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January 19, 2026

Rebuttal to South Carolina House Bill 4764: Mandating Law Enforcement Cooperation with ICE

As a registered 501(c)(4) nonprofit organization dedicated to humanitarian efforts, global advocacy, and community empowerment—I strongly oppose House Bill 4764. Prefiled in the 2025-2026 session and currently under consideration in the House Judiciary Committee, this legislation would mandate that South Carolina law enforcement agencies operating correctional facilities enter into written agreements or memoranda of agreement with federal immigration authorities, such as U.S. Immigration and Customs Enforcement (ICE), to participate in programs like 287(g). It would also require annual good-faith attempts to secure such agreements, with oversight by the Illegal Immigration Enforcement Unit and the Attorney General.

While presented as a means to enhance cooperation, H. 4764 constitutes an overreach that undermines local autonomy, exacerbates humanitarian concerns, and disproportionately harms vulnerable immigrant communities—including those EWF serves.

1. The Bill Undermines Humanitarian Principles and Community Trust
The EWF serves as a liaison to assist eligible non-citizens and non-nationals in navigating work visa applications (such as H-1B and O-1 categories for skilled workers) and citizenship naturalization processes. Our efforts **promote legal pathways to economic integration and self-sufficiency**, benefiting South Carolina's economy in key sectors like agriculture, construction, and technology—without displacing U.S. citizens.

By compelling correctional facilities to function as extensions of federal deportation efforts, **H. 4764 erodes trust** between immigrant communities and law enforcement. I*ndividuals may hesitate to report crimes, seek assistance, or participate in civic life, fearing that routine encounters could trigger detention and removal.* This creates a chilling effect on our visa guidance and naturalization support, potentially driving people toward exploitation rather than legal compliance.

The EWF remains undeterred. Agencies that employ migrants in their own operations should not hypocritically impose draconian measures on others pursuing lawful status. We will continue our work in full compliance with federal law, prioritizing stability and humanity.

1(a). Documented Legal and Procedural Barriers Impeding Lawful Humanitarian Assistance

The Ethiopian World Federation's work has been **materially impeded by overlapping federal–state enforcement regimes and persistent third-party misrepresentation** that obstruct lawful access to immigration relief. Federal law explicitly reserves immigration adjudication authority to the federal government under the Supremacy Clause (U.S. Const. art. VI, cl. 2) and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq. Programs such as 287(g), authorized under 8 U.S.C. § 1357(g), **were never intended to supplant humanitarian access**, nor to interfere with the filing of bona fide applications and petitions.

In practice, aggressive local enforcement tied to ICE cooperation has resulted in premature detention, custodial transfers, and misinformation that prevent eligible individuals from timely filing relief expressly protected under federal law, including asylum (8 U.S.C. § 1158), adjustment of status (8 U.S.C. § 1255), and employment-based visas governed by federal regulation (8 C.F.R. Parts 214 and 245). These barriers directly frustrate Congress's intent to maintain lawful pathways and undermine federally recognized and integral (not currently defunded) nonprofit advocacy and assistance roles.

Compounding these barriers, EWF has documented repeated instances of **unauthorized immigration practitioners**, fraudulent “consultants,” and misrepresentation of nonprofit authority—conduct prohibited under 8 U.S.C. § 1324c (document fraud) and state unfair trade and consumer protection statutes—that misdirect vulnerable immigrants away from legitimate filings. Heightened enforcement environments exacerbate this fraud by driving individuals underground, where bad actors flourish and lawful assistance is delayed or abandoned altogether.

Mandating local law enforcement participation in federal immigration enforcement, without safeguards ensuring uninterrupted access to counsel, accredited representatives, and lawful filing mechanisms, risks violating procedural due process under the Fifth and Fourteenth Amendments and invites civil liability under 42 U.S.C. § 1983 for unlawful detention, denial of access to courts, and deprivation of federally protected rights.

2. It Imposes Unnecessary Burdens on Local Resources Without Proven Benefits

The bill's requirements—mandatory agreements, annual submissions of proof for non-compliant agencies, and SLED-developed immigration enforcement training—divert scarce local resources from essential priorities such as violent crime prevention, drug interdiction, and community policing toward federal immigration enforcement.

Evidence from other states with 287(g) programs demonstrates increased costs for training, detention, and litigation, often with negligible reductions in unauthorized immigration and heightened risks of racial profiling and civil rights violations. The bill's "good-faith" immunity provision further risks encouraging unchecked enforcement without accountability.

The EWF firmly opposes this misallocation of resources and reaffirms our commitment to lawful, humanitarian immigration support.

3. It Conflicts with South Carolina's Economic and Moral Interests

Immigrant labor significantly bolsters South Carolina's economy, contributing billions in taxes, entrepreneurship, and workforce participation—particularly in industries reliant on non-citizen workers whom EWF helps transition to legal status. Mandating ICE cooperation threatens to disrupt these contributions and ignores the reality that most immigrants are law-abiding contributors, not criminals.

This legislation prioritizes division over unity, echoing historical patterns of politically motivated targeting of immigrants while disregarding human costs. As a 501(c)(4) advocate for marginalized groups—including Ethiopians, the broader African diaspora, and neighboring countries of the USA. — The EWF calls on lawmakers to reject H. 4764. Instead, invest in comprehensive immigration reform that expands legal pathways, protects families, and respects local discretion.

The Ethiopian World Federation will not waver in our mission. We urge South Carolinians to contact their representatives and oppose this misguided bill. Together, we can foster a state that values humanity over enforcement spectacle.

1. Arizona v. United States, 567 U.S. 387 (2012)
Holding that immigration enforcement is a federal power and that state laws or practices that conflict with federal immigration objectives are preempted under the Supremacy Clause.
2.Miranda-Olivares v. Clackamas County, No. 3:12-cv-02317-ST, 2014 WL 1414305 (D. Or. Apr. 11, 2014)
Finding that local detention of individuals solely for ICE purposes without individualized determination violated the Fourth and Fourteenth Amendments.
3.Immigration and Nationality Act (INA), 8 U.S.C. §§ 1101, 1158, 1229a, 1255
Establishing exclusive federal authority over immigration classifications, asylum, removal proceedings, and adjustment of status.
4.8 U.S.C. § 1357(g)
Authorizing—but not mandating—limited state cooperation with ICE under federal supervision, without displacing federal priorities or procedural protections.
5.8 U.S.C. § 1324c
Prohibiting immigration-related document fraud and misrepresentation, frequently exacerbated in high-enforcement environments.
6.U.S. Constitution, art. VI, cl. 2 (Supremacy Clause)
Establishing federal law as supreme where state action conflicts with federal statutory schemes.
7.42 U.S.C. § 1983
Providing civil liability for state actors who deprive individuals of rights secured by the Constitution or federal law.

Thank you for your consideration in this matter.
In Unity & Justice

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