



The Truth about the Priority Enforcement Program (PEP)

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What is PEP?

In November 2014, the Obama Administration announced it was scrapping the U.S. Immigration and Customs Enforcement's (ICE) Secure Communities program and replacing it with a new initiative called the Priority Enforcement Program (PEP). The Obama Administration claimed that PEP was an improvement that would enable law enforcement to more effectively target criminal aliens.

That was a lie. In reality, the new program does just the opposite.

Secure Communities was effective because it compared fingerprints of all individuals booked into state and local jails to Homeland Security databases in order to flag immigration violations and deportable aliens. The program ensured that illegal aliens would be identified and removed from the country after serving time for their crime, not put back onto the street. PEP, however, only flags a small subset of criminal aliens in law enforcement custody who meet the Obama Administration's narrow enforcement priorities.

PEP requires that an alien already have a prior criminal **conviction** on record *before* ICE can take any action. This means that under PEP, ICE generally ignores illegal aliens until they have been convicted of a crime, regardless of whether or how many times they have been arrested. In doing so, the Obama Administration not only puts public safety at risk, but makes the alien's immigration offense inconsequential.

Adding to this public safety threat, the program requires ICE to ignore illegal aliens who:

- 1) Had been deported before January 1, 2014;
- 2) Were convicted of identity theft, immigration fraud, drug possession, or crimes related to unlawfully residing in the United States; OR
- 3) Meet a long list of vaguely-defined "humanitarian" concerns, including if they have family members in the United States, ties to the community, or health issues.

Further, ICE agents must get the approval of their Field Office Director in order to remove any illegal alien not in these three categories. Significantly, PEP also makes it harder for ICE to take custody of criminal aliens through the use of detainers, which allow ICE officers to request information or custody of aliens currently in state and local jails and prisons.

Why is PEP bad policy?

PEP THREATENS PUBLIC SAFETY. In 2016, ICE estimates that approximately 2.1 million criminal aliens are living in the United States, over 1.9 million of which are removable from the country. PEP allows criminal aliens who are already in law enforcement custody and identified as deportable by ICE to be released back onto the streets to commit additional crimes, creating more victims and putting the public at risk. In 2015, ICE reported releasing nearly 20,000 criminal aliens with more than 64,000 convictions. These convictions included more than 12,000 DUIs, nearly 2,000 cases of assault, over 200 kidnappings, and more than 200 homicides.

PEP ALLOWS SANCTUARY CITIES TO OBSTRUCT IMMIGRATION ENFORCEMENT EFFORTS. The new detainer forms created in PEP authorize state and local law enforcement officers to circumvent federal agents' judgment and refuse compliance with federal requests for cooperation and assistance, pursuant to a jurisdiction's sanctuary policy. In addition to allowing preventable crimes to occur, sanctuary policies undermine national security efforts, are expensive, create a magnet for further illegal immigration, and conflict with federal law.

PEP WASTES LAW ENFORCEMENT RESOURCES. Public resources are best utilized when the federal government can obtain custody of wanted criminal aliens at the time they are apprehended by law enforcement. It is very expensive and makes little sense to tie the hands of ICE agents and force law enforcement to release deportable aliens back onto the streets. A 2015 study conducted by a researcher from Texas Tech University School of Law estimated that American taxpayers spent **\$1.87 billion** in costs related to the incarceration of illegal aliens in 2014. These costs will inevitably increase as PEP ensures fewer criminal aliens are removed from the United States.

PEP ENCOURAGES ADDITIONAL ILLEGAL IMMIGRATION TO THE UNITED STATES. Negligible enforcement of immigration law tells the world that our immigration laws are not meant to be taken seriously. With over 11 million illegal aliens currently residing in the U.S., and hundreds of thousands more unlawfully crossing the border and overstaying visas each year, states all around the country are subject to the problems caused by unchecked illegal immigration. American families are increasingly bearing the costs of increased crime, overburdened healthcare systems, overwhelmed public schools, and depleted public benefits and services. While the decrease in quality of life attributable to illegal immigration is incalculable, FAIR estimates that the annual fiscal cost of illegal immigration to U.S. taxpayers – after accounting for tax revenue received from illegal aliens—is roughly **\$113 billion**, with the majority of these costs spent at the state level.

[For more information on immigration enforcement, visit FAIRus.org.](http://FAIRus.org)