



**U.S. Immigration
and Customs
Enforcement**

April 28, 2011

The Honorable Zoe Lofgren
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Lofgren:

I write to express my regret for the confusion regarding the Secure Communities program and the issue of whether a jurisdiction may "opt out" of the program. The Department of Homeland Security's Immigration and Customs Enforcement (ICE) takes full responsibility for the confusion and the inconsistent statements the agency has made about participation in the program. We are reviewing the circumstances behind these statements and have already taken several steps to address this issue—including the termination of a contractor who authored several unacceptable e-mails.

Secure Communities provides ICE with the unprecedented capability to focus its enforcement efforts on criminal aliens booked into our nation's jails. By removing those aliens whose criminal history demonstrates a willingness to violate our laws, ICE is better able to fulfill its responsibility to keep our communities safe. As such, enhancement of public safety through the expansion of Secure Communities is one of our top priorities.

The data clearly demonstrate that Secure Communities has significantly enhanced ICE's ability to focus its removal resources on convicted criminals. Between October of 2008 and the end of FY 2010, ICE increased the number of convicted criminals who were removed from the country by 71 percent. At the same time, the number of non-criminals removed dropped by 23 percent. This shift would not have been possible without Secure Communities.

Secure Communities does not require state and local law enforcement to provide the federal government additional information or modify any existing procedures. Pursuant to existing law enforcement practices, criminal suspects are routinely fingerprinted when arrested and jailed for a criminal offense. After booking a suspect in jail, the arresting agency voluntarily submits those fingerprints to the Department of Justice (DOJ). As mandated by federal law governing information sharing between federal agencies, the fingerprints submitted to DOJ are then automatically submitted to ICE and checked against DHS immigration databases. This fingerprint check allows ICE to identify and remove individuals who are in our country unlawfully and who have been arrested for a criminal offense.

Secure Communities does not permit, much less require, state and local governments to enforce immigration law. On the contrary, under Secure Communities the decision and authority to initiate removal proceedings rests entirely with ICE. As we have publicly stated on several

occasions, immigration enforcement is a federal responsibility which requires a uniform national approach. Indeed, federal law requires information sharing between federal agencies expressly for purposes of immigration enforcement. As a result, state and local jurisdictions cannot prohibit the information sharing between the Departments of Justice and Homeland Security upon which the Secure Communities program rests.

Although ICE focuses first on the most serious criminal offenders, ICE remains committed to removing other individuals who are in the country unlawfully and have committed a criminal offense. As ICE has made clear, it also prioritizes the removal of aliens who have been previously removed and reentered the United States unlawfully or are fugitives subject to a final order or removal. The removals that result from Secure Communities also reflect these priorities.

While we regret the manner in which the program has been previously discussed, we are proud of the contributions this program has made to our efforts to enhance public safety.

Thank you for your interest in Secure Communities program. Please do not hesitate to contact me if you have additional concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Morton', written in a cursive style.

John Morton
Assistant Secretary