

HOUSE RESOLUTION NO.126

Reps. Hammoud, Rabhi, Guerra, Manoogian, Elder, Gay-Dagnogo, Anthony and Sabo offered the following resolution:

1 A resolution to memorialize the Congress of the United States
2 to pursue humane and responsible immigration policies and oppose
3 discriminatory policies and practices in immigration enforcement.

4 Whereas, *The Constitution of the United States* and the
5 *Constitution of the State of Michigan of 1963* enumerate the basic
6 tenants of freedom and values in American society. These documents
7 provide an unyielding guarantee to the right not to be imprisoned
8 without probable cause and the due process of law, the right to
9 equal protection under the law, and the right to live free from
10 discrimination based on race, religion, or national origin; and

11 Whereas, The state of Michigan is committed to the fair and
12 effective administration of justice. Through body of law, the



1 Michigan Legislature has worked purposefully to ensure that
2 government protects the rights and liberties guaranteed in our
3 constitutions and discourages the systematic violation of the
4 rights of their constituents. State and local law enforcement
5 officers are essential to ensuring our bodies of law and
6 constitutional rights are protected in communities; and

7 Whereas, The Michigan Legislature opposes policies that
8 contribute to community divisiveness by perpetuating negative and
9 inaccurate stereotypes about immigrant communities. The Great Lakes
10 State is home to countless individuals that were born outside the
11 political jurisdiction of this state and this country but who now,
12 by choice, live in our great state. Michigan Governor Gretchen
13 Whitmer extolls the importance of Michigan's immigrant population
14 and recognizes that immigrants are a positive force in our economic
15 growth and cultural diversity; and

16 Whereas, The President of the United States signed an
17 executive order in 2017 that threatens the constitutional rights of
18 Michigan residents. This order disrupts the state of Michigan's
19 reputation as a welcoming and tolerant people, and its broad and
20 ambiguous deportation priorities may have a harmful impact on those
21 that pose no threat to our communities, including immigrants who
22 have been charged, but not yet convicted, of a crime. Moreover,
23 this policy invites local law enforcement to unconstitutionally
24 profile residents based on race and religion; and

25 Whereas, Immigration enforcement, including the execution of
26 federal immigration detainers, is the responsibility of federal
27 immigration authorities, not local law enforcement agencies.
28 Detainer requests issued by federal immigration enforcement agents
29 lack the procedural safeguards required by the U.S. Constitution's



1 due process and unreasonable search and seizure clauses. Local law
2 enforcement agencies who comply with these requests are at
3 increased risk of being found liable for constitutional violations;
4 and

5 Whereas, The U.S. government should not demand local law
6 enforcement—whose job it is to protect all residents regardless of
7 immigration status—perform a federal responsibility. Some
8 municipalities in Michigan have adopted a policy or practice of
9 declining to respond to detainer requests, or to comply with
10 detainer requests only in limited circumstances, in order to
11 preserve their own much-needed and limited resources for local
12 priorities. Requiring local compliance with immigration detainer
13 requests increases costs to counties and municipalities through
14 extended imprisonments and damages for violating individual rights.
15 Withholding federal dollars for departments refusing to take on
16 this new role, as the President's executive order states,
17 improperly places local law enforcement in the position of choosing
18 between their budget and the constitutional rights of community
19 residents; now, therefore, be it

20 Resolved by the House of Representatives, That we memorialize
21 the Congress of the United States to pursue humane and responsible
22 immigration policies and oppose discriminatory policies and
23 practices in immigration enforcement; and be it further

24 Resolved, That copies of this resolution be transmitted to the
25 President of the United States Senate, the Speaker of the United
26 States House of Representatives, and the members of the Michigan
27 congressional delegation.

