

Statement by Chris Crane, President,
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Before the
Committee on the Judiciary

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Chairman Goodlatte, Ranking Member Conyers, and Members of the Committee, I commend you for holding this hearing and for asking for the input of the Immigration and Customs Enforcement (ICE) Council that represents approximately 7,000 officers, agents, and staff responsible for the enforcement of our immigration laws in the interior of the United States.

Not only is the Gang of Eight bill legalization first, but it actually weakens and undermines interior enforcement. Successful reform must move in the opposite direction: providing ICE with the authority, resources and enforcement tools it needs to protect the country—and putting a stop to the administration’s abuse of power that blocks ICE officers from enforcing our nation’s laws. No reform can succeed that doesn’t put a stop to the gross abuses of prosecutorial discretion and administrative priorities that are used to undermine the rule of law. In addition to increased ICE resources, additional manpower, and enhanced arrest authority for immigration enforcement agents, three measures should be implemented immediately: ICE officers should be required to place detainees on every illegal alien they encounter in jails and prisons, since these aliens not only violated immigration laws, but then went on to engage in activities that led to their arrest by police; ICE officers should be required to issue Notices to Appear to all illegal aliens with criminal convictions, DUI convictions, or a gang affiliation; ICE should be working with any state or local drug or gang task force that asks for such assistance.

It is also important to bear in mind that ICE has only 5,000 officers to cover fifty states, Puerto Rico and Guam – a smaller force than many police departments. It is as though ICE has been set up to fail.

Meanwhile, USCIS adjudications officers, who would be deluged with more than 11 million applications filed by illegal aliens seeking legalization, in addition to screening and processing applications for legal admissions, are being prevented from adequately protecting

national security even now. On Monday, Kenneth Palinkas, President of the National Citizenship and Immigration Services Council, the union representing 12,000 United States Citizenship and Immigration Services (USCIS) adjudications officers and staff, released a statement that “USCIS adjudications officers are pressured to rubber stamp applications instead of conducting diligent case review and investigation. The culture at USCIS encourages all applications to be approved, discouraging proper investigation into red flags and discouraging the denial of any applications. USCIS has been turned into an ‘approval machine.’”

He went on to say that “the attitude of USCIS management is not that the Agency serves the American public or the laws of the United States, or public safety and national security, but instead that the agency serves illegal aliens and the attorneys which represent them.” He concluded that “S. 744 will damage public safety and national security and should be opposed by lawmakers.”

This is why the National ICE Council has joined with the USCIS Council, and sheriffs and law enforcement officers and representatives from around the country to voice our concerns in a letter to Congress about S. 744 and its negative impact on national security and public safety. This letter lays out some of the many specific provisions of S. 744 that jeopardize national security and public safety and concludes that the bill “fails to meet the needs of the law enforcement community and would, in fact, be a significant barrier to the creation of a safe and lawful system of immigration.” I have attached the full text of the letter to my statement.

I submit to you that America will never have an effective immigration system as long as Presidents and their political appointees are permitted to ignore the United States Congress and pick and choose the laws they will enforce, and even enact their own laws, without Congress, through agency policy.

Because Congress has not insisted that the President enforce the laws it has enacted, a group of ICE Officers and Agents, including myself, have filed a lawsuit against Secretary Napolitano and ICE Director Morton because they refuse to enforce the immigration laws enacted by Congress. Most Americans would be shocked to learn that, under this administration, ICE Officers and Agents are not permitted to:

- Arrest individuals for entering the United States illegally or overstaying a visa;
- Enforce laws regarding fraudulent documents and identity theft by illegal aliens;
- Enforce the prohibition against aliens becoming public charges.

ICE Officers and Agents are forced to apply the Deferred Action for Childhood Arrivals (DACA) Directive, not to children in schools, but to adult inmates in jails. If an illegal-alien inmate simply claims eligibility, ICE is forced to release the alien back into the community. This includes serious criminals who have committed felonies, who have assaulted officers, and who prey on children.

ICE deportation numbers have plummeted since 2008—contrary to reports of record numbers by presidential appointees at ICE and DHS. This is clear evidence that interior enforcement has been gutted.

S. 744 does nothing to address these problems. In fact, unbelievably, it gives far greater authority and control to the President and the Secretary of DHS—exactly the opposite of what our country needs to create a consistent and effective immigration system. If the laws enacted by Congress were not enforced following past “amnesties,” and certainly are not being enforced now, what possible reason would the American people have to believe that any new laws passed by Congress will be enforced? Promises of future enforcement, like those in the past, are just

empty promises. But the provisions in S. 744 are actually even worse because they undermine enforcement. For example, S. 744:

- Does nothing to change the current lawless policies of prosecutorial discretion and DACA. Instead, it further weakens current law by giving enormous discretionary authority to the DHS Secretary to waive removals, deportations, ineligibility and inadmissibility for practically any reason;
- Makes dangerous individuals automatically eligible for relief from removal;
- Allows the reentry of those who were previously deported by ICE;
- Radically undermines ICE's ability to detain and remove aliens in the future and creates a massive new bureaucracy that will become a lasting barrier to enforcement;
- Members of street gangs can apply for legalization as long as they simply renounce affiliation with the gang, and even this is not necessary for Gang members under the age of 18;
- Absolves criminal convictions;
- Overlooks felony arrests;
- Absolves document fraud, false statement to authorities and serial immigration violations – creating an impediment to national security;
- Grants legal status to potentially 4 million or more visa overstays.

Americans should understand that this legislation only guarantees legal status for illegal aliens, including serious criminals. It contains no promise of solving our nation's immigration

problems; no guarantee of stronger enforcement on our nation's interior, or its borders. It ignores the problems that have doomed our current immigration system to failure.

This legislation was crafted behind closed doors with big business, big unions and groups representing illegal aliens—groups with their own interests; groups that stand to make millions from this legislation. Anyone with a significantly different opinion on immigration reform was prohibited by the Gang of Eight from having input.

Lawmaking in our nation has indeed taken a strange twist when Senators invite illegal aliens to testify before Congress, and groups representing the interests of illegal aliens are brought in to develop our nation's immigration laws, but law enforcement officers working within our nation's broken immigration system are purposefully excluded from the process and prohibited from providing input.

It should come as no surprise, then, that in terms of enforcement and providing for public safety, S. 744 falls short. In terms of legalization and eventual citizenship for 11 million illegal aliens it would undoubtedly succeed—at huge cost to the American people, our public safety, and our national security.