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Good Afternoon Chairman Goodlatte, Ranking Member Conyers and members of the Committee,

Introduced late last week, we are still reading through the “Strengthen and Fortify Enforcement Act” or “SAFE Act” from Congressman Trey Gowdy. However, my initial reaction is one of great appreciation and support for Congressman Gowdy’s efforts. I applaud Congressman Gowdy and his staff for creating a bill that focuses on public safety through reforms to enforcement. As representatives of ICE agents and officers on the front lines of immigration enforcement, our union has been focused on ensuring that public safety and national security issues are a part of any new immigration legislation drafted by Congress. Unfortunately, we have for the most part been ignored by both the White House and the Senate. Gang of Eight legislation currently before the Senate reflects an absence of law enforcement input as it contains no tangible plan for border security and for the most part ignores interior enforcement altogether, while simultaneously creating a path to citizenship for members of criminal street gangs as well as a majority of criminal aliens currently residing in the United States illegally. In short, we are shocked by the lack of border security and interior enforcement measures as well as the level of criminality permitted by the Gang of Eight legislation. We hope that both Democrats and Republicans, in both the House and the Senate, will review the provisions of the SAFE Act, as well as its spirit and intent. As I have said in previous testimony, enforcement is not a “dirty word.” It saves lives. Enforcement is the means by which we prevent people from dying in the desert. It is the means by which we counter human trafficking and a multitude of other crimes that harm, kill and otherwise victimize millions of citizens, residents and other aliens residing within the United States.

However, it appears that the individuals and organizations involved in crafting the Gang of Eight legislation purposely ignored interior enforcement with the intent of continuing the practices which have led to the nation's current immigration problems. The proof of this is the bill itself, S.744, the Gang of Eight's immigration legislation.

With visa overstays accounting for an estimated 40% of the 11 million illegal aliens currently in the United States (4.5 million), S. 744 speaks only of significant increases to border enforcement, not interior enforcement. Clearly, 4.5 million visa overstays entered the United States legally, and did not illegally cross our nation's borders. This is a problem that cannot be stopped by the United States Border Patrol. Investments in border security will never address this problem, which accounts for almost half of all illegal aliens currently in the United States.

Additionally, investments on the border will do nothing to ensure that everyone who illegally crosses the border into the United States is apprehended and removed. That again is ICE's interior enforcement mission. The number of illegal aliens currently on the interior of the United States stands at the staggering count of 11 million. We believe that millions more will enter illegally even if S. 744 passes, as its border security measures are lacking and would not appear to take affect for five to ten years following enactment. Also, it is doubtful that any border security plan will ever reach a one hundred percent apprehension rate.

But ICE's mission doesn't stop at 11 million illegal aliens on the interior of the United States. It is also ICE's mission and responsibility to police criminals and status violators among the approximately 30 million aliens legally in the United States. This makes for approximately 40 million aliens, both legal and illegal, that ICE is tasked with policing. For the most part, ICE polices this group of 40 million people spread across 50 states, Guam and Puerto Rico with

approximately 5,000 officers and agents - a force approximately half the size of the Los Angeles Police Department.

Unlike most police departments; however, ICE does not have separate departments and officers that handle special needs such as Court Security, Juvenile Services, Probation and Parole, Detention Management and Transportation. This handful of ICE officers nationwide handles these duties as well. In addition, these 5,000 officers and agents do something that no other law enforcement agency in the nation does, they deport people to every corner of the globe.

Since 9/11, the Border Patrol has approximately tripled in size, while the interior enforcement component of ICE, Enforcement and Removal Operations (ERO), appears to have become smaller. When DHS was established, ERO/ICE effectively lost its special agents to Homeland Security Investigations; ICE lost a position titled Immigration Agent (IA), as well as a position titled Detention Enforcement Officer (DEO). While ICE lost two positions and effectively moved another to a predominantly “Customs Enforcement” role, ICE did not lose any of the immigration related duties previously performed by these positions. As a result, hundreds of officers from within our handful of 5,000 fully trained federal immigration agents, work as detention guards in detention centers instead of arresting criminals on the street and in jails and prisons. Adding further to the problem, while all ICE ERO officers have the same training requirements, the 5,000 officers are split into two separate positions with two different arrest authorities. These differing arrest authorities literally lead to situations in which officers who are prepared to make an arrest or assist another agency in doing so can’t because they don’t have the full arrest authorities under the INA – again, even though they all have the same training.

Never have I seen any organization, because of its dysfunctional structure and organization, so clearly set up for failure, as ICE Enforcement and Removal Operations. Yet the Gang of Eight legislation ignores red flag after red flag at ICE which strongly indicate the need for changes. While S. 744 claims to be a “comprehensive reform” it does nothing to reform arguably our nation’s most critical immigration component in need of the most reforms – interior enforcement and the agency tasked with that mission.

The SAFE Act, however, takes aggressive steps to fix these problems by adding much needed additional officer positions to ICE ERO, as well as by creating force multipliers from within existing officer resources by providing all officers and agents with equal arrest authorities and reinstituting limited numbers of Detention Enforcement Officers so that immigration agents who currently perform detention guard duties can be reassigned back to law enforcement duties. The SAFE Act also provides additional ICE prosecuting attorneys, much needed administrative staff, and much needed funding for weapons and safety equipment to protect ERO officers and agents who face growing criminal alien populations in the field which are increasingly violent and confrontational. The SAFE Act also provides for an ICE advisory council which will include ICE officers and trial attorneys to increase communication between boots on the ground employees and members of Congress.

In order to combat the criminal alien problem within the United States and keep violent or otherwise dangerous criminals off the streets, the drafters of the SAFE Act clearly reviewed current immigration laws making fixes to identified areas of concern in an effort to shut down loopholes for criminals and keep communities safe. Some of those changes include:

- SAFE expands upon aggravated felony charges involving the sexual abuse of children;

- SAFE adds the charges of homicide and manslaughter to the definition of aggravated felony;
- SAFE adds child pornography to the list of aggravated felony charges;
- SAFE makes aliens convicted of failing to register as sex offenders inadmissible and deportable;
- SAFE expands aggravated felonies to include not just those who committed the act, but also those who solicited, commanded or abetted such offenses;
- SAFE makes aggravated felons; aliens with convictions for certain fraud offenses, firearms offenses, stalking and child abuse inadmissible;
- SAFE expands the range of passport crimes related to passport fraud that constitute aggravated felonies;
- SAFE makes two or more convictions for DUI an aggravated felony;
- SAFE appears to prevent classes of aliens other than lawful permanent residents from purchasing or owning firearms;
- SAFE appears to expand the range of conduct for which an alien can be inadmissible as it pertains to espionage, exporting sensitive information, overthrow of the United States Government and other criminal activities;
- SAFE makes members of criminal street gangs inadmissible and deportable;
- SAFE allows DHS to detain dangerous criminal aliens who can't be deported;

- SAFE provides 287(g) programs to requesting States and localities which identify a need for stronger participation in enforcing immigration laws in their areas;
- SAFE requires State and local law enforcement agencies to honor ICE detainers ensuring that ICE agents and officers can assume custody before criminals are released from jails back into communities;
- SAFE withholds certain Federal grants from States and localities that become sanctuary cities and thereby violate Federal immigration laws and release criminals from jails back into communities.

In conclusion, it has been our opinion from the beginning that the approach taken in the SAFE act is the approach needed if as a nation we are serious about fixing our broken immigration system. “Immigration,” whether defined as our written immigration laws, the processes of both legal and illegal immigration, and/or the policies, practices and resources of the multiple agencies tasked with varying immigration related missions, is far too complex, diverse and far reaching of a problem to effectively address through a comprehensive approach. To effectively address the thousands of concerns throughout our nation’s broken immigration system, we must take a diligent and systematic approach of reviewing our current laws, practices and resources to prevent repeating the mistakes that currently exist and ensure that any future laws can be effectively implemented and enforced.

We look forward to further review and discussion of the SAFE Act in the weeks and months to come, and humbly offer our assistance in the development of amendments, if any are needed.

Thank you and that concludes my testimony.