

BRIAN E. FROSH
Attorney General



ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
410-576-7036

WRITER'S DIRECT DIAL NO.
410-576-6311

March 2, 2017

The Honorable John Kelly, Secretary
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, D.C. 20528

Lori Scialabba, Acting Director
U.S. Citizenship and Immigration Services
20 Massachusetts Ave. NW
Washington, D.C. 20528

Kevin K. McAleenan, Acting Commissioner
U.S. Customs & Border Protection
20 Massachusetts Avenue, NW
Washington, D.C. 20528

Thomas D. Homan, Acting Director
U.S. Immigration and Customs
Enforcement
500 12th Street SW
Washington, D.C. 20536

Dear Secretary Kelly, Commissioner McAleenan,
Director Scialabba and Director Homan:

In light of the Department of Homeland Security's policies released last week regarding enforcement of our nation's immigration laws, I write to make an urgent request that the Department designate Maryland's courts, hospital emergency rooms, and schools to be locations where no enforcement activities related to the identification or seizure of undocumented immigrants for purposes of deportation will be conducted.¹

As Maryland's chief law enforcement officer, I share the Administration's commitment to public safety and protection, which includes border security and adherence to the rule of law. Yet I am concerned that, by expanding the categories of people targeted for priority deportation to include virtually all undocumented adults and children, the new enforcement policies will undermine public safety, not promote it. By breaking up families

¹ See, *Implementing the President's Border Security and Immigration Enforcement Improvements Policies*, February 20, 2017; *Enforcement of the Immigration Laws to Serve the National Interest*, February 20, 2017.

March 2, 2017

Page 2

and sowing fear and apprehension throughout our immigrant communities, these new policies will discourage immigrants from seeking help or reporting criminal activity, with the result that our State and local law enforcement authorities will be deprived of the assistance they need to keep us safe. And by eliminating longstanding privacy protections put in place by President George W. Bush's administration, and increasing exponentially the "expedited removal" of immigrants without hearings and other due process protections, these policies may also run afoul of constitutional principles and laws protecting civil liberties.

Rather than advancing our common purpose to defend and protect the nation's safety and security, these new enforcement policies underscore the urgent need for, and moral imperative of, comprehensive immigration reform. As a country founded and nurtured by the ingenuity, diversity, and hard work of immigrants, we must demand of our leaders the courage and integrity to enforce security at our borders while at the same time addressing humanely and realistically the status of the millions who live, work, raise children, and make the vital contributions to our economy and civic institutions that are a hallmark of our strength as a diverse people.

As my office and others continue to assess the full impact and legality of these policies, my first priority is the safety of Marylanders who turn to the courts for protection against domestic violence and other crimes, and who seek urgent medical care in our hospital emergency rooms. I am concerned that the Administration's aggressive new policies will discourage the most vulnerable immigrants from seeking judicial protection and medical care, which will cause avoidable injuries and potentially even deaths. I ask that you take action to remove this immediate threat to the health and safety of immigrants in Maryland by declaring our courts and hospitals to be safe locations, where U.S. Immigration and Customs Enforcement and Customs & Border Protection authorities will not be allowed to identify and seize potential deportees. I seek the same assurances with respect to Maryland schools. Although the threat to public health and safety is not as immediate, the longer-term effects of discouraging immigrant children from attending school will be no less harmful and far-reaching.

The Administration's promulgation of enforcement policies that will compromise the security and well-being of all Americans cannot stand as a substitute for effective and comprehensive immigration reform. As we await congressional action on this national priority, I seek the Department of Homeland Security's commitment that it will take steps to ensure that Maryland's courthouses remain open to all victims of crime and violence, that our hospitals remain open to all who need life-saving medical care, and that our schools remain open to all children striving to attain an education.

March 2, 2017

Page 3

Because the harmful impact of these new enforcement policies is not limited to Maryland, the best approach would be for the Department to incorporate these critical safe harbors into the policies themselves. Absent that preferable course of action, I ask that the Department provide me written assurance of its intent to honor my request in Maryland as soon as possible.

Thank you for your prompt attention and consideration. If you have questions about this request, please contact our Solicitor General, Steven M. Sullivan, at 410-576-6427, ssullivan@oag.state.md.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian E. Frosh". The signature is fluid and cursive, with a large initial "B" and "F".

Brian E. Frosh

Attorney General of Maryland