



December 15, 2015

Jeh Johnson
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Johnson:

The Priority Enforcement Program (PEP) was introduced by you, Secretary Johnson, in a memo titled “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants” on November 20th, 2014. PEP was introduced as an improvement to Secure Communities after countless complaints that local law enforcement officers, operating as quasi immigration officials, led to increased racial and religious profiling and decreased community trust. Now, we believe that the PEP is promising more of the same.

LGBTQ API people experience many kinds of profiling based on race, ethnicity, national origin, color, religion, sexual orientation, and gender identity. Asian American, Southeast Asian, South Asian and Pacific Islander people and communities are regularly profiled by local law enforcement and immigration officials. South Asians and Muslims are often falsely profiled as “terrorists.” Southeast Asians are profiled as gang members. Lesbian, gay, bisexual, trans* and queer (LGBTQ) Asian and Pacific Islanders (API) people are routinely harassed and made to feel unsafe because of gender presentation and sexual orientation. Trans* people, and especially transwomen, are seen as threats or objects of ridicule and violence because of gender presentation. The violence of profiling and harassment needs to end.

Under the Priority Enforcement Program, we believe that this profiling will continue. The PEP prioritizes the detention and deportation of people who “pose a danger to national security,” are “suspected of terrorism,” or have been “active...in a criminal street gang.”¹ We know that these terms of enforcement will profile and criminalize our LGBTQ API communities, along with all queer people of color. Profiling should be illegal. When profiling based on race, ethnicity, national origin, color, religion, sexual orientation, and gender identity leads to arrest, detention and deportation, communities’ trust in the police erodes.

We demand that any convictions originating from profiling based on race, ethnicity, national origin, color, religion, sexual orientation, and gender identity not lead to detention or deportation, regardless of conviction.

- DHS, ICE and all immigration enforcement agencies need a clear definition of profiling that includes profiling based on race, ethnicity, national origin, color, religion, sexual orientation, and gender identity. This definition must apply without exemption for matters concerning border security, national security, or state and local law enforcement. DHS,

¹ http://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf

ICE and all immigration enforcement agencies need to explicitly state that their agencies do not rely on profiling based on race, ethnicity, national origin, color, religion, sexual orientation, and gender identity.

- DHS, ICE and all federal immigration agencies need to create a clear process for addressing allegations of profiling based on race, ethnicity, national origin, color, religion, sexual orientation, and gender identity. Since local and national enforcement are linked through the PEP, this process must include addressing profiling by local law enforcement and immigration enforcement agencies, without exemption for matters concerning border security, national security, or state and local law enforcement. Procedures should be revised and/or developed in conjunction with immigrant rights advocates.
- When profiling based on race, ethnicity, national origin, color, religion, sexual orientation, and gender identity is demonstrated by local law enforcement or immigration enforcement agencies, DHS and ICE should adjudicate matters similar to criminal proceedings where wrongfully obtained evidence is suppressed. We recognize that this may result in the revocation of conviction, detention or deportation.

We welcome the opportunity to discuss our concerns and recommendations with you and your staff further. If you have questions, please contact Sasha Wijeyeratne at sasha@nqapia.org.

Signed,

NQAPIA: National Queer Asian Pacific Islander Alliance

National Organizations:

Southeast Asia Resource Action Center (SEARAC)

National Center for Transgender Equality (NCTE)

National Asian American Pacific Islander Mental Health Association (NAAPIMHA)

South Asian Americans Leading Together (SAALT)

Asian Pacific American Labor Alliance (APALA)

National Center for Lesbian Rights (NCLR)

Familia: Trans Queer Liberation Movement

Muslim Alliance for Sexual & Gender Diversity (MASGD)

Asian Americans Advancing Justice

National Coalition of Anti-Violence Programs

Streetwise And Safe (SAS)

Southerners on New Ground (SONG)

OCA: Asian Pacific American Advocates

National Korean American Service & Education Consortium (NAKASEC)

Local Organizations:

Queer Asian Pacific-Islander Alliance (QAPA)

South Asian American Policy & Research Institute (SAAPRI)

Muslim American Women's Policy Forum (MAWPF)

API Equality - Northern California (APIENC)

Many Languages One Voice (MLOV)
DRUM - Desis Rising Up & Moving
Trikone NW
i2i: Invisible to Invincible (i2i)
Freedom Inc.
Association of Latino/as Motivating Action
hotpot!
GAPIMNY
API Queers United for Action (AQUA)

The National Queer Asian Pacific Islander Alliance (NQAPIA) is a federation of lesbian, gay, bisexual, and transgender (LGBT) Asian American, South Asian, Southeast Asian, and Pacific Islander (AAPI) organizations. We seek to build the organizational capacity of local LGBT AAPI groups, develop leadership, promote visibility, educate our community, enhance grassroots organizing, expand collaborations, and challenge homophobia and racism.