



## **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 can promote, protect and preserve the public safety and homeland security. The problems occurring along the Southwestern Border are not a new phenomenon to sheriffs. Sheriffs have been combating drug, gun, and human smugglers for many years, and have been forced to deal with these dangerous criminals and their impact on the communities nationwide.

Over the past ten years, significant local jurisdiction criminal justice system resources have been diverted to matters illegal alien related<sup>1</sup>. Sheriffs have no desire to become federal border agents; however, until the federal government provides the necessary resources, man-power, and equipment needed to secure the border, the responsibility for protecting their communities falls to the nation's sheriffs.

Therefore, the National Sheriffs' Association recommends the following:

- The enforcement of the immigration laws currently on the books.
- The federal government effectively and efficiently secure both the southern and northern U.S. borders.
- Increased funding for Operation Stonegarden to \$100M, an increase of \$40M. Operation Stonegarden pays overtime and operational costs for local law enforcement officers to support and enhance Homeland Security 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 SCAAP (State Criminal Alien Assistance Program) at its authorized level of \$950M. SCAAP is a reimbursement program for state and local governments for the costs of incarcerating criminal aliens. Current SCAAP funding only reimburses state and localities about 9 cents on every dollar, leaving states and localities incurring a huge financial burden.
- Full funding for Byrne-JAG Program at its authorized level at \$1.1B. Byrne-JAG Program provides vital funding to local law enforcement agencies to operate multi-jurisdictional drug and gang task forces. In order for 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 HIDTA Program (High Intensity Drug Trafficking Areas) at its authorized level of \$280M. HITDA program enhances and coordinates drug control efforts among local, 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.

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<sup>1</sup> 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>>

- NO reduction or shifting of current federal funds to state and local programs in order 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 current reduction of funds available to state and local enforcement agencies.
- The appropriation of the funding necessary to hire a substantial increase in Immigration and Customs Enforcement (ICE) Agents. When sheriffs apprehend and detain criminal aliens along the border, 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. Subsequently, 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 funding necessary to hire a substantial increase in 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 off local law enforcement's shoulders.
- 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, accelerate the review and acceptance of pending 287(g) applications; and develop a method to enable individual jurisdictions to apply for the Secure Communities program.
- Additional district judges and prosecutors nationwide. This provision will ensure 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.
- This will require the construction of physical communication facilities and funding to hire support personnel. The greatest obstacle to success 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 communication centers.
- Complete the 700 miles of fencing along the border with Mexico and construct double- and triple-layer fencing at appropriate locations along the Arizona-Mexico border<sup>2</sup>.
- Develop a program similar to Operation Jump Start, where the deployment of soldiers shall be used solely for Entry Identification Teams (EIT) in direct support of the U.S. Border Patrol.
- Assure adequate space to process and detain all those arrested.
- Encourage the Administration and Congress to work with other nations to stem the flow of illegal immigration into the United States.

## **II .Work Place Verification**

No one will benefit more than employers from an immigration overhaul that restores the rule of the 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.

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<sup>2</sup> Secure Fence Act of 2006 (P.L. 109-367). Signed into law 26 Oct. 2006. Web 11 Jan. 2011. <<http://www.gpo.gov/fdsys/pkg/PLAW-109publ367/content-detail.html>>

Therefore, the National Sheriffs' Association recommends the following:

- Support the concept to 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 SSA to issue letters to employers when withholdings submitted under a SSAN do not match the name in SSA records<sup>3</sup> (recommendation developed by National Association of Former Border Patrol Officers).
- Issue a secure, tamper-resistant Social Security card as the sole evidence of eligibility for employment in the US<sup>4</sup> (recommendation developed by National Association of Former Border Patrol Officers).
- Investigate and prosecute those who commit immigration fraud, including US citizens and lawfully admitted aliens.
- Aggressively prosecute those who knowingly hire illegal aliens (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 12-20 million illegal individuals currently residing in the United States. It is imperative that the identities of these individuals are known to the United States. We as a nation need to know who is coming into this country. Not all individuals come into the country to make a better life for themselves – some individuals are fugitives on the run; 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 United States 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 border and in fact, contributed to thousands of fraudulent applications for amnesty. History cannot repeat itself. However, it is unrealistic to assume that 12-20 million people will just leave the United States if asked. A plausible solution must be developed.

Therefore, the National Sheriffs' Association recommends 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. Under a guest worker program, U.S. Citizenship cannot be obtained.
- In order to obtain citizenship, they 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.
- A more efficient use of existing resources to handle the influx of applications so that the applications can be processed in a timely fashion.

**\* Approved by NSA Board of Directors 1/8/2011 during 2011 Winter Conference in Palm Desert\***

<sup>3</sup> "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>>.

<sup>4</sup> "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>>.