

Statement of

The Honorable John Cornyn

United States Senator
Texas
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U.S. Senate Judiciary Subcommittee on Immigration, Border Security and Citizenship
U.S. Senator John Cornyn (R-TX), Chairman

"Strengthening Interior Enforcement: Deportation and Related Issues"

Wednesday, April 14, 2005, 2:30 p.m., Dirksen Senate Office Building Room 226

I want to thank Chairman Specter for scheduling today's hearing.

I want to again say that I am pleased that today's hearing, like our last hearing, is a joint hearing of the Immigration and Border Security subcommittee, which I chair, and the Terrorism and Homeland Security subcommittee, chaired by Senator Kyl. As we noted this week, we plan to work together through these hearings and in negotiations to address the problems facing our immigration system.

I want to also thank the ranking member of this subcommittee, Senator Kennedy, and Senator Feinstein, the ranking member of the Terrorism subcommittee, along with their respective staffs for working with my office to make this hearing possible.

While traditional immigration issues do not always involve terrorism issues, we need to remember that terrorists desiring to enter this country explore illegal entry, alien smuggling and other ways to exploit our immigration laws to facilitate their entry into the country.

That is why I believe that having these two sub-committees jointly participate in these enforcement hearings bring important perspectives and depth to our review of these issues.

No serious discussion of comprehensive immigration reform is possible without a review of our nation's ability to effectively secure its borders and enforce its immigration laws. These discussions must necessarily include providing sufficient tools and resources to keep out of our country those who should be kept out, to identify those in our country who should be apprehended, and to remove from this country those the government orders deported.

These issues continue to dominate public discussions across the country and are among the most significant topics facing our country.

Just last month, President Bush met with the leaders of Canada and Mexico in my home state to discuss, among other things, border security. I hope today's hearing will build on that discussion.

INTRODUCING THE HEARING

This hearing is the second in a series of hearings planned on "Strengthening Enforcement." In our first hearing, we examined the challenges facing our inspectors at the ports of entry, including the need for adequate training, the need to provide them sufficient relevant information, and the need for document integrity. Beyond today's hearing, I hope to continue this series later this month by examining the tools and resources needed to protect our borders along the perimeter of the country in between the authorized ports of entry and other issues important to this discussion.

Today we will examine the challenges to adequate enforcement of our immigration laws in the interior of our country, away from the borders. Generally when people discuss immigration enforcement they naturally refer to border patrol agents. And, border patrol agents are critical to the enforcement process. However, illegal immigration issues are not limited to the border or to border states. Therefore, equally important are those immigration investigators, detention officers, and other professionals responsible for locating, detaining and removing those who are in this country in violation of our laws.

Recent events have highlighted the importance of these interior enforcement officials. First, intelligence professionals have expressed concerns that terrorists intend to surreptitiously enter the country. These concerns are striking given two significant events recently reported by the Homeland Security department.

First, DHS discovered an elaborate tunnel under the California/Mexico border complete with a cement floor and intercom connecting a house in Mexico to a home in California. Additionally, ICE agents recently rounded up more than 100 gang members from the violent Central American gang MS-13, all of whom were in this country illegally. Both of these examples illustrate the emerging national security threat that worry intelligence officials as established smuggling routes and violent gangs can easily be made available to terrorists to facilitate entry into the country, for the right price.

Today's hearing addresses this critical portion of our immigration system. Because no country can effectively carry out its sovereign function to enforce its laws unless it can effectively apprehend those who should be arrested and efficiently remove them from the country, we must scrutinize these issues. Unfortunately, I fear that recent rulings from the Supreme Court require the government to release dangerous aliens, who have been ordered removed, onto our streets.

I intend to ask our witnesses today about the types of aliens ordered removed who have been released onto our streets.

Also I fear that today's hearing will amply demonstrate that we face serious problems within our deportation system that impede the enforcement of our final orders of deportation, particularly as it relates to those who have committed crimes against our country while guests of our country. Simply put, our nation's process for deporting individuals who are not lawfully entitled to be in the United States is over-litigated and under-resourced - over-lawyered and under-equipped. We must find a better way of removal-because if we are not serious about deporting those ordered deported, we can never be serious about reform.

Additionally, we will examine various related issues associated with the detention of those here illegally.

Specifically, today's witnesses will address detention bed space limitations, alternatives to detention, the difficulty locating those who abscond, and other alternatives such as using Memorandum of Understandings with state and local law enforcement like those used in Alabama and Florida. We will also discuss the investigative priorities of interior Immigration agents. I hope to hear how they intend to meet their priorities and how they intend to balance them with the approximately 6,000 ICE agents available to address the approximately 10-12 million people here illegally. This obvious disparity in numbers is something we must address.

Our interior enforcement personnel are highly dedicated and loyal public servants. They face monumental tasks and carry out their assignments professionally and diligently. I hope to hear today how Homeland Security plans to enhance their enforcement efforts and what impediments the Justice Department has identified to effectively deporting those ordered removed.

And with that, I will turn the floor over to Senator Kyl, and then to Senator Kennedy and Senator Feinstein, for any introductory remarks that they each may have.