

December 8, 2015

The Honorable Alejandro N. Mayorkas
Deputy Secretary
U.S. Department of Homeland Security
500 12th Street SW
Washington, D.C. 20536

CC:

Esther Olavarria, Deputy Assistant Secretary, Department of Homeland Security
Sarah R. Saldaña, Director, U.S. Immigration and Customs Enforcement

Re: Jose Luis Sanchez Ponce, DACA-eligible father facing imminent deportation

Dear Deputy Secretary Mayorkas:

When President Barack Obama visited El Reno Federal Correctional Institution in July 2015, he noted that the prisoners he met “are young people who made mistakes that aren't that different from mistakes I made. The difference is they did not have the support structures, the second chances, the resources that would allow them to survive these mistakes.”

Over the past year, public attention has turned to the exploding prison population and clear evidence of racial disparities in sentencing, especially for those convicted of drug offenses. Black and Latino men make up 58 percent of all prisoners, even though they collectively constitute just 14 percent of the general U.S. population. Nearly [one in three](#) people in the United States now has a criminal record. This era of mass incarceration has led to poverty, inequality, and limited opportunity for millions.

In response, states and counties have moved to reduce punitive sentences for minor drug offenses. For instance, Cook County, Illinois will [no longer prosecute](#) low-level drug offenses. Instead of prison or fines, drug offenders will be diverted into treatment programs.

Local communities are working hard to address the causes and effects of mass incarceration. However, immigrants face another complication: the risk of [deportation, and permanent separation from their families and communities](#). Through its policies of mass detention and deportation, the Department of Homeland Security (DHS) ignores the clear interests of local communities, states, and even the federal administration.

Similarly, while the Bureau of Prisons is set to release 6,000 people who have repaid their debt to society for drug offenses, the Obama administration is singling out a full third, 2,000 of them, and removing them from the country with no due process. These are brothers, mothers, fathers and cousins who committed low-level drug offenses, have paid the price, and their release was examined and approved by the government.

Because of our broken immigration system, immigrant men and women face especially harsh consequences: first, a full term in prison, and then permanent separation from their loved ones, homes and community.

The Case of Jose Luis Sanchez Ponce:

Jose Luis Sanchez Ponce is a 25 year old charged with misdemeanors for simple possession of marijuana and paraphernalia. He has lived in the U.S. for 15 years, graduated high school, and is the father of a U.S. citizen.

Jose Luis has a family and deep roots in his community. He is [eligible](#) for Deferred Action for Childhood Arrivals (DACA)—a program that President Obama announced in 2012 to provide relief from deportation and a work permit to eligible undocumented immigrant youth. In addition, Jose Luis is [not an enforcement priority](#) under the administration's new guidelines. However, he has been detained by Immigration and Customs Enforcement (ICE) for over a year. The Department of Homeland Security (DHS) refuses to [apply discretion](#) or to administratively close his case. In addition, Luis has suffered retaliation by guards and has been placed in solitary confinement for speaking up and for trying to provide translation for other inmates.

As President Obama explained, Jose Luis did not have the support structure or second chances following his drug convictions. However, like [thousands](#) of other immigrants, he may be permanently separated from his family because he is not a citizen.

We cannot reform our criminal justice system without carefully considering the impact on immigrants. As we move towards reforming immigration laws, we must be conscious of the harsh penalties imposed on immigrants by the existing law. Immigration reform is a racial justice issue, as those most likely to be unfairly criminalized by immigration laws are people of color. Like mass incarceration, our immigration enforcement system persecutes, incarcerates, removes, and dehumanizes people of color.

As the conversation around criminal justice reform [takes hold](#) around the country, we must apply a more nuanced approach that considers the effect of detention and deportations on communities of color. We call on the Department of Homeland Security and Immigration and Customs Enforcement to exercise prosecutorial discretion, release Jose Luis from detention, and close his case. For more information about the case and to follow up on this issue, please contact Zenen Jaimes Perez at zenen@unitedwedream.org.

Sincerely,

United We Dream

Advancement Project

Drug Policy Alliance

Million Hoodies Movement for Justice

Dream Defenders

Immigrant Legal Resource Center