Partnerships in Context of Immigration Enforcement

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January 22, 2010
Overview

- Immigration enforcement statistics and overview
- Collaboration or “partnerships” by federal, state, municipal actors the purpose of immigration enforcement, focusing on the “criminal alien”
- The need for robust partnerships amongst federal, state, and local NGOs
Major Immigrant States

The majority of immigrants (67%):

- California
- Texas
- New York
- Florida
- Illinois
- New Jersey
Features of the US immigration system

- Immigration laws are civil (distinct from the purpose of criminal justice system: Punishment)
- Immigration system: No right to appointed counsel; evidentiary standards are very low;
- Difficult to get judicial review or challenge basis for immigration detention and removal of immigrants because of this distinction
- Growth (funding) of agencies is tremendous; creation of DHS
- Over the last fifteen years, Congress has passed laws that erode legal avenues to challenge removal and create more deportation grounds
Federal Agencies involved with deportation of imm youth & adults

- **Department of Homeland Security**
  - Immigration and Customs Enforcement
    - (Enforcement + detention of adults and accompanied minors)
  - Customs and Border Patrol
  - Citizenship and Immigration Services
    - (petitions and asylum claims)

- **Department of Justice**
  - Executive Office for Immigration Review
    - (Immigration Courts)
  - United States Attorneys Offices
    - (prosecutions for fed immigration offenses)

- **Dep’t of Health and Human Services**
  - Office of Refugee Resettlement
    - (detention of unaccompanied immigrant children)
Some statistics about ICE

- ICE operates the largest detention and supervised release program in the country. A total of 378,582 aliens from 221 countries were in custody or supervised by ICE in FY 2008;

- Every day: 31,075 aliens in more than 300 facilities throughout the US and territories ($95/day)
Immigrant Children

- One in four children and youth is either an immigrant or a child of immigrants
- 1.8 million undocumented youth
- In 2008, approx. 10,000 unaccompanied children detained; vast majority are from Central America and Mexico
- In 2003, 14,500-17,500 people trafficked into U.S., up to half under 18 (State Dept)
  - E.g. Parents pay child to be smuggled into US. Pays off debt by working in the sex trade
Focus on the criminal alien

- Majority are encountered through their contact with the criminal justice system
- Enormously popular
- Ample funding
Crime and Immigrants

Studies show that

- Immigrants are less likely than native born to commit crime
- High rates of immigration not associated with crime waves
- A high proportion of immigrants in a neighborhood is associated with lower rates of crime.
- According to the latest Justice Department statistics available, noncitizen prisoners accounted for only 5.9% of the combined federal and state prisoner population.
Partnerships by state and federal actors

- Merger of the criminal justice system with the immigration enforcement systems through:
  - Delegation of immigration authority to state actors to enforce immigration law
  - Deployment of agents within the criminal justice system
  - Technology implementation
  - Prosecutions
  - Transportation – trains, airports,
  - Social service agencies (Social security)
  - Increased coordination in state/federal operations e.g. gangs
What’s wrong with this merger?

A merger creates an airtight pipeline to deportation.

- Encourage racial and ethnic profiling; fear in communities Masks civil rights violations
- Creation of corrupt terminology: "criminal alien"
- Cause criminal justice system to lose its core promise of giving people accused of crimes a fair process
- Foster bias against immigrants in the criminal justice system
- Give a lot of power to local and federal agents with no oversight mechanism
- Shift resources away from community law enforcement
- Funding opportunities incentivize working on immenf
Responsive partnerships

• Untangling the culture of cooperation:
  • Education
  • Training
  • Alliance building

• With who?
  • Immigration with criminal and/or juvenile justice organizations
  • Immigration with survivor or domestic violence organization
Challenges working with non-imm groups

- Lack of training and resources on imm (technical and esoteric)
- General lack of info and understanding of complex imm laws
- Lack of resources from federal gov’t to compensate them for providing services to noncitizens
- Feeling it is their law enforcement obligation to enforce immigration laws or bias against immigrants generally
- Political pressure from state and local officials, communities, constituents, ICE