Testimony for the Record
Senate Committee on the Judiciary
Subcommittee on Border Security and Immigration
For the Hearing
Biden's Border Betrayal: Criminal Aliens in America
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Chairman Cornyn, Ranking Member Padilla, and Members of the Subcommittee:

Thank you for the opportunity to testify today. My name is Deborah Fleischaker. I currently serve as Principal Consultant at Blackbird Ventures LLC. Prior to that, I spent nearly 14 years at the U.S. Department of Homeland Security (DHS), including more than a decade as a career civil servant. From May 2021 to November 2023, I held senior leadership roles at U.S. Immigration and Customs Enforcement (ICE), including Assistant Director for Regulatory Affairs and Policy and later as Acting Chief of Staff. I concluded my government service as DHS's Executive Secretary and Acting Chief Privacy Officer.

Let me be clear: the views I express today are my own and do not reflect the official positions of DHS or ICE.

A Data-Driven, Public-Safety-Oriented Perspective

At the core of this hearing is a fundamental question: How can we best enforce immigration laws while protecting national security, ensuring public safety, and upholding constitutional rights? The answer must be rooted in facts, law enforcement professionalism, and the strategic use of limited resources—not fear-based narratives or indiscriminate tactics.

Unfortunately, the Trump Administration's immigration enforcement strategy continuously strays from these principles. Rather than focusing on dangerous individuals or recent unauthorized border crossers, the administration has embraced a quota-driven, dragnet-style approach that weakens—not strengthens—public safety.

A Quota System That Undermines Enforcement Effectiveness

One of the government's most sacred responsibilities is protecting the public. Federal law enforcement officers, including those at ICE, work hard—often at personal risk—to fulfill this mission. But within law enforcement, prioritization is essential. Resources are finite. Targeting must be strategic.

The Clinton, Bush, Obama, and Biden Administrations all implemented enforcement priorities that focused ICE's efforts on individuals who posed real threats: those with serious criminal convictions, risks to national security, or recent unlawful entries. These frameworks helped ICE allocate resources effectively, reduce recidivism, and reinforce public safety. And the evidence demonstrates that these priorities were effective. According to DHS data, over 90% of interior arrests during the Biden Administration involved individuals with criminal convictions or public safety concerns. And this was despite a bizarre litigation effort to hamstring the Biden administration from doing any prioritization at all. Eight justices of the Supreme Court ultimately rejected the lawsuit—upholding the executive branch's "discretion over arrests and prosecutions [that] extends to the immigration context."

In stark contrast, the Trump Administration eliminated these priorities. Instead, it mandated mass enforcement without meaningful distinctions. As widely reported, ICE has been pressured to meet a target of 3,000 arrests per day—many of them administrative, civil arrests involving individuals with no criminal background. When the number of arrests becomes more important than the quality of those arrests, it becomes tempting to focus on individuals who are less dangerous and easier to find and apprehend. This is borne out in the data. As of June 2025, 45% of people arrested by ICE had no criminal history at all, not even an arrest.

This quota-driven model is not only unjust; it is strategically flawed and a misuse of limited resources. It pulls officers away from high-impact targets who are serious risks to public safety, overwhelms detention and immigration court systems, and erodes morale within ICE itself. It reduces public safety by focusing on volume over risk.

Aggressive Tactics That Fracture Communities

The Trump Administration has also dismantled long-standing safeguards against overreach—leading to a rise in aggressive and indiscriminate enforcement tactics that endanger community trust.

This includes the rollback of protections at sensitive locations like schools, hospitals, places of worship, and most alarmingly, courthouses. ICE arrests at courthouses have surged, deterring victims of crime from seeking protection and discouraging witnesses from cooperating with law enforcement. It also punishes people for following the law and appearing in court - including immigration court - when required.

We've also seen a sharp uptick in roving patrols and arrests at worksites and in the community—often without regard to an individual's background, ties to the community, or the severity of any prior offenses. These tactics create fear and confusion, not safety.

Studies have consistently shown that community cooperation with law enforcement decreases when people fear that any interaction—whether as a victim or witness—may result in detention or deportation. This chilling effect makes entire neighborhoods, where U.S. citizens and noncitizens alike both live, less safe.

These sorts of indiscriminate enforcement actions also lead to mistakes and the arrest of U.S. citizens. As the reconciliation bill funnels virtually unprecedented amounts of money toward immigration enforcement, we should expect these sorts of mistakes not only to continue, but to increase in number.

Concealed Identity and Lack of Accountability

The Trump Administration has also permitted ICE officers to conduct operations while concealing their identities—a practice that is deeply at odds with professional law enforcement standards. Masked agents, carrying weapons sanctioned by the government, often operating without visible badges or name tags, erodes public trust and undermines accountability. We do not want violence in American streets simply because a civilian has no reasonable basis to know whether the masked man with a gun in front of them is an agent of the state.

To be clear, doxing or threatening federal law enforcement officers is completely unacceptable and should be unequivocally condemned. Officers deserve to be safe. But safety cannot come at the expense of transparency. In a democracy, the people have a right to know who is exercising government power—and under what authority.

When you combine the masking and failure to identify themselves with the Trump Administration's actual elimination of the ICE body worn camera program and the functional elimination of Congressionally authorized and appropriated DHS oversight offices like the Office for Civil Rights and Civil Liberties, the intention to avoid true accountability becomes stark.

Diverting Resources From Real Criminal Threats

Perhaps most troubling is how the Trump Administration's strategy has diverted law enforcement resources away from serious threats.

Law enforcement time and personnel should be devoted to public safety threats such as combatting organized crime, child exploitation, drug trafficking, and human smuggling, but are instead being redirected to civil immigration enforcement. Even within ICE, Homeland Security Investigations, the portion of the agency that focuses on serious criminal offenses such as transnational crime, has been redeployed to focus significantly on civil immigration enforcement. As was reported recently, this change in focus has led to a

significant reduction in morale and "[e]ven those that are gung ho about the mission aren't happy with how they are asking to execute it – the quotas and the shift to the low-hanging fruit to make the numbers."

ICE has also expanded the use of 287(g) agreements, deputizing local law enforcement officers to carry out immigration enforcement—often with little to no training in immigration law. This blurs the line between local policing and federal immigration enforcement, undermines community trust, and exposes municipalities to serious legal and constitutional risk.

Immigration enforcement is complex, and best left to trained professionals. Enforcing civil immigration laws without proper oversight or expertise increases the likelihood of unlawful arrests, civil rights violations, and costly litigation.

Smart Enforcement, Not Spectacle

In conclusion, we do not need broader enforcement. We need smarter, more targeted enforcement rooted in law, guided by priorities, and accountable to the people. The Trump Administration's mass-arrest approach prioritizes numbers over risk, fear over trust, and chaos over strategy. That approach makes us all less safe.

Immigration policy must be driven by a commitment to protecting communities, upholding the Constitution, and focusing limited resources where they matter most.

Thank you for the opportunity to speak with you today. I welcome your questions.