

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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### Opening Statement Rep. Elijah E. Cummings, Ranking Member

#### Hearing on "A Review of the Department of Homeland Security's Policies and Procedures for the Apprehension, Detention, and Release of Non-Citizens Unlawfully Present in the United States (Part II)"

March 19, 2015

Thank you, Mr. Chairman. And thank you, Assistant Secretary Saldaña, for testifying here today. We thank you for your service.

There are about 11 million undocumented immigrants living in our country today. Many of these people are from hardworking, taxpaying families looking for a better life, many have lived here since they were children, and many have raised children of their own.

This past weekend, I spoke with some of these families in my home state of Maryland. I heard firsthand how they live with fear and uncertainty about their futures. They work hard and make their homes in our neighborhoods, yet they live every day in the dangerous outskirts of our society.

Almost everyone agrees that our immigration system is broken. Last Congress, the Senate passed legislation supported by Democrats and Republicans that would have offered a comprehensive approach to this problem.

The bill not only would have provided a responsible path to citizenship for those who pass background checks and meet other requirements, but it also would have improved our visa systems and established stronger enforcement mechanisms.

But House Republicans refused to call up this bill for a vote. Despite Speaker Boehner's pledge to address comprehensive immigration reform, a minority of House Members in the Republican Party stood in the way.

As a result, in November, I joined 116 of my colleagues urging President Obama to use his executive authority to address some of the problems facing our immigration system.

On November 20, 2014, the Administration took a series of steps to strengthen enforcement, enhance public safety, and temporarily provide peace of mind to qualifying immigrants.

In response, House Republicans attacked the Administration's actions, even as they refuse to act themselves. For example, they held up funding for the Department of Homeland Security, and they have criticized the Administration for not removing immigrants who commit crimes.

Let me make a few points for the record in response to this claim.

The Obama Administration has removed more people from this country than any Administration in history. Removals hit an all-time high of 438,421 individuals in 2013.

Under the Obama Administration, criminal removals have also reached record highs. They have more than doubled from the prior Administration—increasing from 84,000 in 2003 to 207,000 in 2012.

With respect to the release of immigrant criminals, the Administration is bound by court cases and immigration judge rulings that require releases in many instances. In other cases, DHS releases detainees on a discretionary basis after weighing risk factors, including criminal records, medical histories, and flight risks.

These are the same types of factors routinely considered by local, state, and federal law enforcement agencies every single day for the general population.

In fact, according to an April 2014 report issued by the Department of Justice, the recidivism rate after 12 months for prisoners released across 30 states is more than 20%. In contrast, DHS data on immigrant criminals released in FY 2013 shows a recidivism rate of less than 3%.

I want to be clear here—these decisions are not easy, and the dangers of recidivism are very, very real. Personally, I would be devastated to learn that someone who injured or killed a member of my family had been in custody, but was released. And I would feel exactly the same way regardless of whether the attacker was an immigrant or a U.S. citizen.

We have the ability to work together to tackle these issues. The fact is that the comprehensive immigration bill adopted by the Senate on a bipartisan basis would have doubled the number of Border Patrol Agents, established an improved system for employers to verify their workers' legal status, and provided new security measures along the border. But it was never allowed a vote in the House of Representatives.

It is time to reach out across the aisle and pass comprehensive immigration reform legislation. I sincerely hope we will be able to do so.

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