

Statement of Ranking Member Henry Cuellar (D-TX)

Subcommittee on Border and Maritime Security

Hearing: “Does Administrative Amnesty Harm our Efforts to Gain and Maintain Operational Control of the Border?”

October 4, 2011

I would like to start today’s hearing with some basic figures related to illegal immigration in the U.S. There are currently an estimated 11.2 million undocumented aliens in this country. At present, ICE has the resources to remove approximately 400,000 undocumented aliens annually.

You do not have to be a mathematician to see there is an enormous discrepancy between the scale of the illegal immigration issue and the resources available to address it. Faced with that reality, ICE has made a reasonable decision to prioritize its resources to remove undocumented aliens who pose a threat to national security, public safety, or our immigration system, first and foremost.

Where I come from, this kind of smart use of limited resources is called good government. After all, why wouldn’t you remove someone with potential ties to terrorism before an elderly person? Why wouldn’t you remove a gang member before a pregnant woman? And why wouldn’t you remove someone with a history of DUIs before a child?

This kind of prioritization should be common sense. Indeed, the use of prosecutorial discretion is unique neither to the current Administration nor to ICE. Past Administrations have made similar choices when faced with similar circumstances.

Law enforcement agencies around the country – Federal, state, and local – utilize this enforcement tool to ensure they get “the worst of the worst” off our streets. There is a certain irony to the fact that ICE’s commitment to removing undocumented aliens is being called into question, when this Administration has removed more undocumented aliens annually than any of its predecessors.

That includes both criminal aliens and undocumented aliens overall. Recently, as part of ICE’s Operation Cross Check, DHS announced the identification and arrest of over 2,900 convicted criminal aliens. 1,600 of those arrested are murderers, kidnappers, drug traffickers, child predators, rapists, gang members, and convicted sex offenders.

This is a fundamental example of smart, focused and effective immigration enforcement. In a time of substantial budget cuts and limited resources, ICE continues to exercise their law enforcement discretion to place priority on identifying, arresting and removing immigration fugitives and criminal aliens.

I commend the work of Director Morton and the brave men and women of ICE who risk their lives to help keep our communities safe.

In closing, as a Member of Congress representing a district along the U.S.-Mexico border, I have to note my dismay regarding the title of today’s hearing. The hearing title implies there will be “amnesty” for border crossers, when in fact there will continue to be a “zero-tolerance” policy for these individuals.

Border crossers and egregious immigration violators are specifically prioritized for removal under ICE’s policy. Especially for those who purport to be concerned about the possible “magnet effect” of these memoranda on border security, it is nothing short of irresponsible to spread such misinformation.