



February 4, 2025

Dear Senators Kelly and Gallego,

The undersigned organizations write to express our profound dismay and disappointment for the central role you played in passing S.5 (the “Laken Riley Act”).

We know that it is a priority for Senator Kelly to work with both Republicans and Democrats on border security in a way that is true to our collective values, and are disappointed that he would vote for legislation that betrays the values of due process, rule of law and fairness. Senator Gallego’s co-sponsorship of the bill was an even deeper betrayal after a career in the House during which he positioned himself as a champion for immigrants. Senator Gallego has stated that he is seeking smart ways to keep our border secure, but signed on as co-sponsor to a bill that does nothing to fix the backlogs of court cases and other challenges that plague our immigration system, and would not make our communities safer.

The death of Ms. Laken Riley is an unimaginable tragedy, but we see S.5 for what it is: a shameful act of political opportunism that capitalizes on grief to advance an anti-immigrant agenda. As you know, S.5 requires the detention of an individual who “admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, or shoplifting offense” in any jurisdiction where the act is committed. This means that a person *who was not even charged with or arrested for any crime whatsoever* could be subject to mandatory detention – without a day in court – and even if immigration officials disagreed. Longtime residents who committed such “acts” years ago but were never prosecuted could be targeted for mandatory detention. By passing S.5, you have given the Trump administration an incredibly dangerous tool to implement its mass deportation agenda. Moreover, the law’s novel and constitutionally-suspect state standing provisions, allowing hostile state officials to sue the Attorney General and others over individual immigration decisions they dislike, will only create more dangerous, wasteful, and politicized challenges for our immigration system.

Your support of S.5 embodies the darkest chapters of Arizona's history on immigrants’ rights. As you are well aware, immigrants and communities of color in Arizona have long fought against punitive and inhumane laws that target and scapegoat our immigrant friends, neighbors and family members. From worksite raids and neighborhood sweeps under former Sheriff Arpaio to the passage of S.B. 1070 and the devastating policies of the first Trump administration, the message to immigrants in our state has been one of harsh, regressive, and unconstitutional enforcement. S.5 only serves to further reinforce the false and dangerous rhetoric that constitutional rights and protections can be cast aside in the case of immigrants.

We demand accountability for your votes and public positions on this cruel legislation – especially in light of what we expect to see in Arizona under the Trump administration and with a state legislature seemingly bent on fueling mass deportation at any cost. Many of the undersigned organizations are immigrant-led and work directly with immigrant communities. We are working tirelessly to create avenues of legal and social services, networks of support, and education for immigrants and their families across our state as we brace for the threats of the Trump administration. We are once again requesting a meeting with your offices to discuss your position on S.5 as well as future legislation impacting our state's immigrant communities and all Arizonans. We look forward to scheduling a meeting with your offices within the next few weeks.

Sincerely,

American Civil Liberties Union (ACLU) of Arizona

Arizona Border Communities Coalition

Coalición de Derechos Humanos

Florence Immigrant & Refugee Rights Project

Immigration Law & Justice Network

Instituto Power

Living United for Change in Arizona (LUCHA)

Phoenix Legal Action Network

Poder in Action

Regeneración

William E. Morris Institute for Justice