

## Guest commentary ..... Illegal Immigration and Collier County Sheriff's Office Role

There has been speculation regarding the position of the Collier County Sheriff's Office as it relates to the enforcement of existing immigration laws.

Most people realize that our oath of office requires that we perform our enforcement duties without negotiation as to which laws to enforce and which to ignore. There is no provision in law that permits the unilateral refusal to enforce law for a complete class of people (i.e., illegally present foreign nationals / aliens). Our duty is to enforce the "rule of law" which is the application of law without wholesale discretion.

We are launching a partnership with the understaffed Department of Homeland Security (DHS) in supporting their immigration law enforcement role as permitted by existing law. The partnership is oriented to criminal aliens found in our jails. These are individuals illegally present who are committing crimes in Collier County. The current expense estimated for these criminal aliens in Collier County jails is in excess of \$9 million per year.

Nationally, the criminal alien population is estimated by the Government Accountability Office to cost more than \$5 billion; though the GAO notes that their number is only a partial cost estimate. We estimate the cost at more than \$10 billion based on more inclusive information.

It is my intention that those discovered to be illegally present in the U.S. will be reported to DHS, whether the person is discovered on the street or in jail. Immigration judges determine a person's immigration status and their exposure for removal, or deportation, from the country. The process for determining a person's status for removal may take as long as two or more years, under current law. Law enforcement does not control either the duration or outcome of removal proceedings.

Current law and constitutional constraints do not permit local law enforcement to stop a person without cause simply to inquire on their immigration status. A violation of law must have been committed, suspected or appears to be imminent for such an inquiry to be made. Mere suspicion that a person is illegally present does not rise to a level to permit us to inquire on status according to existing law.

The Naples Daily News article of July 19, 2007, quoted Tirso Moreno, Farmworker Association Coordinator, as stating that illegal aliens will not report crime if immigration law is properly enforced (the so called "chilling effect" of law enforcement, also known as deterrence). People entering the U.S. illegally from developing nations such as Mexico come to us with cultural predilections of distrust for law enforcement. Thus, they are unlikely to cooperate with law enforcement and I suspect to report crime. Less than 45 percent of all crime occurring in the U.S. is currently reported to law enforcement. Whether a person is legally present or not, less than half report crime. A refusal on our part to enforce all crime uniformly is unlikely to inspire trust in us. We understand this and try to work within all communities of people to develop trust so that we may apprehend those violating laws in this county. We will not apologize for enforcing all law, however, as this is our duty. Reporting to DHS those people found to be illegally present is one such duty. Negotiating which laws to enforce and which to ignore is not our practice.

Individuals entering or remaining in the U.S. illegally know before entering that to remain here they must further violate law. This is a pre-condition. For instance, they must assume false identity for employment, find a willing employer who will violate federal law or who does not perform due diligence. Other violations of law usually include: failing to register presence as an alien, fraudulent application for driver licensing, obtaining a driver's license through fraud, possession of false documents (fraudulent driver license, false social security, false visa, false passport), driving without a license, driving without insurance, tax evasion, welfare fraud, presenting false credentials to board aircraft/cruise ships or to enter secure government or private facilities and potentially others. The only plain exceptions to this premise are for aliens such as Cuban nationals who enjoy special political dispensation.

I also remind the Coalition of Immokalee Workers, the Farmworker Association and all interested coalition organizations that of the vast array of 230 species of visa currently authorized in law at least two (the "U" visa and the "T" visa) provide that victims of certain crimes, including serious violent crime and human trafficking, may be afforded permanent legal status in the U.S. by reporting the crime against them and agreeing to cooperate in prosecution of the offender(s). Also, at least two others ("H2A" and "H2B" visas) permit agricultural workers (temporary worker programs) to be brought into the U.S. by legal application of employers and this legal process is law.

Please consult [www.colliersheriff.org](http://www.colliersheriff.org) for more information on illegal immigration.

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