

Esther Olavarria  
Deputy Assistant Secretary  
Department of Homeland Security

CC: Serena Hoy  
Counselor to Deputy Secretary  
Department of Homeland Security

October 7, 2015

*VIA EMAIL*

**Re: Proposed Memorandum of Understanding between ICE and Fulton County, Georgia**

Dear Ms. Olavarria:

We are members of the Georgia Not1More Coalition, and write to you to raise concern about the implementation of the Priority Enforcement Program (PEP) by Immigration and Customs Enforcement (ICE) in our state. Specifically, we raise concern with the terms of a proposed Memorandum of Understanding between Immigration and Customs Enforcement and Fulton County, Georgia, which proposes to “expand the effectiveness of [the] ‘Priority Enforcement Program’ (PEP) by placing an ICE liaison officer into local jurisdictions.” We learned of the proposed memorandum not from local ICE officials, but only after receiving a response to an Open Records Act request filed by the Southern Poverty Law Center with Fulton County, Georgia.<sup>1</sup>

The terms of the memorandum would greatly expand the terms of PEP beyond those previously described by DHS, and belie the agency’s prior description of the PEP program. In its communications with the public, the Department of Homeland Security (DHS) has characterized PEP as a program under which it will limit the use of detainers, and narrow the category of individuals for which it seeks transfers from local law enforcement custody.<sup>2</sup> The proposed memorandum, however, goes far beyond the provisions of PEP as previously described by DHS. Instead, the memorandum provides that ICE may station its agents at the Fulton County Jail, investigate and track “foreign nationals that are arrested for felonies, significant misdemeanor, or any other offenses that could have a negative impact on public safety, but do not meet current ICE guidelines,” and interview all foreign born inmates identified through PEP as “ICE priority criminal aliens.” The terms of the memorandum would sweep a broad spectrum of individuals in local police custody, including those who are neither charged with nor convicted of a criminal offense, and who are the targets of discriminatory policing practices. The proposed program also

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<sup>1</sup> A copy of the proposed memorandum is available at [https://www.splcenter.org/sites/default/files/proposed\\_mou-ice\\_in\\_fulton\\_county\\_jails.pdf](https://www.splcenter.org/sites/default/files/proposed_mou-ice_in_fulton_county_jails.pdf).

<sup>2</sup> U.S. Immigration and Customs Enforcement, Priority Enforcement Program, <https://www.ice.gov/pep> (last visited Oct. 6, 2015); *see also* Memorandum from Secretary Jeh Johnson to Thomas Winkowski, et al. (Nov. 20, 2014), available at [http://www.dhs.gov/sites/default/files/publications/14\\_1120\\_memo\\_secure\\_communities.pdf](http://www.dhs.gov/sites/default/files/publications/14_1120_memo_secure_communities.pdf) (describing PEP program).

fails to provide any basic procedural safeguards, due process protections, or notifications to those targeted by ICE.

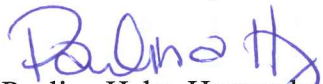
The Fulton County Attorney's Office has informed us that the proposed Memorandum of Understanding between Fulton County and ICE remains unsigned. We urge you to discourage the local Atlanta ICE Field Office from entering into this agreement, and to terminate any similar agreements. We request a meeting with you and representatives of the local Atlanta ICE Field Office to further discuss implementation of PEP in our state.

Sincerely,

Members of the Georgia Not1More Coalition



Eunice Cho  
Staff Attorney  
Southern Poverty Law Center



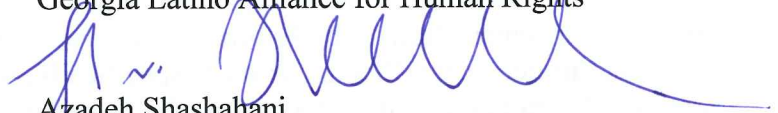
Paulina Helm-Hernandez  
Co-Director  
Southerners on New Ground



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