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The American Immigration Lawyers Association (AILA) urges you to vote NO on the Agent Raul Gonzalez Officer Safety Act (H.R. 35).

This bill is named in memory of Agent Raul Gonzalez who died when he crashed his all-terrain vehicle (ATV) while on duty and in pursuit of a group of people suspected of having entered the country without authorization. Agent Gonzalez' tragic death should prompt serious consideration by Congress as to whether agents patrolling along the border are adequately protected and given the required resources to effectively manage the border region. H.R. 35 fails to achieve this goal. It duplicates existing criminal penalties that deter attempts to flee from law enforcement. Moreover, the bill does little to improve public safety or prevent accidents like the one that cost Mr. Gonzalez his life.

What H.R. 35 does: The bill adds a federal criminal offense for evading arrest while operating a motor vehicle within 100 miles of the U.S. border and intentionally fleeing from federal, state, or local law enforcement officers. H.R. 35 imposes criminal fines and jail terms, including up to life imprisonment if death occurs. The bill also amends federal immigration law to add new grounds of inadmissibility and deportability but does not require a conviction, merely an admission.

AILA recommends you vote NO on H.R. 35 for the following reasons:

- Instead of making immigration enforcement more effective, **this bill duplicates existing criminal offenses for those who evade law enforcement.** For example, the [federal crime of improper entry \(18 U.S.C. 1325\)](#) already punishes those attempting to evade apprehension by Border Patrol or other immigration officers. The federal crime of [high speed flight from an immigration checkpoint](#) (18 U.S.C. 758) imposes stiffer penalties for fleeing in a motor from federal, state or local law enforcement. In addition, Texas state law has [state criminal](#) penalties for evading arrest by state law enforcement officers.
- This bill will also punish U.S. citizens who mistakenly believe they are being chased by private actors. Since H.R. 35 does not require proof that the person knew they were being pursued by law enforcement, someone who flees from unidentified law enforcement could be prosecuted.
- H.R. 35 **does not improve public safety or offer any new protection for Border Patrol** or other law enforcement officers in the border region.
- The bill **permanently bars** those found to have evaded law enforcement **from asylum and all other forms of immigration relief.** It grants no exception or waiver if the person was acting under duress or is a minor, such as when a trafficker or smuggler compels the person to operate a vehicle and flee from law enforcement. This bill also violates the UN Refugee Convention by barring access to all forms of asylum.
- **The bill does not require a conviction** for the immigration bars to apply and requires only that the person admit they evaded law enforcement.

- Under this bill, an immigration judge could permanently bar someone from all immigration relief even though the person is unrepresented by counsel because they can't afford an attorney.

AILA urges members of Congress to reject HR 35, and instead to enact solutions that ensure a more orderly, effective and fair immigration system. Managing the border urgently requires additional resources, coordination, and political commitment from Congress. AILA recommends the [following steps to improve border safety and security](#):

- Fund federal law enforcement agencies with adequate resources, oversight and training to reduce the risk of harm to on-duty officers, migrants and the public.
- Boost law enforcement operations to combat cartel trafficking in fentanyl, other narcotics, and weapons that pose threats to border security and the safety of local communities.
- Heightened investments in federal law enforcement agencies to conduct seizures of opioids and increase the disruption of the illicit drug trade.
- Reduce logjams at ports of entry that often drive more people to enter irregularly between ports. Hire more federal officers to staff ports so people are screened rapidly, granted relief if they are eligible, and removed if they are not.
- Improve immigration court staffing to reduce backlogs that delay cases and undermine fair adjudications and effective enforcement.
- Expand orderly, legal pathways to reduce unauthorized entries, including the use of the U.S. refugee program and humanitarian parole that effectively alleviate migrant flows and pressure at the U.S. southern border.

AILA urges you to consider alternatives that would protect communities and increase public safety and VOTE NO against the Agent Raul Gonzalez Officer Safety Act (H.R. 35).

If you have any questions, please do not hesitate to contact us.

Sincerely,

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