WebMemo

Secure Communities: A Model for Obama's 2010 Immigration Enforcement Strategy

Jena Baker McNeill

In 2009, 90 counties across the country became participants in the Secure Communities program. This program provides a modern means for state and local law enforcement to share information with Immigration and Customs Enforcement (ICE), helping to make immigration processing and removal more efficient. This year alone, the program took 11,000 criminal aliens off the streets and out of the United States.

The Department of Homeland Security (DHS) should find ways to improve Secure Communities and use it to better support state and local law enforcement and ICE. Furthermore, as DHS seeks to craft its immigration enforcement strategy in 2010, it should look to strengthen immigration enforcement, mimicking the success of Secure Communities in multiple areas of internal enforcement.

The Secure Communities Framework. The Secure Communities program, created in 2008, performs three functions:

1. It seeks to identify criminal aliens through the use of biometric fingerprint matching;

2. It prioritizes their detention and deportation through a series of risk factors; and

3. It facilitates interoperability between on-the-ground state and local law enforcement and the federal ICE.

Under the program, fingerprints from arrested individuals are entered into DHS databases to determine whether the arrestees are legally inside the U.S. If they are found to be illegal, ICE begins its removal proceedings, prioritizing removals on the basis of their risk to the community and the nation's security. This helps reduce time spent in custody before removal and ensures that serious criminal aliens are not let free.

The Secure Communities program has been highly successful. Today, it is present in 107 jurisdictions and 14 states, which includes every county along the southern border. In Fairfax County, Virginia, a felon with 13 previous arrests was caught and is now awaiting removal.

Immigration Enforcement in 2010. As stated by John Morton, Assistant Secretary of ICE, the Secure Communities program strives "to prevent removable criminals from returning to the streets, saving states and localities valuable resources and keeping communities safer."[1]

Prior to the Secure Communities program, criminal aliens were all too often returned to the streets in a practice of "catch and release" because local law enforcement did not have the resources to detain or investigate them. Now, ICE is able to commit to a response time of less than four hours to retrieve criminal aliens from state and local jails.

The Heritage Foundation
LEADERSHIP FOR AMERICA

While the Secure Communities program is a great example of how immigration enforcement can be used effectively to help state and local law enforcement decrease illegal immigration and maintain public safety, the Obama Administration has rolled back or attempted to roll back several key immigration enforcement efforts, including the following.

287(g). This program trains state and local law enforcement to act in the stead of the ICE agents, checking immigration status of lawbreakers. While 287(g) has been used effectively across the country to act as a force multiplier for an under-resourced ICE, DHS caved into unsubstantiated allegations of racial profiling, issuing changes in the program that are likely to dissuade many jurisdictions from participating. These changes include forcing program participants to check only the immigration status of those arrested for serious crimes.

Social Security No-Match. The Obama Administration announced last year its intention to abandon Social Security No-Match, which would have enabled the Social Security Administration (SSA) to take action against employers who submitted 10 or more W-2s that could not be matched to SSA records or who have no matches for more than 0.5 percent of their workforces.

This program, as well as allowing DHS and SSA to share information, would give DHS the resources and authority to target large-scale employers in the sectors of the economy with large numbers of undocumented workers.

Real ID. Real ID encourages states to get serious about preventing identity theft associated with driver's licenses, including a requirement that states check the lawful status of individuals applying for a license.

The Obama Administration sought to replace this mandate with a watered-down PASS ID Act that would have in its original form essentially eliminated any real progress on driver's license security—including lawful presence checks and the digitization of birth records. This would be a major setback for immigration enforcement, because Real ID helps ensure that people are legally in the U.S. and are who they say they are when they apply for a license.

These actions are not indicative of an Administration serious about enforcing immigration laws. Obama has said that he plans to move forward with comprehensive immigration reform this spring, making the need for serious immigration enforcement all the more apparent. In fact, one of the critical roadblocks to the legalization touted by the Administration has always been the need for a robust internal enforcement strategy *prior to* any kind of legalization. And while DHS Secretary Janet Napolitano has recently indicated that she is satisfied with the level of internal immigration enforcement, the Administration's lack of support for these programs demonstrates that its enforcement strategy is not up to par.

The Right Kind of Immigration Policies. Going forward, the right kind of immigration enforcement policies will be ones that maintain national security and public safety, respect the rule of law and the right of state and local law enforcement to stop illegal immigration in their communities, and make a tangible impact on the illegal immigration problem.

The Secure Communities program has made significant strides toward these goals. However, DHS should stop trying to roll back sound immigration enforcement tools by doing the following:

- *Support future expansion of Secure Communities.* DHS should provide the necessary resources for Secure Communities expansion and continue to market the program to jurisdictions across the country.

- *Support 287(g).* The Administration should be encouraging, not discouraging, participation in the 287(g) program. The program is working across the country to make a real difference in stopping illegal immigration. Specifically, the Administration should reinstate the previous memorandum of understanding or put in place an MOA that would, for example, allow jurisdictions to check immigration status regardless of whether an offense is considered "serious."

1. John Morton, letter to the editor, *The New York Times*, December 7, 2009, at *http://www.nytimes.com/2009/12/08/opinion/lweb08immig.html?_r=1* (January 6, 2010).

The Heritage Foundation
LEADERSHIP FOR AMERICA

- *Move forward with Social Security No-Match.* No-Match is just one example of the right types of workplace enforcement policies that need to be in place. It, used in conjunction with E-Verify and efforts to curtail off-the-books employment, will have a real impact on the workplace immigration issue. At the same time, DHS should seek to obtain legislative permission for it and the Social Security Administration (SSA) to share information.

- *Stop punting Real ID.* The time has come for Real ID to be implemented. DHS should move forward and stop delaying the mandate, doing what is necessary, including the allocation of necessary resources, to make driver's licenses secure.

Time to Act. The Secure Communities program is one example of how immigration enforcement should work. With the right amount of resources, adequate support from senior leadership, and aggressive promotion and marketing, Secure Communities and other DHS programs can be effective in protecting the public while reducing the strain on state and local law enforcement. The Administration should throw their support behind them.

—Jena Baker McNeill is Policy Analyst for Homeland Security in the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation.