

Congress of the United States
Washington, DC 20515

October 26, 2009

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington D.C. 20500

Dear President Obama,

We support the 287(g) program. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208) created the 287(g) program to provide state and local law enforcement officers with statutory immigration enforcement authority, in addition to their inherent authority. It was not limited to “dangerous” criminals, as some have suggested, but designed to let state and local law enforcement officials help enforce all immigration laws and to remove illegal immigrants from the streets before they go on to commit preventable crimes.

The 287(g) program, whether through jail intake, task force or other operational models, is effective and has been used by jurisdictions across the United States to help reduce crime and illegal immigration. U.S. Immigration and Customs Enforcement’s (ICE) own website states “[T]he 287(g) program has emerged as one of the agency’s most successful and popular partnership initiatives as more state and local leaders have come to understand how a shared approach to immigration enforcement can benefit their communities.” It allows law enforcement officials direct access to the information needed, and the authority, to issue detainers and hold an illegal immigrant until ICE is available to transport the individual to a detention facility.

According to ICE statistics, “[S]ince January 2006, the 287(g) program is credited with identifying more than 130,000 potentially removable aliens – mostly at local jails. More than 1075 officers have been trained and certified through the program....” The number of participating jurisdictions, currently at 57, has been as high as 67. Participants include local police departments, county sheriffs’ offices, state departments of corrections and state departments of public safety.

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As of this week, 12 more Memoranda of Agreement by law enforcement agencies seeking to join the 287(g) program are approved and awaiting final action, and 6 being negotiated. Unfortunately, over the years ICE has declined a number of applications due to resource limitations and financial constraints. For instance, ICE told the state of Virginia in July 2007 that because of a lack of resources it could not agree to a proposed Virginia request to train staff under section 287(g) at every state jail. This is unacceptable.

While the majority of the current 287(g) agreements follow the jail intake model, the task force model is also a highly effective means of removing illegal immigrants from the streets. Both should be continued.

Recent criticism of the program is unfounded. When asked about claims of racial profiling or civil rights violations at a March hearing, the Government Accountability Office testified, "[w]e didn't see any complaints in the files of any jurisdiction or in OPR about any jurisdiction...."

Federal, state, and local cooperation is key to combating illegal immigration. So it is crucial for the federal government to continue to support the range of 287(g) operational programs in jurisdictions throughout the United States.

Thank you for your attention to this matter.

Sincerely,

Lamar Smith

Eric Cantor

Steve King

Richard Dear

Ed Royce

Bob Goodlatte

Tom Latham

Jerry Moran

Ellen G. Kelly

Brian P. Sullivan

Jack Kingston

Howard E. Coble

Kent Starks

Say Miller

Joe Chappell

John Linder

Gene M. Belcher

Geoff Davis

Blaine Griffin

Virginia Fox

Brent B. Adant

Kathleen E. Tate

Mark Rooney

John Rozman

John Culberson

Steve Clanton

Randy Ryan

M. del T. McCal

Bill Posey

Sue Myrick

Kenny Marble

Patrick Kelly

Vern Buchanan

Marsha Blackburn

Joe Ruzeg

Walley Herger

Paul Brown

Alibi Ryan-AZ

Rodney Alexander

Gregg Harper

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Al Shih

Alma R

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John Suli

John Smith

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Pete Olson

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Jim Campbell
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Da Rhu

Ken Calvert

cc: The Honorable Janet Napolitano
The Honorable John Morton