The following information was submitted as part of the presentation by:

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Developed Strong Immigration Initiatives

When waves of migrants from Cuba and Haiti sailed toward Florida's coastline during the summer of 1994, Governor Chiles acted swiftly. The Governor declared a state of emergency in South Florida to ensure the federal government would take decisive action to prevent another situation like the Mariel boatlift in 1980.

As a result, President Clinton changed more than 30 years of U.S./Cuba migration policy and initiated a series of talks with the Cuban government to stabilize the situation and prevent a future mass migration crisis.

While the enforcement of U.S. immigration law is a federal responsibility, the Chiles/MacKay administration pioneered and implemented state and national initiatives to protect Florida's residents from bearing an unfair burden of the costs relating to illegal and uncontrolled migration into the state. Florida was the first state to take legal action against the federal government seeking reimbursement of those costs.

The Governor also signed a historic agreement to help facilitate the expedited removal (deportation) of nonviolent criminal aliens incarcerated in Florida prisons. The agreement avoided millions of dollars in incarceration costs and ensured inmates would not be released to Florida's streets. Federal prosecution would be swift if any of these nonviolent criminal aliens illegally returned to the United States.

In May 1996, Governor Chiles and Attorney General Janet Reno launched the **Florida Immigration Initiative** — a series of federal/state efforts intended to combat illegal, uncontrolled migration into Florida. When Congress acted later that year to strip the most vulnerable non-U.S. citizens of their critically needed federal assistance under the guise of welfare reform, Governor Chiles took a lead role in a successful bipartisan effort to restore their lifeline and reverse a huge shift in costs to states.

In October 1998, Governor Chiles and Immigration and Naturalization Service Commissioner Doris Meissner signed a landmark mass migration agreement — another first between a state and the federal government — which details how the federal government will assume primary responsibility for on-shore response operations if migrants evade interdiction at sea and arrive illegally on Florida's shores. The agreement also provides reimbursement to the state and local governments for any requested assistance to the federal operations.

Recognizing that one of the best ways to help prevent mass migration crises is to work toward improving the quality of life in neighboring developing nations, the Chiles/MacKay administration established the Florida/Haiti Initiative in 1996 to promote democracy and help improve the health, education, government and economy of the Caribbean nation. The initiative served as a catalyst to mobilize material and human resources for a wide variety of needs in Haiti. Similar efforts are under way throughout the Caribbean and Central America.

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ATTORNEY GENERAL RENO AND GOVERNOR LAWTON CHILES ANNOUNCE COMPREHENSIVE FLORIDA IMMIGRATION INITIATIVE

WASHINGTON, DC -- Attorney General Janet Reno and Governor Lawton Chiles today announced a comprehensive immigration initiative for the State of Florida.

The plan focuses on removing criminal aliens from Florida's prisons, streets and jails; protecting Florida's ports and borders from illegal aliens and smugglers; safeguarding Florida jobs for legal workers; and improving the delivery of immigration services.

"We are prepared to meet Florida's immigration challenges on every front," said Reno. "We will work with Florida law enforcement to catch more criminal aliens and remove them from the United States, and we will aggressively prosecute and seek prison time for those who return here illegally. We are stepping up our enforcement of immigration laws in the workplace, and we are encouraging lawful permanent residents to permanently join our nation's family as United States Citizens."

Chiles called the initiative a product of remarkable cooperation among federal, state and local government, and said its impact would be real. "This initiative establishes a partnership that will help lift the heavy burden of illegal immigration off the people of Florida," said Chiles. "The people of Florida are demanding the kind of comprehensive action this plan provides. We must continue to work together to develop real solutions -- and resist quick fixes to complicated problems."

The plan is designed to maximize federal, state and local resources and includes both new projects and enhancements to existing programs. Highlights include:

- Establishment of projects at the Dade and Palm Beach County jails to identify and remove certain categories of criminal aliens;
- Increased sharing of information about criminal aliens to improve apprehension, prosecution and removal of these criminals;
- Aggressive use of prosecution strategies by federal authorities will target previously deported aliens who illegally re-enter the U.S., illegal aliens possessing firearms, and manufacturers, distributors and users of fraudulent documents;
- Increased detention capacity for criminal aliens to support the immigration initiative;
- Increased resources for the Institutional Hearing Program (IHP), which processes criminal aliens for deportation while they are serving state sentences, expediting their removal from the United States;
- Creation of an Airport Court at the Miami International airport to expedite the removal of aliens who attempt illegal entry through the airport;
- Expansion of INS' pilot Employment Verification System (EVP)

to the Florida tourism industry to help a critical industry ensure they are only hiring authorized workers;

- Increased staffing for the Citizenship USA office which handles all naturalization work in the State of Florida.

Reno said the initiative will lead to a more aggressive and efficient immigration system throughout the state, and make Florida home to the nation's toughest deportation program. She also spoke of the important role immigrants have played in Florida and said the plan will offer better service to those immigrants and visitors to the state while cracking down on those who flout our immigration laws.

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Immigration and Naturalization Service
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NEWS RELEASE

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October 19, 1998

INS and Florida Sign Historic Agreement On Response to a Mass Migration

TALLAHASSEE, Fla. - U.S. Immigration and Naturalization Commissioner Doris Meissner and Florida Governor Lawton Chiles today signed the first agreement between the federal government and a state that provides for a joint response to a mass influx of aliens.

The Memorandum of Understanding (MOU) formalizes the terms under which Florida will support INS operations in response to an actual or imminent mass migration into the state. Under the MOU, Florida may provide logistical and law enforcement support to the federal response upon request by INS. INS, as the lead federal agency, will coordinate responsive law enforcement operations, and the state will be reimbursed for authorized expenses incurred. Implementation of the MOU is contingent upon action by the Attorney General to obligate funds from the Immigration Emergency Fund. The Attorney General also can approve the delegation of authority to state law enforcement officers to enforce immigration law during the mass migration.

A companion agreement outlining how state and local enforcement officers can help enforce federal immigration law has been drafted and will be executed with individual Florida law enforcement agencies following final implementing regulations that are expected to be published in the *Federal Register* later this year. INS has completed an initial draft of the implementing regulation that is under review at the Department of Justice. Under the terms of the draft companion agreement, Florida law enforcement officers would periodically receive immigration law training in preparation to help enforce immigration law under the direction of the INS only during an actual or imminent mass migration as determined by the Attorney General.

Meissner emphasized that INS is not aware of any information that indicates a mass migration event is imminent. She also noted that the Attorney General's ability to delegate federal authority in these situations is distinct from the Attorney General's authority to do so in cases not involving such an emergency.

"This MOU is the latest milestone in a continuing effort to improve coordination of the overall U.S. government response to mass migration events. It is an example of responsible government in action and demonstrates that contingency plans are in place to deal with such an emergency whenever it might occur," Meissner said. "This signing recognizes the work accomplished to date, ratifies the procedures for coordinated response operations, and reaffirms the commitment INS and the State of Florida have made to continue the process."

Meissner said the agreement "clearly shows that INS is continuing to carry out its responsibility as the lead federal agency in planning for and responding to any emergency created by a mass migration. I thank Governor Chiles and the State of Florida for their continuing support to the

planning process."

Chiles called the MOU a landmark agreement, and said he was pleased with the cooperation from INS and Commissioner Meissner. "Four years ago, I declared a state of emergency in South Florida," Chiles said. "Today, I'm declaring victory because the federal government will assume full responsibility for future mass migration response operations."

The MOU, the culmination of a two-year planning effort with the State of Florida, is a key element in the ongoing effort by the Department of Justice and INS to develop and implement a comprehensive federal response to any mass influx of aliens within the state. The effort has included the development of an operational plan to address mass migration events and a series of exercises designed to test the viability of that plan.

The largest of those exercises, which involved several hundred personnel from INS, the Coast Guard, the Public Health Service, and state and local authorities, was held in February of 1997 and clearly demonstrated that the federal government has increased its readiness and renewed its commitment to respond promptly to control mass illegal immigration into Florida. While U.S. policy to interdict migrants at sea and process them offshore remains unchanged, this plan provides a mechanism for apprehending and detaining those aliens who evade interdiction and arrive on our shores in violation of federal law.

Today's MOU is a significant step in formalizing and improving the planned federal response and ensuring cooperation with the State of Florida, but is by no means the end of the road. Subsequent planning efforts, to begin this fall, will address other joint INS and state concerns regarding mass migration issues. Under the terms of the MOU,

INS is responsible for:

- Functioning as the lead federal agency;
- Providing immigration law training to state and local law enforcement officers designated to enforce immigration law;
- Coordinating utilization of resources and personnel to support an operation; and
- Coordinating the reimbursement of the state and local governments for support provided at INS' request.

In support of the federal operation, the state will:

- Provide operational support, at its discretion, as requested by INS;
- Serve as a coordinator between its political subdivisions and INS;
- Provide law enforcement and logistics support, at its discretion, to the federal mass migration response operations as requested by INS; and
- Maintain law and order within the state.

Tallahassee Democrat: State chases elusive goal on immigration

Mark Schlakman • My View • Published: January 24, 2011

Today, the Florida Senate holds its second of three fact-finding meetings on immigration, with advocates and experts invited to help legislators grapple with some form of state immigration law. They are proceeding though it is well established that only Congress can pass laws regulating immigration, that the federal government is responsible for the enforcement of immigration laws, and that federal courts have exclusive jurisdiction over immigration matters.

Two weeks ago, senators met for three hours, hearing from a faculty member at Florida International University, representatives from U.S. Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services, which are two of the federal government's principal immigration agencies within the U.S. Department of Homeland Security.

Representatives from Florida's departments of Education, Corrections and Highway Safety and Motor Vehicles advised senators of everything from federal enforcement practices to data systems that can verify non-U.S. citizen employment and benefit eligibility. Senators heard about costs absorbed by Florida hospitals because of undocumented aliens and the implications to Florida schools and prisons.

Senate President Mike Haridopolos and legislative leaders are to be commended for a thorough start, but placing all of these related issues in useful context will be difficult.

The curious fact is that, while the flow of unauthorized immigrants into the U.S. is down sharply, immigration laws such as Arizona's — which was stayed in federal court pending appeal — are nevertheless being introduced in Florida and a number of other states, and ordinances are being considered at local levels.

One draft of a Florida version of the Arizona law would, in effect, make unlawful presence by non-U.S citizens a state crime, while under federal law, it's typically an administrative violation. Generally, only illegal re-entry rises to the level of a federal criminal offense.

The consequences of blurring the distinction between criminal aliens and all other undocumented non-U.S. citizens could be significant. Law enforcement's attention could be diverted from more pressing issues, and our already underfunded and overwhelmed criminal justice system would be required to take on new responsibilities.

Apart from questions concerning the constitutionality of such state legislation, its practical value is suspect, given that state officials cannot compel their federal counterparts to take undocumented aliens into custody or to initiate removal proceedings against them.

Absent a cost-sharing agreement, Florida taxpayers would incur the cost of detaining individuals taken into custody by the state.

Even if federal officials were inclined to cooperate, they generally would retain the discretion to release such individuals pending disposition of their cases.

Other proposed provisions would result in disparate penalties for undocumented aliens, which could draw equal-protection challenges.

By contrast to issues being considered today, Gov. Lawton Chiles implemented initiatives to minimize the burden to Florida taxpayers for what he considered the federal government's failure to adequately enforce U.S. immigration law. Chiles sued the federal government but also entered into collaborative agreements with the then-U.S. Immigration and Naturalization Service and U.S. Department of Justice to expedite the deportation of about 500 nonviolent criminal aliens., saving Florida taxpayers an estimated $100 million in incarceration costs.

Regardless, put simply, Florida is not Arizona.

The Migration Policy Institute, a nonpartisan think tank in Washington, advises that almost 20 percent of Florida's total population in 2008 was foreign-born, as was almost 25 percent of its work force. Foreign-born does not mean undocumented, but the data underscore the diversity and complexity of Florida's population. Moreover, the Sunshine State is widely regarded as the Gateway to the Americas.

After rolling out a draft of his immigration bill last year, State House Judiciary Committee Chairman William Snyder, R-Stuart, said, "This is the beginning of what I think will be a fairly long and sometimes emotional discussion."

He is probably right. More importantly, Florida must get this right.

The tourism industry as well as agriculture, commerce and international trade have too much to lose, which may explain the cautionary note struck by new Commissioner of Agriculture Adam Putnam.

While there may be times and circumstances that call for state officials to act, state action is not a viable substitute for comprehensive immigration reform at the federal level.

ABOUT THE AUTHOR: *Attorney Mark Schlakman is senior program director at the Florida State University Center for the Advancement of Human Rights. He was special counsel to Gov. Lawton Chiles and was a special adviser to Bush administration U.S. Citizenship and Immigration Services Director Dr. Emilio T. Gonzalez. Contact him at mschlakman@admin.fsu.edu.*