



Media Kit

The Secure Our Nation's Interior Act of 2005

Office of Congressman John Sullivan | 114 Cannon House Office Building | Contact: Alex Carey 202/225-2211

The Secure Our Nation's Interior Act

A common-sense path to interior immigration enforcement

Representative John Sullivan (OK-01)

MAJOR PROVISIONS

Deterrence:

1. Expands mandatory deportation nationwide under the expedited removal authority of the Department of Homeland Security (DHS) for illegal aliens who fail to prove they have resided in America for more than one year.

Fairness:

2. Requires DHS to take custody of all illegal aliens caught by state and local law enforcement and reimburse them for local jail space if federal detention space is unavailable and if DHS is delayed in taking custody of the illegal aliens.

Increased Resources:

3. Clarifies the authority of state and local law enforcement to arrest, detain, and transfer illegal aliens in the course of their regular duty.

National Security:

4. Closes a major homeland security loophole with respect to foreigners visiting the United States. Roughly 200 million visit the United States every year but only a mere 20 percent of nonimmigrants are being processed through the US-VISIT, the entry-exit system Congress mandated in 1996.

Interior Security is National Security

Congressman John Sullivan (OK-01)

The Secure Our Nation's Interior Act of 2005

Summary of Legislative Provisions

Expedited Removal

- Expanding mandatory deportation nationwide under the expedited removal authority of the Department of Homeland Security (DHS) for all illegal aliens who cannot prove to an immigration officer they have been in the United States for more than **1** year. Illegal aliens who have qualified cases of asylum are exempt from this provision. DHS has not chosen to invoke this authority on a nationwide scale, and it takes fewer DHS financial and human resources to use expedited removal on an alien than to use the regular court process. This provision will free up detention space of aliens who would otherwise be detained pending a hearing and will serve as a deterrent for foreign nationals seeking to come to the United States illegally.
- This provision will also help curtail frivolous abuses of appellate proceedings that have overwhelmed and overcrowded detention facilities and caused the release of alien absconders into U.S. cities. According to DHS, an estimated **90%** of non-detained aliens do not show up for their hearing after receiving an order of removal. This provision will help reduce these backlogs.

Detention of Illegal Aliens

- Requires federal authorities to respond to and detain all illegal aliens reported to DHS by state and local law enforcement. It also mandates that DHS reimburse state and local authorities for the detention of illegal aliens if federal detention space is unavailable and if DHS is delayed in taking custody of the illegal aliens.

Clarifying the Role of Local and State Law Enforcement

- Clarifies the authority of state and local law enforcement to enforce Federal immigration laws. This state authority has never been displaced or preempted by Congress.

Reforms US-VISIT

- Requires all non-citizens who enter or exit the United States to be processed through US-VISIT, the automated entry-exit system Congress mandated in 1996. However, to be effective and secure, US-VISIT must require every non-citizen's entry and exit to be recorded, not just a small fraction of non-immigrants. According to the Center for Immigration Studies, Mexicans and Canadians make up about **80%** of visitors to the United States. Unfortunately **78%** of visitors from these two countries are exempt from enrollment in US-VISIT. The absence of the two largest groups of visitors from the screening program drastically devalues US-VISIT and creates major soft spots in the nation's immigration system that are vulnerable to terrorists, criminals, and other illegal aliens. This provision will also help curb the overstaying of temporary visas, which accounts for some **40%** of the illegal alien population. This provision would **NOT** affect U.S. Citizens.



Federation for American Immigration Reform

FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.

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October 17, 2005

The Honorable John Sullivan
114 Cannon House Office Building
Washington, DC 20515-3601

Dear Representative Sullivan:

The Federation for American Immigration Reform (FAIR) applauds your introduction of new legislation to improve enforcement of the nation's laws against illegal immigration. One of the most egregious failures of our current federal approach to enforcement has resulted in the release into our communities of illegal aliens in exchange for a mere promise to show up at a removal proceeding. It is not surprising that something approaching 90 percent of those illegal aliens apprehended and released under this policy never show up for their scheduled hearing, simply disappearing into our communities.

Similarly, when illegal aliens are found in the regular course of police work by state and local enforcement authorities, the Department of Homeland Security routinely refuses to take custody. In some jurisdictions state and local enforcement authorities are barred by local laws from even inquiring as to the immigration status of suspects when they are encountered in the normal course of police work. These so called "sanctuary" jurisdictions operate in the mistaken belief that only federal authorities may enforce immigration laws. Finally, and at great risk to the nation's homeland security, the entry-exit system established in 1996 excludes some 80 percent of the foreign nationals that enter the United States.

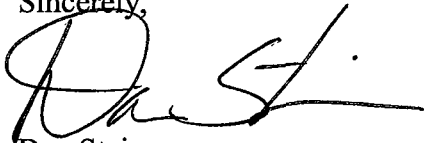
Your bill, if enacted, holds the strong promise of bringing a halt to these practices. Instead of the current "catch and release" policy that is referred to disdainfully by immigration authorities as a "notice to disappear," your bill would expand the use of expedited removal. The bill would also reverse the enforcement mockery that is the current "catch and ignore" policy by requiring the Department of Homeland Security to take custody of locally detained illegal aliens or pay the state and local costs of detention.

Importantly the bill codifies the inherent authority of state and local police agencies to enforce immigration laws. The potential force multiplier effect could pay important dividends in preventing terrorism, apprehending criminal aliens and generally helping to

discourage illegal immigration. Finally, your bill wisely protects homeland security by requiring all foreign nationals to be registered in the entry-exit system so that we will finally know who is entering the country and apprehend those who overstay their visas.

FAIR fully supports your legislation and we look forward working with you to ensure each of these important provisions is enacted into law.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Stein', with a stylized flourish extending to the right.

Dan Stein
President

NumbersUSA



October 19, 2005

The Honorable John Sullivan
114 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Sullivan:

NumbersUSA, a nonpartisan immigration-reduction organization, representing hundreds of thousands of Americans from across the country and from all walks of life, is pleased to endorse the Secure Our Nation's Interior Act of 2005.

This common-sense enforcement bill will help restore the rule of law to immigration. For too long, the vast majority of the public has been deeply frustrated, watching helplessly as their federal government fails to enforce the immigration laws already on the books or to control our borders. With your legislation, this situation would begin to change. "Catch and release" would be forced to give way to "illegal behavior has consequences."

This legislation does four things. It:

- Expands expedited removal;
- Clarifies the inherent authority of state and local police to enforce immigration laws;
- Requires federal authorities to respond to state and local police by either taking custody of or reimbursing for the detention of illegal aliens they encounter during the normal course of their duties; and
- Requires all non-citizens who enter or exit the country to be processed through US VISIT, the automated entry-exit system Congress mandated in 1996.

NumbersUSA believes these are some of the core areas where reform is necessary, if effective enforcement is our goal. Expedited removal authority has proved beneficial and a resource-saver where it is in effect. The trouble is, this policy is in effect only in small, designated areas around the border. Expanding expedited removal will free up detention space and reduce the number of aliens who never show up for their removal hearings, thus adding to the overall illegal population.

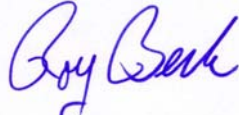
Also, clarifying the existing authority that states and localities inherently possess would help more law enforcement agencies in sub-federal jurisdictions to exercise that authority. The Secure Our Nation's Interior Act would clear up the fog that sometimes surrounds the question of whether state and local authorities may help enforce immigration law when they come across clear violations.

Third, this bill would end the irresponsible, too-frequent response by immigration authorities that state or local law enforcement officers must release alien lawbreakers, putting them back on American streets when they should be on their way to jail or their home country. Now, the federal government will have a choice between taking custody of illegal or criminal aliens or paying for their continued local detention. No longer will it be an option to put foreign lawbreakers back on our streets to thumb their noses at the rule of law.

Finally, requiring that all aliens go through the US VISIT entry-exit system is something whose time has long since come. Rather than the mere 20 percent of nonimmigrants who currently are being processed through this system, registering the entry and exit of all non-U.S. citizens will close off a major homeland security vulnerability. It will also help curb the overstaying of temporary visas, which accounts for some 40 percent of the illegal-alien population.

NumbersUSA commends you for your leadership against the deplorable lack of enforcement of our immigration laws. The Secure Our Nation's Interior Act enhances and activates the ability to enforce those laws. We look forward to working with you to see this bill become law.

Sincerely,



Roy Beck
Executive Director

.....
(Original Signature of Member)

109TH CONGRESS
1ST SESSION

H. R. _____

To reduce the number of visa overstays and to ensure that illegal aliens are apprehended, detained, and removed as rapidly as possible.

IN THE HOUSE OF REPRESENTATIVES

Mr. SULLIVAN introduced the following bill; which was referred to the Committee on _____

A BILL

To reduce the number of visa overstays and to ensure that illegal aliens are apprehended, detained, and removed as rapidly as possible.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Secure Our Nation’s
5 Interior Act of 2005”.

1 **SEC. 2. EXPEDITED REMOVAL.**

2 Section 235(b)(1)(A) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1225(b)(1)(A)) is amended by striking
4 clauses (i) through (iii) and inserting the following:

5 “(i) IN GENERAL.—If an immigration
6 officer determines that an alien (other
7 than an alien described in subparagraph
8 (F)) who is arriving in the United States,
9 or who has not been admitted or paroled
10 into the United States and who has not af-
11 firmatively shown, to the satisfaction of an
12 immigration officer, that the alien has been
13 physically present in the United States
14 continuously for the 1-year period imme-
15 diately prior to the date of the determina-
16 tion of inadmissibility under this para-
17 graph, is inadmissible under section
18 212(a)(6)(C) or 212(a)(7), the officer shall
19 order the alien removed from the United
20 States without further hearing or review,
21 unless—

22 “(I) the alien has been charged
23 with a crime, is in criminal pro-
24 ceedings, or is serving a criminal sen-
25 tence; or

1 “(II) the alien indicates an inten-
2 tion to apply for asylum under section
3 208 or a fear of persecution and the
4 officer determines that the alien has
5 been physically present in the United
6 States for less than 1 year.

7 “(ii) CLAIMS FOR ASYLUM.—If an im-
8 migration officer determines that an alien
9 (other than an alien described in subpara-
10 graph (F)) who is arriving in the United
11 States, or who is described in clause (i),
12 and the alien indicates either an intention
13 to apply for asylum under section 208 or
14 a fear of persecution, the officer shall refer
15 the alien for an interview by an asylum of-
16 ficer under subparagraph (B) if the officer
17 determines that the alien has been phys-
18 ically present in the United States for less
19 than 1 year.”.

20 **SEC. 3. CLARIFICATION OF INHERENT AUTHORITY OF**
21 **STATE AND LOCAL LAW ENFORCEMENT.**

22 Notwithstanding any other provision of law and re-
23 affirming the existing inherent authority of States, law en-
24 forcement personnel of a State or a political subdivision
25 of a State have the inherent authority of a sovereign entity

1 to apprehend, arrest, detain, or transfer to Federal cus-
2 tody aliens in the United States (including the transpor-
3 tation of such aliens across State lines to detention cen-
4 ters), in the enforcement of the immigration laws of the
5 United States. This State authority has never been dis-
6 placed or preempted by Congress.

7 **SEC. 4. DEPARTMENT OF HOMELAND SECURITY RESPONSE**
8 **TO REQUESTS FOR ASSISTANCE FROM STATE**
9 **AND LOCAL LAW ENFORCEMENT.**

10 (a) IN GENERAL.—Title II of the Immigration and
11 Nationality Act (8 U.S.C. 1151 et seq.) is amended by
12 adding after section 240C the following:

13 “CUSTODY OF ILLEGAL ALIENS

14 “SEC. 240D. (a) IN GENERAL.—If the Governor of
15 a State (or, if appropriate, a political subdivision of the
16 State), exercising authority with respect to the apprehen-
17 sion of an illegal alien, submits a request to the Secretary
18 of Homeland Security that the alien be taken into Federal
19 custody, the Secretary

20 “(1) shall—

21 “(A) not later than 48 hours after the con-
22 clusion of the State charging process or dis-
23 missal process, or if no State charging or dis-
24 missal process is required, after the illegal alien
25 is apprehended, take the illegal alien into the

1 custody of the Federal Government and incar-
2 cerate the alien; or

3 “(B) request that the relevant State or
4 local law enforcement agency temporarily incar-
5 cerate or transport the illegal alien for transfer
6 to Federal custody; and

7 “(2) shall designate a Federal, State, or local
8 prison or jail or a private contracted prison or deten-
9 tion facility within each State as the central facility
10 for that State to transfer custody of the criminal or
11 illegal aliens to the Department of Homeland Secu-
12 rity. The Secretary of Homeland Security may enter
13 into contracts with appropriate State and local law
14 enforcement, private entities, and detention officials
15 to implement this subsection.

16 “(b) REIMBURSEMENT TO STATES AND LOCAL-
17 ITIES.—The Secretary of Homeland Security shall reim-
18 burse States and localities for all reasonable expenses, as
19 determined by the Secretary, incurred by a State or local-
20 ity in the incarceration and transportation of an illegal
21 alien as described in subparagraphs (A) and (B) of sub-
22 section (a)(1). Compensation provided for costs incurred
23 under subparagraphs (A) and (B) of subsection (a)(1)
24 shall be the average cost of incarceration of a prisoner
25 in the relevant State, as determined by the chief executive

1 officer of a State (or, as appropriate, a political subdivi-
2 sion of the State) plus the cost of transporting the crimi-
3 nal or illegal alien from the point of apprehension, to the
4 place of detention, and to the custody transfer point if
5 the place of detention and place of custody are different.

6 “(c) INCARCERATION OF ILLEGAL ALIENS.—The
7 Secretary of Homeland Security shall ensure that illegal
8 aliens incarcerated in Federal facilities pursuant to this
9 subsection are held in facilities which provide an appro-
10 priate level of security.

11 “(d) TRANSFER OF ILLEGAL ALIENS.—

12 “(1) IN GENERAL.—In carrying out this sec-
13 tion, the Secretary of Homeland Security may estab-
14 lish a regular circuit and schedule for the prompt
15 transfer of apprehended illegal aliens from the cus-
16 tody of States and political subdivisions of States to
17 Federal custody.

18 “(2) AGREEMENTS.—The Secretary of Home-
19 land Security may enter into contracts with appro-
20 priate State and local law enforcement, private enti-
21 ties, and detention officials to implement this sub-
22 section.

23 “(e) DEFINITION.—For purposes of this section, the
24 term ‘illegal alien’ means an alien who entered the United
25 States without inspection or at any time or place other

1 than that designated by the Secretary of Homeland Secu-
2 rity.”.

3 **SEC. 5. UNIVERSAL PROCESSING THROUGH THE AUTO-**
4 **MATED ENTRY-EXIT CONTROL SYSTEM.**

5 (a) RECORD OF ENTRY AND EXIT.—Subsection (a)
6 of section 110 of the Illegal Immigration Reform and Im-
7 migrant Responsibility Act of 1996 (8 U.S.C. 1221 note)
8 is amended—

9 (1) by redesignating paragraphs (1) and (2) as
10 paragraphs (2) and (4), respectively;

11 (2) by inserting before paragraph (2) (as so re-
12 designated), the following new paragraph:

13 “(1) collect and maintain a record of each ad-
14 mission for every alien arriving in the United
15 States;”;

16 (3) in paragraph (2) (as so redesignated)—

17 (A) by striking “(1) collect a record of”
18 and inserting “(1) collect and maintain a record
19 of each”; and

20 (B) by striking the “and” at the end;

21 (C) by inserting after paragraph (2) (as so
22 redesignated), the following:

23 “(3) verify the identity of every arriving and de-
24 parting alien by comparing in real time the biomet-
25 ric identifier on such alien’s travel or entry docu-

1 ment or passport with the arriving or departing
2 alien; and”.

3 (b) INSPECTION.—

4 (1) Paragraph (3) of section 235(a) of the Im-
5 migration and Nationality Act (8 U.S.C. 1225(a)) is
6 amended to read as follows:

7 “(3) INSPECTION.—

8 “(A) IN GENERAL.—All aliens (including
9 alien crewmen) who are applicants for admis-
10 sion or otherwise seeking admission or readmis-
11 sion to or transit through the United States
12 shall be inspected by immigration officers.

13 “(B) PROCESSING THROUGH ENTRY-EXIT
14 SYSTEM.—Notwithstanding any other provision
15 of law and subject to clauses (i) and (ii), no
16 alien may be admitted to the United States un-
17 less such alien has been processed through the
18 automated entry-exit control system required by
19 section 110 of the Illegal Immigration Reform
20 and Immigrant Responsibility Act (8 U.S.C.
21 1221 note).”.

22 (2) Paragraph (1) shall apply to all aliens seek-
23 ing admission or readmission on or after December
24 31, 2006.

1 (c) REPORT.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary of Homeland
3 Security shall submit a report to the Congress detailing
4 the additional resources, including machine readers and
5 personnel, that are needed at each port of entry, based
6 on recent and anticipated volumes of admissions at such
7 ports of entry, to fully implement subsection (b).