



## Tell Congress to Vote “No” on the Dangerous Laken Riley Act

Later this week, the U.S. House of Representatives will hold a final vote on a bill called the Laken Riley Act. The bill purports to improve public safety by mandating detention of certain immigrants, but it will in fact **make Texas communities less safe by tearing families apart and straining law enforcement resources.**

The bill has two dangerous components:

**1) The Act makes Texas less safe by *requiring* detention of undocumented people who are charged with minor crimes even if they have not been convicted of a crime.**

Currently, the federal government has broad discretion about whether to detain immigrants who do not have proper status. Requiring detention of immigrants who are charged with minor theft crimes or assaulting a police officer—a charge easily misused against people in discriminatory arrest cases—would run roughshod over due process.

In fact, a person could be detained and deported without ever going in front of a jury. They could even be put in civil immigration detention based on fraudulent charges.

The Act will also strain our already overburdened immigration system; Immigration and Customs Enforcement (ICE) itself warned Congress it would be **“impossible to execute”** with existing resources and would need **an additional \$26.9 billion** to implement the act in the first year alone.<sup>1</sup> If ICE does not have the resources to fulfill its obligations under the Act, it may add untenable strain upon local jails and the Texas Department of Criminal Justice (TDCJ), an agency already at its breaking point.<sup>2</sup>

Worse still, **the Act will tear apart Texas families.** More than one-in-ten Texas families are mixed-status.<sup>3</sup> If the Act is passed, every one of these families faces the

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<sup>1</sup> Ximena Bustillo, ICE estimates it would need \$26.9 billion to enforce GOP deportation bill, NPR (Jan. 16, 2025), <https://www.npr.org/2025/01/16/nx-s1-5262921/laken-riley-act-deportation-ice>.

<sup>2</sup> Texas Sunset Advisory Commission, Staff Report on Texas Department of Criminal Justice, Correctional Managed Health Care Committee, Board of Pardons and Paroles, Texas Department of Criminal Justice Windham School District, (Sep. 2024).  
<https://static.texastribune.org/media/files/1cea3eb6a7c553d103b86e3c3a86cccc/Texas%20Criminal%20Justice%20Sunset%20Staff%20Report%20September%202024.pdf>.

<sup>3</sup> Advocates Convene in Support of Recent Executive Orders on Immigration, Children at Risk (Jun. 28, 2024), <https://childrenatrisk.org/immigration-executive-orders-press-conference-6-28/#:~:text=Over%2010%20of%20all%20Texas%20children%20live,all%20families%20within%20Texas%20major%20metro%20areas>.

constant threat of separation if a loved one is even suspected of a theft crime. Congress should work to bring communities together rather than tear them apart.

## **2) The Act gives state attorneys general unprecedented control over immigration.**

Immigration policy is determined at the federal level. This makes sense because there would be chaos if fifty states had fifty different sets of rules about immigration. The Laken Riley Act upsets this long standing policy by giving state attorneys general the ability to file suit in federal court to enforce certain provisions of the act, including banning visas for people from countries that do not accept deportation flights.

That means the Texas Attorney General can file a lawsuit and get a sweeping ban on all immigration from a certain country. In Texas, we've already seen how dangerous a rogue state attorney general can be. Congress should not grant state attorneys general broad control over federal immigration policy.