

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Legislative Policy: Undocumented Immigration

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Purpose

To establish the Board of Supervisors' legislative policy regarding undocumented immigration, and to provide guidance to the County's legislative representatives when advocating the County's interests to legislators, other elected officials and policy makers.

Background

The Federal Government, specifically the Secretary of Homeland Security, is charged with the administration and enforcement of laws relating to immigration and naturalization. The Secretary, through the Directorate of Border and Transportation Security, has both the power and duty to control and guard the boundaries and borders of the United States against the illegal entry of immigrants. The County of San Diego seeks a national and state agenda that would make the federal government fiscally responsible for any expenditures and losses that a state or local entity encounters through the provision of services to undocumented immigrants. Services may include, but are not limited to, incarceration, education, health and social services.

The County of San Diego also seeks an agenda that would impose increased penalties on those who are party to fraud in the use or manufacture of false immigration documents. To assist in our continued efforts to preserve tax dollars and to protect taxpayers from bearing an unfair burden of support, exchange of confidential information between government agencies about applicants for and recipients of public assistance benefits should be authorized. The policies contained in this document are consistent with and are to be taken into consideration with those policies contained in M-57, Fraud Prevention in Public Assistance and Medical Assistance Programs, and M-60, Self-Sufficiency Programs.

Policy

The legislative policy of the Board of Supervisors regarding undocumented immigration is to:

1. Employer Sanctions

- Support legislation that would increase the effectiveness of laws that prohibit the employment of undocumented immigrants.
- Support legislation that would increase the ability of the Directorate of Border and Transportation Security to detect and sanction employers that hire undocumented immigrants.
- Support legislation that would require the Directorate of Border and Transportation Security to educate employers, in areas that have significant

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undocumented immigrant populations, about the obligation to hire only persons authorized by law or regulation to work in the United States.

- Support legislation that would require the issuance of tamper-resistant identification cards that would be required as proof of work eligibility for all who seek employment.

2. Border Enforcement

- Support legislation that would substantially increase the number, training and availability of Border Patrol Agents to control the southwestern border of the United States.
- Support legislation that would improve the technology available to support border enforcement activities.
- Support legislation that would increase the number of the Directorate of Border and Transportation Security and Treasury land border inspectors to a level adequate to assure the full staffing of all border-crossing lanes required to meet the public need.
- Support legislation that would implement a federal program that would physically improve the nation's land border crossing facilities (e.g., roads and border inspection stations).
- Support legislation that would allow the use of the U.S. National Guard in the San Diego area as necessary to enforce federal, state, and local laws.
- Support legislation that would provide federal resources that would permit a "blockade" of the type employed successfully in El Paso, Texas, as a means to reduce the volume of illegal border crossings.
- Support legislation that would increase the availability of Border Patrol resources along the southwestern U.S. border.

3. Judicial Order of Deportation

- Support legislation that would authorize federal judges, at the time of sentencing, to order the deportation of an undocumented immigrant convicted of an aggravated felony upon completion of the sentence.

4. Enhanced Prisoner Transfer Treaty Authority

- Support legislation that would authorize, through appropriate treaties or international agreements, the involuntary incarceration in the country of origin of any individual who:
 1. Is both a national of that country and not a legal immigrant to, or resident of, the United States; or

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2. Is eligible for deportation from the United States as the result of a criminal conviction under federal or state law.

5. **Suspension of Deportation During Term of Incarceration**

- Support legislation that would suspend deportation of any undocumented immigrant convicted of an aggravated felony, pending completion of the undocumented immigrant's term of incarceration, unless there exists an enforceable agreement assuring the incarceration of the undocumented immigrant in his or her country of origin.
- Support legislation that would require the Directorate of Border and Transportation Security to remove or deport, in an expeditious manner, from this country every undocumented immigrant that is convicted of a felony at the conclusion of their sentence.
- Support legislation that would authorize the involuntary incarceration, in the country of origin, of any immigrant eligible for deportation as a result of illegal entry and conviction of a criminal offense.

6. **Augmented Efforts to Combat Illegal Immigrant Smuggling**

- Support legislation that would provide longer sentences and larger fines for persons convicted of violating federal undocumented immigrant smuggling statutes.
- Support legislation that would authorize the use of wiretaps to assist in ~~illegal~~ undocumented immigrant smuggling investigations.
- Support legislation that would authorize the use of Racketeering Influenced and Corrupt Organizations Act (RICO) in prosecuting undocumented immigrant smugglers.

7. **Documents**

- Support legislation that would require the issuance of tamper-resistant legal resident immigrant identification cards that would be required as proof of eligibility for all legal resident immigrants who seek government benefits.
- Support legislation that would enhance fraud prevention activities by issuing tamper proof birth and death certificates and restricting issuance to family members or specified person/agencies with a legitimate need for the document.
- Support legislation that would increase penalties for the use or manufacturing of fraudulent documents.
- Support legislation and/or regulations that would make the use of a Border Crossing Card, as proof of non-residency in the State of California, regardless of other verification to the contrary presented by the applicant/recipient; absent any proof of revised immigration status, individuals in possession of a Border Crossing Card of B/1 or B/2 visa shall be ineligible to receive Medi-Cal.

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8. Services Provided to Illegal Immigrants

- Support legislation that would require that the federal government reimburse state and local governments for the costs of services provided to ~~illegal~~ undocumented immigrants, including health, social services, and criminal justice system costs.
- Support legislation that would provide funding to ensure effective communicable disease control access to all populations.
- Support legislation that would support a change in the definition of "emergency medical condition" to exclude persons who received treatment outside California and arrive in California solely for the purpose of obtaining publicly funded medical care.
- Support legislation that would prohibit "patient dumping" by the United States Border Patrol.
- Support legislation that would provide full reimbursement from the State and the federal government for the cost of emergency medical care and related costs for indigent undocumented immigrants in San Diego County.
- Support legislation that would provide full reimbursement from the State and the federal government for the cost of emergency medical care and related health care costs for newly legalized immigrants in San Diego County.

9. Criminal Justice System Costs

- Support legislation that would require the federal government to cover the costs of the detention of undocumented immigrants.
- Support legislation that would require the federal government to use its facilities to house undocumented immigrants who have been convicted of violating state felony laws.
- Support legislation that would require the use of federal "regional prisons" to hold criminal undocumented immigrants convicted of state felonies, and that these facilities also serve as regional deportation processing centers.
- Support legislation that would require that the federal government reimburse state and local governments for their costs of apprehending, detaining, and adjudicating criminal undocumented immigrants.
- Support legislation that would allow jurisdictions that incur substantial criminal justice system costs attributable to undocumented immigration to count those costs as "in-kind" matches for federal criminal justice grants.

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Responsible Departments

Chief Administrative Office

Office of Strategy and Intergovernmental Affairs

Sunset Date

This policy will be reviewed for continuance by 12-31-22.

References

Board Action 9/28/93 (14A)

Board Action 4/26/94 (36)

Board Action 2/1/95 (26)

Board Action 4/13/99 (42A)

Board Action 1/13/04 (13)

Board Action 12/11/07 (14)

Board Action 12/09/08 (33)

Board Action 12/03/13 (32)

Board Action 11/17/15 (26)

Board Action 1/12/21 (12)- Suspended