



**National Immigration and Customs  
Enforcement Council  
of the  
American Federation of Government Employees**  
Affiliated with the AFL-CIO



June 22, 2015

The Honorable Jeff Sessions  
U.S. Senator  
326 Russell Senate Office Building  
Washington, D.C. 20515

Dear Senator Sessions:

In the 113<sup>th</sup> Congress, we supported the “Strengthen and Fortify Enforcement Act” or “SAFE Act,” introduced on Thursday June 6, 2013. On February 27, 2015, Congressmen Gowdy reintroduced an updated version of this bill, H.R. 1148 entitled the Michael Davis, Jr. and Danny Oliver in Honor of State and Local Law Enforcement Act. Our reaction to this bill is one of great appreciation and support. I applaud Congressman Gowdy and his staff for creating a bill that focuses on public safety through reforms to enforcement of our immigration laws. I also applaud you for understanding the importance and the need for this legislation by introducing a companion to Mr. Gowdy’s bill in the United States Senate.

As representatives of Immigration and Customs Enforcement (ICE) agents and officers on the front lines of immigration enforcement, our union has been focused on ensuring that public safety and national security matters are a part of any new immigration legislation drafted by Congress. Unfortunately, we have for the most part been ignored by the White House. The current DHS priorities and executive actions taken by the Administration reflect an absence of law enforcement input as they contain no tangible plan for border security and for the most part ignore the need to strengthen interior enforcement altogether. The policies simply make it easier for members of criminal street gangs as well as a majority of the criminal aliens currently residing in the United States illegally to remain here. As a result, we hope that both Democrats and Republicans, in both the House and the Senate, will review the provisions of these bills, as well as their spirit and intent.

ICE’s mission doesn’t stop at 11 million illegal aliens in the interior of the United States. It is also ICE’s mission and responsibility to police criminals and status violators among the approximately 30 million aliens legally in the United States. This makes for approximately 40 million aliens, both legal and illegal, that ICE is tasked with policing. For the most part, ICE polices this group of 40 million people spread across 50 states, Guam and Puerto Rico with only 5,000 officers and agents - a force approximately half the size of the Los Angeles Police Department.

Unlike most police departments, however, ICE does not have separate departments and officers that handle special needs such as Court Security, Juvenile Services, Probation and Parole, Detention Management and Transportation – the 5,000 ICE officers and agents nationwide performs these duties as well. In addition, these 5,000 officers and agents do something that no other law enforcement agency in the nation does, they deport people to every corner of the globe.

Never have I seen any organization, because of its dysfunctional structure and organization, so clearly set up for failure, as ICE Enforcement and Removal Operations (ERO). Yet the Administration ignores red flag after red flag at ICE which strongly indicate the need to strengthen interior enforcement of immigration laws. The Administration has done nothing to reform arguably our nation's most critical immigration component in need of the most reforms – interior enforcement and the agency tasked with that mission.

The Davis-Oliver Bill, however, takes aggressive steps to fix these problems by adding much needed additional officer positions to ICE ERO, as well as by creating force multipliers from within existing officer resources by providing all officers and agents with equal arrest authorities and reinstating limited numbers of Detention Enforcement Officers so that immigration agents who currently perform detention guard duties can be reassigned back to law enforcement duties. The Davis-Oliver Bill also provides additional ICE prosecuting attorneys, much needed administrative staff, and much needed funding for weapons and safety equipment to protect ERO officers and agents who face growing criminal alien populations in the field which are increasingly violent and confrontational. The Davis-Oliver Bill also provides for an ICE advisory council which will include ICE officers and trial attorneys to increase communication between boots on the ground employees and members of Congress.

In order to combat the criminal alien problem within the United States and keep violent or otherwise dangerous criminals off the streets, the drafters of the SAFE Act clearly reviewed current immigration laws making fixes to identified areas of concern in an effort to shut down loopholes for criminals and keep communities safe. Some of those changes include:

- The Davis-Oliver Bill expands upon aggravated felony charges involving the sexual abuse of children;
- The Davis-Oliver Bill adds the charges of homicide and manslaughter to the definition of aggravated felony;
- The Davis-Oliver Bill adds child pornography to the list of aggravated felony charges;
- The Davis-Oliver Bill makes aliens convicted of failing to register as sex offenders inadmissible and deportable;
- The Davis-Oliver Bill expands aggravated felonies to include not just those who committed the act, but also those who solicited, commanded or abetted such offenses;

- The Davis-Oliver Bill makes aggravated felons; aliens with convictions for certain fraud offenses, firearms offenses, stalking and child abuse inadmissible;
- The Davis-Oliver Bill expands the range of passport crimes related to passport fraud that constitute aggravated felonies;
- The Davis-Oliver Bill makes two or more convictions for DUI an aggravated felony;
- The Davis-Oliver Bill prevents classes of aliens other than lawful permanent residents from purchasing or owning firearms;
- The Davis-Oliver Bill expands the range of conduct for which an alien can be inadmissible as it pertains to espionage, exporting sensitive information, overthrow of the United States Government and other criminal activities;
- The Davis-Oliver Bill makes members of criminal street gangs inadmissible and deportable;
- The Davis-Oliver Bill allows DHS to detain dangerous criminal aliens who can't be deported;
- The Davis-Oliver Bill provides 287(g) programs to requesting States and localities which identify a need for stronger participation in enforcing immigration laws in their areas;
- The Davis-Oliver Bill requires State and local law enforcement agencies to honor ICE detainers ensuring that ICE agents and officers can assume custody before criminals are released from jails back into communities;
- The Davis-Oliver Bill withholds certain Federal grants from States and localities that are sanctuary cities and thereby violate Federal immigration laws and release criminals from jails back into communities.

In conclusion, it has been our opinion from the beginning that the approach taken in the Davis-Oliver Bill is the approach needed if as a nation we are serious about fixing our broken immigration system. "Immigration," whether defined as our written immigration laws, the processes of both legal and illegal immigration, and/or the policies, practices and resources of the multiple agencies tasked with varying immigration related missions, is far too complex, diverse and far reaching of a problem to effectively address through a comprehensive approach. To effectively address the thousands of concerns throughout our nation's broken immigration system, we must take a diligent and systematic approach of reviewing our current laws, practices and resources to prevent repeating the mistakes that currently exist and ensure that any future laws can be effectively implemented and enforced.

We look forward to further review and discussion of the Davis-Oliver Bill in the weeks and months to come, and humbly offer our assistance in the development of amendments and technical fixes, as they are needed.

Sincerely,



Chris Crane  
President