

# Former ICE chief says Trump immigration policies will hit more people, harder

Written by



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The former head of U.S. Immigration and Customs Enforcement says a sweeping executive order signed by President Donald Trump that allows any unauthorized immigrant to be deported for even being suspected of a minor crime will impact many more people than Trump's other immigration policies.

"All this focus in the early days has been on the refugee vetting," Sarah Saldaña said in an interview with *The Dallas Morning News*. But, "this immigration executive order is huge."

The order not only prioritizes removal from the country of those convicted of a criminal offense but also acts "that constitute a chargeable criminal offense." Immigration lawyers and immigrant advocates say the change would give federal authorities the power to remove an unauthorized immigrant who is simply suspected of breaking a law.



Saldaña holds a card that lists ICE's old "civil immigration enforcement priorities." The priorities changed under President Donald Trump's new executive order. (2016 File Photo/Jae S. Lee)

Saldaña, an Obama appointee who was the head of ICE for two years, said she has been surprised by the scope of Trump's executive orders dealing with immigration. But she says money and litigation will create big obstacles for Trump as he tries to fully implement his policies.

She suggested the executive orders will soak up far more than Congress is ready to spend, noting that Congress wasn't willing to spend more during her tenure despite her testimony on Capitol Hill.

"We don't have billions sitting around," Saldaña said. "My budget while at ICE was almost \$6 billion and we were stretching to do the things we were doing that are much more narrowly focused than this administration proposes. So if you expand the mission, you will have to expand the budget."

One Trump order authorizes the hiring of 10,000 additional immigration officers "to the extent permitted by law and subject to the availability of appropriations."



In the Phoenix area last Wednesday, ICE agents guarded a van with Guadalupe Garcia de Rayos, a Mexican immigrant who was later deported to Nogales, Mexico. Garcia de Rayos was caught using a fake Social Security number in 2008. (Rob Schumacher/The Arizona Republic)

U.S. Customs and Border Protection would hire an additional 5,000 Border Patrol agents, according to one of the executive orders.

Filling positions was challenging enough during her ICE tenure, Saldaña said.

New workers "need security clearances. We have to train them properly. If we don't, we are asking for trouble," she cautioned. "I am not saying you shouldn't have 10,000 more. I just don't know where the money will come to fund them."

And without the larger workforce, meeting Trump's ambitions will be difficult. CBP handles airport and border entries and was quickly overwhelmed by Trump's executive order temporarily banning travel into the U.S. by refugees and visa-holders from seven Muslim-majority countries.

The Pew Research Center in Washington, D.C., estimates there are 11.1 million unauthorized immigrants in the U.S. — with 475,000 in the Dallas-Fort Worth area.

With those types of numbers, Saldaña said, "\$6 billion is spent very quickly."



In Los Angeles on Thursday, dozens of families rallied against deportations by ICE agents in Southern California. (Luis Sinco/Los Angeles Times)

## Immigration court backlog

Saldaña also noted that the immigration courts are already overburdened, and providing due process is expensive. There is already a national backlog of about 534,000 cases, according to a Syracuse University nonprofit called the Transactional Records Action Clearinghouse, or TRAC.

About 300 judges handle the cases. For years, the judges' union has complained that it's an overwhelmed and underfunded agency.

California and Texas nearly tie for the largest caseloads of people facing immigration charges. On average, it now takes about 747 days, or about two years, for a case to make its way through the Texas system, TRAC says.

More immigrants challenging their deportations through those courts will have obvious results, Saldaña said. "It will bog down the system."

She should know. Among the constitutional challenges ICE faced during the Obama administration was its use of detainers in its former Secure Communities program. In that program, local and state police department across the country were connected with federal immigration enforcement to more easily check the criminal records of those who are detained.

The program was credited with a big chunk of the record deportations during the Obama administration, but criticized for squashing due process rights of those detained in city and county jails.

In 2014, just weeks before Saldaña took office, the detainer program was revamped.

With the recent larger and more sweeping policy changes through executive orders, the new administration will only set itself up for conflict by “coming in and saying ‘You will do things one way, our way,’ ” Saldaña said.

“This could be a heyday for lawyers,” she added.

She rather hopefully added that Texas policy-makers could become leaders in less-conflictive implementation of immigration policy.

“Texas is a leader in so many areas,” she said. “We are at the epicenter in immigration. Why can’t we show the feds how it is done.”

Saldaña also noted that local communities must be listened to, but with respect flowing from both sides. She called a May 2015 meeting in West Dallas at El Centro Community College “infamous” — things became so tense that she, Dallas County Sheriff Lupe Valdez and others walked out after immigration activists broke into chants calling for an end to deportations. The disruption ended the dialogue quickly.



Sarah Saldana looks surprised by how tense a community meeting becomes at El Centro community college in West Dallas, in this archived photo from May 2015. In the photo, activist Carlos Quintanilla questions Dallas County Sheriff Lupe Valdez. (Dianne Solis/Staff)

## Dreamers

One of the immigration issues Saldaña is keeping a close eye on is what happens to young immigrants who call themselves “dreamers.” They’re the children of unauthorized immigrants who were brought here while minors.

After legislation allowing them to stay and be put on the path to citizenship repeatedly failed in Congress, Obama issued an executive action allowing them to get work permits and remain in the U.S.

Trump has said he would rescind Obama's action but more recently has softened his position on the program, called Deferred Action for Childhood Arrivals. Many of the dreamers, meanwhile, have galvanized a social movement to stop deportations and get programs to protect themselves and their parents — all of whom are in the U.S. unlawfully.

Predicting Trump's next move is impossible for those young people, Saldaña said.

"I can't really predict whether he will extend his aggressiveness toward children in the DACA system right now," she said. "I would hope not."

Saldaña, a lawyer who served several years as U.S. attorney for the Northern District of Texas, is unlikely to play any role in the legal wrangling. She returned to Dallas two weeks ago and swears she is retired.

But the 65-year-old says she does plan to become a more active member and to serve on the board of First Unitarian Church in the Park Cities. She said immigration issues are at the forefront of the church's agenda.

Saldaña will also work on plans for a film program for the nonprofit Big Thought that would honor her son Michael Saldaña Templin. He worked in the film and video industry and died at age 25 last year in a traffic accident in California.

"It is just an extension and expression of Michael — to have kids who can't afford this fairly pricey avocation to get into it," Saldaña said.

"I am going to work in my community generally to improve it. And those are full-time jobs."

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