



Summary of H.R. 4007

Assuring Law Enforcement Requests are Timely Evaluated by DHS (ALERTED Act)

November 2015

H.R. 4007, introduced by Congressman Earl L. ‘Buddy’ Carter (R-GA), would amend the Immigration and Nationality Act (INA) to require the Department of Homeland Security (DHS) to promptly respond to all law enforcement inquiries about whether to issue a detainer for a suspected illegal alien in their custody for the violation of any law.

Prompt Determination of Issuance of Detainer

The bill amends INA Section 287(d) (8 U.S.C. § 1357(d)) to require U.S. Immigration and Customs Enforcement (ICE), upon the request of a law enforcement official, to make a prompt determination of whether to issue a detainer in the case of an illegal alien arrested for a violation of Federal, State, or local law.

Why this Legislation is Necessary

While many State and local jurisdictions have instituted policies that prohibit law enforcement from cooperating with federal immigration officials, more needs to be done to help those jurisdictions that do wish to enforce our immigration laws. Under current law, any law enforcement officer may request ICE to make a determination of whether or not a detainer should be issued for a suspected illegal alien in their custody. However, ICE is only required to **promptly** respond to these detainer requests if the alien is arrested for a controlled substance offense. Instead, the ALERTED act would require ICE to make a prompt detainer determination upon the request of a law enforcement officer for an alien arrested for **any** Federal, State, or local law violation. This change will help local jurisdictions who want to enforce our laws defray the costs of illegal immigration because, if ICE issues a detainer, this section requires DHS to “effectively and expeditiously take custody of the alien.”

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