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Attorney General Frosh Urges U.S. Supreme Court to Uphold Federal Policy Prioritizing Threats to Public Safety in Immigration Enforcement

BALTIMORE, MD (September 20, 2022) – Maryland Attorney General Brian E. Frosh today joined an [amicus brief](#) in support of U.S. Department of Homeland Security (DHS) guidance to prioritize immigration enforcement efforts on those who pose the greatest threat to national security, public safety, and border security. Given DHS’ limited enforcement resources, the guidance focuses efforts on direct threats to public safety and reasonably accounts for mitigating factors like a noncitizen’s ties to family members and communities in the United States. In the brief, the coalition makes it clear that the enforcement guidance is consistent with longstanding practice and supports family unity, as well as community and economic stability.

“The guidance issued by DHS allows immigration enforcement officials to exercise discretion in how their limited resources are best utilized,” said Attorney General Frosh. “This means priority for removal can be targeted toward noncitizens who pose the greatest threat to public safety.”

The coalition states are home to millions of noncitizens who are valued and active contributors to our communities, workforces, and civic organizations. These residents attend school, serve as essential workers, enlist in the military, and care for the sick and elderly. They also support millions of family members who are U.S. citizens. Immigrants add billions to federal, state, and local budgets by paying taxes and purchasing goods and services where they live. As a result, the coalition states have a significant interest in supporting the federal government’s judgment to devote its limited immigration enforcement resources toward the subset of removable noncitizens who pose a substantial threat to public safety in their communities, rather than adopt an unprincipled, random approach that can inflict substantial harms on immigrants, their families, and their larger communities.

In the brief, the coalition asserts that DHS’ guidance:

- Reflects DHS’ reasoned judgment regarding prioritization of enforcement resources;
- Seeks to enhance public safety;
- Promotes public health and the stability of communities;
- Is not contrary to law;

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- Does not contravene U.S. Code Section 1226(c) or Section 1231(a); and
- Is consistent with a longstanding tradition of prosecutorial discretion.

In filing the brief, Attorney General Frosh joins the attorneys general of California, Connecticut, Delaware, the District of Columbia, Illinois, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington.

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