

The ABCs of Effective Immigration Enforcement Policy

Effective

Current

A - Arrivals and Departures

All visitors, including land, sea and air, are biometrically screened and the visit recorded upon entry and exit. Most imposters are detected through biometrics.

Only air and sea visitors and a few land visitors are biometrically screened on entry; most land visitors are not authenticated. Imposters are common at land ports. Biographic exit records are collected for air and sea; not for land.

Border Crossing Card holders can stay 72 hours per visit. Abuses are penalized.

Border Crossing Card holders can stay 30-180 days per visit. Abuses are rarely detected, much less penalized.

Tourists are usually awarded stays of 90 days or less, tied to the purpose of visit.

Tourists are routinely awarded stays of 6 months, which invites abuse.

B - Benefits

Complete a full review of programs to identify fraud vulnerabilities and then implement strategy to correct them. Perpetrators are denied and penalized.

Program reviews are kept secret. Fraud vulnerabilities and risks are downplayed. Perpetrators are a low priority for enforcement.

Use of waivers and other discretionary measures, including parole, is limited to exceptional cases.

Discretionary forms of relief are offered by decree to broad classes as an amnesty or to avoid penalties.

C - Compliance

Temporary Protected Status limited to 7 years.

TPS is indefinite.

Enforce implementation of REAL ID

REAL ID implementation postponed indefinitely.

Universal mandatory E-Verify for employers

E-Verify is voluntary

Monitoring of Social Security number use; Employers receive no-match letters reporting Social Security Number discrepancies and are obliged to resolve with employer.

No-match letter program has been discontinued, no evidence of SSN monitoring.

Robust employer auditing program targeting employers and workers.

Employer auditing is inconsistent and hampered by lack of access to illegal workers. Most violations are for paperwork.

Improve and expand use of SAVE

SAVE has accuracy problems and state and local governments have limited access.

D - Deportations

ICE detention capacity is sufficient and flexible to minimize need for release of removable aliens. Alternatives to detention are improved and used appropriately.

ICE releases and declines to process many aliens, including criminal aliens, due to a shortage of funding for detention beds. Alternatives forms of supervision have an unconvincing record.

E- Enforcement

ICE minimizes need for detention space by maximizing use of efficient removal options such as expedited removal, stipulated and judicial orders of removal.

ICE approach to removals is all-or-nothing; i.e. the few removable aliens who are selected are given the most due process possible and encouraged to contest deportation, while no action is taken against less egregious cases.

Immigration courts are reformed to prevent abuse by attorneys and frivolous motions and appeals. Fees and penalties are increased to support the system. Orders of removal and departure are enforced.

No-show rates remain high, removal orders are frequently ignored, proceedings are stretched out, hearing backlogs are growing.

Most apprehended removable aliens are processed and charged; use of "prosecutorial discretion" is rare and exercised mainly by ICE trial attorneys.

Only aliens convicted of serious crimes, recidivists and recent arrivals are processed, much less charged. Agents have little discretion and are directed to severely limit use of authority.

ICE is notified of every alien arrested through Secure Communities.

Secure Communities is incomplete.

State and local sanctuary policies are deterred by debarment from certain federal funding.

Sanctuary jurisdictions face no penalties and are subsidized with DOJ funding.

Top federal law enforcement leaders take action to discourage local law enforcement agencies from ignoring detainees.

ICE accepts obstruction of its activities by local governments.

Visa sanctions are imposed on countries that refuse to accept deportees.

ICE releases aliens whose countries refuse to accept them, even those that pose a risk to public safety.

Visa overstays are tracked and efforts made to encourage compliance and remove violators.

Compliance enforcement is a low priority and hampered by incomplete exit tracking.

State and local partnerships with ICE and CBP are encouraged. Programs such as 287(g) are more accessible.

States and localities that attempt to assist with enforcement are targeted for investigation and lawsuits. 287(g) programs are being terminated.

Build fencing everywhere it can be patrolled.

Border fence is incomplete; operational control limited.

More border-lands are accessible to patrol, including parks and wildlife areas, through regulatory change and acquisition.

Vast areas along the border are off-limits to effective patrol and enforcement.