



National Sheriffs' Association Position Paper on Comprehensive Immigration Reform

I. Border Security

It is critical that local law enforcement maintain and build upon the partnerships with Federal law enforcement to ensure that collectively we promote, protect, and preserve the public safety and homeland security. The problems occurring along the United States borders, both land and maritime, are not a new phenomenon to sheriffs. Sheriffs have been combating transnational crime, drug, gun, and human smugglers for many years, and have been forced to deal with these dangerous criminals and their impact on communities nationwide.

Over the past ten years, significant local jurisdiction criminal justice system resources have been diverted to matters related to illegal aliens.¹ Sheriffs have no desire to become Federal border agents; however, until the Federal government provides the necessary resources, manpower, and equipment needed to secure the borders, the responsibility for protecting their communities falls to the nation's sheriffs.

Therefore, the National Sheriffs' Association recommends and supports the following:

- The enforcement of the immigration laws currently in the Federal Code.
- The effective and efficient securing of both the southern and northern borders by the Federal government.
- Increased funding for Operation Stonegarden to a minimum of \$100 million. Operation Stonegarden pays overtime and operational costs for local law enforcement officers to support and enhance Department of Homeland Security (DHS) efforts to interdict illegal border crossings. An expansion of this project, to include the permanent hiring of additional officers, would help to significantly mitigate the impact of crime committed by illegal aliens.
- Full funding for the State Criminal Alien Assistance Program (SCAAP) at a minimum authorized level of \$950 million. SCAAP is a reimbursement program for State and local governments for the costs of incarcerating criminal aliens. Current SCAAP funding only reimburses States and localities about 9 cents on every dollar, leaving States and localities incurring a huge financial burden.
- Full funding for the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) Program at a minimum authorized level of \$1.1 billion. Byrne JAG provides vital funding to local law enforcement agencies to operate multi-jurisdictional drug and gang task forces. In order for

¹ Tanis J. Salant, D.P.A, "ILLEGAL IMMIGRANTS IN ARIZONA'S BORDER COUNTIES: The Costs for Law Enforcement, Criminal Justice and Emergency Medical Services," The University of Arizona (November 2000). <<http://www.bordercounties.org>>

these multi-jurisdictional drug and gang task forces to continue to be effective, Congress must allocate a steady stream of funding for Byrne JAG. Sheriffs cannot continue to worry about whether they will have the necessary funding to operate these task forces, and cannot risk public safety by shutting them down.

- Full funding for the High Intensity Drug Trafficking Areas (HIDTA) Program at a minimum authorized level of \$280 million. HITDA enhances and coordinates drug control efforts with the Office of Sheriff and local, tribal, State, and Federal law enforcement agencies. The program provides agencies with coordination, equipment, technology, and additional resources to combat drug trafficking and its harmful consequences in critical regions of the United States.
- No reduction or shifting of current or authorized Federal funds to State and local programs to pay for new Federal immigration enforcement programs. State and local law enforcement resources should not be used to fund a Federal responsibility, particularly in light of the current reduction of funds available to State and local enforcement agencies.
- The appropriation of the funding necessary to substantially increase the number of Immigration and Customs Enforcement (ICE) agents. When sheriffs apprehend and detain criminal aliens along the borders, ICE is responsible for taking Federal custody of the criminal aliens in a timely fashion, thus removing the burden from sheriffs and county jails. However, there are currently not enough ICE agents to effectively handle the increase in criminal alien detentions and transfers. Thus, criminal aliens remain housed in local jails for an extended period of time, straining currently limited jail bed-space and financial resources.
- The appropriation of the funding necessary to substantially increase the number of Customs and Border Protection (CBP) agents. An increase in agents is critical to securing and patrolling the nation's borders, particularly along the southwest border. A substantial increase in CBP agents also alleviates the burden of border security from local law enforcement.
- Increased funding for ICE's Criminal Alien Removal Programs, such as 287(g) and Secure Communities, which enable State and local law enforcement to effectively and accurately identify criminal aliens and turn them over to ICE for removal from the United States. Additionally, a method to enable individual jurisdictions to apply for 287(g) should be reestablished.
- Funding for additional district judges and prosecutors nationwide. This provision will ensure that the district court system is not only able to handle the increased caseload due to the influx of border violence related cases, but will be able to do so in a more efficient and effective timeframe.
- Funding for the creation of an interoperable and integrated communications infrastructure. This will require the construction of physical communications facilities and funding to hire support personnel. The greatest obstacle to success of law enforcement is the inability to communicate on a common network. While there are jurisdictional and financial obstacles to achieving complete operability, the biggest challenge is the building of infrastructure and having manpower to staff communications centers.
- Completion of the 700 miles of fencing along the border with Mexico and construction of double- and triple- layer fencing at appropriate locations along the southwest border.

- Reestablishment of Operation Jump Start, where the deployment of the National Guard shall be used solely for Entry Identification Teams (EIT) in direct support of CBP.
- The construction or acquisition of adequate facilities to detain and process all those lawfully arrested.
- The Administration and Congress work with other nations to stem the flow of illegal immigration into the United States.
- Requiring CBP to work with the Office of Sheriff and other State, local and tribal law enforcement to develop a strategic plan for the expenditure of all funds.
- Legislation that requires information sharing between the United States government and State, local and tribal law enforcement regarding criminal or homeland security threats.

II. Work Place Verification

No one will benefit more than employers from an immigration overhaul that restores the rule of law in the workplace and provides sufficient access to a legal workforce. The overwhelming majority of employers already invest substantial resources in their verification and compliance processes and they want to be on the right side of the law. Employers need and want the Federal government to provide them with the means to verify employees' identities and work authorization by comparing workers' identity documents with information in Federal databases—either an improved E-Verify system or a similar program that achieves the same end.

Therefore, the National Sheriffs' Association recommends and supports the following:

- Mandate employers' use of E-Verify, or a similar program that achieves the same end, to verify the identification and documents of the employee.
- Require the Social Security Administration (SSA) to issue letters to employers when withholdings submitted under a Social Security Number (SSN) do not match the name in SSA records.²
- Issue a secure, tamper-resistant Social Security card as the sole evidence of eligibility for employment in the United States.³
- Investigate and prosecute those who commit immigration fraud, including U.S. citizens and lawfully admitted aliens.
- Aggressively prosecute those who knowingly hire illegal aliens. There are not enough prosecutions to provide a deterrent lesson to those who knowingly hire illegal aliens.

III. Pathway to Legal Employment/Legal Status

It is estimated that there are anywhere from 12 to 20 million illegal individuals currently residing in the United States. It is imperative that the identities of these individuals are known to the Federal government. We as a nation need to know who is coming into this country. Not all individuals come

² "Comprehensive Immigration Enforcement and Reform." National Association of Former Border Patrol Officers. 3 Oct. 2010. Web. 12 Oct. 2010. <<http://nafbpo.org/editorial-cier.html>>.

³ "Comprehensive Immigration Enforcement and Reform." National Association of Former Border Patrol Officers. 3 Oct. 2010. Web. 12 Oct. 2010. <<http://nafbpo.org/editorial-cier.html>>.

into the country to make a better life for themselves – some individuals are fugitives on the run and some come into this country with dangerous ties to terrorist cells and intend to do us harm. For the safety and security of all our citizens, the Federal government must know who we admit into this nation.

The National Sheriffs' Association strongly opposes outright amnesty for those individuals currently here illegally. Amnesty does not work. When granted in 1986, it did little to stop the flow of illegal individuals from coming across the borders and, in fact, contributed to thousands of fraudulent applications for amnesty. History cannot repeat itself. However, it is unrealistic to assume that 12 to 20 million people will just leave the United States if asked. A plausible solution must be developed.

Therefore, the National Sheriffs' Association recommends and supports the following:

- Under the conditions and provisions of a guest worker program, persons here illegally must come forward and declare themselves to the United States government. The illegal individuals can then take the steps necessary to achieve legal status under a guest worker program. They must submit a DNA sample, fingerprints, and iris scans for identification purposes. Under a guest worker program, U.S. Citizenship cannot be obtained.
- In order to obtain citizenship, an applicant will be required to return to their country of origin, apply, and pay a financial penalty; however, the applicant must wait in line with those who have applied legally. An applicant must also submit a DNA sample, fingerprints, and iris scans for identification purposes.
- A more efficient use and expansion of existing Federal resources to handle the influx of applications so that the applications can be processed in a timely fashion. Sheriffs oppose the outsourcing of application processing to private entities.
- Strengthening the oversight of due process for asylees within a legislated time period. Sheriffs oppose broadening the application time frame for these asylees.
- Requiring DHS to oversee the application process, not a newly-created U.S. Citizenship Foundation or any other group that would outsource to community organizations.

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