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Before the
Committee on the Judiciary

June 25, 2014

Chairman Goodlatte, Ranking Member Conyers, and distinguished members of this Committee.

First and foremost, I would ask that members of Congress join me in extending a thank you to the men and women of the United States Border Patrol and ICE Enforcement and Removal Operations (ERO) for their humanitarian efforts on our southern border. I understand that conditions in some areas are not at the standards we would all like to see, especially as it pertains to the children, but our officers are doing the best they can with the resources they've been provided. Many of our officers frequently go above and beyond, taking money out of their own pockets to buy diapers, baby formula and food for these children. The agents and officers of the Border Patrol and ICE are too often criticized, even demonized; but rarely recognized as the dedicated public servants they truly are. Their actions during this humanitarian crisis are commendable.

Before Congress can begin discussing changes to U.S. immigration law related to legalization or "amnesty" on any scale, it must first ensure that the appropriate enforcement safeguards are in place. It is to be a costly lesson in terms of the human toll, as well as the financial expense, but it is the lesson nonetheless that Congress, and indeed all of America must take away from the humanitarian crisis taking place on our southern border.

Reports from ICE officers and agents on the ground in the Rio Grande Valley serve to corroborate leaked Border Patrol intelligence reports indicating that the majority of individuals illegally entering the United States are motivated more by rumors of amnesty, than the situation in their respective countries. Many news reporters have confirmed this information by way of their own interviews.

It is truly surreal that I testify before the committee today, as it is exactly four years to the day, on June 25, 2010, that the National ICE Council and its constituent Locals issued a unanimous vote of no confidence in ICE leadership reporting that the agency had abandoned its core mission of enforcing U.S. immigration law and providing for public safety, as it instead focused on enforcement reduction through amnesty related changes to U.S. immigration policy and law. Over the last four years, our union has repeatedly advised Congress and America that the Administration's immigration policies are failing in the field. The Secretary of DHS, the Director of ICE, as well as Tom Homan who is here to testify today, have all been told during town hall meetings by ICE officers and agents in the field that the Administration's enforcement policies are failing. If the Administration continues with its current policies, it can expect the current crisis to further escalate, and crises in other areas to potentially emerge. As we have stated previously, desperate people in impoverished countries don't read our laws or our policies, and pay no heed to arbitrary cut-off dates that may require entry by a

specific date for inclusion. Continued talk in the United States of amnesty and legalization without appropriate law enforcement safeguards first put in place, will continue to draw millions like a magnet to our southern border. The most humane thing that we can do as Americans is to deter crises like this one through consistent enforcement of our nation's immigration laws.

With regard to the current crisis, thirteen months ago in May of 2013, our union sent a letter to every member of the United States Senate. The same letter was issued as a press release for all lawmakers and members of the public to review. One hundred and forty sheriffs nationwide and five law enforcement organizations signed the letter. Collectively we warned America that "Thousands of unaccompanied children, runaways and families now attempt to illegally enter the United States in hopes of receiving legalization." Stressing the dangers of the situation on the border, as well as the magnitude of the situation, law enforcement also warned in the letter that thousands could be victimized or perish while attempting the dangerous crossing into the United States.

In February of 2014, our union took to television and radio calling the situation on the border a "humanitarian crisis." Not until this month, June of 2014, did the Administration truly acknowledge the situation, as President Obama finally described the conditions on the border as an "urgent humanitarian crisis." Much more could have and should have been done sooner to curtail this situation and

safeguard human life. This crisis did not begin last month as some reports indicate.

For over a year, ICE agents, officers and employees in the Rio Grande Valley have been overwhelmed. ICE ERO leadership I believe attempted to assist, but due to the extremely limited resources and manpower available, their efforts had little effect. As a result, ICE officers and agents in the Rio Grande Valley have been working day and night since the early stages of this situation. As problems continue on the border and the severity of the situation increases, however, other ICE ERO offices and facilities throughout the U.S. have been called in to assist and are now also experiencing similar workloads.

As the U.S. Border Patrol has tripled in size since 9/11, and ICE's immigration division, Enforcement and Removal Operations has become smaller, it seems clear that few understand the critical role ICE ERO plays in border security. It seems clear that few understand that in addition to its own immigration enforcement mission, ICE ERO is also responsible for the detention, transportation and removal of aliens apprehended by the U.S. Border Patrol, making ICE ERO a critical border security asset. An asset long overlooked and now severely undermanned as it struggles to perform its mission of supporting a Border Patrol that has tripled in size.

By way of vans, buses, charter flights and commercial aircraft, ICE officers are transferring hundreds of Unaccompanied Alien Children (UAC), family units and adult aliens out of the Rio Grande Valley every day of the week to points all across the nation. Without ICE agents and officers performing their critical border security mission every day for the last year, border operations in the Rio Grande Valley would have quickly broken down. In speaking with our officers assigned to ICE Air Operations, ICE's air transportation arm, air transports have been so heavily used during the crisis that two additional planes have already been leased, and still more could be utilized. Taking up the slack from ICE Air Operations transport planes, 60 to 120 ICE officers from around the nation board commercial aircraft everyday escorting small groups of UACs for placement with the Office of Refugee Resettlement/Division of Child Services (ORR/DCS). ICE officers around the nation are under orders to be packed for overnight travel and ready to respond at any time day or night – and responding they are. Contrary to some reports, ICE officers and agents are taking custody of UACs from the Border Patrol, not ORR, and transporting these UACs to ORR placement locations throughout the nation. From the border areas of the Rio Grande Valley, El Paso and Arizona, to areas on the interior like Chicago, Seattle and Newark; ICE agents and officers are scrambling to process, transport and provide detention space in response to this crisis and support Border Patrol operations.

As in the Border Patrol, this crisis is putting a tremendous strain on ICE ERO and its limited manpower and resources nationwide. ICE has already permanently transferred some officers and agents to the border and temporarily detailed others to supplement the hundreds already working in the Rio Grande Valley. This of course does not include the extensive manpower and resource losses created through the daily demands of this crisis on ICE ERO's network of detention facilities and transportation assets nationwide. It also does not include, for example, yet another detention center being established in Artesia, NM that also will be manned by ICE officers and agents detailed from other locations.

ICE ERO Fugitive Operations Teams in some areas have been completely shut down with ICE officers reassigned to process and transport UACs and Family units. Officers in other vital ERO criminal enforcement programs such as the Criminal Alien Program and Secure Communities Program likewise are being pulled daily from their critical public safety missions. There is no doubt that ICE ERO's many critical missions, to include its criminal enforcement and public safety missions are impacted. Ironically, as ICE ERO and the Border Patrol spend millions of dollars and shift resources from vital programs to process family units and UACs, it is unlikely that a significant number of these illegal entrants will be removed from the United States unless changes are made to current immigration

policy. Without removals it is doubtful that the influx of those illegally entering the U.S. will subside any time soon.

The Administration has reportedly requested \$1.4 billion to address the current situation with UACs; it is also reported that OMB anticipates total expenses for the crisis this year to be \$2.28 billion. This is because thousands of teenagers, most between the ages of 13 and 17, are flooding across our border and waiting for the Border Patrol to apprehend them. How do we combat this problem? How do we stop individuals and groups who seek out immigration officials so they can turn themselves in? The answer of course is that we aggressively enforce our immigration laws and quickly remove those who enter the country illegally. And in doing so we send a message to the world that these types of tactics will not be successful. In doing so we also dramatically reduce human trafficking, injury, rape and death. As I have stated on many occasions, law enforcement is not a dirty word; law enforcement saves lives. I sincerely hope that the President and Congress will support law enforcement in aggressively enforcing our nation's immigration laws in order to bring an end to this crisis, and prevent future ones. We must have their support.

In closing, I know that border security is important to every member of Congress. I hope that my testimony today regarding ICE ERO's mission during

the current border crisis assists Congress in dealing with the problem and better illustrates for members the critical role ICE ERO plays in border security.

I hope that Congress will also consider the future consequences of allowing ERO to continue in its current state; drastically understaffed with morale plummeting to record lows. As officers we have ideas on how to get ERO back on its feet and operating more effectively. We would like to work with Congress and ICE in making that happen. In the meantime, Congressman John Carter and the House Appropriations Committee have recommended funding for a single officer position at ICE ERO, as is currently in place at the U.S. Border Patrol and ICE Homeland Security Investigations. We believe in doing so Congressman Carter and the Committee have taken an important first step in improving the law enforcement effectiveness of ICE ERO.

Thank you and that concludes my testimony