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The Solution for Immigration Enforcement at the State and Local Level

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A crucial component to the 1996 Immigration and Nationality Act is Section 287(g), which paves the way for state and local law enforcement officers to play a role in enforcing federal immigration law. To be an effective and immediate tool in the fight to stem illegal immigration, the 287(g) program should be expanded to at least 5,000 officers in the next two years. This expansion will require serious funding by Congress. To cover training of 2,500 officers per year and to implement the necessary technology, the Department Homeland Security (DHS) requires the \$50 million the President requested for the program in FY 2007.

State and Local Role in Immigration Enforcement

The 287(g) program provides state and local law enforcement officers the legal authority to investigate, detain, and arrest illegal immigrants on civil and criminal grounds. States join the program by establishing a “memo of understanding” between the state and the DHS and then enroll state and local officers who are certified by the Immigration and Customs Enforcement (ICE) to conduct investigations and arrests.

Since 2001, 159 state and local law enforcement officers across four states have been certified by

ICE to enforce immigration law. For less than \$3,500 per officer, ICE creates a force multiplier that costs thousands less than training and deploying another ICE or Customs and Border Patrol (CBP) officer. It also provides courses that keep state and local officer certification valid. Additionally, for the 287(g) program to be effective, the technology that makes ICE officers successful in their investigations and arrests must be matched at the state and local level. Officers certified by the program have access the appropriate DHS databases in order to make the needed security checks on detainees.

The Problem

Congress and the Bush administration refuse to take this initiative as seriously as they should. Both the House and Senate immigration bills lack the funding that is needed for Section 287(g) to be successful. Congress has appropriated only \$5 million to the program,

This paper, in its entirety, can be found at:
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The Answer

Representative Ted Poe (R-TX) has proposed an amendment to the House Homeland Security Appropriations Bill (H.R. 5441) that calls for \$41 million to be added to the 287(g) program budget. This proposal represents a serious and appropriate level of funding. If Congress wants U.S. immigration law enforced, and if it wants state and local law enforcement to play an active role in enforcing the law, it must provide the necessary resources.

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