



Written by [R. Cort Kirkwood](#) on August 20, 2012

## Rep. Ted Poe: Deport Foreign Convicted Criminals

Nearly 150,000 illegal-alien criminals are in American jails or on American streets, a U.S. congressman says. And those roaming American cities and towns are there thanks to a U.S. Supreme Court decision that forbids the government from indefinitely incarcerating the criminals if the United States cannot deport them after their sentences are over.



The decision has led to the death of at least six American citizens, and Rep. [Ted Poe](#) (R-Texas) is sounding the tocsin. In June, a Bangladeshi convicted sex offender was sentenced for murdering an elderly woman. Had he been deported following the earlier offense, the murdered woman would still be alive. But he wasn't deported because the Bangladeshi government refused to take him back.

Poe aims to fix that with his [Deport Foreign Convicted Criminals Act](#). "I don't know why the State Department seems to take the side of foreign countries over our own American interest in the United States," [Poe told](#) Fox News last week. "Look, you take these people back or the consequence is going to be no visas for your nation."

### The Bill

Poe's [H.R. 2199](#), introduced last year, would apply a simple remedy to get foreign countries to repatriate their criminals: Diplomatic visas would not be issued to countries that refuse to repatriate criminals who have been ordered out of the United States.

The bill would require the Department of Homeland Security to produce a quarterly list of foreign criminals in the United States and the countries that refuse to take them back. The bill would also require the State Department to refuse diplomatic visas to those countries. The countries would get the visas when they take back their criminals.

"This is one aspect of Border Security and National Security that has unfortunately slipped through the cracks," Poe said when he introduced the bill.

We give convicted foreign criminals a get-out-of-jail-free card to live in the United States because we cannot permanently detain them and their countries of origin refuse to take them back. It is time that we offer a proper incentive to these uncooperative nations who freely take our money, and turn around and disrespect our laws. We should not be issuing visas to diplomats of other nations that refuse to cooperate with our government. Keeping their criminals here is endangering our citizens.

### The Supreme Court Decision and Its Result



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A country's refusal to take back its criminals would be less a danger to America if the Supreme Court had not ruled in 2001 that the United States could not hold foreign criminals indefinitely after they served their sentences and awaited deportation. A leftist majority on the court, led by Associate Justice [Stephen Breyer](#), ruled in [Zadvydas vs. Davis](#) that holding such criminals, no matter how dangerous they are, is unconstitutional.

Seven Americans and their families have paid dearly for the Court's indulgence of imaginary rights.

In March 2012, police allege, Binh Tai Luc, a 25-year-old Vietnamese man, [murdered five people](#) in their home in San Francisco. Luc pleaded not guilty in April. A week after the murders, the [San Francisco Chronicle reported](#) that Luc should have been deported in 2006 after he finished a term for robbery and assault. But he wasn't because Vietnam refused to take him.

[According to](#) the *Chronicle*, "Immigration officials had been eager to deport Luc after he was sentenced to an 11-year, 4-month term at San Quentin State Prison for a 1998 conviction for robbing a Chinese restaurant in San Jose at gunpoint, according to agency spokeswoman [Gillian Christensen](#)." Federal immigration agents did their job, the [Chronicle reported](#), but thanks to Breyer and his leftist colleagues on the court, who don't live with the practical consequences of their decisions, authorities couldn't hold him.

"Federal agents took him into custody when he was released from prison on Aug. 2, 2006, after serving eight years, and a judge ordered him deported a month later," the [newspaper reported](#).

"However, because Vietnamese authorities declined to provide appropriate travel documents, Luc ultimately had to be released because of the Supreme Court's ruling" in a 2001 case, *Zadvydas vs. Davis*, [a spokesman for [Immigration and Customs Enforcement](#)] said.

Officials at the Vietnam Consulate in San Francisco could not be reached for comment.

Luc was released on Dec. 14, 2006, and continued to report to the federal immigration office in San Francisco, Christensen said.

"Unfortunately, there are some countries that are very difficult to remove people to, and Vietnam is one of those countries," Christensen said. "We had to follow the [Supreme Court] ruling."

In other words, if Luc is guilty of brutally bludgeoning a family to death [with an "edged weapon,"](#) then Breyer and his leftist cohort can take some of the blame for the culprit being in this country.

Another criminal illegal alien who was able to stay in this country after serving time was Bangladeshi sex offender Shafiqul Islam. Not deported after his release, Islam strangled to death grandmom Lois Decker in [Hillsdale, N.Y.](#), and stole her car. He was sentenced in June. A prosecutor in the Islam case also blamed the slow wheels of bureaucracy for Islam's remaining in the country. The judge, apparently, was unaware that immigration officials may not detain murderers and rapists after they are released from jail. "I can't explain" it, the judge said.

### **How Many Criminals Are Here?**

Though he introduced the bill last year, Poe is trying again to get it enacted. And as [Fox News reported](#) last week, immigration enthusiasts don't much care for his approach. "What Poe's bill will do is throw a monkey wrench into diplomatic relations. It is a nonstarter for that reason," immigration attorney Dave Leopold [told Fox](#). "It makes it extremely difficult, if not impossible, for the secretary of State and the secretary of Homeland Security to make intelligent decisions about when to stop issuing visas to



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countries that refuse to take their criminal alien deportees.”

Poe, of course, does not agree. “These people don’t go back,” he told Fox. “They stay here. They commit crimes. And the countries that are responsible for them don’t do anything about it. It’s time the United States do something about it and hold these countries accountable. They aren’t going to have any choice if we pass this law.”

Americans concerned about the crimes committed by illegal aliens are hoping something will be done. Poe notes The foreign criminals are teeming in our jails and on our streets. According to figures from ICE posted at Poe’s website, the number of criminals remaining in the United States from the “top 10 list of offenders” totals nearly 130,000. Cuba is tops on the list with 49,966, followed by China, with 35,230. The other nations are India (11,773), Jamaica (9,699), Pakistan (7,337), Somalia (4,771), Iran (3,702), Trinidad and Tobago (3,112) and Bangladesh (2,615).

In October 2011, Poe said that 138,000 illegals awaited deportation and that 27 percent of all federal prisoners were illegals.

*Photo of Rep. Ted Poe: AP Images*



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