



## **Immigrant Legal Resource Center (ILRC) Vote Recommendation on H.R. 35, Agent Raul Gonzalez Officer Safety Act**

We recommend a NO vote on H.R. 35, The Agent Raul Gonzalez Officer Safety Act. This bill is named after Border Patrol Agent Raul Gonzalez who tragically lost his life after a high speed chase resulted in life-threatening injuries and hospitalization. This bill imposes additional harsh criminal legal system and immigration penalties while furthering false and politicized narratives about immigrants without truly addressing the dangers posed by practices such as high speed car chases to all border residents.

### **What Does H.R. 35 Do?**

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- This bill would create both criminal legal system and immigration consequences for any person who drives a motor vehicle while trying to escape Border Patrol or a state/local law enforcement officer working in conjunction with Border Patrol for immigration enforcement. The bill specifies that the penalties would apply to any driver of a vehicle involved in a pursuit within 100 miles of the border.
- The bill imposes three different types of penalties depending on the underlying conduct:
  - 1) For a driver of a vehicle trying to escape law enforcement, they may be subject to **imprisonment for up to two years** in federal prison as well as being subject to fines;
  - 2) If a chase results in serious bodily injury, the driver could be **imprisoned for up to 20 years** and be subject to fines; and
  - 3) If a chase results in death, the driver could be subject to **life in prison** and other penalties.
- The bill increases immigration consequences for this conduct by expanding the already comprehensive and broad grounds of inadmissibility and deportability for any person who tries to escape a law enforcement officer and making a person convicted under this law ineligible for all forms of immigration relief, including asylum.

### **Why Is This Bad Policy?**

**Cruel and Unnecessary:** Eliminating all avenues of relief for people seeking safety in the United States and subjecting people to harsh imprisonment sentences and deportation are cruel and unnecessary steps that do not address the safety needs of border communities.

The reality in border communities under [Texas' Operation Lone Star](#) is that state and local law enforcement, in addition to Border Patrol, regularly engage in high speed chases in an attempt to apprehend people they suspect have entered without authorization. This law enforcement practice has had a detrimental effect on the safety of all residents of border communities. Human Rights Watch [documented](#) the detrimental effects of high speed law enforcement chases on Texas communities. Dangerous high speed chases have led to loss of life, significant injuries, destruction of private property, and fear and trauma. According to this report, in a period of 29 months, at least 74 people were killed and 189 were injured due to law enforcement pursuit of people suspected of violating immigration laws. High speed chases are a dangerous law enforcement practice that must end. Instead of seeking real solutions to make communities safer, this bill seeks to further criminalize people seeking dignity and safety.

**Overbroad and Vague:** The language in H.R. 35 is overbroad and vague. For example it creates penalties for “evading arrest or detention” and “intentionally fleeing” law enforcement which could be broadly applied especially in border communities that are already experiencing over-policing and racial profiling, as well as dangerous outcomes from high speed car chases. Black and Brown people are disproportionately more likely to be stopped, arrested, prosecuted, convicted, and sentenced to longer terms. There has been bipartisan recognition of the racial biases in the criminal legal system, and multiple bipartisan reform efforts. Increasing the severity or breadth of immigration penalties for contact with the criminal legal system will inevitably transfer these endemic discriminatory impacts into immigration law.

**Double Punishment:** Since contact with the criminal legal system serves as a funnel into the immigration detention and deportation system, a person can be deported - a life-long consequence that tears apart families and destabilizes communities, even if the person completed their criminal system punishment. Immigration penalties imposed in addition to the criminal system penalties create a harsh system of double punishment that disproportionately impacts Black and Brown immigrants.

**Duplicative and Unjust:** Adding new grounds of inadmissibility and deportability is duplicative of existing law, exacerbates racial disparities created by the entanglement of policing and immigration enforcement and increases inefficiency in the U.S. immigration

system. Adding more grounds of inadmissibility and deportability and eliminating paths to status only creates confusion and harm.

**Vote NO on H.R. 35**

Please contact Nithya Nathan-Pineau, [nnnathan-pineau@ilrc.org](mailto:nnnathan-pineau@ilrc.org) with any questions about this vote recommendation.