

“Secure Communities” of Wisconsin



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On January 2, 2011, in an agreement with U.S. Immigration and Customs Enforcement (ICE), all 72 counties in Wisconsin will now take part in an immigration enforcement program otherwise known as “Secure Communities.” The Secure Communities program gives ICE officials the authority to use biometrics, scientific methods such as fingerprinting, to verify and record the identify of undocumented immigrants present in the United States once taken into local law enforcement custody.

Secure Communities has created a great deal of controversy both in Wisconsin and other states. Similar to SB 1070, Arizona’s controversial immigration law, and 287(g), the Secure Communities program puts federal immigration enforcement power into the hands of state law officials, which potentially may violate civil liberties, and further lacks the necessary fundamentals for a long-term solution to our nation’s immigration problem.

A Violation of Civil Rights: Under “Secure Communities,” there are no methods in place to stop police officers from making arrests based on race or ethnicity, or from making pretextual arrests of persons they suspect to be in violation of immigration laws. This type of enforcement only approach will only further encourage racial profiling in the state of Wisconsin. Another potential civil rights violation which may occur is the right to fair representation. Under Secure Communities, the existence of a Secure Community detainer under Wisconsin law may limit an individual’s ability to access a lawyer, fight criminal charges, or get out of jail on bail.

The Creation of “Unsecure” Communities: The program also gives broad authority to local police to act as immigration agents. If ICE maintains a presence—even a technological presence—in a local jail, the public will likely associate the local law-enforcement agency with immigration enforcement and may be hesitant to cooperate with local law enforcement for fear of being deported. For Wisconsin, this may result in a higher rate of crime and people not relying on law enforcement for basic protection.

A Lack of Oversight: With any immigration enforcement strategy, it is essential that there be a complaint procedure for individuals who believe they have been falsely identified. However, under Secure Communities, there is no clear complaint procedure. Thus, if an individual in Wisconsin believes he or she has been falsely identified, he or she has no means to appeal a claim made against his or her immigration status.

Secure Communities is yet another immigration tactic that doesn’t speak to the root of the problem. There is no discussion of immigration reform under this program. What we need is a discussion

about how to change our immigration policies with programs that not only address the border security issues, but also provides a fair and reasonable long-term solution to our immigration policy.

In addition to understanding one’s general rights, the following are points to consider before, during and after an ICE raid:

Before:

- Do not carry false documents.
- Carry a “know your rights” card (see www.nilc.org/ce/nilc/rightscard_2007-03-15.pdf).
- Find out the name and phone number of a reliable immigration attorney and keep this information on hand at all times.
- Know your “alien registration number” (“A” number), if one exists, and write it down somewhere at home where family members can access it.
- Prepare a form or document that authorizes another adult to care for minor children.

During and After:

- Remain silent, or tell the ICE agent of intent to remain silent.
- Ask to speak with a lawyer.
- Advise family members who do not want to be questioned by ICE to stay away from the place where the raid occurred or where a detained person is being held.
- Do not sign any documents without first speaking with an immigration lawyer who specializes in removal or deportation cases.

For more information about Secure Communities or for information about any other immigration issues or concerns, please contact Grzeca Law Group at (414) 342-3000 or visit our website at www.grzecalaw.com.



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