



COMMITTEE ON APPROPRIATIONS

David Price (D-NC), Chairman, Subcommittee on Homeland Security

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OPENING STATEMENT OF CHAIRMAN DAVID PRICE
***Priorities Enforcing Immigration Law: DHS Focus on Criminal Aliens,
Worksite Enforcement, and Electronic Work Authorization***
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Our hearing today focuses on the Department of Homeland Security's priorities for enforcing immigration laws. In fiscal year 2008, DHS's immigration agencies set several new records:

- Immigration and Customs Enforcement, or ICE, deported 369,049 people, the most in any year in US history.
- ICE held an average of 30,429 people in immigration detention per day, more than any prior year on record.
- ICE initiated 1,191 worksite enforcement investigations, and arrested 6,287 people, the largest numbers since the formation of DHS.
- U.S. Citizenship and Immigration Services, or CIS, enrolled 63,592 companies in the E-Verify program, more than tripling the number of participants in a computer-based system that verifies the work eligibility of new hires.

Truly, these are remarkable figures, and they result from the significant investment this Subcommittee has made in ICE and CIS budgets since 2003. They also reflect how hard employees at DHS have worked to meet the goals set by the Department's leadership.

But rather than simply trumpeting new records set by DHS, this hearing also lets us review the broader implications of our investment in these programs. This Subcommittee has made billions of dollars available for ICE and CIS since 2003. The questions we must all ask are: have these huge investments produced what our country needs and expect from the agencies enforcing our immigration laws? Is DHS prioritizing its resources most appropriately?

A closer examination of the data may give some pause:

- Since 2002, ICE has increased the deportation of non-criminals by 400%, while criminal deportations have only gone up 60%.

- Of the nearly 370,000 deported by ICE, less than a third, or 114,358, had ever been convicted of a criminal offense. This, despite the fact that up to 450,000 criminals eligible for deportation are in penal custody in any given year, according to ICE's figures.
- Less than one-quarter of those interdicted by ICE's Fugitive Operations Teams last year have actually been convicted of criminal offenses.
- Over three-quarters of those arrested in ICE worksite enforcement raids last year were not charged with any crime.
- While CIS has worked to improve the accuracy of E-Verify, the most current system audit found troubling inaccuracies that prevent people from working, including the fact that 1 in 10 naturalized citizens are being told they cannot be employed in the US.

Since becoming Chairman of this Subcommittee, I have emphasized that ICE should have no higher priority than deporting those who have proved their intent and ability to do harm and have been convicted of serious crimes. In 2008, we gave ICE \$200 million to identify incarcerated criminal aliens and remove them once judged deportable. Last year, we directed ICE to use \$1 billion of its resources to identify and remove aliens convicted of crimes, whether in custody or at large, and mandated that this be ICE's number one mission. I continue to believe in the wisdom of this course and want to know how ICE plans to make more progress identifying criminal aliens and deporting them once their sentences are complete. Since her confirmation, I have been encouraged by Secretary Napolitano's public statements that she shares this perspective. We must make sure the Department is setting the right priorities for immigration enforcement.

Similarly, the Subcommittee has provided generous appropriations to CIS for improving the accuracy and usefulness of E-Verify. However, more than \$120 million, or three-quarters of the funds appropriated over the last two years, remains unspent. So what we have at present is a government database falsely telling citizens and other residents they cannot work while a pile of money to fix the problem gathers dust. I'd like to know what is being done to address this issue.

Another area of concern to this Subcommittee is the role of local authorities enforcing immigration law. While I think local law enforcement should support and cooperate with ICE, the terms of that relationship must be defined very carefully. To that end, we mandated in the 2009 Appropriations Act that the Department better oversee local immigration enforcement agreements and make certain that their terms were being honored.

Lastly, I want to address recent reports that ICE released immigrants arrested in a worksite enforcement raid in Washington State. Yesterday, after comments on this issue from the Ranking Member, I met personally with ICE to get the full story. While ICE's on-going investigations limit what we can discuss in an open hearing, press reports that this represents a new policy, "amnesty" or otherwise, are false. As part of its investigation, ICE has employed a longstanding law enforcement tactic by granting "temporary immigration status" to certain individuals, which does not permanently change the status of these immigrants; it is a tactic

utilized in many past investigations and does not represent any change in worksite enforcement policy. One of our ICE witnesses, Director Marcy Forman, will address these issues further in her testimony. However, I want to make it clear we must be careful not to compromise an on-going investigation by drawing unnecessary attention to an authorized and routine DHS law enforcement tactic.

Today's three witnesses will help us understand DHS priorities enforcing immigration law. Marcy Forman is the Director of ICE Investigations, and as such oversees all ICE worksite enforcement actions. David Venturella is Executive Director of the ICE Secure Communities program, which is supposed to ensure the agency's first priority is and remains the identification and removal of people convicted of serious crimes who are eligible for deportation. Mike Aytes is the Acting Deputy Director of CIS, which administers E-Verify.

Our witnesses will help us better understand how the Department prioritizes its immigration enforcement missions. Even with the generous resources DHS receives from Congress, there is a limit to what its agencies can do. It only makes sense for law enforcement officers to address the most dangerous or threatening situations rather than simply pursuing the most convenient targets.

Each of you should provide a 5-minute summary of your written testimony, which will be entered into the record in full. I will ask Ms. Forman to speak first, followed by Mr. Venturella, and then Mr. Aytes. Before you begin, however, let me turn to Ranking Member Rogers for his opening remarks.

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