

Statement of  
**The Honorable Chuck Grassley**

United States Senator  
Iowa  
May 18, 2011

STATEMENT OF SENATOR GRASSLEY FOR THE SENATE JUDICIARY COMMITTEE  
HEARING - "IMPROVING EFFICIENCY AND ENSURING JUSTICE IN THE  
IMMIGRATION COURT SYSTEM"  
MAY 18, 2011

Mr. Chairman. I'd like to say a few words.

I want to thank Senator Cornyn for serving as the ranking member for this hearing.

Although I'm open to listening, I have serious concerns with the recommendations for changing the court system set forth in the 2010 American Bar Association report.

I don't agree that a wholesale restructuring of the immigration court system is necessary. In particular, I'm hesitant to support creating either a specialized Article I court or a brand new agency to oversee the system.

Also, I have concerns about proposals to change the scope and standards of appellate review by either the Board of Immigration Appeals or the federal courts of appeals.

Rather, we should be looking to fix inefficiencies in the current system and to improve the immigration process. As part of this effort, I believe that expedited removals are a helpful tool and should be utilized more often.

I have to say that I'm troubled by the Obama Administration's approach to immigration. The Administration's approach appears to be based on a selective enforcement of the law --- begrudgingly enforcing some court orders, while disregarding hundreds of thousands of court orders it does not agree with.

Specifically, it appears that the Administration has made a conscious decision not to enforce hundreds of thousands of removal orders issued by the immigration courts and the federal courts of appeals. The Administration only enforces removal orders when an alien has been convicted of the most serious of crimes.

According to the statistics from the Executive Office for Immigration Review for 2009 and 2010, 52,517 aliens failed to appear for their court dates.

Based on the Administration's removal priorities, --basically convicted felons and border seizures only, -- this likely means 52,517 fugitives for just two years alone. And that's on top of hundreds of thousands of unenforced court orders from previous years.

In addition to the non-enforcement of removal orders, I continue to be troubled by reports that the Obama Administration has ordered government attorneys to dismiss pending removal cases on a wholesale basis.

Just yesterday, when Senator Cornyn asked John Morton, the Assistant Secretary of Immigration and Customs Enforcement, about the ordering of wholesale dismissals, his answer was less than clear.

Protecting our borders and citizens and enforcing our immigration laws is something that is absolutely required of the President and his Administration to fulfill their constitutional oaths.

The same is true for enforcing immigration court orders. The Executive Branch shouldn't get to selectively enforce orders. Each and every court order must be enforced.

Americans' commitment to compassion is unprecedented. Our immigration system is a powerful expression of that commitment.

However, an absolute commitment to the rule of law is the bedrock of our democratic form of government. Our laws are enacted by Congress as the representatives of our citizens. And those laws must be followed by all, --- including this Administration.

Unfortunately, the selective enforcement of the law is a recurring pattern with this Administration.