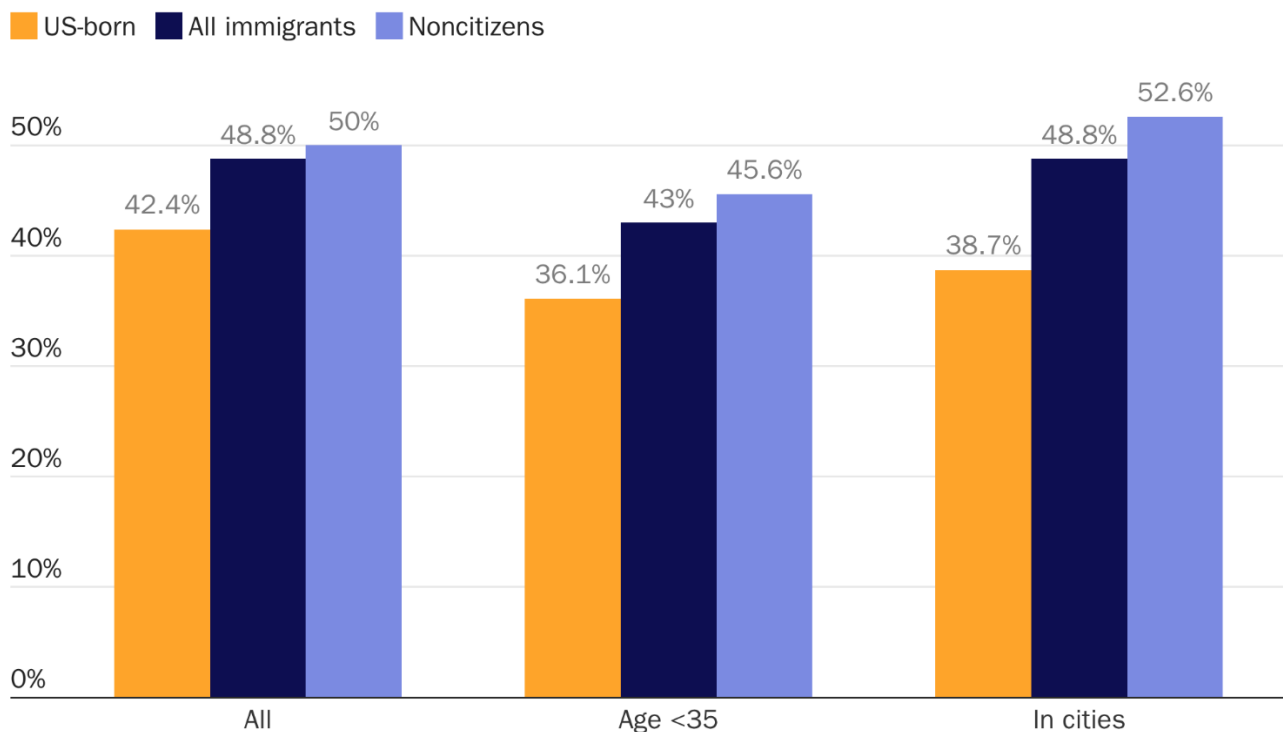
Fewer than half a million immigrants with criminal convictions of any kind were on ICE’s deportation docket in 2024—which was only about 3 percent of the roughly 15.8 million illegal immigrants estimated by the Migration Policy Institute (MPI).²¹ Like parking violations, illegal presence in the United States is a civil offense, not a crime. Although ICE’s docket does not include every illegal immigrant convicted of anything, it consists of the vast majority. Regardless, 3 percent is a low share compared to the

broader population. Roughly 30 percent of Americans have been arrested,²² and about 8 percent have felony convictions.²³

- *Illegal immigrants in sanctuary cities can directly stop crimes.* An unauthorized immigrant working as a convenience store nightwatchman stopped a burglary in Texas.²⁴ Another in New Mexico chased down a child abductor, safely returning a 6-year-old girl to her parents.²⁵ Two Venezuelan asylum seekers in New York City (Oswaldo Robles Lino and Josnan Alberto Palacios) stopped a stabbing in 2024.²⁶
- *Illegal immigrants help solve crimes.* From 2017 to 2023, noncitizens—including illegal immigrants—reported 2.5 million crimes to police, reporting violent crimes at higher rates than US-born Americans.²⁷ Hispanics were somewhat more likely to report crimes in sanctuary cities from 1980 to 2004.²⁸ Over the last decade, about 100,000 unauthorized immigrants have obtained legal status through their collaboration with law enforcement,²⁹ and local agencies have about 461,200 requests pending for unauthorized immigrants to receive legal status based on their cooperation with them in 2026.³⁰ Unfortunately, this administration is also arresting U visa applicants with pending claims before they can be adjudicated.

Before Trump, crimes against immigrants were more likely to be reported

Share of violent crimes reported to the police by citizenship status, 2017–2023



Source: National Crime Victimization Survey (NCVS), Bureau of Justice Statistics.

Note: Differences with the US-born are statistically significant at the 95 percent confidence level.



- *Cities have more important law enforcement priorities.* In the United States, more than 40 percent of murders, about 60 percent of violent crimes, and 85 percent of property crimes go unsolved.³¹ Mandating that police divert resources away from these offenses to

enforce immigration status violations would make cities less safe. It prioritizes jail space for non-threatening individuals over addressing actual threats to the community. In Los Angeles, for instance, it costs over \$400 per day to hold someone in jail.³²

Illegal immigrants could contribute more to their cities and the country if they had a permanent legal status and employment authorization. States and cities should never participate in immigration enforcement efforts targeting peaceful individuals.

The Constitution protects state autonomy.

States have the independent authority to decide how their law enforcement agencies interact with federal immigration enforcement. Although regulating immigration falls solely under federal jurisdiction, and federal law is supreme, states may still determine how to allocate their resources and whether to assist in enforcing federal law.

Under the Constitution's federalist system, state governments are not creations of the federal government. Under the 10th Amendment, states retain all powers not delegated to the federal government. This system of "dual sovereignty" keeps the states directly accountable to their citizens for any actions that they take. State officials cannot claim that the federal government forced them to take any particular action.

As the Supreme Court stated in *Printz v. United States* (1997), "The power of the Federal Government would be augmented immeasurably if it were able to impress into its service—and at no cost to itself—the police officers of the 50 States."³³ The opinion written by Antonin Scalia stated, "the Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers.... such commands are fundamentally incompatible with our constitutional system of dual sovereignty." This decision involved an effort to commandeer local officials into conducting gun control checks. In *New York v. United States* (1992), the same principle was affirmed in a case involving environmental regulation.³⁴

The Supreme Court has extended this principle to include the use of federal monetary grants to coerce cooperation. *NFIB v. Sebelius* (2012) stated: "Congress may use its spending power to create incentives for States to act in accordance with federal policies. But when 'pressure turns into compulsion,' the legislation runs contrary to our system of federalism."³⁵ This case involved Obamacare Medicaid eligibility rules. In *Murphy v. National Collegiate Athletic Association* (2018), the Supreme Court clearly stated that: "Congress cannot issue direct orders to state legislatures."³⁶

Moreover, several courts have found that it is unconstitutional for states to detain individuals solely at the request of ICE.³⁷ More than a dozen settlements have involved subjects of immigration detainers who were detained by localities.³⁸ This includes a man unlawfully detained in Virginia.³⁹ This means that states and localities *cannot* lawfully arrest and detain someone merely on the basis of an immigration detainer request from the federal government without a court order supported by probable cause unless they are deputized by ICE. Many states and cities are labeled "sanctuaries" simply for following these court decisions.

During its first term, the Trump administration attempted to impose new immigration reporting requirements for certain law enforcement grants. However, four of the five appeals courts that considered the issue found that those requirements were adopted unlawfully and unconstitutionally.⁴⁰ As the Seventh Circuit Court of Appeals wrote in 2020, "states do not forfeit all autonomy over their own police power merely by accepting federal grants."⁴¹ The

administration has lost similar cases in this term.⁴² If Congress wants sanctuary cities to change their policies, it needs to convince them to do so voluntarily, not through force or coercion. If Congress can force its will on the states on immigration matters, it can do so with respect to guns, environmental rules, and health care.

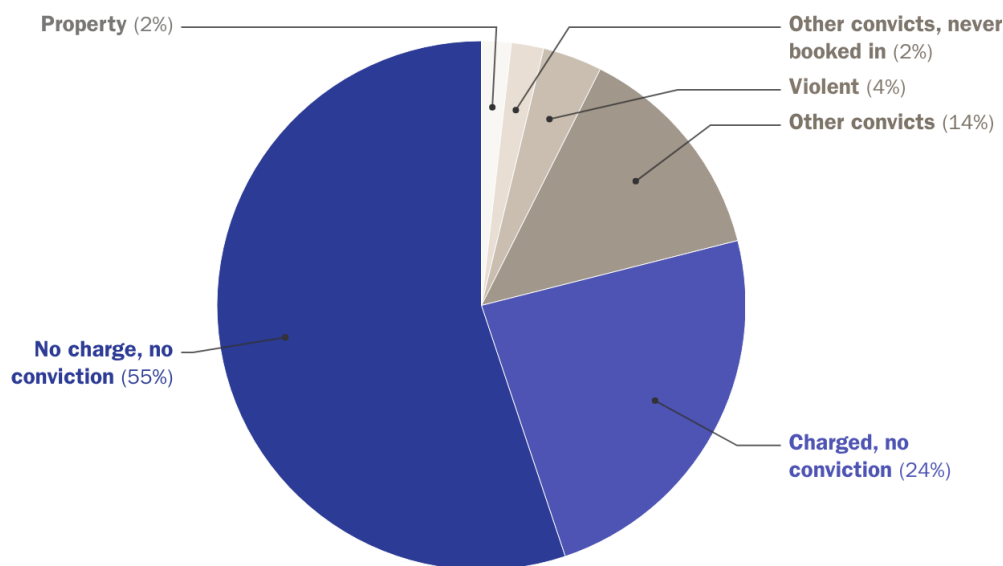
The administration fosters mistrust between federal and local law enforcement.

Notwithstanding these facts, the administration is attempting to bully state and local governments into compliance with its agenda.

- *The administration is attempting mass deportation of peaceful immigrants.* President Trump signed an executive order removing requirements that ICE target public safety threats, and instead mandating that ICE and DOJ focus on immigration status violations.⁴³ In the most recent data showing the type of crimes, only 4 percent of ICE arrests had a violent criminal conviction, and 79 percent had no conviction. Just as significantly, the Department of Homeland Security (DHS) itself classified just 7 percent of detainees as the highest threat level, and 74 percent of detainees were not deemed a threat at all.

55% of ICE arrests had no convictions or charges; 79% had no convictions; only 4% with a violent conviction

ICE arrests, by most serious conviction, August 2026



Source: ICE via Deportation Data Project

Convictions include convictions at any time, not just during the period listed. Based on arrests, convictions classified at book-in

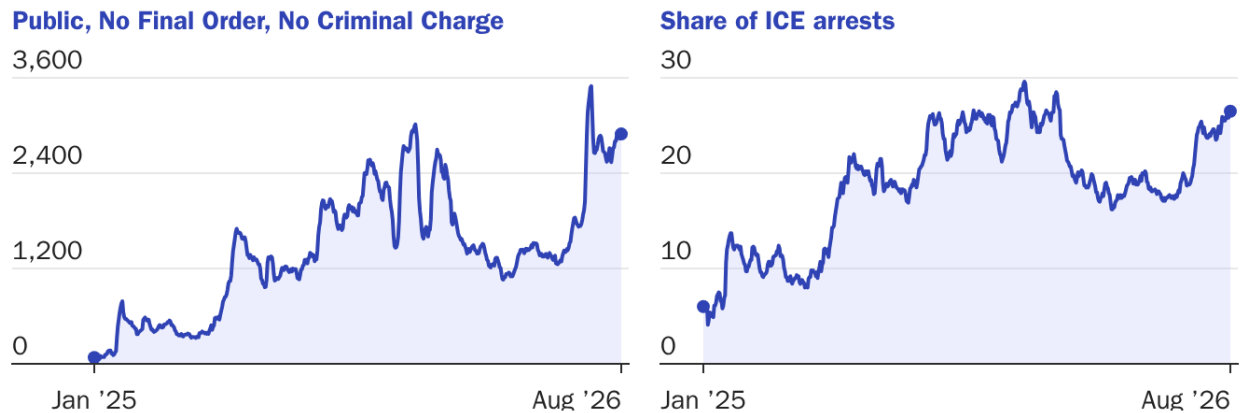
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- *The administration is engaging in racial and demographic profiling of US citizens.* DHS agents detain, interrogate, and demand proof of residence from people on the street based on demographic profiling without evidence of a violation of the law. When this unconstitutional harassment was temporarily enjoined in Los Angeles, arrests fell by two thirds immediately after a court found it was illegal.⁴⁴ DHS appears not to track its use of profiling. But to give a sense of the prevalence of indiscriminate targeting of people in public, consider that in August 2026, more than one in four arrests were of immigrants in

public—that is, outside of any facility, prison, jail, court, DHS office, etc.—who had no criminal conviction or charges and no final removal order. In other words, there was no obvious reason for them to be approached by government agents on patrol. This policy ensnares many US citizens and legal residents. Fox News reported that ICE agents interrogated about ten people for every one person they arrested in Florida.⁴⁵

ICE relies heavily on indiscriminate public arrests

ICE public arrests, no removal orders, no charges, rolling weekly sums, 2025-2026



Source: Immigration and Customs Enforcement via Deportation Data Project FOIA request.

Notes: Public arrests are defined as any arrest not in federal, state or local custody, a jail, prison, police department, office, court, detention center, or other facility; No charge means no criminal charges or convictions

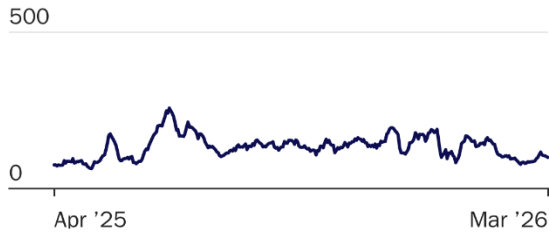


- *The administration is targeting lawful immigrants for deportation.* DHS is ending parole and Temporary Protected Status for over two million immigrants who had legal status.⁴⁶ ICE is even arresting people with valid parole,⁴⁷ and before a court stopped the practice, ICE arrested legal immigrants with refugee status for not receiving green cards within one year of arrival, while it simultaneously stopped processing their green cards.⁴⁸ DHS has also arrested legal permanent residents for their political views.⁴⁹ DHS has arrested and detained numerous US citizens based on erroneous accusations that they were in the country illegally.⁵⁰
- *The administration is attempting to arrest and deport US citizens.* Even after the Supreme Court ruled that his first birthright citizenship order was unconstitutional, the president signed another executive order that purports to strip US citizenship from, and render deportable, certain children born in the United States, despite the constitutional guarantee of birthright citizenship.⁵¹ Even if the children are not deported, mass deportation would impose disastrous consequences for the 5.62 million children who are living with illegal immigrant parents.⁵²
- *The administration's crackdown on sanctuary cities is not targeting criminals.* In each case where DHS has conducted an enforcement surge operation in a sanctuary city, nearly all the increase in arrests came from individuals without criminal convictions. From the week prior to the peak week, 91 percent of the increase in ICE arrests came from non-convicts in Los Angeles; 95 percent in D.C.; 92 percent in Boston; 86 percent in Chicago; and 83 percent in Minneapolis.

Nearly all the increase in arrests during DHS sanctuary city surge operations are not criminals

ICE arrests, rolling weekly totals, April 1, 2025 to March 10, 2026

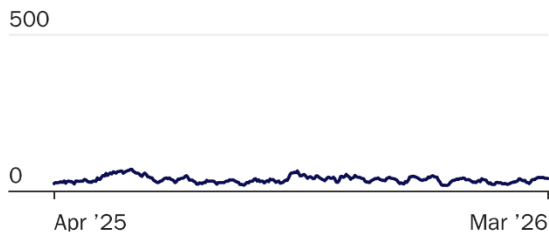
LA convictions



LA no convictions



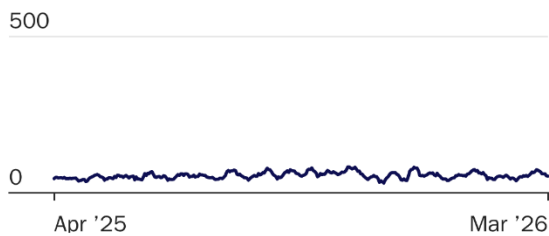
Boston convictions



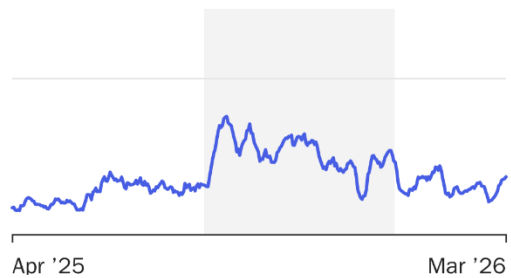
Boston no convictions



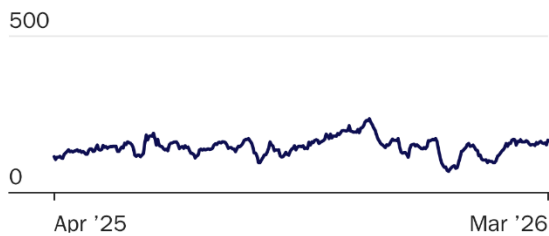
DC convictions



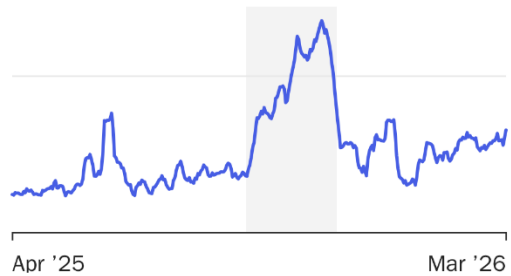
DC no convictions



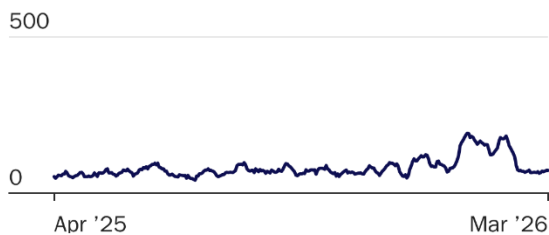
Chicago convicts



Chicago no convictions



MN convictions



MN no convictions



- *The administration refuses to coordinate with state and local police in cities.* DHS does not notify local law enforcement of their operations to deconflict prior to making arrests.⁵³ DHS officers have tear gassed local police,⁵⁴ and they have even erroneously detained off-duty officers in Minnesota.⁵⁵ They have detained state and local court employees outside of courthouses.⁵⁶ In barely one month, DHS's activities led to over eighty 911 calls to Minneapolis police, including calls about kidnappings and assaults by unidentified people in masks.⁵⁷ Minneapolis had to assign a supervisor and a deputy to full-time monitoring of the public safety situations surrounding DHS operations.⁵⁸

Almost every day during DHS's operation, Minneapolis has had to deploy officers to the scene of DHS-related incidents, including shootings and other confrontations.⁵⁹ ICE abandoned numerous vehicles in the streets, including one vehicle that it failed to place in park, which rolled into the road and required police intervention. Minneapolis police had to pay for more than 3,000 hours of overtime related to ICE-induced situations, costing them more than \$2 million in just three days in January. During this time, the city says officers were "not responding to 911 calls, investigating reports of crimes, or fulfilling other law enforcement obligations."⁶⁰

- *The administration is entering homes of US citizens without judicial warrants.* DHS implemented a non-public policy of entering residences to make civil immigration arrests of people with administrative orders of removal. According to DHS Secretary Noem, DHS has already used this policy at least 28 times to enter homes.⁶¹ One such raid resulted in the illegal arrest of a US citizen in Minnesota, who was dragged from his home in nothing but shorts in freezing weather.⁶² This policy violates the Constitution, threatens Americans' freedom, and creates unsafe, dangerous situations for DHS agents.
- *The administration is arresting victims and witnesses of crimes.* In one of its first actions, this administration rescinded policies that instructed officers to look for indications that an immigrant was a victim before arresting them, and it announced, "Current beneficiaries of victim-based immigration benefits may be subject to civil immigration enforcement."⁶³ In the months since, we have seen repeated cases of DHS arresting victims and witnesses of crimes.
 - o In Iowa, ICE arrested Felipe Hernandez after he reported being shot during an attempted robbery before he had even healed.⁶⁴ Local police arrested him for a bench warrant based on an overdue traffic ticket and turned him over to ICE pursuant to state law.
 - o In Georgia, ICE arrested a woman, Karla Ordaz Rodriguez, after a minor domestic incident in which she was the primary victim.⁶⁵ Rather than await the outcome of the case, ICE sent her to a detention center.
 - o In Michigan, ICE arrested Veronica Ramirez Verduzco after she reported an assault.⁶⁶
 - o In Kansas, ICE arrested U visa applicant, Jose Madrid-Leiva, despite having worked with police on a robbery case.⁶⁷
 - o In California, the Immigration Center for Women and Children filed a lawsuit on behalf of eight crime-victim U visa applicants who were arrested in 2025.⁶⁸ In a

typical case, ICE had arrested a domestic violence survivor named Lupe who had lived in the United States for three decades and who had helped police successfully prosecute her attacker in 2017.

- In California, a judge ordered the release of Victor Amada Rodriguez-Flores, an immigrant crime victim and U visa applicant whom ICE had arrested.⁶⁹
 - In Texas, ICE arrested Oscar Bonilla after he agreed to help investigators crack a criminal case.⁷⁰ The Justice Department then criminally charged him for illegally entering the country.
 - In another case in Texas, ICE deported Manuel Chairez-Montes before he could testify against a man who attacked him.⁷¹
 - In Maine, local police notified Border Patrol about a man who was part of a group trying to stop a suicide attempt and who had called the police for help, and Border Patrol arrested him.⁷²
 - In Maryland, DHS arrested and deported a Mexican man who testified against drug cartels to Guatemala.⁷³
 - In Georgia, DHS arrested a victim of an armed home invasion and burglary at an appointment to submit his fingerprints as part of his application for a U visa for victims of crimes cooperating with law enforcement.⁷⁴
- *The administration arrests defendants before trial.* As highlighted in a report by the House Judiciary Committee Democratic Staff, the administration is also detaining and deporting defendants before trials can occur, and justice can be served.⁷⁵ The administration has already deported more than 134,000 individuals with pending charges against them, preventing them from proving their innocence but also undermining criminal prosecutions and cutting off restitution and justice for victims.⁷⁶ Among the numerous cases of this: one of the most prolific jewel thieves ever in California, an extortionist in Colorado, a violent robber in Washington, a domestic abuser in Colorado, and a fraudster in Texas. Deportations prior to sentencing prevent prison sentences, obstruct restitution, and even allow the deportees free to attempt return to the United States as thousands have under President Trump's two terms in office.⁷⁷ One of the Committee's witnesses at this hearing has noted the unfairness of this administration's policy of deporting an immigrant before a conviction: "He went back to India and he's living life free. . . . Had that been a U.S. citizen, he'd have been in jail right now."⁷⁸
 - *The administration is harassing, detaining, arresting, and killing people for protesting their activities.* DHS has detained or arrested numerous individuals for following, observing, and recording them, even though the Constitution protects every American's right to do so.⁷⁹ DHS Secretary Kristi Noem has said that it is "violence" to be "doxing" and "videotaping them where they're at when they're out on operations."⁸⁰ Not only do DHS agents want to operate anonymously, with masks, no names, and often without even uniforms, they insist on threatening, detaining, and arresting people who observe, record, or protest their activities. Observers have recorded DHS agents threatening to "put hands on you and arrest you" if they "continue to follow us."⁸¹ One judge found an "ongoing, sustained pattern of conduct" where drivers were stopped without probable cause of a

crime for “following federal law enforcement agents at a safe distance to observe the agents’ activity.”⁸²

- *The administration is violating habeas corpus and ignoring court orders:* The Constitution guarantees all individuals in the United States the writ of habeas corpus, or the right to challenge their confinement in court. In thousands of cases, DHS has asserted that individuals have no right to seek release, and judges have overwhelmingly rejected these assertions.⁸³ Nonetheless, DHS has violated nearly 100 court orders to release people detained without bond in Minnesota alone.⁸⁴ DHS has violated court orders in dozens of other cases regarding different immigration matters as well, undermining the rule of law and the Constitution.⁸⁵
- *The administration is attempting to coerce state governments unconstitutionally.* The president has issued an executive order that attempts to block all federal grants to municipalities that do not allocate their resources to help ICE.⁸⁶ His administration has sued Illinois and Chicago for refusing to help ICE, asserting that the president can mandate that they do what he wants,⁸⁷ but the case was dismissed.⁸⁸ The Department of Justice (DOJ) has also issued a memorandum requiring criminal investigations into state and local officials who fail to participate in federal enforcement.⁸⁹

The administration’s reckless assault on the rule of law in pursuit of indiscriminate mass deportation creates mistrust between immigrants and law enforcement and between state and local governments and the federal government. Congress should restore cooperation and trust by requiring that ICE target only serious criminal threats and work collaboratively with state and local governments on that mission.

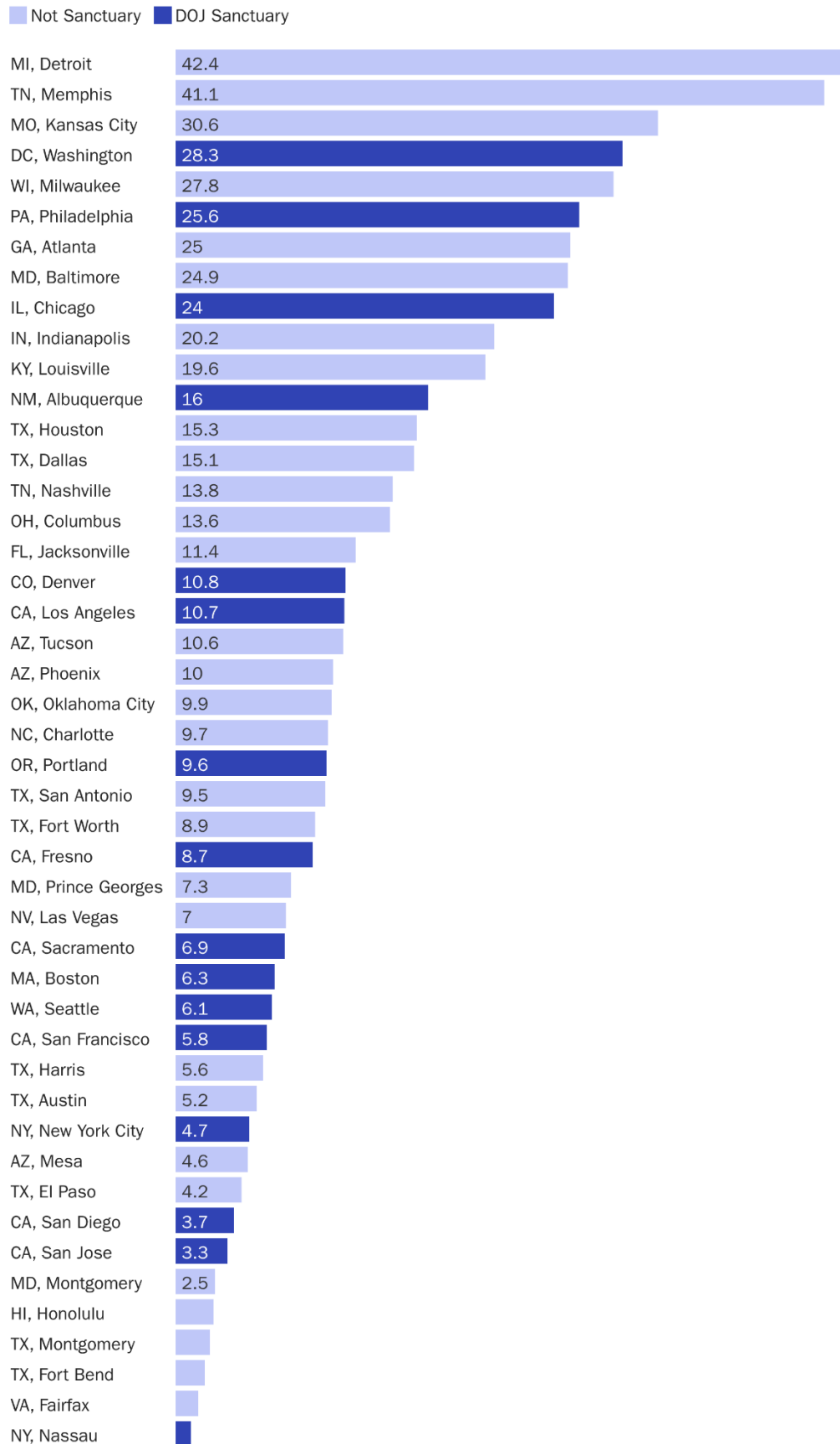
Congress should be investigating and stopping the current constitutional violations in immigration policy, not enacting new ones. Instead, Congress should follow the advice of the Major City Chiefs Association: “The decisions related to how local law enforcement agencies allocate their resources, direct their workforce and define the duties of their employees to best serve and protect their communities must be left in the control of local governments.”⁹⁰ While Congress may not always agree with state and local decisions about how to allocate their resources, their officials are better equipped to prioritize those resources than the federal government.

Sanctuary cities are not experiencing elevated violence

The graph below ranks the murder rate for all jurisdictions with at least half a million residents. During this period, sanctuary status had no relationship to the level of homicide in a city, and the foreign-born share of the population in these cities was associated with a lower homicide rate in these cities. From 2018 to 2025, Nassau County and Fairfax had the lowest homicide rates among major cities.⁹¹ The Department of Justice considered Nassau County, though not Fairfax County, to be a sanctuary jurisdiction in 2025, but the House Judiciary Committee has held a hearing this year that suggested that Fairfax is a sanctuary city.⁹²

Sanctuary cities don't have higher murder rates than other cities

Annual average murder rate, per 100,000, agencies with 500,000+ population, 2018-2025



- *The administration isn't enforcing the law prioritizing serious offenders.* The Laken Riley Act orders the federal government to target violent and property criminals, but DHS has failed to implement the law.⁹³ As a result, DHS has repeatedly allowed offenders to commit new crimes. ICE officials have repeatedly told media outlets that they have been told not to prioritize criminal illegal immigrants. ICE agents told the *New York Post*, "All that matters is numbers, pure numbers. Quantity over quality."⁹⁴ ICE has arrested about 228,000 individuals without any criminal convictions or even charges since January 20, 2025, rather than tracking down serious fugitives.
- *Reasonable restrictions on aiding immigration enforcement do not increase crime.* A dozen studies have found that limits on participation in immigration enforcement do not lead to higher crime rates.⁹⁵ Sanctuary policies were associated with fewer assaults and burglaries after adoption in 2014.⁹⁶ There was no change in Florida counties that adopted sanctuary policies in 2019.⁹⁷ From 1999 to 2010, these policies had no effect on crime in sanctuary cities.⁹⁸ Cities that first participated in ICE's "Secure Communities" jail surveillance program did not see decreases in crime relative to other cities, which were de facto sanctuaries.⁹⁹ "Sanctuary cities," broadly defined, saw more significant decreases in both violent and property crimes from 2014 to 2016,¹⁰⁰ and they did not experience higher violent or property crime rates than other cities.¹⁰¹ Additionally, California's SB 54 did not increase crime rates.¹⁰²

A limitation of this research is that it mostly predates many of the most restrictive policies on immigration enforcement participation, and it includes a diverse range of policies. From 2010 to 2015, these policies did reduce deportations, but not of people with violent convictions.¹⁰³ This is an indication that those policies did not severely hamper ICE's efforts to target violent criminals during that period. Whether these conclusions hold true for more recently enacted policies remains to be studied.

- *Mass deportation will not protect Americans on the roads.*
 - o First, immigrants are 63 percent more likely to live in a household with no car, so in general, they're less likely to be on the roads. They are also less likely to commute by car. This means that they add to road exposure risk at a lower per capita rate than the US-born population.
 - o Second, immigrants are 58 percent less likely have had an alcohol use disorder,¹⁰⁴ which is a factor in 30 percent of vehicle fatalities.¹⁰⁵ In Texas, immigrants identified as illegal aliens by DHS had significantly lower conviction and arrest rates for traffic felonies, which include driving under the influence (DUIs), from 2012 to 2018.¹⁰⁶ Nationwide, another study has found a statistically significant link between fewer DUIs and illegal immigration.¹⁰⁷ A Cato analysis of the issue finds that there is no statistical national relationship between more illegal immigrants and more DUI deaths.¹⁰⁸
 - o Third, even though the immigrant share of the population has nearly doubled, road deaths per 100 million vehicle miles traveled has declined from 1.73 in 1994 to 1.2 in 2024—a decline of 31 percent.¹⁰⁹ The rate is the relevant metric because it measures whether immigrants increase or decrease the probability of road injuries. Immigrants and the children of immigrants are also victims of dangerous

US citizen drivers,¹¹⁰ so we can only know immigration's net effect on road safety for Americans by evaluating the rate.

- Fourth, from March 1994 to March 2025, immigrants tripled from 7.7 percent of US truck drivers to 23.8 percent.¹¹¹ During about the same period—from 1994 to the end of 2024—large truck fatal crashes nearly halved from 2.88 to 1.58 per 100 million truck miles traveled—a 45 percent decline.¹¹² The miles traveled metric was adjusted in 2007, but the pre-2007 trend was the same. Even looking at 2007 to 2024, immigrant share of truckers increased from 15.3 percent to 23.1 percent, and the fatal crashes per 100 million truck miles still fell from 1.62 to 1.58. When the Transportation Department banned commercial driver's licenses (CDLs) for many noncitizen truckers with temporary employment authorization, it conducted a manual search of each fatal crash and identified only 17 crashes (0.5 percent of all fatal large-truck crashes) involving immigrants with such authorizations.¹¹³ But the rule would disqualify 194,000 immigrant drivers (5 percent of all CDL holders) without regard to their qualifications.¹¹⁴
- Fifth, possibly the best direct US-based evidence comes from 671,507 commercial driver's license holders in California. It found that immigrants with temporary authorization to work (such as, DACA, TPS, asylum employment authorization documents) were 20 percent less likely to be involved in accidents and 25 percent less likely to be involved in fatal accidents.¹¹⁵ Although the direct evidence from the US is limited, multiple studies of immigrants in Canada show that immigrants are less likely to be involved in fatal accidents there.¹¹⁶
- Sixth, deporting immigrant truck drivers would undermine road safety because those drivers would be replaced with less experienced drivers who have higher rates of accidents,¹¹⁷ or they will be replaced by overworking the rest of the workforce, which is also a factor in crashes.¹¹⁸

One of the Committee's witnesses has said that the focus should be on qualifications to drive, not "whether someone's legal or illegal or anything like that."¹¹⁹ If immigrants are more likely to cause accidents, the solution would be to focus on better qualifications for drivers generally, not ban them solely based on their birthplace or citizenship. Of course, noncitizens who commit crimes causing serious injuries on the roads should be a priority for immigration enforcement. Unfortunately, the current administration does not prioritize serious offenders over others.

Congress should not attempt to coerce states and cities into mass deportation.

Unfortunately, rather than attempting to reestablish trust, Congress is considering legislation like H.R. 7640, "the Shut Down Sanctuary Policies Act," that seeks to coerce states and cities into supporting mass deportation.¹²⁰

- *H.R. 7640 is unconstitutional.* Section 2 of the Act broadens 8 U.S.C. § 1373 to prohibit any restriction on any form of assistance to ICE by federal, state, or local agencies. By itself, this provision is unconstitutional and unenforceable because "Congress cannot issue direct orders to state legislatures."¹²¹
- *H.R. 7640 attempts to unconstitutionally coerce states by withholding law enforcement grants.* It withholds federal law enforcement grants not related to immigration enforcement from localities that have any policy of not complying with DHS detainers.

The Supreme Court has held this type of coercion is unconstitutional, even when applied by Congress.¹²²

- *H.R. 7640 forces states to allow officers to interrogate US citizens about their citizenship.* The bill also prohibits any state or local government limit on interrogating US citizens, legal immigrants, or “any individuals” about their citizenship or legal status and any limit on maintaining information about any person’s or citizen’s citizenship or legal status. It also prohibits any limit on sharing personally identifying information about US citizens and others with the federal government.
- *H.R. 7640 imposes liability for officials for routine law enforcement prioritization.* Every municipality and state must decide which individuals to arrest, hold, or release. They make these decisions every day based purely on public safety concerns. H.R. 7640 would create civil liability for officials who prioritize rational public safety assessments over immigration enforcement.
- *H.R. 7640 imposes unfunded mandates and liabilities on states and localities.* In addition to the risk of lawsuits, the bill prevents state and local governments from allocating their criminal law enforcement resources in the way that they think is best, without providing any additional funds to states and localities to carry out the *de facto* mandate. Local police already struggle to keep pace with America’s high crime rates. They do not need additional burdens imposed—especially when Congress refuses to pay for those burdens.
- *H.R. 7640 permits local law enforcement violate the Constitution and court orders.* The bill immunizes from liability any locality that detains someone for up to 96 hours based on an immigration detainer. This would permit law enforcement to violate court orders and settlements stating that local police cannot detain people solely based on immigration detainers, as this is an arrest without probable cause. It will also force them to ignore state and local judges who grant bail to defendants pending trial. This would cause them to violate their own laws and state constitutions. Moreover, since many US citizens have been targeted by ICE detainers, the bill would expose US citizens to detention even if they have evidence of US citizenship.¹²³
- *H.R. 7640 raises the threat of liability for local police for every criminal arrest.* If someone they arrest turns out to be someone sought by ICE, local officials would face a choice between violating state or federal law. In this situation, agencies have a perverse incentive to make fewer arrests than they otherwise would make, jeopardizing public safety out of concern about potential liability.

Immigration enforcement should protect the Constitution and prioritize threats.

Congress must require DHS to follow the law and the Constitution. DHS has violated the Constitution and the Bill of Rights nearly every day of the Trump administration.

- It has routinely violated court orders hundreds of times, including intentionally.¹²⁴
- It has violated the First Amendment on numerous occasions, including by arresting immigrants for their political speech and by detaining Americans for protesting their actions.¹²⁵
- It has violated the Fourth Amendment by invading the homes of US citizens without warrants¹²⁶ and by seizing US citizens based on their demographic characteristics to interrogate them about their citizenship.¹²⁷

- It has violated the Fifth Amendment's due process clause and Constitutional guarantee of habeas corpus by detaining immigrants unlawfully and ignoring their right to seek release in court.¹²⁸
- It has violated the Sixth Amendment right to trial by imprisoning immigrants in foreign prisons without trial.¹²⁹
- It has violated the Fifth and Eighth Amendments by detaining and imprisoning immigrants in conditions that would amount to cruel and unusual punishment.¹³⁰
- It has violated the Tenth Amendment by threatening states and localities for refusing to do the bidding of DHS.¹³¹
- It has violated the Fourteenth Amendment by threatening to strip citizenship of US-born children of immigrants who have no permanent status in the United States.¹³²

To restore the rule of law, maintain accountability, and restore trust with states and cities across the country, Congress should:

1. Order the administration to prioritize deportable criminal threats for removal;
2. Prohibit wearing masks and require federal agents to identify themselves;
3. Ban racial profiling and require federal agents to obtain warrants for specific individuals based on probable cause of a violation of the law prior to making arrests;
4. Reinforce current law that prohibits interrogating US citizens about their status;
5. Require Border Patrol to patrol within a 10-mile radius of land borders;
6. Create a private right of action for violations of constitutional rights by federal agents;
7. Explicitly prohibit qualified immunity defenses for constitutional violations;
8. Prohibit threats or arrests in retaliation for First Amendment-protected activity;
9. Explicitly permit states and localities to investigate crimes committed by federal agents;
10. Allow states to sue the federal government for violations of their residents' rights; and
11. Permit nationwide injunctive relief by courts for policies violating federal law.

Citations

¹ Much of this testimony was previously presented in other congressional hearings

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