



The National Council for Incarcerated and Formerly Incarcerated Women and Girls

May 20, 2025

House Judiciary Minority Staff
2142 Rayburn House Office Building
Washington, DC 20515

Re: Opposition to Stop Illegal Entry Act

I am writing on behalf of The National Council for Incarcerated and Formerly Incarcerated Women and Girls to strongly oppose the Stop Illegal Entry Act. The National Council is a non-profit organization founded and led by Black women who were incarcerated in federal prison. The National Council has first-hand experience with the Bureau of Prisons and thus knows that this proposed Act will achieve nothing but harm to migrants and the American taxpayer.

The injustice of locking someone up for a decade – or even life – for trying to seek a better life for themselves and their family is obvious. As a first-generation Ukrainian-American whose father over-stayed his visa, I know that this country's historical willingness to offer haven to those fleeing war and persecution is both life-saving and life-changing. While this country has never made it easy for migrants, brutality, such as mandatory minimum prison sentences, has, until recently, been unthinkable.

This Act also makes no sense fiscally. The Bureau of Prisons currently has a budget of 8.3 billion dollars, yet it cannot afford to pay staff, provide basic medical care, or maintain its facilities.¹ In FY2023, the annual cost to incarcerate a person was \$44,090.² With inflation, it will cost close to \$500,000 to house each migrant the Act would condemn to a 10-year mandatory minimum sentence. Sec. 3(b)(1)(D). That cost could easily spiral into the millions for a younger migrant sentenced to life. Furthermore, these draconian sanctions would be imposed based on the lightest of triggers: more than a one-year sentence for any crime or three misdemeanors involving drugs or crimes against a person. Secs. 2(e)(2); 3(b)(1)(A). The United States has criminalized poverty over the past 40 years, meaning that migrants are disproportionately vulnerable to the criminal legal system.³ This combination will cause an influx into the federal prison system which

¹ See, e.g., Statement of Kathleen Toomey, Assoc. Deputy Director, Bureau of Prisons Before the Subcommittee on Commerce, Justice, Science, and Related Agencies, Committee on Appropriations, (Feb. 26, 2025), <https://docs.house.gov/meetings/AP/AP19/20250226/117920/HHRG-119-AP19-Wstate-ToomeyK-20250226.pdf>.

² 89 FR 97072

³ Tara O'Neill Hayes, Margaret Barnhorst, *Incarceration and Poverty in the United States*, American Action Forum (June 30, 2020), <https://www.americanactionforum.org/research/incarceration-and-poverty-in-the-united-states/>

already has a desperate need to decarcerate. We literally and figuratively cannot afford to allow this Act to become law.

Sincerely,

Catherine Sevchenko

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