

110TH CONGRESS
1ST SESSION

S. RES. 239

Expressing the sense of the Senate that the Administration should rigorously enforce the laws of the United States to substantially reduce illegal immigration and greatly improve border security.

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2007

Mr. SESSIONS (for himself, Mr. DEMINT, Mrs. DOLE, Mr. GRASSLEY, and Mr. VITTER) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Expressing the sense of the Senate that the Administration should rigorously enforce the laws of the United States to substantially reduce illegal immigration and greatly improve border security.

Whereas the President of the United States has the primary authority to employ Federal Government resources to enforce Federal immigration laws;

Whereas an estimated 40 percent of the estimated 12,000,000 to 20,000,000 illegal immigrants in the United States have overstayed their nonimmigrant visas;

Whereas the implementation of the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program would provide the Federal Government with in-

formation about whether people who entered the country on a short-term visa return to their countries of origin before such visas expire;

Whereas the decision of the Department of the Treasury to allow financial institutions to accept the Mexican matricula consular card as valid identification for the purpose of opening bank accounts encourages illegal immigrants to remain in the United States;

Whereas Federal Bureau of Investigation officials have testified under oath that the matricula consular card “is not a reliable form of identification, due to the nonexistence of any means of verifying the true identity of the card holder” and because the card is so vulnerable to fraud and forgery “there are 2 major criminal threats posed by the cards, and 1 potential terrorist threat.”;

Whereas the current and previous Administrations have failed to enforce the legally binding affidavits of support signed by sponsors of immigrants;

Whereas the lack of such enforcement sends a message to immigrants that they can wrongfully take advantage of government benefits paid for by American taxpayers;

Whereas 98 percent of illegal immigrants arrested along the international border between the United States and Mexico between 2000 and 2005 were released across the border without prosecution, and many of such illegal immigrants were caught and released multiple times;

Whereas such a catch and return without prosecution policy encourages illegal immigrants to keep trying to enter illegally and creates a revolving door of illegal immigration;

Whereas the current and previous Administrations have largely ignored laws enacted as part of the Immigration

Reform and Control Act of 1986 that impose fines on businesses that employ illegal workers;

Whereas in 2004, the Administration did not issue any final orders to employers for hiring illegal immigrants;

Whereas in 2005, the Administration issued only 10 such final orders;

Whereas not enforcing employer sanctions encourages the hiring of illegal immigrants and the easy availability of jobs acts as a magnet that attracts illegal immigrants;

Whereas neither the Department of Homeland Security nor the Department of Justice has filed suit to stop any of the 10 States that allow colleges and universities to offer in-State tuition rates to illegal immigrants in violation of section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996;

Whereas such a policy unfairly burdens United States citizens because there are fewer places for legal residents in those colleges or universities and out-of-State students pay higher tuition than the tuition charged to illegal immigrants;

Whereas in some judicial jurisdictions alien smugglers will not be prosecuted by the United States Attorney's Office unless they are caught smuggling at least 12 illegal immigrants;

Whereas such a policy acts as an incentive for smugglers to continue their trade as long as they do not breach the arbitrary threshold for prosecution;

Whereas, as of June 2007, there are only 13,500 active border patrol agents, which is 1,306 less than the number Congress required be in place by the end of fiscal year

2007 under section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004;

Whereas more Border Patrol agents would help ensure effective control of the international border between the United States and Mexico;

Whereas, as of June 2007, there are only 27,500 detention beds for holding illegal immigrants, which is 15,944 less than the number Congress required be in use by the end of fiscal year 2007 under section 5204 of the Intelligence Reform and Terrorism Prevention Act of 2004;

Whereas additional detention beds would help ensure that all criminal aliens and individuals apprehended while crossing the border illegally are detained prior to prosecution and deportation;

Whereas, as of June 2007, there are only 5,571 immigration investigators, which is less than the number Congress required be in place by the end of fiscal year 2007 under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004;

Whereas additional investigators would help ensure that sufficient worksite enforcement is performed to impose employer sanctions on those who hire illegal immigrants;

Whereas the Secure Fence Act of 2006 requires that more than 700 miles of fencing be built along the international border between the United States and Mexico;

Whereas as of June 5, 2007, only 87 miles of fencing exists, even though such fencing helps deter illegal border crossing;

Whereas the Department of Homeland Security may use expedited removal procedures for any illegal immigrants who have not been admitted or paroled into the United

States and who have not affirmatively shown that they have been inside the United States for 2 years;

Whereas the Department of Homeland Security only uses expedited removal procedures for illegal immigrants who are apprehended within 100 miles of the United States border and within 14 days of entry to the United States even though wider use of expedited removal would help decrease the number of appeals of removal orders which clog the Federal court system;

Whereas the current Immigration Violators File in the National Crime Information Center (NCIC) database is being underutilized and could be expanded so that State and local law enforcement could help locate the more than 600,000 alien absconders living in the United States; and

Whereas the current illegal immigration crisis is a direct result of this and previous Administrations failing to enforce or adequately enforce at least 8 immigration laws passed by Congress and enacted by the current and previous Administrations: Now, therefore, be it

1 *Resolved*, That the Senate believes that—

2 (1) the Administration should—

3 (A) implement the entry and exit portions
4 of the United States Visitor and Immigrant
5 Status Indicator Technology (US–VISIT) as re-
6 quired under the Illegal Immigration Reform
7 and Immigrant Responsibility Act of 1996;

8 (B) reverse the United States Treasury
9 Department decision to allow financial institu-

4 (C) enforce legally binding affidavits of
5 support signed by sponsors of immigrants;

(D) end the practice of catching illegal immigrants at the border and returning them without prosecution;

9 (E) enforce the employer sanctions con-
10 tained in the Immigration Reform and Control
11 Act of 1986;

12 (F) enforce section 505 of the Illegal Im-
13 migration Reform and Immigrant Responsibility
14 Act of 1996, which prohibits in-State college
15 tuition for illegal immigrants;

16 (G) require prosecution of anyone caught
17 smuggling immigrants across the border regard-
18 less of how many immigrants are being smug-
19 gled;

20 (H) increase the number of full-time bor-
21 der patrol agents by at least 1,306 by the end
22 of fiscal year 2007, as authorized by the Intel-
23 ligence Reform and Terrorism Prevention Act
24 of 2004;

6 (J) increase the number of full-time immi-
7 gration investigators by at least 1,600 by the
8 end of fiscal year 2007, as authorized by the
9 Intelligence Reform and Terrorism Prevention
10 Act of 2004;

11 (K) comply with the Secure Fence Act of
12 2006 by building over 700 miles of fencing
13 along the international border between the
14 United States and Mexico;

15 (L) increase the use of expedited removal
16 procedures for all illegal immigrants eligible for
17 removal under United States immigration laws;
18 and

19 (M) expand the Immigration Violators File
20 in the NCIC database to include information on
21 aliens with final orders of removal, aliens with
22 expired voluntary departure agreements, aliens
23 whom Federal immigration officers have con-
24 firmed are unlawfully present, and aliens whose
25 visas have been revoked; and

1 (2) taking the steps set forth in paragraph

2 (1)—

3 (A) will lead to a substantial reduction in
4 illegal immigration; and

5 (B) will greatly improve the border security of the United States.
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