

# WebMemo



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## Build on Section 287(g) of the Immigration and Nationality Act to Boost State and Local Immigration Enforcement

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Over the next few weeks, the House will consider, and likely pass, a series of measures to improve border security. Action from Congress on border security is welcome and long overdue. One subject requiring special attention is how to better engage state and local law enforcement. The right answer is to strengthen and expand programs authorized under Section 287(g) of the Immigration and Nationality Act (INA).

### Reform Needed

A key component of border security is restoring the integrity of U.S. immigration laws. This is a national problem. The federal government lacks the capacity to pursue aggressively all immigration violations that represent serious threats, let alone deter all those who violate U.S. immigration laws. Too often, instead of helping, state and local law enforcers engage illegal immigrants but decline to help enforce U.S. immigration law. At the very least, in the normal course of criminal investigations, state and local law enforcement should neither ignore immigration law nor hesitate to cooperate with federal immigration officials.

### The Wrong Answer

Congress must not establish a sweeping mandate that tries to force state and local law enforcement to do the federal government's job. A broad mandate would:

- Represent a large, unfunded federal mandate.
- Shift police priorities so that officers spend their time tracking down immigration violations instead of solving and preventing crimes within their communities.
- Hinder law enforcement by undermining the usefulness of the FBI's National Criminal Information Center (NCIC) database. NCIC entries for immigrants with minor violations and whose statuses change frequently will make it hard to keep the database current. Filling the database with records of immigration-law violators could also distract or impede police officers using the database to obtain information about violent criminals and terrorists.
- Expose state and local law enforcement to significant liability.

### The Right Answer

A program that can meet all of the essential requirements for cooperation, but carries none of the baggage of a broad mandate, already exists.

This paper, in its entirety, can be found at:  
[www.heritage.org/research/immigration/wm1212.cfm](http://www.heritage.org/research/immigration/wm1212.cfm)

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Section 287(g) of the INA allows the Department of Homeland Security (DHS) and state and local governments to enter into assistance compacts. Congress should strengthen this program and require DHS to:

- Draft a strategy for implementing Section 287(g) nationwide;
- Create a national center for lessons learned and best practices; and
- Report to Congress each year on the program's progress.

Congress should also:

- Allow states and cities participating in Section 287(g) programs to use funds from homeland security grants to fund their participation in the program, including overtime for state and local law enforcement agents assisting in federal immigration enforcement investigations; and

- Provide sufficient funds to train and supervise up to 5,000 state and local law enforcement officers nationwide over the next two years.

### **Conclusion**

Section 287(g) provides strong protection to states and their law enforcement officers while requiring that well-trained officers already on the ground conduct immigration investigations. It also allows state and local governments to tailor programs to meet their unique circumstances and requirements. Building on Section 287(g) is Congress's best bet to improve immigration enforcement by engaging state and local law enforcement.

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