



Hispanic/Latino Commission of Michigan
Capital Tower Building, 110 W. Michigan Avenue, Suite 900
Lansing, Michigan 48933

March 22, 2016

TESTIMONY REGARDING SB501
MI HOUSE TRANSPORTATION COMMITTEE

My name is Noel Garcia, and I am the current elected Chair of the Hispanic Latino Commission of Michigan. I appreciate the opportunity to express my concerns today regarding SB501 on behalf of the Commission and the 438,398 statewide Latino constituents we represent. As many of you may know, the Hispanic Latino Commission has been in existence since 1975. We are mandated to provide direct input on issues impacting the state's Latino population to the Governor, distinguished elected officials (such as yourselves), and state administrators.

It is our understanding that SB501 was drafted and introduced with the intention of making Michigan a more welcoming state for international students, visitors, and business partners that are important allies in the continued economic growth and development of our great state. However, amendments to the original language of the bill that would now require law enforcement officers to determine the legal immigration status of individuals presenting an international driver's license at routine traffic stops causes deep concern for members of our Commission. We are specifically referring to the language in S-3 Sec. 302a (1) which states "for the period of time that he or she is *legally present* in this state..."

As a retired Lansing police officer, I have the highest respect for the difficult and dangerous work of law enforcement officers that patrol our streets every day. Current tensions and accusations of racial profiling at roadside stops that have led to civil unrest across the country in recent months have certainly increased our collective concern with the increased complexity of law enforcement and community relations. It is our understanding that the federal government currently issues more than 75 different types of visas that extend legal immigration status to individuals entering the United States. If I gave you a quiz at this hearing today, could you name and describe each of those visas? Does the current bill have a dedicated allocation to improve the training of law enforcement officers across the state that would now be required to pass that quiz in order to avoid accusations of racial profiling at roadside traffic stops with drivers that look or sound foreign born?

The Hispanic Latino Commission of Michigan has reached three (3) important conclusions in our analysis of SB501 that also reflect the concerned messages we have received from our statewide constituents in recent weeks:

1. This new law would absolutely require police officers to reach a roadside legal conclusion about legal presence whenever they are presented with a foreign license. Police do not have the training or resources to make these kinds of determinations.
2. Empowering police to make roadside legal conclusions about which foreign drivers are legally present raises civil rights concerns for the Latino community. Latino communities have deep and painful experiences when it comes to state and local law enforcement "getting it wrong" when it comes to verification of legal presence and have valid reasons to be concerned that there will be "spillover" from this legal change that will affect our communities. Understand that no matter how many generations of heritage our families have in this country, Latino, Arab American, and Asian American Michiganders are treated by some as perpetual foreigners. We are frequently asked where we are "from" by acquaintances, agencies, and officers. So, any forays by state and local law enforcement into immigration enforcement and verification of "legal presence" concern us deeply.
3. If our law enforcement partners want to see additional identification, this legislation should simply require that foreign drivers carry and present their passport together with their driver's license. Full stop. There is no need to heighten the requirement to include a "legal presence" determination that burdens drivers and law enforcement and raises serious and valid concerns for Latino, Arab American, and Asian American Michiganders. We believe a simple passport requirement would meet the goals of law enforcement and satisfy our communities that this bill really is squarely focused on public safety and economic development and poses no threat to our civil rights.

Finally, let me be clear. Any effort to eliminate the direct "legal presence" language of the Bill that hides or imbeds the legal presence requirement in obscure references to the larger Michigan Motor Vehicle Code is also unacceptable. The civil rights of our community are not negotiable.

Speaking as the collective voice of the Hispanic Latino Commission, we respectfully request that you either eliminate the language of the bill that forces our police officers to become immigration law experts with no training or withdraw your support for the movement of this bill from this Committee to a vote on the House floor. The Commission is currently drafting a written request to Governor Snyder encouraging him to veto this bill in the event that it arrives on his desk for signature in its current form.

I thank you for your time, and wish you the best in your continued deliberations.

Sincerely,



Noel Garcia, Jr.
Chairman, Hispanic/Latino Commission of Michigan
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