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Newsroom

Holper on Immigration Database Plan

Mary Holper of the Immigration Law Clinic speaks to AP on a proposal by R.I. AG-elect Peter Kilmartin '98 to use an immigration database.

*Professor Mary Holper is quoted in this [Associated Press story](#) about a plan by AG-elect **Peter Kilmartin '98** plan for Rhode Island to adopt a federal immigration database program. It has been run by the [Boston Globe](#), the [Providence Journal](#), the [Fall River Herald News](#), the [Taunton Daily Gazette](#), [O Journal](#), and other outlets.*



PROVIDENCE, R.I. (AP), Dec 7, 2010 — Criminal

suspects in Rhode Island would have their fingerprints automatically checked against an immigration database to determine if they're in the country legally under a federal initiative that incoming attorney general **Peter Kilmartin [RWU Law '98]** says he'll enlist the state after taking office.

The "Secure Communities" program, which the federal government hopes to roll out nationwide by 2013, has stoked debate about what role local police departments should have in federal immigration

enforcement and about whether illegal immigrants accused of petty offenses are being flagged for deportation.

Supporters, including Kilmartin, say the initiative simplifies information sharing between local and federal law enforcement agencies and is at identifying only those illegal immigrants accused of breaking the law. The government says the fingerprint program comes at no extra cost for communities.

"These individuals are being accused of crimes, have probable cause to be arrested for crimes," said Kilmartin, a retired Pawtucket police captain and Democrat who takes office in January and who repeatedly touted "Secure Communities" during his campaign.

But civil libertarians and Hispanic advocacy groups fear the program could spur racial profiling, discourage victims from reporting crimes and that immigrants accused of either trivial offenses, or charged with crimes that are later dropped, could suddenly find themselves in the crosshairs of federal immigration authorities and ultimately deported.

"To the extent that people are using minor arrests as a pretext to try to find a person's immigration status, you're going to be arresting people for reasons that don't pan out," said Steven Brown, executive director of the Rhode Island affiliate of the American Civil Liberties Union.

Under the U.S. Immigration and Customs Enforcement program, police during the booking process check the fingerprints of everyone they arrest against FBI criminal history records and a Department of Homeland Security immigration database.

A fingerprint match can quickly reveal the suspect is here illegally or has been previously ordered deported, and immigration authorities then decide what action to take based on the accused's immigration status, criminal history and severity of the alleged crime.

Officials in Washington, D.C., Arlington County, Va., and other communities around the country have voted in recent months not to participate in the program, and immigrant advocates in Boston have urged the city's police department to drop out. ICE officials now say communities cannot opt out but that the agency will work with local law enforcement agencies who have concerns.

ICE says "Secure Communities" is currently in place in 831 jurisdictions in 34 states, and has resulted in the deportation of more 59,000 illegal immigrants.

ICE says it's primarily concerned with illegal immigrants accused of violent crimes, but critics worry that someone arrested for a far more trivial offense could wind up deported. Another concern is that

immigrants would avoid contacting police to report crimes involving a family member for fear of getting the relative deported or having their own immigration status checked — though the government says "Secure Communities" applies only to those arrested.

If the program continues expanding, immigrant advocates say, it's imperative that law enforcement officials are properly trained.

"There's about 100 different ways to prove you have status and sometimes immigration officers ... aren't even sure someone has status," said **Mary Holper, who runs an immigration law clinic at the Roger Williams University law school.** "There's so many ways to show your status that there's a risk of error."

Illegal immigration has been a thorny issue in Rhode Island for more than two years. In March 2008, Republican Gov. Don Carcieri issued an executive order that directed state police to assist with immigration enforcement, and troopers now check suspects' immigration status if they have reason to question it.

Providence Police Chief Dean Esserman said he would need to learn more about the program to form an opinion. He said while his officers don't check the immigration status of people they question, they'll routinely check to see whether people they have arrested have outstanding warrants or immigration detainers.

"We're not in the proactive role of inquiring into your status just to inquire into your status," Esserman said.

Westerly Police Chief Edward Mello, who will soon take over as leader of the state's police chiefs association, said he didn't object to "Secure Communities" because he trusts ICE to make the appropriate decisions on how to deal with criminal suspects who are illegal immigrants.

"We want to report those crimes that have been committed by those who may be in the country illegally so that (immigration authorities) can make a determination about what action they may or may not take," he said.

For full story, click [here](#).

[http://www.boston.com/news/local/rhode_island/articles/2010/12/07/ag_elect_wants_ri_to_adapt_fed_migration_program/]