



AB 937 (Carillo) – VISION Act

Summary

AB 937, the Voiding Inequality and Seeking Inclusion for Our Immigrant Neighbors (VISION) Act, would protect refugee and immigrant community members who have already been deemed eligible for release from being funneled by local jails and our state prison system to immigration detention. Prohibiting transfers to ICE would protect Californians from being subjected to inhumane and unsanitary conditions in immigration detention, close the main pipeline filling immigration detention beds, and reunite refugee and immigrant families and communities.

Background

California's punitive carceral system unjustly and disproportionately harms Black, Latinx, Indigenous, and Asian and Pacific Islander American communities. In recent years, with the passing of SB 260, SB 261, SB 1437, AB 1812 (which amended Penal Code 1170(d)(1)), Proposition 47, the legislature and California voters have demonstrated a strong commitment to reforming our criminal justice system and ending mass incarceration.

Despite these reforms, when California's jails and prisons voluntarily and unnecessarily transfer immigrant and refugee community members eligible for release from state or local custody to Immigration and Customs Enforcement ("ICE") for immigration detention and deportation purposes, they subject these community members to double punishment and further trauma. Immigrant community members can be incarcerated by ICE, often for prolonged periods and with no right to

bail, and deported--permanently banishing them from the country, from their families, their homes, their livelihoods and "all that makes life worth living." *Ng Fung Ho v. White*, 259 U.S. 276, 284 (1922). The Supreme Court has repeatedly acknowledged that for many people deportation is a more severe penalty than any jail sentence. See, e.g., *Lee v. U.S.*, 137 S.Ct. 1958, 1968 (2017); *Padilla v. Kentucky*, 559 U.S. 356, 364 (2010).

Community members transferred to ICE are refugees, lawful permanent residents, people who entered the United States as children, parents, caretakers, essential workers, or are otherwise valued California residents. California should not subject these community members to a second, double punishment, and disregard their record of rehabilitation, stable reentry plans, and community support, purely because they are refugees or immigrants. Ending ICE transfers in California is a reflection of the state's commitment to ending racial injustice and mass incarceration.

Incarceration and ICE transfers also are harmful to public health. Countless studies document negative health impacts of incarceration in jails, prisons, and ICE detention centers. People who have been incarcerated have worse health outcomes and, overall, have lower life expectancies. Given the racial inequities plaguing the state's carceral system, the significant health risks posed by incarceration and transfers weigh heavily on California's Black, Latinx, and Asian and Pacific Islander American communities.

The Constitutions of the United States and the State of California protect all persons

present within our borders from unreasonable searches and seizures, from deprivations of life, liberty or property without due process of law, from being deprived of equal protection under the law, including from being targeted on the basis of race or ethnicity. The VISION Act embodies and protects these values by ensuring that all Californians, including refugees and immigrants, are not torn from their communities when they are eligible for release from state or local custody.

The need for the bill

As the state with the largest immigrant community in the country, California has an ethical and moral obligation to step up our leadership and take action to protect the rights of immigrants and the public health at large. As long as CDCR and local jails continue to transfer community members to immigration detention where conditions are indisputably dangerous and even deadly, California cannot meaningfully reduce the numbers of human beings caged in ICE detention centers.

Solution

The VISION Act (AB 937) takes urgent and necessary strides toward ensuring that our local and state resources are not used to funnel immigrants into inhumane health conditions in immigration detention, violate Constitutional protections, and separate immigrant families and communities.

In particular, the VISION Act would:

- Prevent immigrants from being subjected to perpetual punishment and unequal treatment by prohibiting local and state agencies from conducting immigration arrests and from assisting or facilitating immigration arrests, which includes prohibiting ICE transfers.

- Ensures immigrants are treated equally by prohibiting state agencies, local agencies, and courts from using immigration status as a factor to deny or to recommend denial in a diversion program, rehabilitation program, placement in a credit earning programs or classes, or mental health program.

Co-Sponsors

Alliance for Boys and Men of Color
Alliance San Diego
All of Us or None
American Friends Service Committee - San Diego
Asian Americans Advancing Justice - California
Asian Pacific Islanders Re-entry & Inclusion through Support and Empowerment
Asian Prisoner Support Committee
AYPAL: Building API Community Power
California Coalition for Women Prisoners
California Immigrant Policy Center
Center for Empowering Refugees and Immigrants
Community United Against Violence
Communities United for Restorative Youth Justice
Council on American-Islamic Relations
Freedom for Immigrants
Homies Unidos Inc.
Human Rights Watch
ICE Out of Marin
Indivisible Conejo
Indivisible Ventura
Interfaith Movement for Human Integrity
Legal Services for Prisoners with Children
Long Beach Immigrant Rights Coalition
National Day Laborer Organizing Network
Orange County Justice Fund

Orange County Rapid Response Network
Resilience Orange County
Re:Store Justice
San Francisco Public Defender's Office
San Diego Immigrant Rights Consortium
Secure Justice
Services, Immigrant Rights & Education
Network
67 Sueños
South Bay People Power
VietRISE
Young Women's Freedom Center
Youth Justice Coalition

Legislative Member Co-Authors

Asm. Ash Kalra (Joint Author)
Asm. Miguel Santiago (Joint Author)
Sen. Scott Wiener (Principal Co-Author)
Asm. David Chiu (Principal Co-Author)
Sen. Lena Gonzalez (Principal Co-Author)
Asm. Mike Gipson (Co-Author)
Asm. Reggie Jones Sawyer (Co-Author)
Asm. Alex Lee (Co-Author)
Sen. Ben Hueso (Co-Author)
Sen. Nancy Skinner (Co-Author)
Sen. Maria Elena Durazo (Co-Author)
Sen. Cristina Garcia (Co-Author)

Contact

Angela Chan
Policy Director and Senior Staff Attorney
Advancing Justice - Asian Law Caucus
angelac@advancingjustice-alc.org