

CHAIRMAN'S OPENING STATEMENT – DHS HEARING

We are here today to continue a discussion that began a few weeks ago at a joint Subcommittee hearing about the President's executive actions on immigration. I want to thank the Subcommittee Chairmen—Ron DeSantis and Jim Jordan—for starting the Committee's review of new immigration apprehension policies that Secretary of Homeland Security Jeh Johnson announced on November 20, 2014. We now have a better understanding of the various ways those policies may undermine local law enforcement efforts to protect the public.

Today, we're going to follow up with questions for the newly confirmed Director of Immigration and Customs Enforcement – ICE – Ms. Sarah Saldana about how ICE will actually enforce the immigration laws, and how their enforcement posture will affect public policy.

We want to particularly thank the men and women who do the good, hard job and work within ICE. They put their lives on the line every day and we are very grateful for their service, and we are thankful for your service and participation here today.

This hearing is important because we it allows us to determine whether non-citizens who committed serious offenses will be apprehended, detained, or removed per the promise that the President of the United States gave the American people.

The President's executive actions will have two very different effects on the approximately 11 million non-citizens unlawfully present in the United States.

Through Deferred Action for Childhood Arrivals or "DACA" and Deferred Action for Parents of Americans and Lawful Permanent Residents or "DAPA" – as it is referred to – the Administration intends to provide benefits to about five million people otherwise unlawfully present in our country.

Earlier last month, the Subcommittees conducted a hearing focused on how these executive actions may make it easier for these individuals to register to vote illegally.

Just this past Tuesday, the Subcommittees examined the fiscal costs of these actions to the federal and state governments.

Secretary Johnson's November 20, 2014, announcement will also have an effect on those others unlawfully present in the United States—in essence, it will provide de facto amnesty for many of the remaining six million non-citizens unlawfully present in the United States who are not directly covered by DACA or DAPA. Unless those individuals fall within carefully circumscribed categories, their removal will not be a priority for DHS.

But the core reason we are here today, even under the immigration policies that predated that announcement; convicted criminals who are unlawfully present in the United States

have been released in staggering numbers. And this I simply just don't understand. The President, the Secretary (of DHS), the Administration, time and again has promised the American people that if you are convicted, if you are a criminal, you are going to be deported. But that's not what's happening.

According to ICE, over 36,007 convicted criminal non-citizens were released in fiscal year 2013. In the year 2014 that number is roughly 30,000. More than 60,000 people – these are people that are here illegally – committed a crime; were convicted and then they were released back into the public rather than being deported. That's the question in front of us today.

Of the 36,007 individuals they amassed nearly 88,000 convictions, not accusations including 193 homicide convictions, 426 sexual assault convictions, 303 kidnapping convictions, and 16,070 drunken- or drugged-driving convictions. As of September 2014, 5,700 of those individuals went on to commit another crime.

They are here illegally, they get caught, they get released, and then they go back and commit another crime.

One thousand of these individuals were convicted again, for offenses including: lewd acts with a child under 14; indecent liberty with a child; child cruelty: possible injury/death; and driving while intoxicated.

I even can't imagine being a parent and having my child molested by somebody who is here illegally. The President promises he'll be deported – and they didn't. They released them back out. I want to know from ICE why that is. It's intolerable. I could never look the parents of those children in the face with what has been done here.

The joint Subcommittees heard compelling testimony from two family members of victims of these types of criminals.

In January of this year, 21-year-old Grant Ronnebeck was murdered while working at a convenience store in Mesa, Arizona by a non-citizen unlawfully present in the United States.

Prior to Grant's death, his murderer, Apolinar Altamirano, was facing deportation proceedings after being convicted for burglary, but released on a \$10,000 bond just after four days of detention in 2013.

In March 2008, Jamiel Shaw was a 17-year-old high school football star in Los Angeles, California, when he was murdered by Pedro Espinoza, an illegal immigrant gang member, who had been released from jail just two days before after serving time for assault with a deadly weapon. They released him back into the public!

While the Department of Homeland Security was invited to testify at that hearing, and subsequently declined, I think it is important for a Department representative to hear and see from American whose lives are directly impacted by the Department's policies.

We've put together a very brief video highlighting the testimonies of Mike Ronnebeck, Grant's uncle, and Jamiel Shaw, Sr., Jamiel's father. [Play 2-minute video]

I don't know how you look into the eye of Mr. Shaw. My heart bleeds for somebody like that. This person is here illegally. Are there people that are here that probably shouldn't be here? Yes, I'm sure they are. But we are talking about the criminal aliens. We are talking the people that are convicted of violent crimes. And instead of being picked up and deported as the President promised, that person was put back onto the street and committed murder.

It's not difficult to imagine that people like Mr. Ronnebeck and Mr. Shaw often wonder if their loved ones would still be here today if our immigration enforcement laws were enforced.

Secretary Johnson's November 20th announcement exposes the American people to even greater danger.

In his November 20, 2014 guidance, Secretary Johnson set forth three levels of priorities for immigration enforcement.

The top priority for deportation was listed as terrorists, spies, and other threats to national security; those apprehended at the border and ports; some criminal street gang members, and certain aliens convicted of felonies.

While these should be priorities for deportation, the agency is no longer considering as the top priority for apprehension aliens who have been convicted of certain misdemeanors, including: sexual abuse or exploitation; drug distribution or trafficking; burglary; firearms' offenses; driving under the influence, and domestic violence.

Talk about a war on women. This is not a priority for this Administration. These are offenses that also endanger our communities and affect a much larger number of Americans in very personal ways. Many criminals, including some that Congress has stated should be subject to mandatory detention, are not listed as a priority for removal at all.

While Secretary Johnson's November 20, 2014 prioritization guidance indicates that "[d]ue to limited resources, DHS and its Components cannot respond to all immigration violations to remove all persons illegally in the United States," the Department does not appear to be using all the resources it has available to enforce the nation's immigration laws.

According to statistics from ICE reviewed by the Center for Immigration Studies, from 2009 to 2014 there was an almost a 60 percent decline in annual deportations. In other words, while in 2009 ICE deported over 236,000 individuals from the interior of the United States, in 2014, ICE deported around 1,224.

The number of criminals deported from the interior declined by 21 percent between 2013 and 2014. It went from 110,115 down to 86,923. Further, Congress provides ICE with funding for 34,000 detention beds, and mandates those beds be filled. According to a review of ICE records however, the average daily population of detainees has declined every year since FY2012. As of January 2015, the average daily detainee population was 25,480, the lowest level since FY2006, when the bed mandate was at 20,800.

I have seen firsthand many times the hard work and dedication of our law enforcement officers, especially at CBP and ICE. I can't thank them enough for their good work. But we are not fulfilling the mission that was promised by the President of the United States. I think this body is committed to making sure that criminal aliens are deported. That's why we are having this hearing here today.