

## **Senate Committee on Homeland Security and Governmental Affairs**

### **Testimony of Representative Harry Niska Minnesota House of Representatives February 12, 2026**

Chairman Paul, Ranking Member Peters, and Members of the Committee.

My name is Harry Niska, and I serve as a member of the Minnesota House of Representatives. Thank you for the opportunity to offer a perspective from the front lines of America's immigration enforcement crisis.

I appreciate this Committee's commitment to understanding the full causes of this crisis, as that is necessary to fully explore solutions that will both fully uphold the rule of law and rebuild trust in law enforcement.

To be sure, federal law enforcement strategy, tactics, and training are a critical factor. As a Minnesotan, I appreciate the recent reexamination and recalibration of federal law enforcement by Tom Homan, under the authority granted to him by the President. His commitment to rebuilding accountability, communication, and trust is essential, and is already producing results as reflected in the recent increase in cooperation between local and federal authorities in Minnesota.

But a full examination must also include a reckoning of the state and local policies that precipitated the current crisis Minnesota faces. Minnesota was once known nationally for the "Minnesota Miracle": a model of competent governance, fiscal responsibility, and respect for the rule of law. Today, under the policies of our current state and local leadership, Minnesota has become a cautionary tale for the rest of the nation.

At the behest of a vocal, radical activist base that has captured the governing political party at the state level and in our largest local jurisdictions, Minnesota has rolled out a comprehensive "welcome mat" of taxpayer-funded benefits that blur the important distinction between lawful and unlawful immigration status. At the same time, many of our state leaders and our largest local governments have moved beyond non-cooperation into outright hostility towards and active nullification of federal immigration law.

This testimony addresses three issues:

1. The Minnesota policies and practices that incentivize illegal immigration and obstruct enforcement;
2. The rhetoric and agitator activity that have been emboldened by those policies; and
3. Why a renewed commitment to law enforcement cooperation is essential to solving this crisis.

### **State-Funded Incentives for Illegal Immigration in Minnesota**

Over the past several legislative sessions, Minnesota Democrats have systematically embedded benefits for individuals unlawfully present in the United States directly into state statute. These policies are not symbolic; they are concrete, generous, and nationally competitive.

#### ***Driver's Licenses for All***

In 2023, Minnesota enacted legislation expanding eligibility for standard driver's licenses, explicitly including individuals without lawful immigration status.<sup>1</sup>

#### ***Free College Tuition and Financial Aid***

Through the “North Star Promise,” Minnesota provides free college tuition to students from families earning under \$80,000 annually. This benefit is explicitly available to undocumented immigrants, building on the Minnesota Dream Act, which already provides in-state tuition rates and access to state financial aid to these individuals.<sup>2</sup>

#### ***Healthcare and Leave Benefits***

In 2023, undocumented immigrants were made eligible for Minnesota's Paid Family and Medical Leave program—providing up to 12 weeks of taxpayer funded paid medical leave and 12 weeks of taxpayer funded paid family leave.<sup>3</sup> In addition, the 2023 Health Omnibus Bill expanded MinnesotaCare eligibility to undocumented immigrants.<sup>4</sup> (MinnesotaCare is a taxpayer funded, low-cost health insurance program for individuals with incomes too high for Medicaid.) Although adult

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<sup>1</sup> 2023 Minn. Laws ch. 27.

<sup>2</sup> Minn. Stat. §§ 135A.1701–1703; Minn. Stat. § 136A.08.

<sup>3</sup> Minn. Stat. ch. 268B.

<sup>4</sup> 2023 Minn. Laws ch. 70, art. 16, § 11.

eligibility was later rolled back after significant cost overruns,<sup>5</sup> undocumented children remain eligible at full taxpayer expense.

Taken together, these policies eliminate any meaningful distinction between lawful and unlawful presence under Minnesota law and operate as incentives for illegal migration—effectively rewarding those who come to Minnesota illegally with extremely generous taxpayer funded benefits.

### **Legal and Administrative Barriers to Federal Enforcement**

Beyond benefit expansion, Minnesota’s leadership has erected legal and administrative barriers designed to prevent federal immigration enforcement from functioning safely or effectively. This is not passive non-cooperation; it is organized obstruction that is creating unnecessary chaos and danger for Minnesotans.

#### ***Attorney General Guidance Restricting Cooperation***

Minnesota Attorney General Keith Ellison has issued legal opinions that discourage or effectively block cooperation between local law enforcement agencies and federal immigration authorities.

Most notably:

- **287(g) Agreements.** An official advisory opinion issued by Attorney General Keith Ellison has constrained local participation in agreements authorized under 8 U.S.C. § 1357(g), which are widely recognized as the most effective and constitutionally sound mechanism for federal–state cooperation.<sup>6</sup>
- **ICE Detainers.** The Attorney General has also opined that honoring ICE detainers may constitute an unlawful “new arrest” under Minnesota law, providing legal cover for sheriffs who decline to comply.<sup>7</sup>

#### ***Codified Obstruction in Minneapolis***

The City of Minneapolis has gone further by codifying resistance into municipal law.

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<sup>5</sup> 2025 Minn. Laws 1st Spec. Sess. ch. 2.

<sup>6</sup> 8 U.S.C. § 1357(g); Minn. Attorney General Opinion, December 12, 2025, [https://www.ag.state.mn.us/office/Opinions/3a-390a6\\_20251212.pdf](https://www.ag.state.mn.us/office/Opinions/3a-390a6_20251212.pdf)

<sup>7</sup> Minn. Attorney General Opinion, February 6, 2025, <https://www.ag.state.mn.us/office/Opinions/3a-20250206.pdf>

- **“Separation Ordinance.”** Since 2003, Minneapolis ordinance has prohibited city employees, including police officers, from assisting with immigration enforcement, a policy recently reinforced through departmental guidance.<sup>8</sup>
- **Federal Staging Ban.** In December 2025, the Mayor of Minneapolis issued an executive order—later codified by ordinance—prohibiting federal agencies from using city-owned property like parking ramps and lots to stage civil immigration enforcement operations.<sup>9</sup>

### ***Compliance Data***

These policies have produced clear, measurable results in Minnesota’s two largest counties, where most immigration enforcement activity is occurring:

- Hennepin County complied with approximately **8 percent** of ICE detainer requests over a two-year period.<sup>10</sup>
- Ramsey County complied with approximately **6 percent**.<sup>11</sup>

By contrast, counties such as Becker, Freeborn, Pine, and Sherburne reported near-total or complete compliance with detainer requests.<sup>12</sup> This demonstrates that sanctuary policies are political choices, not legal requirements.

### ***The Costs of Local Obstruction***

When local jails refuse to honor ICE detainers, they do not stop immigration enforcement; they merely displace it, while making it far more dangerous and

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<sup>8</sup> Minneapolis Code of Ordinances § 19.30; Louis Krauss, “Minneapolis police memo: Officers cannot help with immigration raids,” *The Minnesota Star Tribune*, June 9, 2025,

<https://www.startribune.com/in-memo-minneapolis-police-leader-reiterates-officers-not-to-help-with-immigration-raids/601369722>

<sup>9</sup> Minneapolis Executive Order 2025-2,

<https://www.minneapolismn.gov/government/mayor/executive-orders/executive-order-2025-02/>

<sup>10</sup> Ana Radelat and Shadi Bushra, “‘Sanctuary’ label obscures actual levels of ICE cooperation across Minnesota,” *MinnPost*, January 28, 2026,

<https://www.minnpost.com/public-safety/2026/01/sanctuary-label-obscures-actual-levels-of-ice-cooperation-across-minnesota/>

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

resource-intensive. A custodial transfer within the secure, controlled environment of a county jail is the safest and most efficient way to enforce the law. It requires minimal manpower and poses virtually no risk to the public. By contrast, when a criminal alien is released due to a sanctuary policy, federal agents are forced to conduct complex fugitive operations to locate and apprehend them in the community. These operations require surveillance, larger teams of agents, and arrests in uncontrolled environments like homes or workplaces—drastically increasing the risk to officers, the suspect, and innocent bystanders. It is a profound irony that the same local officials who decry ICE operations as “terrorizing” are the very ones forcing these encounters out of the safety of a jail and onto our streets.

### **Rhetoric, Resistance, and the Rise of Organized Interference**

These policies are reinforced by rhetoric that delegitimizes federal law enforcement and invites interference.

On June 4, 2025, the Hennepin County Attorney publicly accused ICE of being “deployed to terrorize people” and causing “grievous and irreparable harm.”<sup>13</sup> The operation she condemned was a judge-authorized raid targeting a drug trafficking organization that resulted in the seizure of approximately **900 pounds of methamphetamine**, according to federal court filings and Department of Justice statements.<sup>14</sup>

When senior prosecutors describe lawful drug interdiction as “terrorizing,” they contribute directly to an environment in which agitator groups feel empowered to obstruct enforcement operations.

Governor Walz has also repeatedly made false and inflammatory claims that demonize federal law enforcement and invite interference with lawful immigration enforcement. He has alleged that Minnesota is “fight[ing] a war against the federal

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<sup>13</sup> Public statement of Hennepin County Attorney, June 4, 2025, <https://www.hennepinattorney.org/news/news/2025/June/statement-on-law-enforcement-action#:~:text=My%20singular%20focus%20is%20on,to%20provide%20to%20federal%20agencies>

<sup>14</sup> Press Release, “Two Men Indicted with Conspiracy to Distribute 900 Pounds of Methamphetamine, One Charged with Illegal Reentry,” U.S. Attorney's Office, District of Minnesota, July 17, 2025, <https://www.justice.gov/usao-mn/pr/two-men-indicted-conspiracy-distribute-900-pounds-methamphetamine-one-charged-illegal>

government,”<sup>15</sup> twice likened enforcement operations to the Holocaust<sup>16</sup>, and asked, “I mean, is this a Fort Sumter?” when discussing the broader national impacts of what’s happening in Minnesota.<sup>17</sup>

When the state’s chief executive speaks about law enforcement in these terms, suggesting the state is at war with the federal government or claims that atrocities similar to those perpetrated in the Holocaust are happening in Minnesota, it predictably escalates tensions and increases the risk of violent confrontations.

### **The Path Forward in Minnesota**

Under the leadership of Tom Homan, federal immigration enforcement in Minnesota has become more focused, more disciplined, and more responsive to the realities created by state and local obstruction. Mr. Homan has publicly acknowledged the need for tactical adjustments to reduce unnecessary public confrontation while maintaining enforcement priorities.<sup>18</sup>

These improvements demonstrate that the federal government can adapt operationally without surrendering its mission to enforce federal immigration law. Tactical refinement strengthens enforcement.

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<sup>15</sup> “Gov. Walz says Minnesota is 'under assault' in scathing remarks against Trump,” *BringMeTheNews*, Jan. 6, 2025, <https://bringmethenews.com/minnesota-news/gov-walz-says-minnesota-is-under-assault-in-scathing-remarks-against-trump>

<sup>16</sup> “Minnesota gov. invokes Anne Frank while decrying ICE, draws rebuke from Holocaust Museum,” *The Times of Israel*, Jan. 27, 2026, <https://www.timesofisrael.com/minnesota-governor-invokes-anne-frank-while-decrying-ice-drawing-rebuke-from-us-holocaust-museum>; Sydney Kashiwagi, “Walz defends Minnesota immigration laws; Republicans slam governor on ICE ‘Gestapo’ remarks,” *The Minnesota Star Tribune*, June 12, 2025, <https://www.startribune.com/walz-defends-minnesota-immigration-laws-as-gop-slam-governor-on-ice-gestapo-remarks/601371792>

<sup>17</sup> Isaac Stanley-Becker, “Tim Walz Fears a Fort Sumter Moment in Minneapolis,” *The Atlantic*, January 28, 2026, <https://www.theatlantic.com/politics/2026/01/tim-walz-fort-sumter-minneapolis-ice/685801/>

<sup>18</sup> Steve Karnowski, “Trump’s border czar is pulling 700 immigration officers out of Minnesota immediately,” *Associated Press*, Feb. 4, 2026, <https://apnews.com/article/immigration-enforcement-drawdown-minnesota-homan-963adf341325d7f6eb5673e1c00d3c2a>

On the other hand, federal withdrawal from enforcement in resistant jurisdictions like Hennepin and Ramsey Counties would validate the doctrine and practice of nullification, creating a de facto ‘heckler’s veto’ that allows a highly organized, vocal minority to block the enforcement of federal immigration law.

The Supremacy Clause and the rule of law does not permit a system in which federal law applies in some states but not others. Retreat would also create a moral hazard by signaling to states and cities nationwide that obstruction is an effective strategy.

There is a constructive path forward. Fortunately, productive negotiations have been occurring in Minnesota, led by Tom Homan along with many law enforcement leaders at the state and local level.

In addition, I am hopeful that the following steps can be taken at the state level in Minnesota.

1. **State Preemption.** Minnesota (and other states with sanctuary jurisdictions) should enact legislation such as House File 16 to preempt local ordinances that prohibit lawful data sharing with federal authorities.<sup>19</sup> On April 25, 2025, one of my colleagues attempted to amend similar provisions into a broader public safety bill, and the amendment was defeated on a party-line vote by Minnesota Democrats.<sup>20</sup>
2. **Restoring 287(g) authority to county sheriffs.** Minnesota should amend its Joint Powers Act to clarify that either county sheriffs or county boards can enter into 287(g) agreements.

Federal policymakers should consider the tools at their disposal to encourage state and local policies that cooperate with federal law enforcement.

## Conclusion

Minnesota is a great state, but it is currently being undermined by an ideology that treats federal law as optional.

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<sup>19</sup> Minnesota House File 16 (introduced 2025), <https://www.house.mn.gov/bills/Information/BillNumber?FileNumber=16>

<sup>20</sup> Minn. H. Jour., 25th Day, 2025 Sess. 2639-2643, <https://www.house.mn.gov/ccjournals/2025-26/J0425025.htm>

I appreciate federal leadership that has recognized the need for smarter enforcement and has begun to make meaningful improvements. But improvement must not become retreat.

I respectfully urge the Committee to enforce the law, and help restore sanity to the North Star State.

Thank you for the opportunity to submit this testimony.