



Immigration and Border Issues for Obama Transition Team
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Any comprehensive immigration reform proposal must address the fiscal burden placed on states and localities. In addition to striking a much needed balance between enforcement and the humane treatment of those immigrants seeking a path to citizenship, we ask that the following be addressed:

Issue: State Criminal Alien Assistance Program (SCAAP)

Request: (1) Fully fund SCAAP at the authorized level of \$950 million. The State Criminal Alien Assistance Program (SCAAP) provides federal assistance to states and local governments for the costs of incarcerating criminal aliens who have been convicted of state and local offenses. SCAAP received only \$410 million in FY08. Eligibility requirements should not be limited to only those undocumented immigrants who are ultimately convicted and spent four or more days in jail. States and localities should be reimbursed for some of the costs of incarcerating criminal aliens before and during trial. SCAAP is authorized at \$950 million from fiscal year 2008 through fiscal year 2011.

(2) Transfer SCAAP program to the Department of Homeland Security (DHS). As a reimbursement program associated with undocumented immigration, SCAAP should be under the jurisdiction of DHS. Each of the last eight years, SCAAP was targeted for termination in the Administration's budget in part because "reimbursements do not reduce the incidence of crime committed by criminal aliens." The federal government's failure to control our borders results in millions of dollars lost at the state and local level. This reimbursement program should not be judged as a crime reduction tool; rather, it should be fully funded in order to reimburse states and localities for a portion of the costs associated with undocumented immigration.

Issue: Southwest Border Prosecution Initiative (SWBPI)

Request: Fund SWBPI at a level of \$50 million. The Southwest Border Prosecution Initiative (SWBPI) provides reimbursement for the cost of prosecuting federal drug crimes to the four U.S./Mexico border states – California, Arizona, New Mexico, and Texas. The Administration's fiscal year 2009 budget proposed no funding for this program. In fiscal year 2008, Congress appropriated \$30.08 million. Many counties no longer accept federal declination cases because the reimbursement is insufficient.

Issue: Section 1011 Reauthorization

Request: Reauthorize Section 1011 of Public Law 108-173, which included \$1 billion over four years to reimburse local health care providers for the cost of providing emergency health care to undocumented immigrants. Two-thirds of the funds are to be divided among all 50 states and the District of Columbia based on their relative percentages of undocumented aliens. One-third is divided among the six states with the largest number of undocumented alien apprehensions. The Centers for Medicare and Medicaid Services (CMS) determined that the six states with the highest number of undocumented alien apprehensions were Arizona, California, Florida, New Mexico, New York, and Texas. Authorization for these funds expired on September 30, 2008 but the funds remain available until expended.

Issue: Southwest Border County Law Enforcement Program

Request: A new program should be established and funded to reimburse border counties for the costs imposed by criminal undocumented immigrants on all departments that provide services: sheriff, detention, clerk of court, prosecution, adjudication, probation and juvenile services.

The Border Counties Coalition recently completed a study, titled *Undocumented Immigrants in U.S./Mexico Border Counties: The Costs of Law Enforcement and Criminal Justice Services*. The purpose of this study is to provide the Border Counties Coalition with a determination of the costs to border counties of processing criminal undocumented immigrants through the law enforcement and criminal justice systems and to use these findings to educate Members of Congress and to influence federal reimbursement policies. In fiscal year 2006, the law enforcement and criminal justice costs associated with undocumented immigration to the 24 U.S./Mexico border counties were \$192 million. Over the past eight fiscal years, from 1999 through 2006, the costs have added up to \$1.23 billion. The new Southwest Border County Law Enforcement Program should provide at least \$192 million per year to reimburse counties for the costs associated with criminal undocumented immigration.