



**National Immigration and Customs
Enforcement Council
of the
American Federation of Government Employees**
Affiliated with the AFL-CIO



June 11, 2013

The Honorable John Cornyn
U.S. Senator
517 Hart Senate Office Building
Washington, DC 20510

The Honorable Marco Rubio
U.S. Senator
284 Russell Senate Office Building
Washington, DC 20510

Dear Senator Cornyn and Senator Rubio:

It has come to my attention that you are both working on possible amendments to the Senate immigration bill in an attempt to address growing concerns about the bill's problematic security and enforcement provisions. I am concerned that the public commentary to date regarding your amendments has not included any mention of repairing ICE's dismantled enforcement authorities and practices.

No reforms to S. 744 will be successful unless interior enforcement concerns are addressed and resolved. Any plan is doomed to fail that does not empower ICE agents to enforce the laws enacted by Congress—and that does not put an end to the unlawful abuse of prosecutorial discretion by political appointees.

While there has been much discussion over how S. 744 fails to establish enforcement first and fails to secure the border, less discussed is how it undermines interior enforcement and thus guarantees continuing illegal immigration and visa overstays. Even the complete implementation of a biometric entry/exit system would still result in millions of future visa overstays as ICE lacks not only the resources to enforce immigration laws, but its officers are increasingly prohibited by the Administration from arresting and removing immigration violators—including convicted criminals and aliens incarcerated in jails.

Yet, instead of cracking down on the Administration's abuse of power, S. 744 places unprecedented new restrictions on interior enforcement—making the current situation much worse and much more hazardous. It is as if S. 744 were explicitly written to handcuff law enforcement officials—binding their hands while giving virtually unchecked authority to executive branch officials to prevent future removals, including removals of criminal aliens.

I am eager to discuss with your offices the interior enforcement authorities and resources needed by ICE to ensure a lawful immigration system in the future. Without such reforms, any immigration plan is destined to fail and any proposed amendment to fix the bill is not a fix at all. As the president of the U.S. Citizenship and Immigration Services Council noted, "even if you

completely rewrote [S. 744] to resolve the many border security concerns and changed the ordering to delay legalization, the legislation would still fail—and would still endanger the public—because of the fatally flawed interior enforcement components.”

Specifically, I would encourage you to look at the reform package introduced by Congressman Trey Gowdy in the House Judiciary Immigration and Border Security Subcommittee and, separately, by Congressman John Barrow.

Absent drastic improvements to the interior enforcement provisions, there is no doubt that S. 744 will undermine public safety, officer safety, and the constitutional rule of law, and that it will guarantee future illegal immigration.

Clearly, we will not solve our nation’s immigration problems, or fix this bill without empowering ICE agents and restoring and improving ICE’s deteriorated enforcement capacity. Approximately 40 percent of all illegal immigrants currently in the United States never crossed the border illegally, but instead entered legally and overstayed their visas. Many dangerous aliens also enter illegally but are never removed because of dismantled ICE enforcement powers. In short, the border is only half the problem.

S. 744 not only fails to contain needed interior enforcement provisions, but weakens interior enforcement. This is because powerful special interests involved in crafting the bill’s language are opposed to interior enforcement—a fact ICE officers are all too familiar with. The political agendas of these groups place the public safety and security of our nation at risk. As respected political leaders, I am asking you both to work with me and others in Congress and law enforcement in ensuring that this bill puts the safety of America before powerful special interests. Law enforcement officers are asking for your help.

Sincerely,



Chris Crane
President