



National Immigration and Customs Enforcement Council



February 2, 2018

The President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump,

It is with great regret that I inform you that we are unable to support the *White House Framework on Immigration Reform & Border Security* issued on January 25, 2018.

While we appreciate language in the framework that would provide for a small number of Enforcement and Removal Officers, and an increase in detention space, we simply cannot in good faith support any legislative effort on immigration that does not include provisions regarding immigration detainees, sanctuary cities, and the smuggling and trafficking of children across U.S. borders.

On the matter of staffing, we want you to also understand that ICE is in desperate need of large numbers of support staff, and if those staffing shortages are not met, additional officers and attorneys that ICE receives will likely spend a significant amount of their time performing duties typically assigned to support staff, greatly diminishing their effect on law enforcement operations. While we cannot confirm, we are told that Congress has refused years of requests from ICE for much needed administrative support personnel.

Prior to your administration, ICE detainees provided the means by which ICE officers arrested criminal aliens already incarcerated in jails and prisons by other law enforcement agencies. Under your presidency, ICE officers were stripped of their authority to independently place detainees following pressure and threatened litigation from special interest groups opposed to immigration enforcement. Restoring the authority of ICE officers to independently arrest criminal aliens in jails and prisons is a critical force multiplier absolutely vital to public safety and ICE's ability to effectively support other law enforcement agencies. I respectfully request that you demand language codifying detainee arrest authorities for ICE officers in any legislation you sign.

For those detainees that are placed under the restrictions put in place by your administration, many sheriffs and jails have stopped recognizing those ICE detainees because they too face litigation from anti-enforcement groups. The end result is that criminal aliens are being released

back into communities, or ICE is using ten times the resources and manpower to apprehend these individuals before their release to the street. The impact to ICE law enforcement operations in areas where detainers are not recognized has been devastating, and the list of jails refusing to recognize ICE detainers increases monthly. With your administration's keen awareness of the need to reinforce detainer authorities and usage through legislation, not just for ICE officers, but for sheriffs and others in law enforcement, it was with surprise that we observed no such provisions in the White House framework.

Sanctuary city policies have left Americans dead and routinely victimized, creating safe havens for criminals and those that violate our nation's immigration laws. You are well aware that ICE's extremely limited resources are drained significantly in sanctuary jurisdictions as a result of their refusal to cooperate at almost every level. We cannot and will not turn our backs on the victims of sanctuary cities and jurisdictions, and therefore cannot support any legislation that does not attempt to rectify this growing problem.

Perhaps most concerning for us is the absence of legislative measures to prevent the smuggling and trafficking of children across our borders in the future. The current situation that exists on our southern border is one of playing Russian roulette with the lives of millions of children. Children die coming across the border, and are raped and molested. Many are forced to live horrific lives, selling drugs on our street corners, or in some cases selling their own bodies. It is estimated that in FY2014 more than 68,500 unaccompanied children were brought into the U.S. by smugglers, creating what was appropriately labeled a "humanitarian crisis" on the southern border of the United States. The presence of millions of "Dreamers" in the U.S. further illustrates the number of children put in harm's way as a result of failures in our current immigration laws. If providing status for Dreamers is truly a matter of what is moral, humane and just, we cannot continue, as a nation, to look the other way and ignore the horrors that face so many children being smuggled into the U.S. every day. Strong legislative measures should be included in this bill to deter any person from smuggling a child into the United States and placing the lives and safety of children in danger.

On the matter of "pay reforms" mentioned in the White House framework, we want to ensure that you are aware that for the last several years current ICE leadership has been pushing legislation that would impose large cuts to pay and retirement for ICE immigration officers and their families. The pay packages initially promised to ICE officers when they put on the badge, in some cases fifteen to twenty years ago, will literally be pulled out from under them. While the White House framework moves to protect foreign nationals in the U.S. illegally, if pay reform legislation previously proposed by ICE is included, it will be devastating for our officers and their families. In addition to the significant pay cuts right off the top, ICE immigration officers will not be afforded protections provided to other federal officers performing similar work. Collectively, the legislation pushed by ICE leadership on "hiring and pay reforms" will not "ensure the recruitment and retention of critically-needed personnel" as indicated in the White House framework. As we expressed to you in our November letter, ICE officers and their families desperately need pay and retirement problems addressed quickly, but the legislation proposed by ICE is not the answer and will only serve to harm ICE officers, their families, and the agency's ability to effectively perform its mission. If legislative pay reforms are planned for

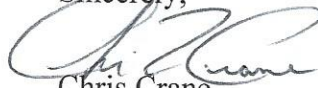
any employees within DHS, we certainly hope that ICE officer pay reforms will be included, and that someone from your staff will work with us and receive our input.

There is no border security or national security without robust interior enforcement and deterrents. With approximately half of all illegal aliens currently in the U.S. entering legally but overstaying their visas, almost half of the nation's illegal immigration problem will be completely unaffected by the construction of a wall or increased numbers of border patrol agents. Deterrents like E-Verify that end the enticement to come to the U.S. and work illegally, nationwide entry/exit systems that provide the ability to track visa overstays, and stronger laws that adopt a zero tolerance for smuggling children across our borders are as essential as the wall in stopping illegal immigration into the United States. What you negotiate on immigration isn't just a give and take negotiation, it sets the table for our nation's immigration enforcement policy and strategy moving forward, and any critical enforcement measures bargained away potentially leaves gaping holes in law enforcement's ability to provide for public safety and national security.

In closing, while we are not politicians, we have been working on Capitol Hill for almost a decade in an attempt to improve public safety, national security and operations within ICE. It is our very strong concern that if much needed security and enforcement provisions are given up by the White House to reach an agreement over a DACA-style amnesty, the nation will never see laws from Congress implementing the more important security and enforcement measures needed to protect the lives of all in our country. Once amnesty is passed, negotiations on enforcement and security will not be entertained by many in Congress. The negotiations you are currently engaged in are probably our last chance.

We wish you the best of luck in your upcoming negotiations, and please don't forget that we are always prepared to help in any way we can.

Sincerely,



Chris Crane
President