

Memorandum

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Money Talks Selected Immigration-Related Proposals In the President's FY 2011 Budget

By James R. Edwards, Jr.

President Obama submitted his fiscal year 2011 budget proposal to Congress, as required by law, on February 1, 2010. This *Memorandum* examines several of the immigration-related provisions of that budget proposal.

Most immigration-related responsibilities lie with the Department of Homeland Security (DHS). In general, the president's budget would fund DHS in the coming fiscal year at \$43.6 billion. This represents a 3 percent increase over FY 2010.¹

In short, the president's budget would:

- Add \$137 million for the E-Verify and SAVE verification programs.
- Boost funding for criminal alien removal, including the Secure Communities program.
- Cut the Border Patrol's force size by 180 officers.
- Not build out the Southwest border fence.
- Reduce funding for the Southwest Border Initiative's "virtual fence."
- Do little to use state and local law enforcement in immigration enforcement as the natural force multiplier it has proven it can be, except in a few targeted locales.
- Back further away from the proven "attrition through enforcement" strategy.

Key Boosts in the Budget

Two main immigration-related budget items would see increases under the administration's FY 2011 budget. One verifies individuals' immigration status and the other facilitates the deportation of criminal aliens.

First, the administration would increase funding for important verification programs. The E-Verify program and the Systematic Alien Verification for Entitlements (SAVE) program get an additional \$103 million in the Obama budget. The agency that administers these two programs, U.S. Citizenship and Immigration Services, is scheduled to receive an extra \$137 million, mainly for E-Verify and SAVE expansion.

These are critical programs and, thus, this proposal is a good development. E-Verify provides employers nationwide with a free resource to ascertain the employment eligibility of new hires. Available to all employers for voluntary participation, E-Verify is now required for certain employers in at least 13 states and for most federal contractors. It serves a critical role in shutting off the "jobs magnet" that draws many illegal aliens into this country. The program also gives employers rapid worker verification and the peace of mind that they employ a legal workforce,

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saving employers from investing in an employee's training only to learn much later that he or she is unlawfully in the country and ineligible to work here.

The SAVE program provides federal, state, and local welfare agencies a reliable means of verifying immigration status before enrolling an individual in a public assistance program. This protects taxpayers, as well as those honestly eligible for welfare benefits. SAVE is used for more than 70 public benefits programs.

Second, Immigration and Customs Enforcement receives \$1.6 billion designated for identification and removal of criminal aliens, primarily through the Secure Communities program. This program works with state and local jails to find illegal aliens who have committed crimes, then facilitates these aliens' deportation. The program is good as far as it goes. However, many consider it inferior to the 287(g) program, at least 287(g)'s pre-Obama form. This administration has encumbered state and local law enforcement's role in assisting with immigration enforcement; the Obama administration has curbed 287(g) to largely just a jails program, similar to Secure Communities. It also has forced an unwarranted and unhealthy focus almost solely on illegal aliens who have committed violent crimes. Nevertheless, expediting the removal of criminal aliens from the country remains a worthy objective.

In addition, it should be noted that the president's budget, through the Department of Justice (DOJ), boosts funding for combating drug trafficking along the Southwest border. In particular, the Drug Enforcement Administration's El Paso Intelligence Center receives an additional \$54 million. Drug cartel-fighting task forces also get \$37 million more under this proposal. Both DOJ efforts intersect with law enforcement involving foreign nationals, many of whom are criminal illegal aliens.²

Weakened Border Security and Softened Immigration Enforcement

At its core, government's immigration responsibilities mean attending to the physical border, maintaining control over entry and exit, and ensuring security against illicit entry. What the president's budget proposal omits says nearly as much as those subjects about which it speaks. Rep. Lamar Smith (R-Texas), ranking Republican on the House Judiciary Committee, noted in a press statement several of the administration's omissions:

The administration ... didn't find funds for any of the following critical homeland security programs: There is no funding for a single new detention bed, no increase in funds to find and deport immigration fugitives or criminal aliens, no additional special agents to investigate workplace immigration violations, no funding to expand the visa security program, and no funding to build any more of the border fence.³

The president's budget submission reduces the Border Patrol force. President Obama would eliminate 180 Border Patrol officers, America's front-line agents, even though the current roster of 20,000 officers is generally regarded as insufficient to fulfill the agency's mission. The United States-Mexico border, which stretches for 2,000 miles, is routinely breached by drug cartels and smugglers of illegal aliens.

The Secure Fence Act mandates that 900 miles of actual, physical border barrier be constructed along the U.S.-Mexico border. Only 643 miles of steel and concrete, heavy-duty border fence has been constructed to date. No new monies for construction of this deterrent are requested in the president's FY 2011 budget.

The Southwest Border Initiative (SBI), which entails the installment of a "virtual fence" at certain parts of the Southwest border, would be cut in the Obama budget. The proposal reduces this line item by \$225 million, from \$800 million in FY 2010 to \$575 million in FY 2011. The "virtual fence" includes use of high-tech cameras and motion sensors. It is intended to identify locations where the border is being breached and alert Border Patrol to intercept the lawbreakers. Granted, SBI has run into problems and many have questioned the concept of having merely a fancy alert system rather than a physical deterrent. But most people agree that having something, even a "virtual fence," beats having nothing at a given location on the border.

In the Department of Justice budget, the administration proposes to cut a program that helps keep illegal aliens behind bars. The State Criminal Alien Assistance Program (SCAAP) reimburses state and local prisons and jails a portion of the incarceration costs of criminal aliens. The Obama budget would cut SCAAAP by \$70 million, from \$400 million to \$330 million.

Summary

On the whole, the Obama administration's FY 2011 budget submission reflects the policies it has put in place over the administration's first year in office. This administration has undercut, across the board, the most effective immigration enforcement measures enacted in the final years of the Bush administration. The Bush measures provided proof that an "attrition through enforcement" strategy works and represents the most practical, humane, cost-effective approach to controlling our borders.

Regrettably, the Obama DHS has relaxed many of those efforts. Rosemary Jenks of NumbersUSA has written:

Since taking office, Secretary J-No [Janet Napolitano] has dismantled many of our most effective enforcement tools. She has:

- *Ended worksite raids;*
- *Prohibited state and local police from turning over regular illegal aliens (i.e., those who have not committed any crimes except illegal entry or other crimes associated with being in the United States illegally) to Immigration and Customs Enforcement (ICE);*
- *Rescinded the so-called "No-Match Rule" which told employers to fire known illegal-alien workers; and*
- *Worked to repeal the REAL ID Act, which prevents illegal aliens from obtaining state driver's licenses, among other things.⁴*

The Obama budget for next year reflects those policies. It has a few bright spots, such as boosts for E-Verify and criminal alien removal, but also many freezes or cuts into meat and bone on core border security functions. The combination amounts to a return of "catch and release" and the administration's repeated enthusiasm for amnesty.

End Notes

¹ Budget of the United States Government, Fiscal Year 2011, Office of Management and Budget, Washington, D.C., "Department of Homeland Security," pp. 81-84, <http://www.whitehouse.gov/omb/budget/fy2011/assets/homeland.pdf>.

² Budget of the United States Government, Fiscal Year 2011, Office of Management and Budget, Washington, D.C., "Department of Justice," pp. 95-98, <http://www.whitehouse.gov/omb/budget/fy2011/assets/justice.pdf>.

³ Lamar Smith, "Administration Is Not Serious About Immigration Reform," press statement, House Judiciary Committee, February 2, 2010, <http://republicans.judiciary.house.gov/News/Read.aspx?id=294>.

⁴ Rosemary Jenks, "J-No's World," NumbersUSA blog, February 4, 2010, <http://www.numbersusa.com/content/nusablog/jenksr/february-4-2010/napolitano-says-border-secure-evidence-says-otherwise.html>.