

# Real Immigration Enforcement

S.744 Doesn't Do the Job

A REPORT BY JACK MARTIN, DIRECTOR OF SPECIAL PROJECTS

  
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# **Real Immigration Enforcement** S.744 Doesn't Do the Job

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CAUTION



Under S.744—the Border Security, Economic Opportunity and Immigration Modernization Act—illegal aliens get amnesty, business interests get a steady supply of low-wage labor, and the American people get competition for scarce jobs, greater tax burdens, and recycled promises of better enforcement in the future.

# Executive Summary

Being able to effectively prevent the entry and/or stay of those who are not legally authorized to be in our country is the essence of immigration law enforcement. The presence of an estimated 12 million illegal aliens currently in the U.S. attests to the flaws in existing law enforcement policies and the crucial need for reform. But, as happened after the Immigration Reform and Control Act of 1986, if reform efforts do not close loopholes in the law, respect for the law will be even further eroded.

S.744, the Border Security, Economic Opportunity and Immigration Modernization Act, passed by the Senate in June 2013, and the Obama administration's reform proposals should be critically studied to see whether they are designed to be effective or if they simply repeat the failed IRCA experience. Under S.744, most of the current illegal aliens would gain an early amnesty, while the American people would get promises of future enforcement of U.S. immigration laws. As with the 1986 legislation, S.744 fails to adopt—as a precondition to amnesty—a standard for measuring whether enforcement capabilities are in place to prevent a new influx of illegal aliens.

Specifically, S.744 treats *plans* for more effective controls against illegal immigration as if they were actual achievements—just like in 1986. The legislation lacks specific metrics for measuring the effectiveness of border enforcement efforts. Even more significantly, it would weaken existing legislative standards for preventing visa overstays. Additionally, rather than expanding the current tested and proven system for protecting American workers against competition from illegal foreign workers, it would offer a nebulous **new** system. And it would further erode the ability of state and local governments to discourage future illegal immigration and to defend their communities against the presence of illegal aliens.

The ultimate test of effective law enforcement is whether it restores respect for immigration laws and allows the American public to feel confident to once again welcome foreigners into our country. In that regard, the S.744 reform effort fails.

## Background

FAIR has long held the position that strong and effective enforcement against illegal immigration is a key element of immigration reform, but not as a justification for adopting an amnesty for those already residing in the country illegally. On the contrary, FAIR believes that the adoption of effective enforcement provisions will discourage further illegal immigration and lead to the gradual reduction of the current illegal alien population. The current proposed amnesty, on the other hand, would permanently incorporate present illegal residents and encourage future illegal immigration.

Immigration enforcement matters. The 1986 amnesty and its failed enforcement provisions strongly influence the current immigration reform debate.

FAIR and others have documented an extensive series of immigration enforcement policy changes by the administration that amount to a virtual abandonment of enforcement against illegal aliens who have taken U.S. jobs.<sup>1</sup>

“

UNFORTUNATELY, WE AREN'T ENFORCING THE LAWS WE HAVE ON THE BOOKS TODAY. THE AMERICAN PEOPLE DON'T TRUST THAT WE WILL ENFORCE THESE LAWS IN THE FUTURE. WE PROVIDED AMNESTY OVERNIGHT IN 1986 AND DIDN'T FULFILL THE OTHER PARTS OF THE EQUATION. BORDER SECURITY, ENFORCEMENT MEASURES, AND LEGAL IMMIGRATION REFORM NEED TO BE THE FIRST THINGS ON OUR AGENDA IN 2013.<sup>3</sup>

—SEN. CHARLES GRASSLEY (R-IOWA)

The administration appears to be siding with those interests that are working to undermine effective enforcement.<sup>2</sup> The pattern of selective immigration law enforcement should make lawmakers and the public wary of accepting any assurances from the administration that there would be tough law enforcement against illegal immigration if the proposed amnesty legislation were enacted.

The administration portrays itself as strong on immigration enforcement and points to recent record level deportations (currently termed 'removals'). However, President Obama concedes that his administration's removal numbers are "a little deceptive," noting that the tally includes large numbers of people who are apprehended at the border. "That is counted as a deportation, even though they may have only been held for a day or 48 hours, sent back—that's counted as a deportation," the president said in 2011.

Enforcement against illegal immigration is not just an issue of border control. While securing our border is important, a significant share of the illegal alien population entered with a visa or in the visa waiver program and stayed illegally. But, just as the government does not know how many people have sneaked into the country, it also does not know how many overstayers there are because there is no comprehensive system to accurately match entry and exit records. Effective enforcement also requires cooperation between state and local law enforcement and federal immigration authorities. In recent years, this relationship has been attacked and weakened by the defenders of illegal aliens.

To better understand the implications of the proposed immigration law enforcement measures in Congress, it is necessary to understand the state of enforcement today, what the current security gaps are, and to what extent proposed legislation would close those gaps.



# Avoiding Repetition of the Enforcement Failures of the IRCA Amnesty

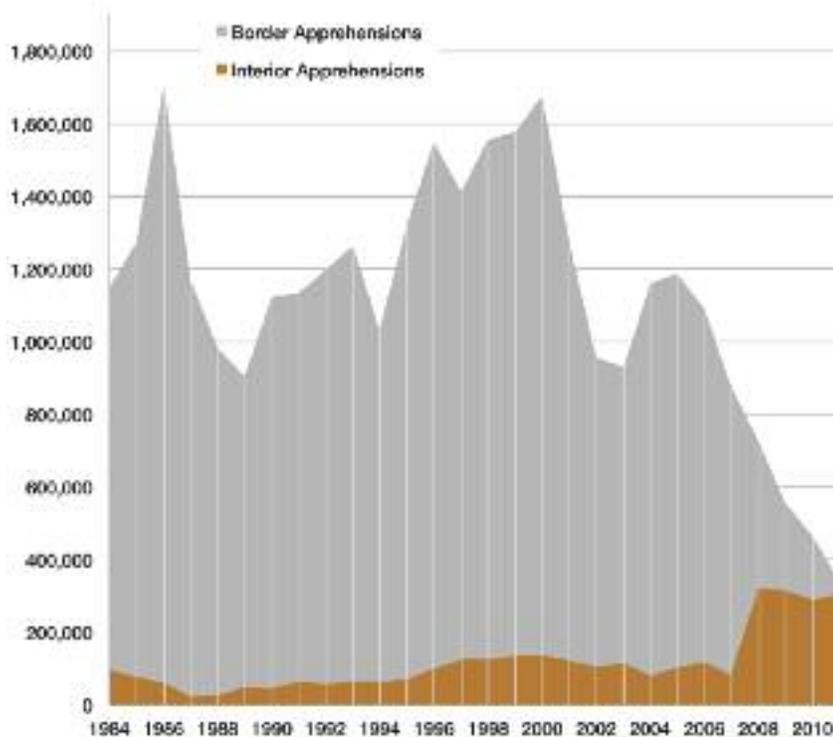
Although there were far fewer aliens residing illegally in the United States at the time of the IRCA amnesty, the problem of illegal immigration still generated public pressure for tougher enforcement measures. According to former Immigration and Naturalization Service Commissioner Doris Meissner, “The bill’s legalization provisions . . . were presented as a one-time measure that would ‘wipe the slate clean’ of the problem of illegal immigration, given strengthened border and new employer enforcement.”<sup>4</sup>

IRCA mandated increased resources for the INS (now succeeded by the Department of Homeland Security) and sanctions against employers who knowingly employ illegal aliens. Employers were required to collect and retain work authorization and identity data for all employees.

Illegal aliens surged into the country prior to adoption of the 1986 amnesty in an effort to gain legal residence under the proposed law—as indicated by Border Patrol apprehension data. The number of border apprehensions reached an all-time high of more than 1.7 million in 1986. After IRCA was

enacted, illegal entry fell briefly until it became clear to employers and would-be illegal workers that the system was toothless as long as the aliens could use fake work documents to remove the employer’s liability for prosecution for “knowingly” hiring illegal workers. Illegal entry resumed its steady rise, returning to nearly 1.7 million apprehensions in 2000.

The September 11, 2001 terrorist attacks ushered in a reawakened concern about border security and a commitment of additional border fencing and resources for the Border Patrol. Apprehensions fell sharply in 2002. Then, beginning in 2007, the severe recession accompanied by high



unemployment also worked to depress illegal entry. The apparent effect of economic conditions on illegal entry demonstrates the link between illegal immigration and the availability of jobs, i.e., the “jobs magnet.” Official data on border apprehensions in 2012 indicate that as the economy has improved—and as anticipation of a new amnesty has grown—so too have apprehensions begun to rise again.<sup>5</sup>

Congress did not act until 1996, a decade after IRCA, to attempt to put teeth in the employer sanctions law. In that year, Congress required the INS to create a system for employers to electronically verify the Social Security number and immigration documents presented by new employees. That mandate resulted in the current E-Verify system. E-Verify is required for contractors with the federal government and with several state governments and is mandatory for all employers in Arizona and three other states.<sup>6</sup> However, it still remains a voluntary system for most employers.

To deal with the skeleton in the closet left by the 1986 amnesty, the proponents of a new amnesty are, at least nominally, defending their proposal as a tough law enforcement measure. The legislation introduced by the bipartisan “Gang of 8”<sup>7</sup> included reference to enhanced border security against illegal entry, a measure to control against visa overstayers, and mandatory verification of legal work status by employers.



TO FULFILL THE BASIC GOVERNMENTAL FUNCTION OF SECURING OUR BORDERS, WE WILL CONTINUE THE INCREASED EFFORTS OF THE BORDER PATROL BY PROVIDING THEM WITH THE LATEST TECHNOLOGY, INFRASTRUCTURE AND PERSONNEL NEEDED TO PREVENT, DETECT, AND APPREHEND EVERY UNAUTHORIZED ENTRANT. ...OUR LEGISLATION WILL REQUIRE THE COMPLETION OF AN ENTRY-EXIT SYSTEM THAT TRACKS WHETHER ALL PERSONS ENTERING THE UNITED STATES ON TEMPORARY VISAS VIA AIRPORTS AND SEAPORTS HAVE LEFT THE COUNTRY AS REQUIRED BY LAW.<sup>8</sup>

—GANG OF 8 STATEMENT

But those enforcement provisions still leave a key issue unresolved. Would they be in place and demonstrably effective in preventing new illegal immigration before the amnesty provision becomes effective? If amnesty were implemented first and enforcement measures were proven ineffective, unenforced, or undermined by new legislation or litigation, the results would replicate the repudiated 1986 amnesty experience.

The Gang of 8 framework document says, “We will demonstrate our commitment to securing our borders and combating visa overstays by requiring our proposed enforcement measures be complete before any immigrant on probationary status can earn a green card.”<sup>9</sup>

The acknowledgement by the Gang of 8 that the some form of the proposed S.744 enforcement measures would precede giving out ‘green cards,’ i.e., converting the provisional amnesty into a permanent amnesty, is a clear indication that they recognize that they had to defend their legislation against the charge that it will usher in a new wave of illegal immigration, as did the 1986 amnesty. On that score, however, they are vulnerable, because none of the three areas of proposed improved enforcement measures—border control, overstay control, or worksite control—is assured by the measures included in the legislation and proposed amendments to the bill to close the loopholes were rejected.

## The Flaws in S.744

**BORDER CONTROL**—The bill requires the DHS secretary to present a “Comprehensive Southern Border Security Plan” and a “Southern Border Fencing Strategy.” The plan has as an objective to achieve and maintain an effectiveness rate of 90 percent or higher in all border sectors. The effectiveness rate refers to apprehension or “turn backs” as a share of all illegal entries.

The obvious loophole in the legislation is that *submission of a plan* for effective control of the border—a ‘trigger’ that enables permanent legal status for the illegal aliens—is not the same thing as *achieving effective control* of the border. **There is no provision to undo the amnesty if effective control is not achieved.**

A less obvious problem with this ‘trigger’ for amnesty is that there is no agreed measure of the apprehension and turn back rate as a share of illegal entrants. The Border Patrol knows how many illegal entrants it has apprehended. It does not know how many may have turned back and it does not know how many have evaded detection and apprehension and gained illegal entry. For that reason, the proposed plan is a meaningless requirement and would allow the Obama administration to include whatever criteria for measuring effectiveness it sees fit. DHS Secretary Napolitano has argued that border fencing is already virtually complete and border control is already at a low enough level to justify amnesty.<sup>10</sup>

The bill also provides authorization for additional personnel, equipment, technology and other resources. These proposed increases would depend on future acts of Congress and might never materialize, especially during a period of budget constraints.

The gap between the bill’s promise of border security and the likely results was signaled by the Congressional Budget Office. In its report on S.744,<sup>11</sup> the CBO stated, “...under the bill, the net annual flow of unauthorized residents would decrease by about 25 percent relative to what would occur under current law...” Following that analysis, an amendment to S.744 termed the “border surge” was adopted. The amendment increased border control resources, and the CBO revised its evaluation of the reduction in future illegal immigration to one-third to one-half of the flow otherwise.<sup>12</sup> To amnesty advocates, that means a glass half full. The more realistic way to look at it is that, in exchange for an irrevocable amnesty, the best case scenario for the proposed border control measures would be a reduction in illegal immigration to half or two-thirds of its current pace. The CBO analysis notes that the bill’s enforcement measures also leave the country vulnerable to those entering with visas and joining the illegal alien population by taking jobs and staying indefinitely.

**OVERSTAY CONTROL**—S.744 requires DHS to implement a system to capture biometric exit data on departing foreigners that can be electronically matched with entry data that are already collected. This would identify illegal overstayers. As passed, S.744 requires collection of biometric exit data at air and sea ports, presumably by electronically swiping the passport or other identification document

of exiting passengers "...at a time as close to the originally scheduled departure of that passenger's aircraft or sea vessel as practicable." (p.560) The "as close to ... departure" phrase confuses time with location. To be effective, the collection of exit data needs to be biometric and take place at the departure gate. If it is conducted at the check-in counter, a loophole would allow a different, similar appearing person, to use the boarding pass. Furthermore, the collection of biometric data from the traveler—as opposed to collecting it from the traveler's identification document—is a surer standard for matching with the same data collected on arriving passengers. Why collect electronic fingerprints on arriving international travelers unless they are going to be collected and matched with the departing international travelers?

The bill's requirement is a step backward from the entry-exit biometric collection requirement adopted in 1996, reiterated in 2000, and again mandated in the PATRIOT Act of 2001 in the wake of the 9/11 attacks. All three laws mandated the establishment of an identity matching data system applied to all air, sea, **and land border** ports.<sup>13</sup> These exit requirements, which have never been fully implemented, serve as a stark reminder that the enormous gap between promise and delivery.

What S.744 calls for instead is an incomplete system of exit record collection because it would not apply to land ports. The flaw with an incomplete entry-exit matching system is that it prevents authorities from ever knowing for sure whether a foreigner who has entered by air has left by land. Being unable to establish whether a traveler has left creates a situation in which overstay data are useless. DHS would not know whether some foreign travelers were illegally staying in the United States to work or, even to engage in terrorism.

**WORKSITE CONTROL**—S.744 requires the establishment of an Employment Verification System. The legislation abolishes the current E-Verify system established pursuant to the 1996 IIRAIRA and mandates a new undefined verification system. The current E-Verify system is a proven, effective system for identifying fake employment documents used by illegal workers. Because the replacement system is not defined and several of the provisions in the Senate bill provide employers exemption from liability if they have made "good faith efforts" at verification, a new system might well have loopholes that would weaken its effectiveness.

The greatest loophole in the current E-Verify system, besides it not being a mandatory requirement for all employers, is that it may authorize the legal work status of an illegal alien if that individual is using stolen identity documents of a U.S. citizen or legal permanent resident. For example, an illegal alien named John Doe may have a U.S.-born son also named John, and the illegal alien father uses the valid social security number of his son when he finds a job. Or he may have a brother named Jim who is a legal resident and he applies using his brother's name identity documents and social security number. In either case the system currently does not reveal the fraud. The false claim of U.S. citizenship never reaches DHS, and the fraudulent use of the ID of the legal resident brother results in a work authorized response.

The verification provision in S.744 does not effectively close that loophole. It requires DHS to develop a database that would identify multiple use of the same social security number. But that would apply only to the data on employment of foreign workers that are referred to it for verification. Workers with false documents as U.S. citizens—gained through identity theft—would not be subject to the DHS review. This loophole would further increase the trend in illegal workers using stolen identity documents of U.S. citizens. To have closed this loophole, S.744 would have had to require the Social Security Administration to look for indications of multiple use of social security numbers, or the use of social security numbers of deceased persons or children and other anomalies that suggest ID fraud and share that information with DHS and the Department of Justice.

Another loophole in S.744 is the fact that the new mandatory verification system would be phased in over five years during which time illegal aliens would continue to have the possibility to gain employment with fake documents and to keep that employment after the new system is active.

**STATE AND LOCAL COOPERATION**—Because only the federal government can deport illegal aliens, local efforts at lessening the negative impact of illegal aliens depend to a large extent on cooperation from federal immigration authorities. That cooperation is largely with DHS’s Immigration and Customs Enforcement agency.<sup>14</sup> Programs that institutionalize those cooperative efforts are largely grouped under the rubric of ICE Access.

The oldest of those programs is the Criminal Alien Program that establishes links between ICE and state and local incarceration facilities to identify deportable aliens who will be turned over for deportation upon release. As an inducement for that cooperation, the State Criminal Alien Assistance Program compensates the local institutions for a share of the costs of imprisonment of those identified as deportable aliens.

In 1996 Congress mandated that the federal immigration authorities establish a training program for local law enforcement personnel which would lead to them being deputized as immigration enforcement agents for the identification, detention, and transfer of illegal aliens to ICE. This provision—Section 245(i)—was received enthusiastically by a large number of sheriff’s departments and other state and local agencies as a means to identify and deliver illegal aliens into the hands of DHS for deportation.

The program was effective at identifying illegal aliens for removal—so effective, in fact that it was vigorously attacked by the defenders of illegal aliens, who found a sympathetic ear in the highest echelons of the Obama administration.

**THE MORTON MEMO**—In 2011, ICE Director, John Morton, issued a series of internal directives instructing agency staff to focus their efforts almost exclusively on removing illegal aliens with criminal records or that pose a security threat. This meant that illegal aliens who had not been convicted

of a crime were not a priority and were not to be taken into custody. This obviously conflicted with the operation of the 287(g) program because it put federal immigration agents into the position of having to release many of the illegal aliens that had been detained by local authorities. The conflict resulted in ICE beginning the systematic dismantlement of the program. First it stopped admitting new jurisdictions into the training program. Then it began unilaterally rewriting 287(g) agreements to provide that only aliens who had been convicted could be identified to ICE.

In July 2009, ICE formally announced that 287(g) programs were to be circumscribed to require the participating local agencies to limit use of the program to the same priorities as specified for ICE.<sup>15</sup> Most of the remaining agreements with local law enforcement offices have been allowed to lapse or have been terminated. Those agreements with detention facilities have remained operational. Current information on the program on the DHS website indicates that the most recent cooperative agreement was concluded in 2010, and the number of current agreements has dropped from more than 70 to 37.<sup>16</sup>

The Obama administration has justified the dismantlement of the congressionally mandated 287(g) program, by explaining that the program was no longer needed because of a new program known as Secure Communities. That program, begun in 2008, and due to be operational nationwide in 2013, has led to a large increase in locally arrested aliens identified to ICE for deportation. But, it is not a substitute for 287(g) because it depends on fingerprint matching. An alien who got by the Border Patrol without apprehension and fingerprinting **will not** be in the fingerprint database as an illegal entrant and, therefore, will not be identified as a deportable alien.

In addition, in response to activist input from defenders of illegal aliens, ICE announced in April 2012 that it would no longer initiate enforcement actions against deportable aliens identified by the Secure Communities program who have committed “minor” criminal offenses.

**STATES’ INITIATIVE TO DETER ILLEGAL IMMIGRATION CONTROL**—In response to the growing presence of illegal aliens and the slackening in DHS enforcement efforts, many state and local governments have sought local solutions that they could apply to discourage the arrival of illegal aliens.

Typical of these actions was the legislation enacted in Arizona in 2007 to require all employers to use the E-Verify system to check that their new hires were legal workers. The law and subsequent legislation required police to check the identity of persons detained for some law infraction, required landlords to check the identity of tenants, and restricted open air day labor hiring practices. Some of those provisions were struck down by federal courts, but the key provision of mandatory use by all employers of E-Verify was upheld by the U.S. Supreme Court, thereby providing a clear path for other states that had adopted or were interested in adopting similar measures.<sup>17</sup>

At the local level, Hazleton, Pennsylvania was a pioneer. It adopted an ordinance in 2006 that required employers to verify the identity of employees using the E-Verify program and required landlords to check the identity of their tenants. The ordinance was enjoined by a federal court. However, following the Supreme Court's upholding of the Arizona provision, the Supreme Court on June 6, 2011 ordered a rehearing of the city's ordinance—to uphold the E-Verify provision.

A 2010 ordinance in Fremont, Nebraska is another example. It requires potential apartment renters to get an occupancy license from the Fremont Police Department and to show proof they are legally in the country. In July 2013, a federal appeals court reversed a lower court's ruling that the ordinance was preempted by federal law. The circuit court held that the city can still require all rental housing occupants to get an occupancy license, it can require them to disclose whether they're U.S. citizens, and it can take the names of all aliens and confirm whether they're in the country lawfully or unlawfully.

Into this area of unilateral state and local reform efforts, the federal government has forcefully weighed in on the side of the opponents of local reform efforts. The Justice Department launched investigations of local activist complaints of discriminatory use of the 287(g) program, and has supported lawsuits against enforcement laws. It sued Arizona, Alabama, South Carolina, and Utah.

And most recently, the Senate in S.744 has also adopted a measure to turn back the clock on local reform efforts. The bill would erase the efforts of state and local governments to counter the impact of illegal immigration on their local economies through mandating the use of the E-Verify system that the Supreme Court upheld. The bill includes a provision that preempts local enforcement laws by reserving to the federal government sanctions against employers of illegal workers.<sup>18</sup>

Despite the fact that immigration policy is clearly a national responsibility, and law enforcement against illegal immigration is most effective if administered nationally, it is counterproductive to deny state and local jurisdictions an active role, in cooperation with the federal authorities, in protecting their communities against the harm of illegal immigration.

## Conclusion

The IRCA amnesty legislation failed to deter illegal border crossing and visa violation because it failed to effectively deny jobs to illegal workers. The result was a surge in the illegal alien population. Congress is now engaged in a similar reform/amnesty effort, but with a much larger illegal alien population than in 1986. The backers of this effort claim that this time the amnesty will be based on

effective deterrence of future illegal immigration. However, an objective examination of S.744 reveals that the bill will do little to correct the mistakes and failures of the past.

Rather than providing security against illegal entry and visa overstayers, the bill passes off plans for new enforcement measures as a substitute for evidence of actual, tested, and proven effective enforcement measures. It is a mirage rather than an oasis.

By failing to design measures to close current loopholes in immigration law enforcement, S.744 would perpetuate and deepen public concern over immigration law abuse and confusion over which foreigners are legally present.



### S.744 would:

- ADOPT PROPOSED INCREASES IN BORDER CONTROL RESOURCES AS IF THEY WERE ACTUAL INCREASES: SUBSTITUTING PROMISES FOR PROVEN ACHIEVEMENT—JUST LIKE IN 1986.
- WEAKEN ALREADY LEGISLATED STANDARDS FOR IMPLEMENTATION OF A COMPREHENSIVE ENTRY-EXIT MATCHING DATABASE TO IDENTIFY VISA OVERSTAYERS.
- DISCARD THE EXISTING, RELIABLE E-VERIFY SYSTEM AND REPLACE IT WITH AN UNDEFINED SYSTEM.
- FURTHER ERODE THE ABILITY OF STATES AND LOCAL GOVERNMENTS TO ASSIST THE FEDERAL GOVERNMENT IN EFFORTS TO DISCOURAGE FUTURE ILLEGAL IMMIGRATION.
- DENY STATE AND LOCAL GOVERNMENTS THE ABILITY TO DEFEND THEIR COMMUNITIES AGAINST THE PRESENCE OF ILLEGAL ALIENS.

# Endnotes

1. (See “President Obama’s Record of Dismantling Immigration Enforcement” at <http://www.fairus.org/publications/president-obama-s-record-of-dismantling-immigration-enforcement>.)
2. Persons illegally residing in the country are those who logically benefit from lax enforcement and amnesty. But they often have family members and friends who share their interest. And some employers are anxious to keep their cheap labor supply. Ethnic solidarity groups sometimes portray immigration law enforcement as discrimination against their co-ethnics. And conservative libertarians and liberal internationalists see immigration law enforcement as a barrier to their open-border agendas. Some foreign governments fear the deportation of their nationals because that would mean a loss of remittances to family members in the home country and more competition for jobs if the aliens returned. Taken together, the illegal aliens have an extensive support network and deep financial backing.
3. Grassley, Sen. Charles (R-IA), Remarks in the U.S. Senate, Feb. 4, 2013.
4. Meissner, Doris et al., “At Its 25th Anniversary, IRCA’s Legacy Lives On,” Migration Policy Institute, Nov. 16, 2011.
5. FY’1012 Border Patrol apprehensions were 364,768 (a 7.2% annual increase). “U.S. Border Patrol Fiscal Year 2012 Statistics,” Customs and Border Patrol website consulted, July 25, 2013.
6. The mandatory E-Verify requirement by Arizona was upheld by the U.S. Supreme Court in *Chamber of Commerce v. Whiting*, 2011.
7. The Gang of 8 members are: Democrat Senators Schumer, Leahy, Bennett, and Durbin and Republican Senators Flake, Graham, McCain and Rubio.
8. “Bipartisan Framework for Immigration Reform,” report released by the “Gang of 8” Jan. 28, 2013.
9. *Ibid.*
10. “Immigration bill might not lengthen border fence,” Salt Lake Tribune, April 23, 2013.
11. “S.744 Border Security, Economic Opportunity, and Immigration Modernization Act,” Congressional Budget Office, June 18, 2013.
12. “Senate bill could slash illegal immigration by 50 percent: CBO,” Reuters, July 3, 2013.
13. “In light of the terrorist attacks perpetrated against the United States on September 11, 2001, it is the sense of the Congress that-- (A) the Attorney General, in consultation with the Secretary of State, should fully implement the integrated entry and exit data system for airports, seaports, and land border ports of entry, as specified in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), with all deliberate speed and as expeditiously as practicable...” Sec. 414, USA PATRIOT ACT
14. The exception involves those jurisdictions near to the border where the Border Patrol may take illegal aliens into custody for deportation.
15. Cristina Rodríguez, et al., “A Program in Flux: New Priorities and Implementation Challenges for 287(g),” Migration Policy Institute, March 2010.
16. DHS website visited July 8, 2013, <http://www.ice.gov/news/library/factsheets/287g.htm>.
17. *Chamber of Commerce v. Whiting*, 2011.
18. “The provisions of this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, relating to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens.” Sec. 274A(d) of S.744.



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