



**National Immigration and Customs
Enforcement Council
of the
American Federation of Government Employees
Affiliated with the AFL-CIO**



October 8, 2013

Dear Esteemed Members of Congress,

I write to you today on behalf of roughly 7,000 officers, agents, and employees who work for Immigration and Customs Enforcement (ICE) in order to express my concern with the Biometric Exit Improvement Act of 2013 (H.R. 3141).

While fully implementing a functioning biometric entry-exit system at all ports of entry is among the most necessary of reforms to the nation's broken immigration system, H.R. 3141 does little to actually accomplish that goal.

Seventeen years ago, Congress required the development of an automated entry and exit control system to identify lawfully admitted aliens who have remained in the United States beyond the authorized period. Similarly, nearly nine years ago as a matter of national security, the 9/11 Commission recommended that the Department of Homeland Security should "complete, as quickly as possible, a biometric entry-exit screening system." To this day, however, no functioning biometric exit system exists. Estimates indicate that visa overstays account for 40% of all illegal immigration. Almost half of all those residing in the United States illegally first entered legally with a visa, never coming in contact with the United States Border Patrol. A fully functioning biometric entry-exit system at all ports of entry is the first step in safeguarding against this problem.

Unfortunately, H.R. 3141 responds to the lack of this needed system by weakening current law. While pedestrian land ports are required to have a biometric exit system, vehicles are specifically excluded. Instead, this bill merely creates a pilot program for vehicles to test the feasibility of a full-scale system. It is estimated that roughly 25% of all foreign visitors will therefore be exempt, creating an obvious national security loophole.

While H.R. 3141 sets deadlines for implementation of the system at air, sea, and pedestrian land ports, nothing is included that would actually compel any administration to comply with the law. The current Administration has already made it clear that enforcing the immigration laws enacted by Congress is not an administrative priority, forcing our officers and agents to act in direct violation of the law.

Even if an effective biometric exit system is established for all traffic at all ports of entry, the size of the ICE workforce is too small to effectively utilize it. With only 5,000 ICE immigration officers and agents nationwide – a force smaller than many police departments – ICE lacks the resources to locate and apprehend visa violators identified by the new exit system, rendering it useless.

Thank you for hearing my concerns. I would be eager to answer any questions you may have.

Sincerely,



Chris Crane
President