

North Carolina Law Life

Has 287(g) Fallen on Hard Times?

By: Oliver Branch. *This was posted Monday, December 28th, 2009*

On December 15, 2009, [U.S. Rep. Luis Gutierrez \(Illinois\)](#) introduced the Comprehensive Immigration Reform for America's Security and Prosperity (CIR ASAP) Act of 2009. Among many other provisions, CIR ASAP would repeal the 287(g) program only allowing the federal governments to enforce federal immigration law.

[Section 287 \(g\)](#) was added to the [Immigration and Nationality Act](#) by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) in 1996. 287(g) authorizes the secretary of the [U.S. Department of Homeland Security \(DHS\)](#) to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform immigration law enforcement functions, provided that the local law enforcement officers receive appropriate training and function under the supervision of sworn [U.S. Immigration and Customs Enforcement \(ICE\)](#) officers.

Since its beginning, the 287(g) has been surrounded by a whirlwind of controversy with accusations of the program encouraging racial profiling. Although many support the program, it has come under intense criticism more recently, with over 500 organizations, including the ACLU and the Congressional Hispanic Caucus, calling on the government to end the program.

So, what will happen with 287(g)? Only time will tell. It will at least have to wait until Immigration Reform hits Congress' front burner.

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