Testimony of
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Oversight of the Administration's Criminal Alien Removal Policies

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Chairman Grassley, Ranking Member Leahy, and Members of the Committee:

My name is Marc Rosenblum, and I am Deputy Director of the U.S. immigration program at the Migration Policy Institute, an independent, non-partisan think tank in Washington, DC. Thank you for the opportunity to testify today.

The United States has implemented increasingly forceful measures to combat illegal immigration since the mid-1980s, mostly by tightening border security, but also through programs to identify, detain, and deport unauthorized immigrants from within the United States. Recently, these investments have paid off, as the U.S. unauthorized population has declined by more than 1 million people since 2007.

Interior enforcement presents a number of challenges because unauthorized immigrants are dispersed and therefore hard to locate. Unlike at the borders, there is no controlled space to conduct enforcement, and agents have more limited enforcement authority. Interior enforcement is also expensive because it is labor intensive and time-consuming.

In light of these challenges, Congress and successive presidents have for decades sought to target enforcement resources on certain groups of removable noncitizens identified as high priorities for deportation. In authorizing legislation, in appropriations bills, and in formal and informal executive-branch policies, Congress and presidents of both parties have consistently focused on the same basic list of priorities: national security threats, convicted criminals, border crossers, and repeat crossers.

Even with clearly articulated enforcement priorities, the Department of Homeland Security (DHS) faces tradeoffs in designing its interior enforcement strategy. Most importantly, there is a fundamental tension between the quantity and the quality of deportations. With finite resources, U.S. Immigration and Customs Enforcement (ICE) can target unauthorized immigrants who are easy to locate and deport, but this means less focus on others who may be more difficult to locate but who are enforcement priorities for national security, public safety, or other reasons.

Cost per deportation across different ICE programs illustrates this tension. Of ICE's four main enforcement programs, the National Fugitive Operations Program is the most targeted, as it sends teams of agents into the community to pursue specific high-priority cases. NFOP is also the most expensive interior enforcement program, averaging over $4,000 per arrest, compared to less than $1,000 per arrest for the less focused Criminal Alien Program.

Tougher interior enforcement also must be weighed against potential public safety tradeoffs. Many law enforcement agencies have actively cooperated with ICE due to the perceived public safety benefits of such cooperation. But hundreds of other communities have limited their role in immigration enforcement because it reduces community trust in the police and takes resources away from core law enforcement responsibilities. My organization estimates that more than 5.9 million unauthorized immigrants—53 percent of the unauthorized population—live in such jurisdictions. This is one reason the current administration recently ended the Secure Communities program and redesigned its approach to federal-local cooperation through the Priority Enforcement Program.

Stricter immigration control can also inflict damage on immigrant families and communities, as many unauthorized immigrants are deeply integrated within the United States. Seventy-nine percent have lived in the U.S. at least five years; and 39 percent have children here, most of whom are U.S. citizens.

Policymakers therefore must weigh how best to pursue their enforcement mission while also limiting potential harms to the well-being of immigrant workplaces and neighborhoods; and they also must ensure that civil and constitutional rights of *all* U.S. residents are protected.

There is little debate whether DHS—or any law enforcement agency—should set enforcement priorities, or even about which unauthorized immigrants should be the highest priorities for deportation. But important disagreements exist about these deeper tradeoffs: How important is it to maximize the number of removals, and the number of interior removals in particular, versus focusing resources on high-priority cases, and exercising discretion in other ones?

Deportation data from the last decade show that DHS's answer has changed over time.

Deportations increased rapidly between 2003 and 2009, but a smaller share of deportees had criminal convictions, and a rising share fell completely outside of DHS' core enforcement priorities. Forty-seven percent of interior removal cases in 2008 had no criminal record at all.

Recently, enforcement has focused more narrowly on high-priority cases. Although interior removals fell by about 50,000 between 2009 and 2013, the number of criminals deported *increased* by 10,000. By 2013, serious criminals accounted for 68 percent of interior removals (compared to 46 percent in 2008), and non-criminals just 13 percent. Border removals, another top priority, increased by 100,000 in these years. As a result, 99 percent of all removals in 2013 fell within one of DHS's enforcement priority categories.

In closing, DHS has not only established more specific enforcement priorities, it has by and large been successful in implementing its goals.

With that, I would be glad to answer any questions.