

# CONGRESSIONAL TESTIMONY

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## **Restoring Immigration Enforcement in America**

### **Testimony before the Committee on the Judiciary Subcommittee on Immigration Integrity, Security, and Enforcement**

#### **United States House of Representatives**

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Good morning, Chairman McClintock, Ranking Member Jayapal, and distinguished members of this subcommittee. Thank you for the privilege of speaking with you today to discuss the urgent need to reevaluate sanctuary city policies, improve interior immigration enforcement, and recommit to policies that protect American citizens.

My name is John Fabbriatore, and I am a retired law enforcement officer with over 24 years of experience at both the legacy Immigration and Naturalization Service (INS) and U.S. Immigration and Customs Enforcement (ICE). I am a visiting fellow with The Heritage Foundation. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

The past four years under the Biden Administration saw a reckless abandonment of immigration enforcement. Policies such as non-detained docket, state, and local sanctuary policies, and the abuse of prosecutorial discretion have overwhelmed the immigration system and put Americans at risk as illegal aliens convicted of crimes remain on the streets and in our communities.

Sanctuary city policies are often framed as protective measures for immigrant communities. The reality, however, is that they primarily shield criminal aliens, leading to significant harm for migrant and non-migrant communities alike. These policies create safe havens—not for law-abiding immigrants, but for individuals who exploit legal loopholes to commit crimes like drug trafficking, violent assaults, and human trafficking.

The effects of criminal alien gangs like Tren de Aragua have already hit close to home with Colorado being a stark example of the destruction they bring. Crimes connected to this gang range from brazen jewelry store heists to deadly shootings. U.S. Customs and Border Protection (CBP) has reported over 60 confirmed gang members crossing the southern U.S. border between 2023 and the summer of 2024. These are only the cases we know of—many others have likely slipped through undetected, aided by the lax border policies of the past four years.

One of the most harrowing examples of their influence unfolded in Aurora, Colorado, where Tren

de Aragua gang members infiltrated an apartment complex. I witnessed firsthand the chaos they imposed; I assisted a U.S. citizen who had to flee her home out of fear for her safety. Videos that she captured outside of her door at the complex documented these criminals brazenly running through hallways armed with pistols and rifles, breaking into apartments with impunity. Shortly after this footage was taken, a man was murdered in the complex's courtyard—a stark reminder of the gang's violent nature.

Despite mounting evidence, some have dismissed attempts to shed light on this issue as political exaggeration designed to stoke fear. However, the reality on the ground tells a very different story. Just last month, in December, Aurora police arrested 19 illegal aliens—most of them gang members—at the same apartment complex. Their arrests were linked to a violent kidnapping and extortion plot, underscoring the enduring threat posed by Tren de Aragua.

The infiltration of Tren de Aragua into American communities is not a hypothetical scenario or political talking point: It is a grim and growing reality. This criminal organization has thrived under weak border policies and inadequate enforcement, putting countless lives at risk. Communities across the United States, like those in Colorado, are grappling with the fallout of unchecked criminal activity. It is critical that Congress takes decisive action to address this dire situation before more neighborhoods fall victim to this gang's reign of terror.

Instead of prioritizing public safety, sanctuary policies shield perpetrators of these heinous crimes. Such policies don't protect immigrant communities—they put all communities at greater risk.

During my time with ICE, I witnessed the real-world consequences of sanctuary policies. I vividly recall a case from 2017 when the Denver County Sheriff's Department released an illegal alien who had killed another man during a fight—releasing him in secret to evade immigration authorities. This individual was a known threat, yet he was shielded from accountability.

More recently, in December 2023, a mother and her 16-year-old son in Broomfield, Colorado, were killed by Jose Menjivar, driving at an estimated 80 to 100 miles per hour in a 40 mph zone near Broomfield High School when he drunkenly crashed into them. Menjivar, who already had been deported four times and convicted of driving under the influence five times, should never have been on the streets. More recently, this past New Year's Eve, five-time deported illegal alien Yordy Centeno Melchor attempted to kidnap a 17-year-old Alabama girl by luring her into his car.

There are countless instances of local law enforcement's refusing to cooperate with ICE outright. Whether it was denying collaboration with ICE on heroin trafficking investigations or failing to notify us about dangerous illegal aliens in their custody, these actions enabled criminal activity to flourish. The results were devastating—not just in Denver, but across Colorado and other states adopting similar policies.

Data provided by ICE to Congress last year indicated that there were more than 7.5 million immigrants on the non-detained docket, including more than 13,000 immigrants convicted of murder either domestically or abroad. Oversight conducted by the House Judiciary Committee last October revealed that under the Biden Administration, the cases of 700,000 illegal aliens were dismissed, terminated, or administratively closed. The Department of Homeland Security also failed to file the necessary documentation in an additional 200,000 cases.

The data support my observations. Colorado's communities, like many others, have been infiltrated by foreign-born gangs and cartel operations. The DEA's Rocky Mountain Field Division has reported that two Mexican drug cartels responsible for the majority of fentanyl entering the U.S. are operating in my home state of Colorado. These cartels and their violent business practices thrive in areas that refuse to cooperate with federal immigration enforcement.

The DEA's 2024 Drug Threat Assessment Report noted that the deadly reach of the Mexican Sinaloa and Jalisco cartels into U.S. communities is extended by the wholesale-level traffickers and

street dealers bringing the cartels' drugs to market, sometimes creating their own deadly drug mixtures and exploiting social media and messaging applications to advertise and sell to customers.

The DEA's report also found that fentanyl was seized at the border in equal or higher quantities as in previous years, and no DEA field office reported that fentanyl is less available or more expensive, either of which would point to a decrease in the supply. In 2023, law enforcement seized 115 million pills containing fentanyl—more than the six previous years combined.

A common argument is that sanctuary policies help foster trust between immigrant communities and local law enforcement. From my experience, this belief is unfounded. Prior to the rise of these policies, ICE worked closely with local law enforcement to foster safer communities. Detainers—vital tools used to hold illegal aliens arrested by local authorities so that ICE can take custody—were widely honored and effective. They ensured that dangerous individuals were removed from the streets before they could reoffend.

Sanctuary policies have all but dismantled this process in too many cities and counties. Today, many detainers are ignored, allowing individuals who are guilty of drunk driving, drug trafficking, and violent crimes to go free—only to endanger lives again. Families in these communities are often the ones who suffer the tragic consequences of these misguided policies.

The “keeping immigrant families together” narrative fails to account for the U.S. families that have been shattered—loved ones lost to preventable violence, overdoses, and fentanyl poisonings because of the leniency extended to criminal aliens.

These policies have also undermined the rule of law and overwhelmed our legal and immigration systems. In 2023, the Chief Patrol Agent for the Tucson Sector testified before the House Oversight Committee that “[w]e closed last year, 2022, with over 250,000 encounters in Tucson, Arizona. That is a 257% increase in just two years.”

We must refocus our efforts on interior enforcement and collaboration between ICE and local and state authorities. Cooperation is key to stopping the growth of gangs like Tren de Aragua and dismantling criminal networks operating in our communities. By enhancing partnerships between ICE and local law enforcement, we can:

- **Hold criminals accountable:** Ensure that dangerous individuals don't return to the streets to reoffend.
- **Safeguard U.S. families:** Restore security to neighborhoods plagued by violence and drugs.
- **Strengthen the rule of law:** Reaffirm that no one is above the law, regardless of immigration status.

The vision is simple but powerful: What we really need is sanctuary for U.S. citizens and law-abiding residents, not for illegal criminal aliens who pose harm. Imagine communities where parents can raise their children without fear of gang violence, where neighborhoods aren't in the shadow of cartel operations, and where families remain whole, unbroken by unnecessary and avoidable tragedy.

Unfortunately, the Biden Administration's policies eroded the effectiveness of interior enforcement. This leniency sent a dangerous message, encouraging illegal crossings while undermining the tools ICE needs to apprehend and remove criminal aliens. The results are evident in the tragic rise of fentanyl deaths, human trafficking, and violent crime linked to foreign-born cartels and gangs.

Reversing these policies is not just an option—it's a necessity. We must empower ICE, restore cooperation with local enforcement, and invest in strategies that prioritize the safety and well-being of U.S. citizens.

Members of Congress, the safety of our communities, and the stability of our nation depend on decisive action. Sanctuary cities should be sanctuaries for those who obey the law, not for those who

exploit our compassion and harm our citizens.

It's time to stand together to protect our families, uphold our laws, and ensure that our communities remain places of opportunity and peace. I urge you to preempt sanctuary policies and reinstate effective interior enforcement tools so that we can turn this vision into reality.

Thank you for your time. I welcome any questions you may have.

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