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**Virginia House of Delegates
Counties, Cities, and Towns Committee, Subcommittee #1
Hearing on HB 1994
Law-Enforcement Officers; Minimum Qualifications, Citizenship, Waiver.**

**Prepared Statement in Support of
Joseph B. Edlow
Founder, The Edlow Group LLC**

Chair McNamara and members of this subcommittee. It is my pleasure to submit this statement and present testimony in support of HB 1994. This bill was introduced to enhance law enforcement hiring practices throughout the Commonwealth. While I cannot speak to the efficacy of that goal, I can speak to the immigration aspect of the bill. Based on my experience, as the permanent resident is already in the queue for naturalization, this bill will be a net positive for public safety and the law enforcement vetting practices of its candidates. Additionally, the bill is good for immigration policy generally as it can lead to more trust between law enforcement and the immigrant communities Commonwealth-wide.

My expertise in immigration law and policy dates back to 2008. I spent the first 6 and half years of my federal career as an attorney for U.S. Immigration and Customs Enforcement handling all manners of deportation cases before the Immigration Court in Baltimore. In 2015, I left the Department of Homeland Security to serve as counsel to Congressman Raul R. Labrador of Idaho. In that role, I worked the entire Judiciary Committee portfolio but focused primarily on immigration. In 2017, I was hired by the House Judiciary Committee itself and then-Chairman Bob Goodlatte, to serve as counsel in the Immigration and Border Security Subcommittee. During that time, I focused on immigration enforcement policy and criminal immigration matters.

I joined the Trump Administration in 2018 when I accepted an appointment in the Department of Justice to serve as a Deputy Assistant Attorney General in the Office of Legal Policy where I was tasked with moving the Administration's immigration regulatory agenda. During that time, I was detailed to the White House to work on immigration issues. In July of 2019, I was hired by then U.S. Citizenship and Immigration Services Acting Director Ken Cuccinelli to serve as USCIS's Chief Counsel. In that role I oversaw the agency's legal department of approximately 320 attorney and staff handling all facets of immigration and administrative law. The following February, as Mr. Cuccinelli was elevated to acting Deputy Secretary of Homeland Security, I was appointed USCIS Deputy Director for Policy.¹ In that role, I oversaw all day-to-day

¹ I am often referred to as Acting Director of USCIS (and served in that role) but could not officially use that title due to complexities affecting other appointments pursuant to the Federal Vacancies Reform Act.

operational and policy matters for an agency of over 20,000 employees and contractors worldwide.

Since leaving government service, I founded the Edlow Group which provides immigration consulting services to businesses and private clients and have also founded the Law Office of Joseph Edlow which provides immigration legal services to private clients. I also routinely consult with members of Congress and their staff on immigration policy and pending legislation..

HB 1994 amends the minimum qualifications for police officers in the Commonwealth to included, without need for a waiver, lawful permanent residents who have resided In the United States for at least 60 months and who are otherwise eligible and have applied for naturalization. This is sound policy, not only to increase the applicant pool for incoming police cadets, but for public safety at large.

The first question that I am sure is on many of your minds is vetting. What do we know about these individuals? With very limited exceptions, no matter how an individual attains permanent residence, the process requires a background check based on biometric data collection. Once collected, the information is run through systems that are similar to, if not the same, as the Commonwealth uses while vetting candidates for police academies. If an individual fails to disclose criminal history on an application for permanent residence, usually the systems checks will discover it. The applicant is also required to provide detailed information on their background to include family background, past marriages, previous residences, and previous employment. All information is expected to be supported with sufficient documentation for the immigration services officer to review during the adjudication process.

If approved, the resulting green card is only issued in 10-year increments. As an individual applies to renew the green card, they once again must submit to biometric data and are subject to continual security vetting. Accordingly, at this stage, USCIS is still ensuring that they remain eligible and that no new hits appear warranting a second review or enforcement action.

Generally, after a statutory period of five years, an individual may apply for naturalization to become a citizen of the United States. This is not something to be taken lightly and is a serious commitment, not only based on the lengthy process and high fees, but also as it requires an understanding and an embracing of our American history and ideals.

During the process, the applicant once against must disclose a litany of information about their background and provide new biometric records for additional background systems checks. While the commission of certain crimes would permanently bar someone from naturalization, most often, an applicant is trying to establish that they possess “good moral character.” This is largely a subjective analysis based on the documentary evidence provided. In this vein there is really no limit to the inquiry by an immigration services officers and an applicant’s life becomes an open book. Looking at the disqualifying factors in Section 15.2-1705, almost all would simultaneously be grounds for a denial of naturalization.

Based on the immigration process, it is entirely possible that a permanent resident applying for a police officer position would have more evidence to present than a citizen by birth and certainly

possible that the reviewing officials would ultimately know more about the permanent resident's background. Moreso, the stakes are far higher for the permanent resident. If the citizen is deemed ineligible for employment under the statute, they simply do not get the job. However, if a permanent resident is deemed ineligible, it is very likely that this could also preclude them from naturalization and could place them in peril of losing their permanent residence. Ultimately, a permanent resident is not going to risk that unless they know that they have nothing to hide and are completely above-board and eligible.

While I certainly hope that this bill, if enacted, ushers in a new era of increased candidates for police employment throughout the Commonwealth, the effect of this bill is much greater. For years, sanctuary policies have been built on the notion of distrust between immigrant communities and law enforcement. The communities allegedly believe that they cannot go to police for fear of immigration being notified or even internal reprisal within the community itself.

By adopting this policy, the Commonwealth is showing its commitment, not only to law enforcement, but to the immigrant communities that these officers will someday serve. More officers from immigrant background means a more diverse pool of officers who may speak a range of languages. This will build trust and breakdown one of the central arguments that exist for sanctuary policies. Additionally, these officers will serve as ambassadors of the true American Dream and demonstrate that they have not been left behind and, likewise, that they believe in moving forward while standing for law and order. Quite simply, this bill sends a strong message on inclusion while simultaneously ensuring that the Commonwealth is fully supportive of its first responder law enforcement officers.

Again, thank you for consideration of HB 1994. I am available to answer any questions that you may have on the immigration process.