

Congressman Jared Polis (CO-02)

Department of Homeland Security Appropriations Subcommittee Member's Day Testimony

Chairman Carter and Ranking Member Lowey, thank you for providing members with the opportunity to come before your subcommittee and speak to the DHS portion of the budget.

Immigration reform is one of my top priorities in Congress. There are over 11 million immigrants residing in the United States without proper documentation. These hardworking individuals pay taxes, raise families, and add to the strength and resilience of their community. But they live in the shadows, and after the rhetoric of the campaign trail, many live in fear.

In recent years, the United States has allocated hundreds of millions of dollars to immigration enforcement programs that often target individuals with longstanding ties to our communities who do not pose any meaningful threat to us or to national security. I encourage this body to get serious about comprehensive immigration reform, and believe that we can begin to do so by removing dollars from problematic programs and allocating them more effectively moving forward.

287(g)

The first program I would like to discuss is 287(g), which deputizes local law enforcement to engage in federal immigration enforcement. Instead of keeping serious criminals from threatening our communities, the program forces police to waste their time and resources in trying to figure out the immigration status of non-criminals and opens them up to charges of racial profiling. The program is unpopular with law enforcement, and organizations such as the Police Foundation and Major Cities Chiefs Association have found that 287(g) has harmed community policing efforts by creating a gulf of distrust between police and immigrant communities. I propose that we save millions of dollars by cutting funding to 287(g), an immigration enforcement program that simply does not work.

Secure Communities/Priority Enforcement Program

The Secure Communities and re-branded Priority Enforcement programs are other problematic partnerships between immigration officials and local law enforcement. They allow jails to run an arrestee's fingerprints against both criminal and immigration databases. If an individual is identified as being in the United States illegally, ICE will submit a detainer request calling on local law enforcement to hold a detainee beyond the time that they would otherwise be released from custody solely on the basis of their immigration status. While ICE maintains it "prioritizes the removal of criminal aliens, those who pose a threat to public safety, repeat immigration violators," DHS records show that twenty-six percent of those deported through this program had no prior criminal convictions. I support removing the \$347 Mil in allocated funding for the Secure Communities/Priority Enforcement programs; at least until the Department can demonstrate that the proper safeguards against discrimination are in place.

Criminal Alien Program

I also propose the inclusion of language that prohibits DHS from using federal dollars to fund the Criminal Alien Program, known as CAP. CAP grants ICE the authority to detain any undocumented individual is in police custody. The goals of this program are murky and the provisions are unevenly applied. While the intent of the program was to facilitate the detention of the most violent offenders, in practice, the program grants ICE a broad mandate to deport anyone who might be in jail, regardless of whether the FBI classifies their crime as serious, or whether they have a criminal record. The program has ballooned in recent years, spiking from \$6.6 million in 2004 to \$322.4 million in just over a decade. We could save hundreds of millions of dollars by defunding this program and focusing our priorities on the immigrants who pose an actual threat to national security.

Private Detention

I would like to conclude with a proposal to cut funding for private detention facilities. Currently, ICE holds sixty-five percent of all detainees in private facilities. These facilities enrich private contractors at the direct expense of the human rights and wellbeing of immigrants in our country. In August, DHS Secretary Jeh Johnson ordered a review of the controversial practice, and the Homeland Security Advisory Council ultimately adopted the stance that "fiscal concerns and enforcement policy should not require our deference to the status quo." In other words, private detention facilities are sufficiently bad and the practice should be stopped. This body currently allocates \$1.56 billion in funding for private detention facilities, and I encourage a complete cut to the program.

Conclusion

For too long, ICE has had a blanket mandate to detain and deport, leading to programs that operate without sufficient checks and balances. These discriminatory programs undermine our values as a nation and waste hundreds of billions of dollars. It is time to reign in our profligate spending on these misguided immigration programs. My proposed cuts would save this country nearly two billion dollars, money that could be allocated to reforming our immigration system, not perpetuating the same old broken one.

Again, I thank you for the opportunity to testify today. I look forward to working with each of you to ensure our nation's immigration system runs consistent with our collective values as a nation, while meeting the needs of a 21st century economy.