

Senator Jeff Sessions
Questions for the Record
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1. **If S. 744 were to become law, do you believe that the Department of Homeland Security would deport those who enter the country illegally or overstay their visas after the bill's enactment?**

No, not unless the individuals fell in a high priority category, such as known terrorist or public safety threat to America. The “prosecutorial discretion” memos made clear two years ago that the Obama administration intended to not carry out immigration enforcement in a manner consistent with the law, including not apprehending or removing those who entered illegally or overstayed their visas. This was a stated policy that evolved from USCIS headquarters to DHS headquarters to ICE itself. For the politics behind the scenes on how immigration enforcement was intentionally set to be reduced over time, see my memo, [“Amnesty by Any Means”](#) and my series of “ICE Mission Melt” memos that outline how the reduction in interior enforcement manifested itself subsequently:

[ICE's Mission Melt 5: Another No Confidence Vote for Morton](#)

[ICE's Mission Melt 4: Houston, We Have a Problem](#)

[ICE's Mission Melt 3: Endangering America](#)

[ICE's Mission Melt 2: It Won't Say Yes to Congressional Support](#)

[ICE's Mission Melt: Agents Vote 'No Confidence' in Leadership](#)

In addition, the policy not only manifested itself in two votes of No Confidence for ICE leadership by ICE union members, mandated reductions in DOJ immigration caseload, failure to request appropriations for responsibilities ICE said it did not have the capability to respond to, but also in actual numbers. Here are some key items from a March 2013 Center for Immigration Studies Fact Sheet found [here](#):

- The most significant decline in arrests — 70 percent — was in the Homeland Security Investigations division, which is responsible for worksite enforcement, transnational gang cases, national security, and certain non-immigration related casework. HSI arrests declined from 54,000 in 2007 to 16,000 in 2011.
- Enforcement agencies can order aliens “removed”, which includes a bar to future entry for a time, or “returned”, a simpler procedure in which the alien departs, but without penalty or a hearing. Since 2007, the number of aliens ordered removed has increased by 23 percent, while the number returned has decreased by 64 percent.
- When taken together, the total number of removals and returns has declined 41 percent since 2007, from 1,210,000 to 716,000 in 2011.
- ICE reports that it removed and returned about 410,000 aliens from the country in 2012. This is an increase of 14 percent over the last five years, with the steepest increase occurring between 2008 and 2009. However, ICE's latest removal/return statistics include more than 85,000 aliens that were apprehended by the Border Patrol, which traditionally have not been counted with removals. ICE has not published a breakdown of border arrests vs. interior arrests.

- More than 1.2 million criminal aliens arrested by local police have been identified through the Secure Communities program since 2009. Of these, 247,000 have been removed so far. According to a Congressional Research Service analysis, over a 2.5-year period they studied, ICE also released tens of thousands of deportable criminal aliens, of whom 26,000 were later re-arrested for new crimes within the time frame of the study.
- Data from the Secure Communities program indicate that about half of aliens selected for removal are either multiple or repeat immigration violators, and about one-fourth are individuals who illegally re-entered after a previous deportation, which is a felony under federal criminal statutes.
- An independent research group at Syracuse University, the Transactional Records Access Clearinghouse (TRAC), which obtains immigration court data from the federal government, reports that, since 2009, there has been a significant decline in the number of aliens that ICE has brought to immigration court. The number of immigration court filings has declined 25 percent since last year, and 30 percent since 2009.
- In addition, the percentage of aliens ordered deported by immigration judges is the lowest rate since 1998, according to TRAC. Last year, judges ordered removal in 57 percent of the cases, and granted the alien's request to stay 43 percent of the time.
- It appears that the number of aliens who have failed to abide by deportation orders is rising. In 2012, ICE reported that there were 850,000 aliens present in the country who had been ordered removed or excluded, but who had not departed. In 2008, DHS said that there were 558,000 "fugitive aliens".

2. If S. 744 were to become law, how many total new immigrants, including those currently here illegally who would be granted some form of legal status and those who would be admitted to the country under all categories of chain migration, would be added to the United States over a ten-year period following the date of enactment and over a fifteen-year period following the date of enactment?

I do not know. The only organization I'm aware of that has attempted to place a number on those who would gain legal status under S. 744 is NumbersUSA, whose leadership states that "33 million lifetime work permits to be given to foreign citizens in the first decade after the bill passes." See the blog [here](#).

To be clear, I have no way of knowing how many total new immigrants S. 744 would legalize. I'm not sure anyone can really predict fully the numbers which encompass those already here that seek legalization, their family members, and some of those previously deported as well. What is even more troubling is that there is no way to truly predict over the next ten to fifteen years the consequences of far-reaching legalization provisions on future governmental programs; on culture and assimilation; nor public safety and national security. The effect of S. 744 should be thoroughly reviewed for a prudent, thoughtful discussion on what immigration means to America; what we want it to look like in years to come; and whether this legislation fulfills that mission.