

FAIR Supports H.R. 2793, the Tracking Reoffending Alien Criminals (TRAC) Act

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The Federation for American Immigration Reform (FAIR) strongly encourages all Members of Congress to co-sponsor Congressman Jody Hice's bill that closes the loophole in federal law regarding the registration of illegal alien sex offenders. The TRAC Act requires U.S. Immigration and Customs Enforcement (ICE) to register convicted illegal alien sex offenders who have final orders of deportation or are in removal proceedings to the applicable registry under the Adam Walsh Child Protection and Safety Act of 2006.

Under current law, prisons and jails are required to notify state and local officials before releasing sex offenders and informing the sex offenders they must register with local law enforcement upon release. Inexplicably, ICE is not subject to that same mandate to ensure that convicted illegal alien sex offenders register. Worse, ICE refuses to reveal how many convicted sex criminals it has released, citing the agency's privacy policies.

Although precise data is unavailable, an extensive investigation last summer by the *Boston Globe* found that ICE released a large number of convicted illegal alien sex offenders without closely tracking their movements or forcing them to register as sex offenders in the state where they were released. Many of these illegal alien sex offenders were never deported because their home countries refused to take them back. As a result of the Supreme Court's ruling in *Zadvydas v. Davis* that indefinite detention of removable aliens is impermissible, ICE is required to release them after six months. The release of illegal alien sex offenders because they cannot be repatriated is unacceptable. However, this is the consequence of the Supreme Court's flawed holding in *Zadvydas*.

Yet, despite not having the obligation to notify state authorities of the release of convicted illegal alien sex offenders, ICE claimed it would implement a policy of doing so in response to the *Boston Globe* report. ICE has failed to live up to that promise. It is outrageous that ICE is not ensuring all convicted sex offenders are registered before they are released into American communities. The TRAC Act is needed to accomplish this commonsense public safety goal, because the Obama administration is unwilling to ensure convicted illegal alien sex offenders register in the absence of mandatory legislation.

Simply, it is crucial that Congress acts and explicitly mandates that ICE register all sex offenders they release, or the administration will continue endangering the American public and facilitating the victimization of innocent children. The TRAC Act accomplishes this objective and FAIR urges its swift passage.