

H.R. 842

The "Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act of 2007"

Sponsored by Former Rep. Charlie Norwood (R-Ga.)

Summary of Interior Enforcement Provisions

- Would clarify [state and local law enforcement's authority to enforce immigration law](#);
- Would require DHS, when a state or local law enforcement agency arrests an alien suspected of being unlawfully present and requests that DHS take custody of that alien, to either: (1) take the alien into federal custody and incarceration within 48 hours; or (2) request that the state or municipality temporarily incarcerate the alien or transport the alien to Federal custody;
- Would require DHS to reimburse the state or local government for its reasonable expenses in detaining or transporting the alien;
- Would require that all aliens who violate immigration law be entered into the National Crime Information Center database, therefore greatly increasing the chances for state and local police to apprehend them;
- Would create a new criminal offense for unlawful presence in the United States (i.e., a felony punishable by up to one year of imprisonment, a fine, or both [with a defense for certain visa overstayers based on hardship or illness]);
- Would increase the maximum prison term for a first offense of illegal entry from six months to one year;
- Would increase civil fines assessed to aliens apprehended while entering at an unauthorized time or place, and would provide the same penalties for aliens who enter the country without inspection, or fail to depart within 30 days after the expiration date of their visa or voluntary departure agreement or the date of a final order of removal;
- Would require DHS to build or acquire 20 more detention facilities in the United States, with a total of at least 10,000 beds, so that more aliens can be detained pending their removal or a decision on their removal;
- Would encourage state and local governments to provide DHS with information on suspected illegal aliens and, subsequently, reimburse them for the costs of doing so;

- Would require DHS to make grants to states and municipalities that enforce immigration laws in the course of their routine law enforcement duties for special equipment and facilities related to arresting, detaining, or transporting illegal aliens;
- Would, two years following enactment, cut off State Criminal Alien Assistance Program funding (which aids states in incarcerating illegal aliens who commit additional offenses) to any state (or a municipality therein) that has [a sanctuary policy](#) in place;
- Would immunize state and local police, acting within the scope of their official duties, against personal liability for enforcing immigration laws (Federal officers are already immune);
- Would require DHS to train state and local police in enforcement of immigration laws; and
- Would extend the Institutional Removal Program (under which DHS takes criminal aliens into custody once their prison terms are completed and removes them from the United States) to all states.