



April 8, 2025

The Honorable Terry Roy, Chairman
Criminal Justice and Public
Safety Committee
New Hampshire House
LOB Room 202-204
Main St.
Concord, NH 03301

Dear Chairman Roy and other distinguished members of the Committee:

I am writing on behalf of the Federation for American Immigration Reform (FAIR) to express strong support for Senate Bill (SB) 71. FAIR is a non-profit, non-partisan organization of concerned individuals who believe that our immigration laws must be reformed to serve our nation's interests.

Founded in 1979, FAIR has over three million members and supporters nationwide, including approximately 4,000 in New Hampshire. FAIR opposes the reckless lawlessness of sanctuary policies and recognizes that SB 71 makes New Hampshire safer.

If enacted, SB 71 would prohibit jurisdictions from employing dangerous policies that provide a safe haven, or "sanctuary," in which illegal aliens can work and live without fear of apprehension by federal immigration authorities.

Sanctuary policies not only lead to more crimes but they are also a magnet for illegal immigration. Most everyone is familiar with Kate Steinle's story, the young woman walking with her father on the San Francisco pier who was gunned down by Juan Francisco Sanchez-Lopez, an illegal alien with seven prior criminal convictions and five previous deportations. Sanchez-Lopez admitted that he chose to live in San Francisco because he knew its sanctuary policy would protect him.

Many expect crimes committed by illegal aliens to happen in big states like California, with huge illegal alien populations. However, most would be shocked to find out these incidents are not limited to high-immigration states and southern border states alone.

New Hampshire has sheltered its share of criminal aliens. This past December, Mikhail Sebastian, an illegal alien from Indonesia, was arrested for sexually assaulting a New Hampshire child. In 2023, Ronal Rodriguez Fuentes was arrested by the U.S. Immigration and Customs Enforcement (ICE) in Manchester. At the time of his arrest, he had an outstanding warrant against him in Honduras for human trafficking and had previously been removed twice from the US. Also in 2023, Antonio Jose De Abreu Vidal Filho was arrested in Rye. He escaped a 275-year prison sentence in Brazil. He was found guilty there of 11 murders.

Two years after California passed its 2017 sanctuary law, which forbids most cooperation with ICE, the Orange County Sheriff's Department was forced to release more than 1,500 aliens with immigration detainers back onto the streets. More than 400 of those aliens were later rearrested with charges including rape, assault with a deadly weapon, child sex offenses, domestic violence, and driving under the influence. Every single one of those crimes was preventable because none of those criminals should have still been in the U.S. State and local officials cooperate with federal law enforcement in every other aspect of federal law, such as gun and drug laws—immigration enforcement should not be an exception.

While I am not saying that everyone who is in the United States illegally intends to harm Americans, individuals who come through our back doors have not been vetted so their intentions are unknown. Even those who have entered legally, such as students or tourists, and then overstay their visas remaining in the United States illegally have not had the same thorough background check as is performed on an individual who is legally immigrating to the United States. Even more distressing, the porous border over the past four years are national security and public safety threats. According to US Customs and Border Protection (CBP), in Fiscal Year 2024, 410 individuals on the terrorist watch list were encountered on the northern border at the ports of entry and three more were encountered between the ports of entry. CBP also encountered 36,290 individuals with criminal convictions in Fiscal Year 2024, up from 35,433 in Fiscal Year 2023.

In the Swanton Sector, which includes New Hampshire, there were 19,385 encounters in Fiscal Year 2024. During the previous Fiscal Year there were only 6,925 border crossers.

Sanctuary policies come in all shapes and sizes. Some are written; some are not. Some are enacted through local laws, while others masquerade as “welcoming resolutions,” some even appear as internal law enforcement agency policies. However, they all generally bar state or local officials, including law enforcement, from asking lawfully stopped or detained individuals about their immigration status, and from reporting or otherwise cooperating with federal immigration officers. Regardless of how they are adopted or what form they take; the common factor is that sanctuary policies

place a greater emphasis on the welfare of illegal aliens than the welfare and safety of citizens and legal residents in their own communities. For example, just days prior to the infamous 9-11 attacks, two of the hijackers were stopped on separate occasions by police. If their backgrounds and immigration status had been checked, their plot might have been uncovered before this tragedy occurred.

Hundreds of cities and municipalities nationwide have declared themselves “welcoming or sanctuary cities.” These “welcoming or sanctuary cities” claim that they do not interfere with federal law enforcement but simply leave immigration enforcement to federal agencies. However, this is simply a matter of semantics as “welcoming or sanctuary cities” actively impede the enforcement of federal immigration laws and often attempt to block or bar free communication between state and local officials and federal immigration officials. This is a clear and unambiguous violation of federal law, and is considered a sanctuary policy, regardless of what it is called.

In New Hampshire, there has been a proliferation of counties and cities—including Cheshire County, Deerfield, Dublin, Durham, Hanover, Harrisville, Lebanon, Lyme, and Manchester—that in most cases do not call themselves sanctuary cities yet their practices make them function as sanctuary cities. Enacting SB 71 will ensure these jurisdictions cannot prohibit or restrict communication with immigration officials.

Opponents of the bill will say this anti-sanctuary legislation requires New Hampshire to enforce immigration laws which is the responsibility of the federal government. The truth is this legislation only ensures that the state and localities cannot block or prohibit communication and cooperation with federal immigration officials. Moreover, there is no requirement in this bill for public officials or law enforcement officers to comply with detainers issued by immigration officers. The bill only says that cooperation cannot be prohibited. Detainers are simply requests made by one law enforcement officer or agency asking another to hold an individual for up to 48 hours so the individual can be picked up by the officer or agency making the request. Therefore, New Hampshire officials are not arresting individuals on immigration matters. These detainer requests are not solely related to immigration. In fact, law enforcement officers are routinely asked by US Marshals or other state or local law enforcement to detain individuals.

According to U.S. Sentencing Commission data provided at a U.S. House of Representatives hearing on immigration enforcement, over 35 percent of the individuals who are sentenced for federal crimes are illegal aliens. Given that illegal aliens are an estimated 3.5 percent of the population, this means that illegal aliens are ten times more likely to be sentenced for a federal crime than legal residents.

Furthermore, shielding illegal aliens needlessly endangers innocent lives. As of 2017, there were already roughly three million criminal aliens living in the United States—that

is, illegal aliens with criminal records in addition to their unlawful presence in this country—and nearly 1 million of these aliens have final orders of removal. These criminals should not be able to continue to live in communities and engage in further criminal activity.

Likewise, the assumption that illegal aliens commit crimes at a lower rate than American citizens is simply not true. FAIR's 2019 study of data from the federal government's State Criminal Alien Assistance Program (SCAAP) found that illegal aliens are more likely to be incarcerated in state prisons and county jails than U.S. citizens and legal immigrants. In fact, this report found that in the states examined, illegal aliens are incarcerated up to five and a half times as frequently as citizens and legal immigrants. Additionally, the report found that states with the highest incarceration rates of illegal aliens are also the states that boast numerous sanctuary jurisdictions.

In fiscal year 2024, which ended in September, Immigration and Customs Enforcement (ICE) arrested 113,431 illegal aliens inside the country, over 81,312 had criminal convictions or pending charges. In total, these individuals had a combined total of 516,050 charges and/or convictions including 57,081 for assault, 12,895 for weapons offenses, 2,894 for homicide-related crimes and 2,766 for kidnapping. Removals also included 3,706 known or suspected gang members, 237 known or suspected terrorists, and eight human rights violators. Opponents of anti-sanctuary policies justify shielding illegal aliens from our immigration laws by saying it is necessary for law enforcement to build trust within the community. But by "community" they mean the community of people who violate our nation's immigration laws – not the community of people whom those laws were meant to protect.

Moreover, state and local cooperation with ICE does not reduce the number of noncitizens reporting crimes or coming forward with testimony about being criminalized. Besides the fact that anonymous tips can be given, there are already a number of programs that allow state and local police to encourage victim and witness cooperation by granting lawful status to illegal aliens who aid in the prosecution of criminals. If illegal aliens provide helpful information to police, they may qualify for a "U," "T," "S" or "VAWA" nonimmigrant visa, which, in turn, would ultimately allow them to apply for permanent legal status in the U.S. Sanctuary policies actually prevent illegal alien victims of crime from taking advantage of these programs.

In addition, according to a recent report by the Center for Immigration Studies, the data from the Department of Justice's National Crime Victimization Survey (NCVS) shows that immigrant victimizations are just as likely, and in some cases more likely, to be reported to police than crimes against the native-born.

ICE has just 20,000 employees, only half of whom are dedicated to the apprehension and removal of illegal aliens. The cooperation of state and local law enforcement, who number about 900,000 strong, is a force multiplier vital to ferreting out those among us who wish to cause us harm. If ICE is forced to go into communities rather than the secure environment of local jails, many who wish us harm will not be removed, and others may be put at risk. SB 71 ensures this cooperation.

Likewise, sanctuary policies are costly to New Hampshire taxpayers. A new cost study by FAIR found New Hampshire taxpayers spend \$86.9 million annually on expenses resulting from illegal immigration.

Finally, sanctuary policies tell individuals that despite violating federal laws, law enforcement and other government officials will ignore them. Just because the regulation of immigration is a federal issue does not mean that state and local law enforcement agencies must overlook immigration violations that harm their communities.

SB 71 is needed to clarify New Hampshire's public policy of cooperation with federal immigration authorities and for this reason FAIR strongly supports this legislation and urges a favorable vote.

Thank you for the opportunity to provide my input. Please do not hesitate to reach out to me if I may be of assistance. I may be reached by email at srendall@fairus.org or by phone at 202-328-7004.

Sincerely,

A handwritten signature in black ink that reads "Shari Rendall". The signature is written in a cursive, flowing style.

Shari Rendall