# CALL TO ACTION

## *How President Obama Can Stop the #BorderCrisis*

HOUSE COMMITTEE *on the* JUDICIARY | *Chairman Bob Goodlatte*

***President Obama's policies have caused the crisis at our southern border and he has tools at his disposal to fix it. Here are several steps the President can take now to stop the surge at the border.***

**• Send the strong, public message that those who enter illegally will be returned.**

President Obama needs to use his bully-pulpit to send the clear message that those who are seeking to enter the U.S. illegally will be returned to their home countries and that subjecting children to the perilous trek northward to our southern border will no longer be tolerated. Unfortunately, most of the money requested in the President's emergency supplemental seems geared toward processing Central Americans rather than stopping the surge itself. With Obama's current policies, this just means that more illegal border crossers will be eligible to stay in the U.S.

**• Stop abusing his prosecutorial discretion authority.**

Over the past five years, President Obama and administration officials have abused "prosecutorial discretion," a tool meant to give the Executive Branch flexibility in individual cases. Instead he has stretched this authority beyond all recognition in order to shield entire categories of deportable aliens from facing the law. This sends the message to the world that if you get into the U.S. illegally, you will not be deported.

**• Stop releasing convicted criminal aliens from detention.**

In Fiscal Year 2013, U.S. Immigration and Customs Enforcement (ICE) released over 36,000 criminal aliens from detention who were in removal proceedings or had been ordered removed, in the large majority of cases purely as an act of discretion not compelled by any federal court or immigration judge. These 36,000 criminal aliens had nearly 88,000 convictions, including 193 homicide convictions, 303 kidnapping convictions, 426 sexual assault convictions, 9,187 dangerous drug convictions, and 16,070 drunk or drugged driving convictions. This sends the message that not even aliens with criminal convictions will be detained.

**• Crack down on fraudulent asylum claims.**

The House Judiciary Committee obtained an internal Department of Homeland Security (DHS) report which shows that at least 70% of asylum cases contain proven or possible fraud. The Administration has refused to take steps to stop asylum fraud, which has encouraged more aliens to come to the U.S. and make false claims. Yet the Obama Administration continues to set records for approving claims. In fact, in 2013 under the Obama Administration immigration judges granted 74% of all affirmative asylum claims.

**• Implement tougher standards for "credible fear" claims.**

In order to thwart "expedited removal" proceedings, family units caught along the border or at ports of entry often claim a "credible fear" of persecution in their home countries and seek a hearing before an immigration judge (usually years later). While awaiting the hearing, they are released into the U.S. and receive work authorization while their case is pending. The Obama Administration is granting approximately 92% of all "credible fear" cases decided on the merits in FY 2013. In fact, credible fear claims have increased 586% from 2007 to 2013 as word has spread about the rubberstamping of applications. The Obama Administration has not effectively curbed "credible fear" abuse, which has dramatically encouraged more illegal border crossings.

**• Detain asylum seekers until their claims are proved valid.**

One way to deter fraudulent asylum claims is to detain asylum seekers while the government determines whether their case is legitimate, rather than releasing them into the U.S. Most non-detained asylum seekers who lose their cases and are ordered back to their home country simply disappear into our communities. This must stop.

**• Restore agreements with local law enforcement agencies to enforce immigration laws.**

About 5,000 ICE agents have the duty of enforcing our nation's immigration laws. These agents have to deal with at least 11 million unlawful immigrants in the United States and many thousands of aliens who have committed deportable crimes. We need help. Currently, there are over 730,000 state and local law enforcement officers in the United States. Under current law, DHS is allowed to enter into agreements with states and localities – commonly referred to as the 287(g) program – under which state and local law enforcement officers who have been trained by DHS can assist in the investigation, apprehension and detention of removable aliens. Unfortunately, the Obama Administration effectively killed this commonsense program. The Administration should reverse this foolish decision and allow state and local law enforcement officers to help with enforcing our immigration laws. This would send the message that the United States is serious about enforcing our immigration laws.

**• Employ diplomatic resources to stop the border crisis.**

President Obama should exhaust all diplomatic resources to end this crisis. He needs to work with the Mexican government to help secure its southern border with Guatemala and he also needs to work with the governments of Guatemala, Honduras, and El Salvador to help them dissuade their citizens from making the dangerous journey to the U.S.

**• Give Border Patrol agents access to federal lands.**

Border Patrol agents in the Rio Grande Valley sector cite restrictions that bar access to federal lands as a significant stumbling block to securing the border. The Departments of Interior and Agriculture currently have rules that prevent Border Patrol agents from accessing federal lands near the border under the guise of environmental preservation. As a result, federal lands along the border provide drug traffickers, human smugglers, and unlawful immigrants effective routes and hiding places where Border Patrol agents cannot reach them. President Obama should reverse this foolish policy.

The Department of Homeland Security expects to apprehend more than 90,000 unaccompanied minors on the border this year. The estimated number of "UAMs" apprehended in 2014 represents a 1,381% increase since 2011, while the projected number of 142,000 apprehensions in 2015 represents a 2,232% increase.