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The United States & Foreign Immigration

The issue of immigration and securing borders is currently a controversial topic with the new Presidential administration. Some people have reacted with fear and anger, others with celebration and others with confusion.

This issue matters to local law enforcement even as we are confronted by people showing all the emotions and political concerns listed above. After all, we police immigrant communities including those here legally and those not here legally.

It is my belief that America has done a terrible job in dealing with immigration issues. Fear, greed and ignorance have variously impacted our confused and self-undermining non-policy.

Here are some facts and some opinions which guide our Department's practices in the area.

Facts

Pierce County is not a "sanctuary jurisdiction." We cooperate with ICE and ICE personnel regularly visit our jail. But we do not enforce Federal Administrative law.

People need to know that being in the United States illegally is not a criminal offense but a violation of Federal Administrative law much like failure to pay income tax or failure to obtain a proper forest harvesting permit.

I have informed our colleagues in ICE that Pierce County will abide by the applicable Federal District Court decision in *Miranda-Olivares v. Clackamas County* which holds that an inmate may not be held in local custody based simply on an immigration officer's claim of an immigration detainer. This does not make us a sanctuary County. It does make us an agency that seeks to obey procedural law.

We will endeavor to inform ICE when a person in our custody is about to be released and allow them to take action to assume custody if they choose. We intend to honor Federal arrest warrants and hold individuals for Federal Agents under those circumstances. My goal is work with ICE and also to comply with Federal Court opinion / direction.

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My Opinions

Federal immigration policy is a shambles and needs to be reformed. The reform should start with the securing the borders. Today if a person is deported to their home country, they can often make their way back across the border in a short time. It is a bit like pouring water through a sieve.

Under these circumstances, ICE is expected to perform an impossible job.

I do not believe in “sanctuary cities” since the premise of the sanctuary movement is that persons illegally in the United States are fleeing from political repression or are people who are displaced by war or famine or otherwise qualify as refugees. I know that there are people who truly fit the definition of a refugee. But many people do not.

Most people who are in the United States illegally do not fit the stereotypes of the far right or the far left. No, they are not all criminals. Very, very few are criminals. No, they are not all free-loaders. Many work their heads off. But they are not all martyr-victims either.

Most are here for economic reasons: to improve their economic position and to better support their families. Whether this upsets you or reassures you, it is nonetheless the reality which guides the behavior of millions of people in the country illegally under Federal non-criminal statute.

A nation which does not control its borders is weaker for that lack of control. The border cannot be a sieve. America first needs to exert that control and then address the fact that there are millions of people who are here illegally. And the idea that we would be able to apprehend and deport 11 million people, well, that is just absurd.

So, what should we do ? After better securing the borders, we should identify and deport those engaged in serious criminal activities. Others who are here illegally should be offered the chance to self-identify; should be assessed a fine (payable over time if necessary); and then should be allowed to apply for legal temporary resident status.

This could, over a period of time, be a route to get in line and apply for citizenship. Criminal activity should be automatic grounds for deportation. This is not an anti-immigrant approach. It is intended to respect both our sovereignty as a nation and to bring order to our currently unworkable and unfair approach.

This is not a new plan. A similar approach was advocated by President George W. Bush and Senator John McCain years ago. It both establishes border control and provides a practical means of dealing with the millions of people who reside here illegally (having violated Federal administrative law) but who are not in violation of any Federal or State criminal laws.

Adopting this plan would help spare local law enforcement from dealing with the broken, ineffective, convoluted Federal approach to immigration policy. The fact is, it would help spare Federal law enforcement from the same issues.