

THE TRUTH ABOUT ICE & CBP

A Comprehensive Analysis of the Devastating
Human Impact of the Deportation Force By The
Immigrant Youth & Families Who Know It Best



Published by: United We Dream

About United We Dream

United We Dream is the largest immigrant youth-led community in the country. We create welcoming spaces for young people – regardless of immigration status – to support, engage, and empower them to make their voice heard and win!

We have an online reach of over 4 million and are made up of over 400,000 members as well as 5 statewide branches and over 100 local groups across 28 states. Over 60% of our members are womxn and 20% identify as LGBTQ. We are made up of fearless youth fighting to improve the lives of ourselves, our families and our communities. Our vision is a society which celebrates our diversity and we believe in leading a multi-ethnic, intersectional path to get there.

Whether we're organizing in the streets, building cutting edge technology systems, opening doors for LGBTQ immigrant youth, clearing pathways to education, stopping deportations or creating alliances across social movements, United We Dream puts undocumented immigrant youth in the driver's seat to strategize, innovate and win.

Published February, 2019

Acknowledgements

As the largest network of immigrant youth in the nation, United We Dream has successfully stopped hundreds of deportations and is deeply embedded in the communities we serve. Our commitment to the protection of the community as well as our commitment to innovation has created unique data sets and avenues for qualitative analysis, which are outlined in this report.

The data and stories included in this report were made possible by immigrant youth and families who had the courage to tell the truth and fight for their right to live unafraid.

The report's editors and co-authors are Greisa Martinez Rosas and Sanaa Abrar. Luzhilda Campos and Cynthia Garcia currently coordinate the United We Dream Deportation Defense program and, along with Ambar Pinto (former coordinator of the program) and United We Dream's regional deportation defense teams and members in cities across the nation, collected the stories and data featured in this report. We are grateful for the consent of the families and loved ones of Miguel Reyes Garcia, Manuel Zhinin, Edder Sanchez, Daniel Ramirez, and Jorge Sarango whose stories are profiled in this report.

Adrian Reyna developed and administers United We Dream's Notifica App. Roberto Cabrera, Allison Verrilli, Henry Manning, Eliana Perozo conducted research and drafting in support of this report. Alex Wang, Andrea Taverna, Nancy Yun Tang from Yale University reviewed and edited the report.

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This report is dedicated to the nation's undocumented people, who are #HereToStay.

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Executive Summary

Donald Trump has dedicated his political career to transforming the nation into a place wholly unwelcome and dangerous for immigrants and people of color. During the past two years, he and his administration have steadily advanced that racist agenda through rhetoric, the encouragement of vigilantism and the use of a massive and highly political armed wing of the government built for mass deportation.

This report tells the story of the human impact, uncontrolled growth and power of the nation's deportation apparatus under Donald Trump while also providing the policy rationale for Congress to dismantle U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) and enact legislation to turn their targets into citizens. The report includes concrete policy recommendations for Congress, federal agencies, local governments, advocates and the next President of the United States on the way forward.

It was developed by the young leaders of United We Dream who for years have worked to stop deportations, empower youth and immigrant communities and enact policy change while also tracking and analyzing the patterns and practices of deportation agents. It includes analyses of hundreds of first hand accounts and is the most thorough analysis of its kind ever produced.

The "deportation force" is primarily made up of the ICE and CBP, which the current administration has bolstered through budget

increases, Executive Orders, regulations, policy guidance, attacks on the agencies' critics and leadership changes.

While the agencies have steadily grown in power through the last two administrations, Trump has used them as an extension of his ideology that immigrants should be driven out and kept out at any cost. The administration has given free rein to ICE and CBP to terrorize, dehumanize, and abuse immigrant communities and has even turned the U.S. military into an extension of the agencies' mission. The administration has further militarized the southern border, targeted all undocumented immigrants for deportation, incarcerated tens of thousands of children in detention camps, demanding increases to the over 400,000 immigrants held in camps every year and is trying to prevent local and state jurisdictions from protecting their local law enforcement agencies from being drafted into the deportation machinery.

This groundbreaking report is the first of its kind - developed by immigrant youth and directly impacted people - and uses both qualitative narratives and quantitative data collected through the wide range of channels that United We Dream has developed over years of community organizing, fighting to stop deportations and advocating for change.

At a time when the data being released by the deportation force agencies is becoming more scarce and more suspect than ever, United We Dream's unique contribution is critical for a balanced discourse.

The report's analyses and findings include:

- Data from the United We Dream MigraWatch telephone hotline for FY 2018 regarding 144 unique reports of ICE and CBP activity across 24 states and the District of Columbia, including direct evidence of the growth of enforcement activities fueled by this administration's policies including the use of state and local law enforcement in carrying out their agenda; home, community and workplace raids; as well as enforcement actions at courthouses and other locations.
- Data demonstrating the widespread adoption of the United We Dream community protection mobile app called Notifica, which allows community members to prevent deportation, including the use of the app by 15,000 individuals so far.
- Data from multiple nationwide surveys of immigrant youth, cataloguing their responses, feelings, and activities in response to this administration's enforcement regime—including the commitment of immigrant youth to participate in our civic process to protect their communities.
- Concrete recommendations and policy proposals for state and local jurisdictions, Congress, federal agencies, the next President, and partners to join with immigrant youth to push back against Donald Trump.
- A historic examination of the racist and xenophobic roots of U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, including how anti-immigrant sentiment shaped their creation and continue to enable their unfettered operation.
- The current administration's role in transforming non-enforcement agencies into cogs in the nation's deportation machine, including attacks on immigrants through U.S. Citizenship and Immigration Services and the undermining of collateral agencies.
- An expose of the tactics that U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection engage in to manipulate the regular Congressional appropriations process, Congress's culpability in fueling the fiscal growth of both agencies and the fiscal enabling of the unfettered growth of the nation's deportation machinery.
- An overview of U.S. Immigration and Customs Enforcement's unfettered targeting of immigrant communities, including the death of prosecutorial discretion, the expansion of immigration raids, enforcement at sensitive locations, and war against state and local jurisdictions.
- An analysis of U.S. Customs and Border Protection's continued growth under this administration and catalogue of its abuses, including militarization of the southern border, attacks on asylum, and murder of peaceful migrants.

Methodology

This report incorporates original research conducted by United We Dream members, affiliates, and community members as well as scholarly research and government data.

In 2016, United We Dream launched MigraWatch, a telephone hotline to enable community members to report immigration enforcement activities in their local community and obtain resources to form local groups to monitor, document, and share reports of enforcement activities.¹ Through this unique distributed research model, United We Dream collected nationwide data, which United We Dream analyzed to identify emerging trends, hotspots for enforcement, and abuses by ICE and CBP. Throughout this report, “2018 YTD” refers to data collected through September of 2018.

Concurrently, United We Dream operates a Deportation Defense program, which connects, trains, and empowers communities to defend their civil rights, prevent and stop deportations, and combat collaboration between local authorities and the federal government.² The Deportation Defense program enabled United We Dream to collect narratives that provide a qualitative mosaic of the human impact of deportation and, as such, this report incorporates these narratives throughout.

In collaboration with national partners and researchers, United We Dream regularly conducts a comprehensive survey of qualitative and quantitative data regarding the individuals who make up the DACA population.³ Most recently conducted in August of 2018 and surveying over 1,000 DACA recipients, this and

previous surveys provide a unique insight into economic; social; and community contributions of DACA recipients. This report incorporates those insights, including highlighting the psychological impacts of enforcement on immigrant youth and their families. This report also incorporates previous scholarship conducted by United We Dream on immigration enforcement.⁴

Finally, this report relies on extensive research conducted by educational institutions; academics; scholars; and non-governmental organizations. When appropriate, this report also references government data. However, where applicable, this report will provide caveats regarding the government statistics that it uses, particularly in consideration of the Trump administration’s inaccurate reporting,⁵ selective information release,⁶ and data withholding.⁷

Photo: Cornelius Kibelka

Deeply Flawed: A Primer on Our Nation's Immigration System

Snapshot of Our Nation's Immigrant Population

Generally, to remain in the United States, immigrants are expected to obtain and maintain authorization from the federal government.⁸ Generally, immigrants with lawful permanent resident (LPR) status, can naturalize and become U.S. citizens.⁹ Outside of LPR status, the immigrant population consists of individuals who hold (or do not hold) a variety of different types of immigration status predicated on different requirements.

Immigrants without status make up our nation's undocumented population: a stable, ever-present, vital community of approximately 11 million people who entered without status or subsequently lost their status.¹⁰ Each of the individuals in this community, through the mere lack of status, are subject to arrest, prolonged detention, and deportation; particularly under this administration where any contact with federal immigration authorities

could lead to being taken from one's family, sent to a detention camp and placed in deportation proceedings. The vast majority of this population is prevented from securing a more permanent form of immigration status because of Congress's refusal to change our nation's harsh and restrictive immigration laws, which make it impossible for most immigrants to regularize their status.¹¹ Within the nation's undocumented immigrant population there is a subset of individuals with some protection from deportation, including DACA recipients; TPS holders; and unaccompanied minors (who may have a claim to forms of protection such as Special Immigrant Juvenile Status). The rescission of DACA and systematic cancellation of many TPS designations mean that even these formerly protected populations will soon be subject to additional enforcement, rejoining the broader undocumented population in being vulnerable to deportation.

Deferred Action for Childhood Arrivals (DACA)

DACA is a form of prosecutorial discretion that provides a two-year, renewable grant of employment authorization (commonly known as a "work permit") and protection from deportation for immigrant youth who entered the United States before the age of 16 and meet a variety of stringent educational and background criteria.¹² Originally implemented by the Obama administration in 2012, the federal government granted deferred action under DACA to 822,008 individuals, many of whom represent key members and leaders

within the immigrant youth movement.¹³ In September of 2017, the Trump administration announced it would terminate DACA, an announcement followed by multiple lawsuits and federal court injunctions directing the administration to—for now—continue to accept renewals.¹⁴ The continued existence of DACA remains in question and, for now, DACA exists, although in limited form.¹⁵ The resumption of DACA would allow upwards of 1.9 million individuals to apply for and eventually receive deferred action.¹⁶

Temporary Protected Status (TPS)

TPS is an immigration status established by Congress in 1990 that allows the U.S. Department of Homeland Security (DHS) to provide between six to 18-months of employment authorization and suspend the deportation of immigrants who cannot be safely returned to their home countries due to dangerous conditions, such as armed conflict, natural disasters, or other extraordinary circumstances.¹⁷ USCIS has granted TPS to an estimated 437,000 individuals, with designations regularly extended under both Democratic and Republican presidents.¹⁸ The

Trump administration, however, terminated TPS and DED for nine out of eleven countries, affecting almost all TPS holders, including designations for immigrants with decades of residency and whose deportation is still impractical or dangerous.¹⁹ Over the next two years, almost all TPS holders will lose their status, particularly if various court injunctions are lifted or subsequently stayed.²⁰ TPS holders have 275,000 U.S. citizen children, representing youth at risk of being separated from their families or being moved to a country that is essentially foreign to them.²¹

Unaccompanied Minors

Recognizing the unique vulnerability of children who arrive in the United States alone, known as unaccompanied minors, in 2008, Congress enacted the Trafficking Victims and Protection Reauthorization Act (TVPRA).²² The TVPRA and previous settlements provide that unaccompanied children, especially those from non-contiguous countries, are entitled to due process protections, such as release from detention and placement with a sponsor while their court cases are pending.²³ Beginning in 2014, the endemic violence and growing gang persecution in El Salvador, Honduras, and

Guatemala—the Northern Triangle countries—forced a growing number of unaccompanied children to flee their home countries and seek asylum and safety in nearby countries, including the United States. In 2018, a growing number of “so-called” unaccompanied children arose—those separated from their families under the Trump administration’s “zero-tolerance” policy of family separation.²⁴ This policy grew the number of unaccompanied children, with children placed in shelters, foster care, or altogether lost somewhere in the bowels of the federal government.²⁵

Role of Federal and State Governments in Immigration

Constitutional Framework for Immigration Enforcement

Executive Branch. The United States Constitution charges the Executive Branch of the federal government with enforcement of our nation's immigration laws.²⁶ Our laws provide tremendous discretion for the President to decide how and to what extent to enforce and criminalize immigrant communities, including allocation of fiscal resources. The President generally sets the federal government's immigration priorities, within the authority of statutes enacted by Congress, directing her cabinet members, and federal agencies, especially ICE and CBP, to implement that vision. Consequently, the administration has vast authority to decide who it will arrest, detain, and deport; the implementation of criminal justice policies in relation to the immigration system; and the breadth of due process within the immigration courts, which are administrative courts and part of the Executive.

Immigration enforcement manifests through key federal agencies, with the most critical being DHS.²⁷ DHS houses ICE, which is charged with enforcement within the nation's interior; and CBP, responsible for enforcement within 100 miles of ports of entry and the northern and southern borders.²⁸ ICE and CBP represent the face of the Trump administration's xenophobic and anti-immigrant agenda. Under this administration, ICE and CBP intensified the federal government's capacity to arrest, detain, deport, and terrorize the immigrant community. DHS also houses USCIS, which ostensibly,

handles the benefits side of immigration, but under this administration, is quickly being turned into an enforcement agency.²⁹

Legislative Branch. The Legislative Branch shapes the immigration system in three key ways: (a) appropriating funds for the Executive to implement the immigration laws; (b) enacting laws; and (c) exercising oversight.³⁰ Congress, under multiple administrations, consistently overfunded and bloated ICE's and CBP's budgets. Consequently, our nation spends more money on federal immigration law enforcement than all other forms of federal law enforcement combined.³¹ Congress rarely updates our nation's immigration laws, which practically means that the Executive's policy most often shapes the day-to-day impact of our laws on immigrant communities.³² Moreover, under this administration, our nation witnessed the wholesale dereliction of Congress's responsibility to exercise oversight and accountability.³³

Judicial Branch. The Judiciary represents one of the last bastions of accountability for the Trump administration's excessive and dragnet-like enforcement policies.³⁴ Federal district courts, courts of appeals, and, in certain cases, the Supreme Court, have stopped this and previous administrations from wreaking havoc in cases involving deportation of long-term residents; separation of families;³⁵ rescission of DACA;³⁶ and coerced cooperation between state and local enforcement and ICE.³⁷

Intersection Between State and Local Governments and Immigration

The Tenth Amendment prevents the federal government from commandeering state and local law enforcement, such as police departments, sheriff's departments, and state troopers, to enforce immigration law.³⁸ Congress, however, provided greater authority for the federal government to incorporate state and local actors into the immigration enforcement system through the 287(g) program.³⁹ During the Bush administration and rapidly growing under the Obama administration, the federal government increased the role of state and local law enforcement in immigration enforcement.⁴⁰

ICE has agreements with 78 local law enforcement agencies in close to half of all states, granting the authority to enforce immigration law to 1,514 officers.⁴¹ These agreements consist of "jail" models, where



local law enforcement conducts enforcement against immigrants in custody.⁴² As part of Donald Trump's Executive Order on interior enforcement, however, the administration directed ICE to resume the highly controversial "taskforce" model, which involves local law enforcement conducting investigations and apprehensions in the community at large.⁴³ The Obama administration discontinued the taskforce model due to racial profiling and civil rights abuses, most notoriously under the 287(g) program implemented by Joe Arpaio in Maricopa County, AZ⁴⁴

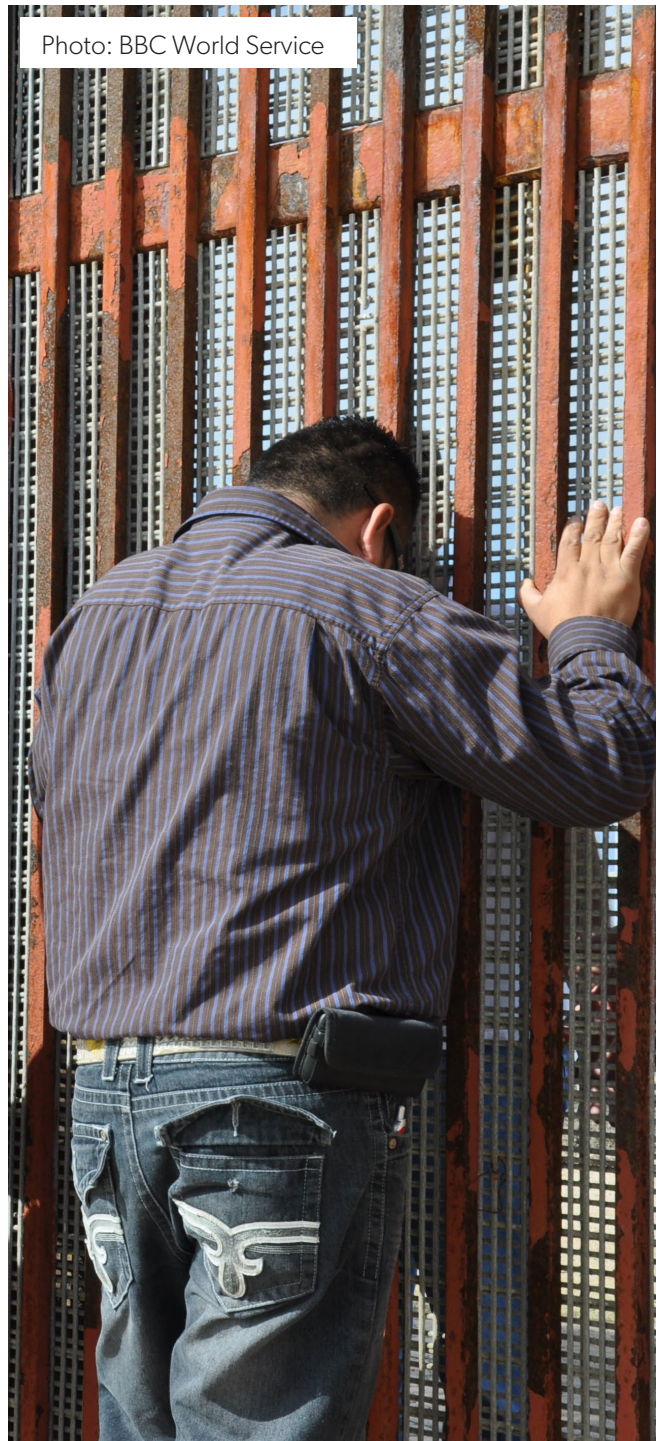
Detainers, currently subject to litigation regarding their legal and constitutional propriety, involve a request by ICE to local law enforcement to voluntarily detain immigrants after they would otherwise be released.⁴⁵ Notifications involve the federal government requesting information regarding the release of an immigrant from custody.⁴⁶ These programs established a formidable deportation pipeline that used state and local actors to dramatically expand the capacity of ICE to identify, detain, and deport immigrants; and were directly implicated in the record-breaking number of deportations under the Obama administration.⁴⁷ These programs represent the primary drivers of enforcement under the Trump administration.

A Primer on Deportation: How the Government Deports Migrants

Generally, the federal government places an immigrant in deportation proceedings, formally known as “removal,” by issuing a Notice to Appear, a charging document that begins deportation proceedings.⁴⁸ At a growing rate under this administration, ICE detains the immigrant while her immigration case is pending. While in deportation proceedings, an immigrant regularly appears in immigration court, which is housed within the Executive Office for Immigration Review (EOIR) under the U.S. Department of Justice (DOJ), and presents legal arguments to stay in the country.⁴⁹ At the border or a port-of-entry, CBP also has the option to “return” immigrants, a procedure that allows CBP to deny entry to immigrants.⁵⁰

Although our immigration system resembles the criminal justice system; particularly regarding arrest, incarceration, militarization of enforcement, and the serious and life-changing consequences of deportation; it is civil in nature. As a result, immigrants placed in deportation proceedings do not have the right to counsel at the government’s expense, leading to 63 percent of immigrants fighting their immigration cases without a lawyer.⁵¹ At the end of immigration court proceedings, an immigration judge may order an immigrant deported or, in limited instances, allow them to stay.⁵² If ordered deported, ICE effectuates the physical removal of an immigrant from the country; expelling the immigrant from the United States; and often separating them from their families

Photo: BBC World Service





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Built on a Rotting Foundation: A Historical Perspective of Immigration Enforcement

**NO SOLICITAR
NO DISTRIBUCIÓN**

Solo los empleados de CCA (Corrections Corporation of America), representantes de cliente, y visitas autorizadas están permitidos a toda hora en la propiedad de la compañía o en la propiedad arrendada. Al llegar, todos los visitantes deben firmar el registro y obedecer a las políticas, las reglas, y los procedimientos de conducta gubernamentales mientras estén en la propiedad de la compañía o en la propiedad arrendada.

Las personas no empleadas por CCA, no están permitidas por ninguna razón a solicitar en el lugar de trabajo mientras estén en la propiedad de la compañía o la propiedad arrendada a cualquier hora. También, las personas no empleadas por CCA no están permitidas a distribuir literatura* en el lugar de trabajo, en la propiedad no están permitidas a distribuir literatura* en la propiedad arrendada por ninguna razón a cualquier hora.

U.S. Immigration and Customs Enforcement

Following the attacks of September 11th,⁵³ fearmongering and Islamophobia engulfed the United States, and the Bush administration, with congressional acquiescence, created DHS through the Homeland Security Act (HSA) of 2002, re-organizing a variety of immigration and national security-related agencies.⁵⁴ In the subsequent years, the legacy Immigration and Naturalization Service (INS), U.S. Customs Service, and other agencies merged to create, among others, three key immigration subcomponents: ICE, CBP,⁵⁵ and USCIS.⁵⁶

The HSA established ICE's mission as the enforcement against immigrant communities within the interior of the United States. ICE approaches immigration as a crime or threat to national security—rather than a matter of migration or civil rights, an approach stemming from racism rooted in the country's immigration laws and the xenophobic and Islamophobic wave that overtook our nation post September 11. Since its creation, and under the guise of promoting national security and preventing terrorism, ICE has regularly targeted Muslims and populations of Middle Eastern and South Asian descent and expanded its surveillance and policing to other communities of color.⁵⁷

ICE's policies of arresting and detaining immigrants rests on historical racism and xenophobia. The forced migration and treatment of enslaved people from Africa, combined with years of exclusion of AAPI communities, Latinos, and other immigrants of color, serves as the foundation for our nation's immigration policies and ICE's implementation of those policies.⁵⁸

Immigrant detention policies existed since the 1800s and broadened over time until mandatory detention came into existence in the 1980s.⁵⁹ Mandatory detention policies arose as a result of the Intelligence Reform and Terrorism Act, with Congress utilizing the "War on Terror" to expand the government's ability to detain immigrants.⁶⁰ By directing enforcement against persons of color, and vulnerable immigrants, ICE's inherent mission enables it to conduct racist raids, interrogations, tracking programs, and other operations with impunity and without much public attention or outrage. Under this administration, ICE even began regular, inaccurate reports of raids and detentions specifically highlighting heinous crimes as a marketing tactic to turn public opinion against immigrant communities.⁶¹

Currently, ICE has more than 20,000 employees in more than 400 offices in the United States and 46 foreign countries and an annual budget of approximately \$6 billion primarily devoted to Enforcement and Removal Operations (ERO), the subcomponent charged with arresting, detaining, and deporting immigrants.⁶² ICE administers 200 immigration detention centers, with three-quarters of all immigrants detained at privately run facilities, a drastic increase from a decade ago where ICE detained most immigrants through partnerships with local governments.⁶³ ICE contracts the management of many of the facilities with the Federal Bureau of Prisons; the U.S. Marshals Service; for-profit prison corporations, such as CoreCivic and Geo Group; and state and local jurisdictions.⁶⁴

U.S. Customs and Border Protection

Established under the same post-September 11th reorganization as ICE, CBP began to operate on March 1, 2003.⁶⁵ Before CBP, multiple federal agencies administered border security.⁶⁶ The HSA unified those tasks into one agency—CBP—which would operate under the paradigm that immigration was first and foremost a threat to border security, instead of an economic and cultural reality.⁶⁷

Before CBP and following the U.S.-Mexico War, armed local militia patrolled the southern border in search of runaway slaves fleeing to Mexico for freedom.⁶⁸ After enacting the Immigration Act of 1924, which heavily restricted immigration through quotas, Congress established the Border Patrol, deploying it along both the northern and southern borders, to enforce Congress's exclusion of immigrants.⁶⁹ Beginning with 450 agents, Border Patrol's officers doubled by 1930, including a growth fueled by World War II.⁷⁰ Border Patrol upheld anti-Chinese sentiment and monitored the border to capture Chinese immigrants targeted by Chinese exclusion laws; and other immigrants seeking to circumvent the nation's racist quotas.⁷¹ Between the 1880s and 1920s, cyclical discrimination also created laws that excluded immigrants from other Asian nations like Japan, placing these immigrants in the cross hairs of Border Patrol as well.⁷²

Over time, Border Patrol's responsibilities expanded to include immigration inspection and the arrests of undocumented immigrants within the country.⁷³ Notably, in 1954, Border

Patrol deported hundreds of thousands of Mexican immigrants (including U.S. citizens) as part of "Operation Wetback," a racist and xenophobic measure that tarred migrants as a threat to America's safety, health, and borders.⁷⁴ Post September 11th, CBP's mission was ostensibly to control borders, fight the "War on Terror", and serve as law enforcement along the country's borders.⁷⁵ However, CBP's enforcement tactics regularly result in discriminatory targeting and egregious human rights violations.⁷⁶ CBP officers regularly engage in racial profiling (endorsed by the Supreme Court); conduct racially motivated interrogations and arrests; harass communities of color; and evade accountability.⁷⁷ CBP officers are repeatedly charged (but rarely convicted or disciplined) with criminal misconduct, use of excessive force, abuse of migrants, and constitutional violations.⁷⁸ Corruption is rampant and difficult to track, especially along the border.⁷⁹ Physical, sexual, and verbal abuse of migrants is widespread and endemic.⁸⁰

Troublingly, CBP is now one of the world's largest law enforcement bodies.⁸¹ CBP dramatically grew, with 450 agents in 1924; 4,287 agents in 2004; and 59,000 in 2018.⁸² Lack of accountability and a fundamentally flawed mission embolden CBP to continue to carry out a steady stream of racist and xenophobic acts as they continue to oppress, harass, and kill immigrants.



**Congress's Funding
Fuels the Exponential
Growth of ICE and CBP**

Congress's Funding Fuels the Exponential Growth of ICE and CBP

Congress is tasked to produce a budget resolution and 12 appropriations bills, each organized by agency, to fund the federal government for each fiscal year.⁸³ By mid-April, both the House and Senate pass their respective cameral budgets, including the total level of discretionary funding, e.g. the amount of funds allocated to the underlying appropriation bills.⁸⁴ Between mid-May and the end of September, the committees on appropriations in the House and Senate decide how to allocate funding within each bill.⁸⁵ Congress passes each bill individually and each bill must first proceed through the appropriate subcommittee; the full committee; and then floor of the House or Senate.⁸⁶ After Congress ratifies final compromises and amendments on the floor, Congress delivers the legislation to the President for signature. The Homeland Security Appropriations Bill specifically funds DHS and its subcomponents, including ICE and CBP.⁸⁷ Since their creation in 2003, ICE and CBP have consistently manipulated the appropriations process to steadily, and relentlessly, grow their budgets.⁸⁸

Between 2003 to 2018, ICE spending grew by 85 percent, from \$3.3 billion to \$7.4 billion.⁸⁹ ICE chronically misleads appropriators; engages in fiscal mismanagement; and ignores attempts at congressional oversight. In their annual budget requests, ICE falsely claims additional operational needs alleging rising immigrant populations in their custody.⁹⁰ Yet, the growing population in detention is a direct result of ICE's discretionary policies that mandate the increased detention of

immigrants.⁹¹ ICE's pattern of deceit and obfuscation manifests through its unnecessary massive interior enforcement operations that increases the population of detained immigrants, followed by a request to Congress for billions of taxpayer dollars to fund a self-engineered problem.

For example, in 2017, ICE planned a coordinated nationwide massive deportation operation dubbed "Operation Mega," ultimately cancelled due to hurricanes.⁹² Through Operation Mega, ICE planned to target 8,400 immigrants, scheduling the operation for the September immediately preceding the end of FY 2017, during final negotiations over government funding levels.⁹³ Operation Mega, if successfully conducted, would have bloated ICE's detention numbers, numbers that ICE would have likely used to negotiate higher funding levels with Congress, deceitfully claiming operational needs from a self-fabricated emergency.⁹⁴

Besides artificially inflating operational needs, ICE routinely functions as an agency exempt from congressional oversight; and operates as though taxpayers wrote the agency a blank check. ICE routinely overspends its budget for enforcement and detention, then pleads with Congress to financially bail out the agency, with the Government Accountability Office noting that ICE consistently underestimates its detention budget projections, subsequently reprograms funds, and then requests funds from Congress to make ICE whole.⁹⁵

Additionally, Congress is responsible in ICE's fiscal mismanagement by approving reprogramming requests, where ICE transfers funds appropriated for HSI to ERO.⁹⁶ For example, ICE reprogrammed funds from HSI to ERO in FY 2011 (\$5 million); FY 2013 (\$10 million); and FY 2016 (\$34.5 million).⁹⁷ ICE does not limit this reprogramming to HSI; in the summer of 2018, Congress approved \$200 million in transfers from the U.S. Coast Guard, the Federal Emergency Management Agency (FEMA), and the Transportation Security Administration (TSA), in addition to HSI.⁹⁸

In May of 2017, Congress scolded ICE for its "lack of fiscal discipline and cavalier management of funding for detention operations," warning ICE that the agency is not "funded by an indefinite appropriation" and directed ICE to "manage-to-budget and [not] operate under the false perception that Congress will provide a bail out if financial controls fail or are simply ignored."⁹⁹ However, no less than three months later, Congress approved \$91 million in additional funds, reinforcing the message that, aside from harsh words, Congress will not hold ICE accountable for its overspending.¹⁰⁰

Similarly, funding for CBP experienced dramatic growth, from \$5.9 billion in 2003 to \$16.3 billion in 2018, with the number of border agents doubling from FY 2003

to FY 2016.¹⁰¹ CBP's funding is greater than funding for the combined budgets of the Environmental Protection Agency, U.S. Treasury, U.S. Department of Labor, and U.S. Department of Commerce, U.S. Department of the Interior.¹⁰² The colossal rise of funding for CBP steadily transformed southern border communities into a heavily militarized southern border.¹⁰³ Increased funding for CBP and border militarization does not correlate with an increase in safety or security.¹⁰⁴ Instead, funding CBP without oversight contributes to the sexual and physical abuse of immigrants; rampant corruption; use of excessive force; and death.¹⁰⁵

Much like ICE, CBP deceives Congress by hyperbolizing and manufacturing a "border crisis" to obtain more funding, despite record low numbers of people crossing the border.¹⁰⁶ Previous significant funding increases for CBP consistently led to more mismanagement; use of excessive force from lack of supervision for newly hired agents; and continued corruption and misconduct.¹⁰⁷ CBP's agents operate under a code of silence, "an unwritten rule not to report another colleague's errors, misconducts or crimes" and represents one of the many unresolved issues that persist within border enforcement.¹⁰⁸ In the field, CBP agents operate virtually unchecked where opacity and corruption permeate and there is no government accountability or consequences for spending of appropriated funds.¹⁰⁹

ICE chronically misleads appropriators; engages in fiscal mismanagement; and ignores attempts at congressional oversight.

Photo: Ted Eytan

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U.S. CUSTOMS
and
BORDER PROTECTION

The Engines of Our Nation's Deportation System

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The Engines of Our Nation's Deportation System

To effectuate its mission of deporting as many immigrants as possible, the Trump administration employed the full force of the Executive Branch to supercharge our nation's deportation machinery. Shortly after inauguration, Donald Trump signed two Executive Orders that directed the federal government to radically ramp up its deportation

machinery, with one order focused on the border and the other on the interior of the nation.¹¹⁰ These orders, combined with subsequent political appointments at all levels of government; regulations; and policy guidance, enabled ICE and CBP to unleash a reign of terror and immigration enforcement unseen in generations.

Abusive Agency – U.S. Immigration and Customs Enforcement

ICE is responsible for the arrest, detention, and deportation of individuals within the interior of the United States.¹¹¹ Practically, this means that ICE's enforcement activities often target immigrants with long-term residency in the country; deep ties to their communities; and mixed-status families. ICE also administers a

sprawling and ever-growing system of private and public immigration detention facilities, collaborating and contracting with private prison companies with dubious human and civil rights records, including GEO Group and CoreCivic—both chastised for their abuses by the U.S. Commission on Civil Rights.¹¹²

Death of Prosecutorial Discretion

Enforcement "Priorities" that Prioritize Everyone = Mass Deportation. In the immigration context, prosecutorial discretion is the ability of law enforcement officers to decide whether to exercise enforcement against an immigrant.¹¹³ A law enforcement agency may choose to exercise prosecutorial discretion to ensure that its limited resources

go towards enforcing laws against certain individuals.¹¹⁴ Prosecutorial discretion involves ICE or CBP weighing the equities of an immigrant and deferring her arrest, detention, or deportation.¹¹⁵ Employed extensively by both Republican and Democratic administrations,¹¹⁶ the Obama administration formalized prosecutorial discretion through

its civil immigration enforcement priorities,¹¹⁷ guidelines that shielded upwards of 9.6 million or 87 percent of the undocumented immigrant population.¹¹⁸

In furtherance of Trump’s interior Executive Order, then-DHS Secretary John Kelly promulgated a series of new enforcement “priorities” that essentially prioritized all immigrants encountered by ICE.¹¹⁹ Correspondingly, then-acting Director of ICE Thomas Homan announced that all immigrants “should look over [their] shoulder[s], and [they] need to be worried” and “it’s not OK anymore” to simply be in the country without status.¹²⁰ ICE’s new priorities undermined its prior reliance on prosecutorial discretion to preserve scarce agency resources, exacerbating practices under the Obama administration previously documented by United We Dream in its report, *Prosecutorial*

*Discretion Denied: A Look at ICE’s Prosecutorial Discretion.*¹²¹ Whereas ICE previously refused to exercise discretion for those who fell within the exceptions or “safety valves” of the Obama enforcement priorities,¹²² news reports and comments from top ICE officials suggest that ICE may be refusing discretion in virtually all cases.¹²³

ICE now targets long-time community members; and immigrants with no criminal history,¹²⁴ with arrests by ICE rising more than 30 percent, from FY 2016 (110,104) to FY 2017 (143,470);¹²⁵ and another 10 percent from FY 2017 to FY 2018 (158,581).¹²⁶ ICE’s arrests of immigrants without criminal convictions more than doubled—increasing 146 percent from FY 2016 (15,353) to FY 2017 (37,734);¹²⁷ and increased 42 percent from FY 2017 to FY 2018 (53,441).¹²⁸

Targeting Community Members at Immigration Check-ins

Notably, ICE began a campaign against immigrants with long-time orders of supervision or regularly scheduled check-ins.¹²⁹ These individuals regularly checked in with ICE, some for years, only to learn that ICE, without warning, decided to deport them. For example, MigraWatch reports show that in 2017, there were 11 reports of immigration enforcement at a regular immigration check-in. In June, May, and November of 2017, MigraWatch received reports of ICE being more aggressive at check-ins, including detaining more community members; encouraging individuals at check-ins to self deport; and, most troublingly, encouraging individuals to bring family members to check-ins. As of September 2018, MigraWatch received eight reports of enforcement activity at a regular immigration check-in.

In early 2017, ICE arrested Guadalupe García de Rayos, a mother of two with more than twenty years of residency, at one of her regular check-

ins.¹³⁰ Guadalupe regularly checked in with ICE for nearly a decade and, during a 2016 check-in, ICE even told Guadalupe her case would likely be closed.¹³¹

MigraWatch Spotlight

Reports of enforcement at
a regular check-in:

8

Yet, ICE subsequently arrested Guadalupe at a check-in and deported her.¹³²

In June of 2018, a caller to MigraWatch reported that ICE arrested her mother at a regular check-in, even though her mother had been regularly reporting to ICE. Officers refused to

tell her mother why they were arresting her, instead refusing the mother's request to speak to a lawyer and saying that people "like her" are only here to traffic drugs. ICE arrested the mother even though she was a victim of a qualifying crime in February of 2018 and is eligible for U nonimmigrant status.¹³³

Targeting Current and Former DACA Recipients

While ICE is "prohibited" from deporting individuals who have deferred action under DACA, that policy has not completely protected immigrant youth from ICE.¹³⁴ Reports through MigraWatch include a June 2018 call reporting ICE engaging in tactics to harass DACA recipients, including directing DACA recipients to appear for appointments in front of ICE officers.

In one of the first and most notable cases under this administration, in February of 2017, ICE arrested and detained Daniel Ramirez, a 23-year-old DACA recipient, after raiding Daniel's home to arrest his father.¹³⁵ During the raid, agents questioned Daniel about his status, eventually detaining him on the questionable

grounds that his tattoos constituted gang involvement, all while ignoring his DACA status.¹³⁶

In April of 2018, a caller to MigraWatch reported that local police in Maricopa County arrested a DACA recipient after a traffic infraction. After a court hearing where he was released, ICE, conducting an operation in the complex where the courthouse was located, arrested and placed the DACA recipient in deportation proceedings. The individual previously applied for and received renewal of DACA, with nearly two years of deferred action remaining.¹³⁷



Case Spotlight: Miguel Reyes Garcia¹³⁸

In December of 2017, ICE targeted 26-year old Miguel Reyes Garcia, a New Jersey resident, small business owner, and immigrant from Mexico whose DACA expires in November of 2019. ICE detained Miguel on his way to a local coffee shop. Presenting ICE proof that he currently held DACA, ICE instead confiscated his work permit, destroyed it, and arrested him on unfounded allegations of gang affiliation.

Miguel is currently detained by ICE at the Essex County Jail in Newark, NJ, with United We Dream fighting in collaboration with Miguel's family and local community to secure his release.

Terrorizing Communities through Immigration Raids

The death of prosecutorial discretion aligns with ICE's expansion of a powerful tool to arrest large numbers of community members and sow fear in the immigrant community: immigration raids. Officially known as "immigration operations," immigration raids involve large-scale sweeps of neighborhoods and areas where ICE detains, questions, and arrests immigrants. The use of immigration raids has increased under this administration, resulting in 30,348 arrests immigration raid arrests in FY 2016; 40,066 in FY 2017; to 40,536 in FY 2018.¹³⁹ In 2017, callers to MigraWatch made 79 reports of immigration enforcement at home and 97 reports in a public space. So far in 2018, callers made 24 reports of activity at home and 36 reports in a public space.

As part of these raids, ICE vastly expanded the practice of targeting people in or around their homes, usually attempting to enter people's homes or arresting them as they leave for work.

MigraWatch Spotlight

Reports of ICE or CBP
immigration raids

2017

At Home: 79

In a Public Space: 97

2018 YTD

At Home: 24

In a Public Space: 36

**MANUEL WAS ABDUCTED BY ICE
HE WAS SENT 1,000 MILES
AWAY FROM HIS FAMILY**



Case Spotlight: Manuel Zhinin

In December of 2017, ICE arrested 36-year-old Manuel Zhinin, an immigrant from Ecuador, outside of his home on the way to work. Immediately detained and placed into deportation proceedings, Manuel is detained in the Etowah County Detention Center in Alabama. ICE's arrest of Manuel separated him from his wife Maria, whom he considers his best friend, and his seven-year-old U.S. citizen daughter, Jocelyn. Jocelyn is heartbroken that ICE took her father away, with Jocelyn's only comfort being a companion named Florecita, a guinea pig gifted to the family after Manuel's arrest. United We Dream is currently waging a deportation defense campaign to reunite Manuel with his family.

In June of 2018, a caller reported that ICE, using nearly half a dozen vehicles, trapped a young immigrant who formerly held DACA as he left his home; failed to show a warrant; and arrested the young immigrant, eventually transferring him to the Joe Corley Detention Facility in Conroe, TX. The targeted community member is married to a U.S. citizen and is eligible to apply for and receive LPR status; has three children and was planning on adopting two more, plans put in jeopardy since his arrest.¹⁴⁴

In April of 2018, a caller reported that ICE arrested a community member as he left his home for work early in Morrisville, PA. Leaving for work, three vehicles blocked him in, with an ICE officer gleefully saying, “Oh, you’re early!”

during the arrest. Subsequently, ICE went to the individual’s brother’s workplace and arrested the brother as well, telling them, “How could we not take both of you?”¹⁴⁵

In June of 2018, a caller reported that ICE targeted her 28-year-old son for enforcement in Calverton, NY. The son was in his friend’s van ready to go to work when ICE approached the vehicle and arrested him. The arrest and detention caused the caller’s son to miss multiple court dates for an outstanding court case and had the devastating result of the individual being separated from his U.S. citizen child who was stripped of their father.¹⁴⁶



ICE ENTERED JOSE’S HOME UNDER FALSE PRETENSES. THEY RAIDED HIS HOME AND ABDUCTED JOSE TO A DETENTION CAMP.

HIS FAMILY IS NOW LIVING IN SHELTER WITHOUT JOSE.

ICE couples its expansive use of raids with a practice that was largely reformed and on the decline under the Obama administration: collateral arrests. Collateral arrests involve the practice of ICE arresting and detaining any immigrant it encounters during raids, even if those immigrant were not its initial or official target.¹⁴¹ Thus, immigrants merely in the company of other individuals ICE is targeting are at risk of arrest, including family members, coworkers, passengers in a vehicle, or community members who happen to be around when an immigration raid occurs.

In February of 2018, ICE approached a community member in Bridgeton, NJ. Without a warrant, ICE followed the individual into his home, interrogated the community member and later collaterally arrested one of the other individuals in his home. ICE then called local police to arrest the community member for an outstanding court date, with the individual currently detained in local custody.¹⁴²

Case Spotlight: Daniel Ramirez

Daniel Ramirez Medina was arrested in February 2017, without a warrant or probable cause, detained without due process, and arbitrarily stripped of his DACA status. Prior to his arrest, Daniel had passed stringent background tests on three separate occasions, and was granted DACA status and protections in accordance with established policy in 2014 and 2016. During and after his arrest, federal agents ignored Daniel's legal status and work permit, falsely accused him of gang affiliation without any credible evidence, and failed to follow even their own internal procedures throughout the process, resulting in tremendous and entirely avoidable harm to Daniel.

In May 2018 Daniel began the legal battle to have his DACA restored and his status was restored by the U.S. District Court for the Western District of Washington. He continues to fight for justice in the courts to defend DACA and hold agencies of enforcement accountable.

Enforcement Near or at Sensitive Locations

ICE now regularly undermines the federal government's longtime policy of avoiding enforcement at sensitive locations. Promulgated and updated by multiple administrations and recognizing the unique vulnerabilities of populations at these locations, the federal government historically prevented immigration enforcement at certain locations, including schools, churches, and hospitals.¹⁴⁸ Under the Trump administration, ICE slowly chipped away at this policy, targeting individuals on their way or near sensitive locations, including parents dropping off their children or immigrant youth at school bus stops.¹⁴⁹

In April of 2018, a caller reported that several buses worth of ICE officers arrived at the caller's nephew's school in Brunswick, GA and interrogated students about their immigration status, detaining individuals who couldn't speak English fully for further questioning.¹⁵⁰ In

May of 2018, ICE arrested a father as he drove his son to school.¹⁵¹ After leaving home, ICE swarmed the father with three vehicles and a half a dozen officers, none of whom wore gear identifying them as ICE officers. Even though the mother told ICE officers they had a pending U nonimmigrant status application pending, ICE still arrested the father. The family has two U.S. citizen children and the father is currently detained in the South Texas Detention Facility in Pearsall, TX.

In February of 2017, ICE arrested several immigrants leaving a hypothermia shelter run by a local church in Fairfax County, VA.¹⁵² ICE arrested half a dozen men as they exited the church, with the church's reverend stating, "They were clearly targeting the church because they knew that they stayed here in the hypothermia shelter. So they were waiting for them to cross the street and then jump on them."¹⁵³

Stalking Immigrants at Courthouses

While not an official sensitive location, courthouses represent public spaces where immigrants go to seek assistance (seeking protection orders); fulfill legal obligations (appearances for traffic infractions); and satisfy their commitment to their families (custody or family-related matters). Yet, under the Trump administration, ICE expanded its enforcement at courthouses, releasing a directive specifically authorizing the arrest and detention of immigrants at courthouses.¹⁵⁴ In 2018 YTD, callers reported two instances of ICE conducting enforcement at a courthouse.

In January of 2018, a caller reported that their son was ticketed in Albuquerque, NM for driving without a driver's license. Arriving at court to appear for the ticket, ICE arrested the son as he stepped out of the elevator, stating that they were arresting him because he was a "mojado."¹⁵⁵ The individual is eligible for U nonimmigrant status because he was beaten and pistol whipped by close to a dozen assailants, a crime he reported to police. ICE's actions separated the individual

from his partner, who is a DACA recipient and was five months pregnant at the time of arrest.¹⁵⁶ Similarly, in March of 2018, a caller reported that ICE arrested her husband outside of a courthouse in Texas after he appeared for his hearing regarding a speeding ticket.¹⁵⁷

ICE does not refrain from engaging in enforcement at courthouses when the individual is a particularly vulnerable individual. In early 2017, ICE arrested Irvin Gonzalez, a 33-year-old transgender woman, shortly after a judge issued her a protective order against her abusive ex-boyfriend. Gonzalez and her attorneys believed her abuser informed ICE she would be at the courthouse, as her abuser previously threatened to report her to ICE. Ignoring the unique risk of deporting a transgender woman back to Mexico and Gonzalez' eligibility for U nonimmigrant status, ICE sent half a dozen officers to arrest and detain Gonzalez, sparking a national furor.¹⁵⁸

**ICE ARRESTED JORGE,
WHO WAS ATTENDING COURT
FOR HIS FAMILY.**



Case Spotlight: Jorge Sarango

In February of 2018, ICE arrested Jorge Sarango, who was attending court for family law issues, outside a courthouse in White Plains, NY. ICE detained Jorge in the Etowah County Detention Center in Alabama. Jorge is an entrepreneur who started a company together with his brother. Additionally, Jorge's company is the main source of financial stability for his family. After a campaign by United We Dream leaders to secure his release, he was let out on bond from ICE custody in January of 2019 and continues to fight his deportation case.

Waging War Against State and Local “Sanctuary” Jurisdictions

The Trump administration has engaged in an all-out war on state and local jurisdictions seeking to protect their immigrant communities. ICE partnered with DOJ to bring litigation against state and local jurisdictions with “sanctuary” policies, which are policies that disentangle state and local actors from immigration enforcement.¹⁶⁰ Over 760 jurisdictions have policies that in some way establish a wall between local authorities and immigration enforcement.¹⁶¹ ICE regularly communicates information to DOJ regarding “sanctuary” jurisdictions, so DOJ can implement restrictions on federal funding to these jurisdictions, risking public safety by withholding key resources.¹⁶²

ICE retaliated against jurisdictions seeking to protect their community members, explicitly threatening (and following through) on increased enforcement and raids in jurisdictions with “sanctuary” policies.¹⁶³ In a highly unusual move, then-Acting Director of ICE Thomas Homan threatened California after passage of Senate Bill 54, a statewide “sanctuary” policy, stating: “ICE will have no choice but to conduct at-large arrests in local neighborhoods and at worksites, which will inevitably result in additional collateral arrests”¹⁶⁴ ICE followed through on Homan’s threats, subsequently conducting an operation in California where ICE arrested 150 immigrants.¹⁶⁵

Enabling Racism by State and Local Law Enforcement

On the opposite side of the spectrum, ICE dramatically expanded partnerships with all-too-willing state and local jurisdictions that seek to target immigrant communities. In addition to entering into additional 287(g) agreements, ICE terminated the Priority Enforcement Program and restored Secure Communities.¹⁶⁶ Under Secure Communities, ICE demands local jurisdictions detain immigrants past the time they would otherwise have been released using detainers, an administrative practice that federal courts across the nation have struck down as unconstitutional and illegal.¹⁶⁷

In February of 2018, a caller reported the case of a young immigrant whose family fled Honduras after the murder of his father. The caller reported that the young individual was threatened by classmates using racial slurs, leading to an altercation. Subsequently, the school turned over the immigrant to police, who took the individual to Harris County Jail in Houston, TX. Refusing bond because of an



outstanding deportation order, the local jail transferred the individual to ICE.¹⁶⁸

Immigrants eligible for relief often suffer the brunt of local police conducting immigration enforcement. In collaborating with local law enforcement, ICE does not consider whether someone is eligible for or currently has a pending form of immigration relief. For

example, in March of 2018, a caller reported that the Henrico County Jail in Henrico, VA refused to release a young adult whose DACA expired in February 17th; and who had a pending application for U nonimmigrant status stemming from domestic violence. Instead of releasing the individual, the local jail complied with a detainer request from ICE.¹⁶⁹ In January of 2018, a caller reported that local police arrested an individual for driving without a license. Jailed and transferred to ICE for re-entering the country, the individual is eligible for U derivative nonimmigrant status stemming from the individual's father surviving a hate crime.¹⁷⁰

Nor does local law enforcement consider the negative consequences of their problematic partnerships with ICE on the families of immigrants. In April of 2018, a caller reported that police in East Hampton, NY stopped her husband; arrested him; and transported him to a local courthouse. At the courthouse, ICE took custody of the individual, depriving the family, which includes two children and a wife battling cancer, of economic support.¹⁷¹

Other times, local law enforcement engages in blatant racial profiling and takes the initiative to collaborate with ICE. In July of 2018, a caller reported that ICE stopped her husband while driving in Albuquerque, NM for not having up-to-date registration on a vehicle that the family

recently purchased. Accusing the husband of stealing the car, local authorities refused to accept or review evidence demonstrating ownership of the vehicle; violated the husband's Fourth Amendment rights by searching the vehicle without consent; and called ICE to arrest the husband. Local police did not ticket or charge the husband with any infraction or offense.¹⁷² In January of 2018, local police officers came upon a former DACA recipient experiencing a panic attack at a park in Clute, TX. Ignoring his anxiety attack, police officers arrested him for resisting arrest. While in their custody, local police contacted ICE, saying "I have a Mexican for you," and ICE issued a detainer request. While detained, the individual has been subject to sexual harassment; battery; and psychological trauma.¹⁷³

In 2017, community members reported ten cases of individuals targeted for enforcement at a check-in with a parole officer, demonstrating the continued interest of the federal government to rope in local enforcement agencies into immigration enforcement. Additionally, in 2017, there were 37 instances of ICE issuing detainers or requests for notifications for community members. And finally, in 2018, MigraWatch received 39 reports of local jurisdictions collaborating with ICE, including complying with detainers and notifications.

Co-Conspiring With and Undermining Federal Agencies

Empowered by the Trump administration, ICE's influence spread to other federal agencies, making them collaborators in the nation's deportation regime. USCIS, historically the benefits agency for immigrants, is transforming into an enforcement agency. In collaboration with ICE, USCIS dramatically expanded whom it refers to ICE for deportation through new Notice to Appear Guidance.¹⁷⁴ Additionally, USCIS has opened its physical offices for enforcement, welcoming ICE officers with open arms to detain and arrest immigrants who attend appointments.¹⁷⁵

In April of 2018, a caller reported ICE arrested her husband during an interview to sponsor him for LPR status. Asking the wife to step out of the room, ICE arrested her husband without warning because of an old deportation order.¹⁷⁶ In January of 2018, MigraWatch received the story of a 34-year-old woman arrested by ICE in Branson, MO during an interview for LPR status. She has two U.S. citizen children, aged four and five, and is one of the breadwinners for the home. She is currently detained in the Platte County Detention Center in Platte City, MO.¹⁷⁷ These policies even extend to those who, until recently, were not able to petition for their same-sex spouses. In May of 2018, ICE arrested an LGBTQ immigrant, whose spouse was an Army Chaplain in the Armed Forces, during a family sponsorship interview at a USCIS office in Charlotte, NC.¹⁷⁸

The State Department is engaging in the universally condemned practice of stripping U.S. citizens of their citizenship, claiming that certain citizens are not actually citizens; and denying them entry and vital documents, such as U.S. passports.¹⁷⁹ Relatedly, USCIS is participating in an unprecedented "denaturalization" campaign, looking through historic naturalization applications to identify

Empowered by the Trump administration, ICE's influence spread to other federal agencies, making them collaborators in the nation's deportation regime.

procedural or technical flaws to strip naturalized citizens of their U.S. citizenship.¹⁸⁰

The administration's fervor for enforcement also undermined other federal agencies housed within DHS. During FY 2018, DHS employed its Transfer and Reprogramming authority to transfer \$9.8 million from FEMA's Preparedness and Protection and Response and Recovery budgets to ICE, to fund detention and deportations.¹⁸¹ The transfer further exacerbated the Trump administration's already botched response to hurricane Maria, which killed nearly 3,000 people, with Puerto Rico still rebuilding to this day.¹⁸² In other cases, the administration cut cancer research, HIV/AIDS medical care, and substance abuse and mental health services to support its misguided policy of family separation.¹⁸³

Death, Sexual Abuse, and Neglect in ICE Detention Camps

ICE dramatically expanded its detention capacity, currently holding an average daily population of 45,000 in detention camps.¹⁸⁴ Functionally, this means that ICE has the capacity to incarcerate approximately 400,000 immigrants every year.¹⁸⁵ The expansion of detention camps comes at a great human cost, with substandard detention conditions and negligence fostering tragedy and death. Through negligence and abuse, ICE contributed to or caused the death of 176 immigrants across 85 detention centers since the agency's founding in 2003.¹⁸⁶

One of the most tragic of these deaths to be uncovered was Roxsana Hernandez, a transgender Honduran woman whom ICE placed in a frigid detention cell without access to medical care, conditions that exacerbated HIV-related conditions, including pneumonia, and led to her death in May of 2018.¹⁸⁷

Independent auditors analyzed 1,224 complaints of sexual and physical abuse in ICE detention centers between 2010 and September 2017, determining that in over half (59 percent) of cases, the perpetrator was an officer or private detention center contractor.¹⁸⁸ Disturbingly, the Office of the Inspector General (OIG), the agency charged with exercising oversight over ICE, only investigated 30 of these complaints.¹⁸⁹ These abuses included officers threatening immigrants with deportation if they refused to engage in sexual activity; releasing immigrants in exchange for sexual favors; groping immigrants; and threatening retaliation against survivors who wanted to report abuses.¹⁹⁰

The OIG reported that ICE's detention facilities lacked adequate health care; clean conditions; basic hygiene supplies; and appropriate food handling policies. As Edmilson Aguilar

Punay, a Guatemalan teenager incarcerated in a detention facility, noted, cells were overcrowded and unclean; food was not cooked properly; and, in one case, a five-year old child was left crying and alone after ICE deported his mother.¹⁹¹

In June of 2018, a caller reported problematic conditions at the LaSalle ICE Processing Center in Jena, LA. The caller reported that there was no access to medical care; the detention facilities were kept at near freezing conditions; detainees were only allowed to go outside twenty minutes a day; and detainees were becoming ill because of the conditions, including outbreaks of chickenpox.¹⁹²

ICE contributed to or caused the death of 176 immigrants across 85 detention centers since the agency's founding in 2003.

The “Green Monster” – U.S. Customs and Border Protection

In January 2017, as part of its expansion of our nation’s enforcement regime, Donald Trump signed an Executive Order, which directed CBP to drastically expand its enforcement activities and further militarize our nation’s southern border.¹⁹³ The administration is in the process

of writing another ignominious chapter to CBP’s history of exclusion and discrimination;¹⁹⁴ facilitating the spread of corruption through an inherently lawless agency; and fostering a culture of fear infecting border communities.

Continued Militarization of Border Communities

Congress charged CBP with enforcement of customs and immigration laws at the borders and at ports-of-entry. CBP’s enforcement, however, infects large portions of the interior because of federal law that allows CBP to conduct enforcement activities within 100 miles of the borders and ports-of-entry.¹⁹⁵ This 100-mile zone encompasses nearly two in three Americans, nine of the ten biggest cities in the country, and the entirety, or near entirety, of 12 states.¹⁹⁶ Concurrently, CBP maintains a series of checkpoints and roving patrols that constitute an ever-growing militarization of border communities.¹⁹⁷

Current and former DACA recipients in these areas are at risk of deportation at the hands of CBP. The most notable case is Juan Manuel Montes Bojorquez, who was unlawfully deported by CBP even though he held a valid grant of DACA.¹⁹⁸ For mixed-status family, CBP’s reach creates an atmosphere of fear, where undocumented immigrants are afraid to travel anywhere near the border. Troublingly, Supreme Court precedent authorizes CBP agents to use ethnicity or appearance as a relevant factor to justify a

stop, a decision that opens the door to racial targeting.¹⁹⁹ The growing clout of CBP is directly tied to increased racial profiling in border communities. As of September 2018, MigraWatch received nine reports of individuals subject to enforcement activity as they entered at port-of-entry. In FY 2018, CBP reported apprehending over 360,000 individuals and performing half a million enforcement actions, underlining the vast scale of the agency’s activities.²⁰⁰

MigraWatch Spotlight

Reports of CBP enforcement at a
port-of-entry

2018 - as of Sept.

9

In January of 2018, CBP boarded a Greyhound bus traveling from Michigan to New York. Stopping the bus in Ohio, CBP officers interrogated passengers on the bus and detained multiple individuals, including an immigrant eligible for DACA.²⁰¹ In July 2018, at a CBP checkpoint in El Paso, TX, CBP officers arrested a DACA recipient whose DACA previously expired and transferred him to ICE.²⁰² In February of 2018, CBP pulled over, without reason, a group of immigrants en route to Las Vegas in Kingman, AZ. One of the passengers refused to answer questions regarding his immigration status, and CBP harassed him for over two hours as a result.²⁰³

CBP also manages a series of short-term detention centers along the border.²⁰⁴ Known as “hieleras” or “freezers” because of the freezing temperatures, hieleras are often immigrants’ first contact with the nation’s detention apparatus.²⁰⁵ In July of 2017, CBP apprehended a woman who was nine-months pregnant as she crossed the Texas border with her eight-year-old daughter. Detained at one of CBP’s hieleras, she was only provided a

mylar blanket to keep warm with no additional accommodations. The mother begged CBP for release because she started experiencing contractions. After repeated pleading, CBP eventually released her and she delivered her baby a week later through C-section.²⁰⁶ In March of 2018, CBP arrested another mother fleeing persecution, along with her two-year-old son. To convince CBP to remove her ankle shackle, the mother shared with CBP that she was pregnant, but CBP refused to believe her, even after an initial positive test and an offer by the mother to take a second test. Eventually, after securing an outside test by a doctor, CBP finally removed her ankle shackle and the mother now regularly checks in during the pendency of her court case.²⁰⁷

In June of 2018, TSA and CBP subjected a DACA recipient flying out of Arlington, TX to extensive interrogation and temporary detention. TSA agents, upon seeing the DACA recipient’s EAD referred him to CBP, who detained and questioned him for two hours, including transferring him to the Arlington Processing Center and taking fingerprints.²⁰⁸

Licensed to Kill by the Federal Government

Nowhere has the complete lack of accountability for CBP contributed to as much heartbreak as the CBP’s free reign to murder, without consequence, immigrants and U.S. citizens. Over the past 15 years, CBP has murdered nearly 100 individuals, including 28 U.S. citizens, and six children aged 12 through 16.²⁰⁹ Most of these murders occurred in Texas (32), California (28), and Arizona (23); and some were as far as 160 miles away from the border.²¹⁰ Deaths stemmed from agents running over pedestrians; agents shooting individuals in the back; and pepper-spraying, beating, or use of tasers.²¹¹ In many cases, as a damning 2013 report by the Police Executive Research Forum explained, CBP agents responded with excessive and unnecessary use of force,

including shooting individuals throwing rocks who posed little risk to the officer; purposely standing in front of oncoming vehicles to justify shootings; and employing force when an agent could easily have de-escalated the situation.²¹²

As recently as May 2018, CBP shot and killed Claudia Patricia Gómez González, a Guatemalan woman who was unarmed and who traveled over 1,500 miles to reunite with her family.²¹³ CBP’s murder of migrants is so egregious that the U.N. High Commissioner on Human Rights deemed the agency’s use of force “unacceptable under any circumstances.”²¹⁴

Gutting Due Process and Deporting Immigrants Outside of Immigration Court

As part of Donald Trump's border Executive Order, CBP is in the process of expanding the government's authority to conduct "expedited removals," the ability to deport an immigrant without providing an opportunity for that individual to present their case in front of an immigration judge.²¹⁵ CBP is considering expanding expedited removal to all individuals who have resided in the United States for less

than two years, potentially subjecting 328,440 additional immigrants currently in the country and 1.8 million immigrants here for over a decade to expedited removal.²¹⁶ This expansion will undoubtedly further grow the number of migrants deported through expedited removal, a practice which has steadily grown over the past two decades.²¹⁷

Persecuting the Persecuted and Separating Families

CBP, in violation of international law and the United States' commitment to humanitarian protections, regularly (and unlawfully) turns away asylum seekers and migrants fleeing persecution.²¹⁸ For those allowed into the country, CBP implemented the administration's "zero-tolerance" policy, which refers virtually all immigrants for prosecution in federal court for entry or re-entry into the country, further bloating the federal prison population.²¹⁹ Additionally, CBP has been at the forefront of the administration's family separation policy, which led to the separation of 2,500 parents from their children.²²⁰ These immoral practices further criminalize immigrants and have been subject to a variety of lawsuits, where federal judges consistently held that the administration is violating the Constitution or other established settlements or laws; leading to a settlement that will permit upwards of 1,000 asylum seekers to re-apply for asylum.²²¹ In many cases, indigenous immigrants suffer the most, with those speaking rare and indigenous languages being more vulnerable to having their children stripped away from them.²²²

extraordinary move, former Attorney General Jeff Sessions reversed a prior decision by the Board of Immigration Appeals, dramatically increasing the difficulty of asylum claims for victims of domestic gang violence.²²³ In May of 2018, MigraWatch received a report of CBP detaining an individual fleeing gang persecution, including threats of kidnapping and a home invasion, in Guatemala. During the individual's court hearing, the immigration judge specifically cited former Attorney General Sessions' memorandum as barring the judge from considering asylum cases based on gang persecution.²²⁴ Most recently, the administration announced a legally and constitutionally dubious set of regulations, memoranda, and proclamations to restrict the ability of migrants from even applying for asylum outside of the ports of entry.²²⁵

The Trump administration also changed policies to make it more difficult to claim asylum. In an



**Impact on Immigrant
Youth, their Families,
and Communities of
Color**

Creating an Atmosphere of Fear and Anxiety



Understandably, the uncertainty of various immigration protections ending combined with the increased enforcement regime of this administration, led to an increase of anxiety in immigrant communities. United We Dream's 2018 survey of DACA recipients reveals that 55 percent of DACA recipients worry about being deported on a daily basis, while 64 percent worry about a family member or relative

being deported.²²⁶ For those with children, 76 percent worry about being separated from their children as a result of deportation, with 74 percent worrying about being unable to see their children grow up.²²⁷ This administration's policies eroded the trust between DACA recipients and the government, with only seven percent trusting the government to refrain from sharing their information with ICE.²²⁸

#HeretoStay: Immigrant Youth Fight Back



Empowering Youth to Effectuate Change

Though this administration fostered fear and anxiety in immigrant communities, immigrants and immigrant youth consistently demonstrated the will to fight back. Nearly two-thirds of DACA recipients participated in a local, state, or national campaign to defend DACA in the last year.²²⁹ During the same period, over a third of DACA recipients participated in campaigns to stop the deportation of a community member and over 35 percent had engaged in a political rally or contacted a Member of Congress.²³⁰ DACA recipients did not limit their activism to immigration, with immigrant youth supporting the fight against this nation's racist law

enforcement targeting of the Black community. Over a fourth reported participating in campaigns to protest the murder of Black men and women.²³¹

DACA has empowered immigrant youth to effectuate and believe in change for their communities, with half of DACA recipients reporting a greater participation in the political process since obtaining DACA.²³² Similarly, a majority of DACA recipients report that they have become much more active in their communities after their grant of DACA.²³³

A Growing Resistance Movement Fueled by Community and Technology

MigraWatch: the United We Dream Hotline to Report Immigration Activity

Nor have immigrant youth quietly acquiesced to the increasing terror inflicted on their communities by ICE and CBP. Through MigraWatch, community members cooperated with United We Dream to mobilize communities; track trends; and push back against ICE and CBP. Using MigraWatch (which tracks both ICE and CBP contacts), community members can call to report on specific cases, e.g. ongoing immigration enforcement against a specific individual; or general immigration enforcement activity such as raids or checkpoints. MigraWatch categorizes received reports into the classifications below. Reports can include arrests; detentions (short or long term); deportations; raids; and other due process violations.

Airport. Immigration enforcement activity at airports that are international port of entries, usually customs officials harassing immigrants (e.g. aggressively questioning or disbelieving the basis for their visa); detaining immigrants for short or long- periods of times; or denying entry altogether.

Border Crossing. Activity at border points-of-entry, usually the southern border. Usually involves similar conduct to that of customs officers (e.g. harassment, detention, or denying entry).

Checkpoint. Activity at CBP checkpoints within 100 miles of the border, both permanent and temporary. Additionally, includes temporary checkpoints in the interior established by ICE.

Court. Enforcement activity in or around a local, state, or federal court, but not immigration court under EOIR.

Home. Enforcement activity in or around a person's home, including curtilage such as the driveway or front yards.

ICE Detainers or Notifications. The use of detainers or notifications for an immigrant in the custody of a local or state law enforcement agency.

Immigration Check-in. Enforcement activity during an immigration check-in.

Public Space. Enforcement activity in all other public spaces not otherwise categorized where an immigrant is not driving a vehicle.

While Driving. Enforcement activity in all other public spaces not otherwise categorized where the immigrant is driving a vehicle.

Work. Activity conducted at a business, usually immigration raids targeting undocumented workers.

For a retrospective on the beginnings of the hotline, metrics from the first year in operations, and background regarding how data is collected, see United We Dream’s 2016 report, *Immigration Raids: The Real Impact: Findings from the National Deportation Defense Hotline*.²³⁴ Importantly, MigraWatch’s ability to track different types of enforcement activity expanded over the years, so its 2018 data has a larger variety of categories.

2017. In 2017, community members reported 271 unique contacts of immigration enforcement activity, including interactions with authorities at checkpoints (22), at home (79), in a public space (97), at work (15), and through ICE detainers or notifications (37). Table 1 outlines 2017 reports broken down by state.

2018. As of September of 2018, community members reported 144 unique contacts of immigration enforcement activity, including interactions with authorities through ICE detainers or notifications (39); in a public space (36); at home (24); during an immigration check-in (8); at work (8); at a port-of-entry (9); at an ICE or CBP checkpoint (5); at a courthouse (2); at the airport; (4); and while driving (3). Table 2 outlines 2018 year-to-date reports broken down by state.



Table 1. ICE and CBP Activity by State (2017)

State	Reports	State	Reports
California	53	Washington	4
Texas	38	Colorado	3
New York	32	Mississippi	3
Virginia	23	Wisconsin	3
Florida	12	Washington DC	2
New Mexico	10	Kentucky	2
New Jersey	9	Nebraska	2
Maryland	7	New Hampshire	2
Alabama	6	Ohio	2
Michigan	6	Tennessee	2
Oklahoma	6	Delaware	1
Pennsylvania	6	Idaho	1
Georgia	5	Iowa	1
North Carolina	5	Kansas	1
Arizona	4	Louisiana	1
Connecticut	4	Minnesota	1
Illinois	4	Missouri	1
Indiana	4	Oregon	1
Massachusetts	4		
TOTAL		271	

Source: UWD 2017 *States with no reports excluded

Table 2. ICE and CBP Activity by State (2018 / Jan - Sept)

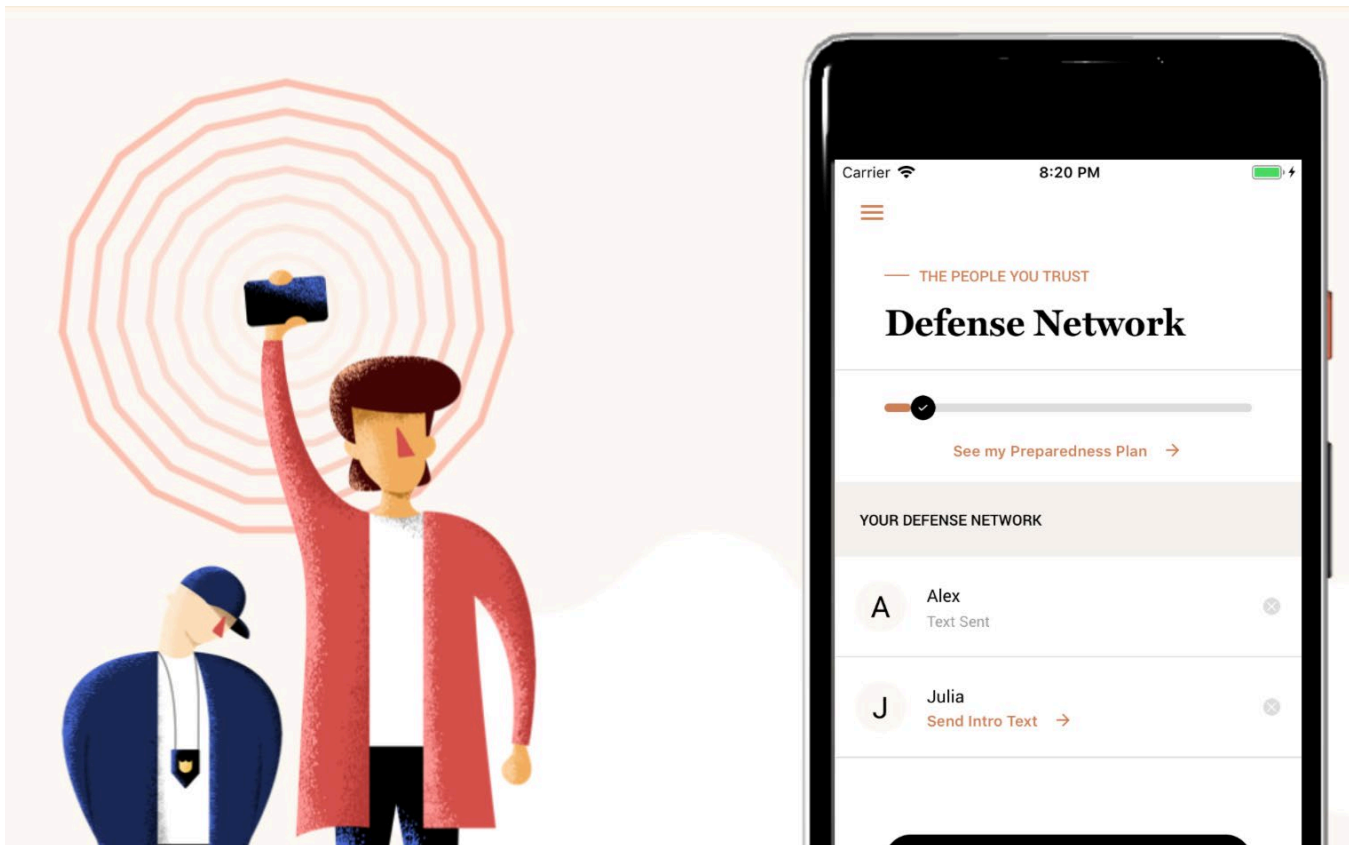
State	Reports	State	Reports
New York	33	Maine	2
Texas	26	South Carolina	2
California	13	Washington	2
Florida	10	Colorado	1
New Mexico	9	Georgia	1
Virginia	8	Louisiana	1
Maryland	6	Massachusetts	1
New Jersey	6	Michigan	1
Arizona	4	Missouri	1
Connecticut	4	Montana	1
North Carolina	4	Ohio	1
Oklahoma	4	Pennsylvania	1
Illinois	2		
TOTAL		144	

Source: UWD 2018 *States with no reports excluded

Notifica Mobile App

Through its deportation defense organizing over the past decade, United We Dream determined that the most effective response to immigration enforcement, especially raids, begins with a real-time response from the local community, including the sharing of information and strategic use of public pressure. These strategies, however, are highly dependent on having a trusted, reliable, and responsive network of trusted contacts and relationships, including family, friends, community organizations, and legal service providers. Thus, in collaboration with immigrant youth, United We Dream developed, designed, and launched Notifica in March of 2018, the first of its kind digital deportation response and communication app.

Through United We Dream's Notifica app, community members have the power to quickly connect with their trusted contacts, including family, friends, and lawyers, and alert them of issues or emergencies stemming from interactions with local law enforcement or immigration authorities. Since its launch, nearly 18,000 people downloaded Notifica; 15,000 users successfully created accounts and set trusted contacts; and outreach drove over 100,000 visits to the Notifica website. The use of Notifica continues to grow and, as of August 2018, 73 organizations reached out to United We Dream to seek to incorporate Notifica into their own deportation defense collaboratives, strategies, and groups.





Policy Recommendations

Policy Recommendations: United States Congress

1. Defund U.S. Immigration and Customs Enforcement and U.S. Immigration and Border Protection

Congress must use the power of the purse to defund ICE and CBP by refraining from appropriating any additional funds in future appropriation cycles and furthermore cutting funds for these agencies. Additionally, Congress must prohibit any appropriated funds to any federal agency from being used to replace the functions of these two agencies. A deportation machinery that engages in the unbridled collective expulsion of immigrants from this country is fundamentally incompatible with the basic notions of humanity; equality; and justice.²³⁵ Critically, defunding of these agencies are the first tangible steps to the goal of dismantling these agencies, along with the institutional systems that criminalize immigrants and foster systemic oppression.

Defunding ICE and CBP are the first steps to ultimately dismantle these agencies. Immigration raids, fugitive operations, and detention should be replaced with a holistic, humane, case management system for immigrants that allows them to be productive and free members of their local community while their immigration case proceeds in court.

CBP, instead of the bloated green monster that it currently is, should be dismantled. Instead, a humanitarian agency must exist, whose job is to welcome migrants and not criminalize them; properly assist and educate migrants seeking humanitarian asylum; rescue migrants lost or in danger at our nation's border; and end the referral of migrants for prosecution.

2. Restrict the Ability of DHS, ICE, and CBP to Reprogram or Transfer Funds

Until Congress defunds ICE and CBP, it should, through the regular appropriations process, include language prohibiting DHS and its subcomponents from "reprogramming" appropriated funds for the purposes of enforcement. DHS and its subcomponents

have regularly used reprogramming to allocate additional funding for enforcement operations, including ERO funding and increased detention. DHS must not be allowed to circumvent congressional limitations on funding by employing a fiscal shell game.

3. Exercise Oversight through Regular Hearings and Data Requests

Congress must end its abdication of oversight over an out-of-control administration. Congress has an obligation to ensure that the Executive is implementing immigration law in a humane, just, and legal manner. The abundance of immigration-related legislation and regular injunctions generated by federal courts demonstrate that this administration's immigration policies are unconstitutional or in otherwise violation of the law. Congress must

regularly issue requests for information from the administration regarding its immigration policies and hold the administration accountable for providing timely and accurate information. Additionally, Congress must employ its oversight powers to bring cabinet members and key administration officials to Capitol Hill to seek answers on this administration's immigration policies.

4. Enact a Roadmap to Citizenship for the Nation's Undocumented Population

Congress must successfully enact legislation that provides permanent protections for the nation's undocumented population, including provisions to create a roadmap to citizenship. Polls consistently show that the American people favor this approach and a massive drive to citizenship and pathway for future migrants would render the deportation force obsolete.

This legislation must not contain onerous interior or border enforcement provisions;

further criminalize immigrants; expand the nation's deportation apparatus; continue to or expand the funding of immigration enforcement; or close off our immigration system to future immigrants, especially Black and brown immigrants. Until Congress enacts permanent protections for the immigrant community, immigrants will remain subject to the immigration enforcement whims of the current and future administrations.

5. Decriminalize Immigration and Repeal Laws that Punish Migrants

Congress must repeal federal immigration laws that criminalize migration and target immigrants. Laws like 8 U.S.C. § 1325 and 8 U.S.C. § 1326 provide a framework that punishes migrants for unlawful entry and re-entry and makes movement across borders without the proper documentation a criminal act. The current administration uses this precise framework to further scrutinize millions of

immigrants, either currently living in the country or crossing the country's borders. Making a crime out of migration, although rooted in immigration laws of this country, must end, and Congress must repeal the very laws that put immigrant communities in danger during previous, current, and future presidential administrations.

Policy Recommendations: U.S. Department of Homeland Security

1. End the Practice of Immigration Incarceration

DHS, as much as legally and practically possible, must end the practice of immigration detention. Immigrants seeking to avail themselves of benefits and relief should be free during the pendency of their court case. Individuals, whether families or single adults, should never be incarcerated while applying for the immigration benefits created by Congress. The criminalization of immigrants and people of color on the basis of immigration status is cruel, unjust, and must end.

DHS should refrain from arresting immigrants; release on recognizance immigrants currently in custody; and employ proven case management

programs. DHS must also recognize and move away from the problematic use of bond (which many immigrants cannot afford) and certain alternatives to detention, such as ankle shackles, which are incredibly burdensome, dehumanizing, and expensive for immigrant families. For “mandatory detention,” e.g. instances where Congress requires DHS to maintain custody of certain types of immigrants, DHS should direct its Office of General Counsel to identify a potential legal basis to interpret custody to include alternatives to detention that are not rooted in the surveillance and criminalization of immigrants.

2. Disentangle State and Local Law Enforcement from Immigration Enforcement

DHS must end the failed experiment of entangling state and local law enforcement with federal immigration enforcement.

Policies like this have failed to in any measurable way increase public safety and have exacerbated problems of unequal justice and racial profiling and have led to the indiscriminate targeting of the immigrant

community. State and local involvement in immigration enforcement is a key driver in deportation numbers and the separation of families must end. As part of this effort, DHS must immediately rescind all 287(g) agreements. Additionally, DHS must formally terminate Secure Communities, ending the practice of issuing notifications and the constitutionally suspect practice of detainers.

3. Resume the Practice of Prosecutorial Discretion

DHS must direct its subcomponents to resume the practice of prosecutorial discretion. Prosecutorial discretion has a storied and long history of use in our nation's immigration enforcement and criminal justice system. The Obama administration's 2014 civil enforcement priorities, while imperfect due to their exclusion of immigrants with previous interactions with

the criminal justice system, represented a first step towards institutionalizing the concept that mere lack of status is never a sufficient basis for deportation. DHS must adopt prosecutorial discretion priorities that exclude the targeting of virtually all the nation's immigrant population, including recent entrants and individuals with criminal convictions.

Policy Recommendations: U.S. Department of Justice

1. Respect the Tenth Amendment and End the War on State and Local Jurisdictions

DOJ must end its attacks on state and local jurisdictions that, per their constitutional right under the Tenth Amendment, disentangled themselves from immigration enforcement. Accordingly, DOJ must end its efforts to strip federal funding of "sanctuary" jurisdictions

and move to dismiss its litigation against these jurisdictions. DOJ must begin restoring the fractured and strained relationship with state and local jurisdictions that metastasized under this administration.

2. End the Criminalization of Black and Brown Bodies

DOJ must cease the use of federal resources to prosecute peaceful migrants for entering or reentering the country without permission under 8 U.S.C. § 1325 and § 1326. These prosecutions not only represent a waste of taxpayer dollars, but also further entangle our civil immigration system with our criminal

justice system. As previously stated, a shocking amount of federal prosecutions and federal inmates now consist of immigrants and the government cannot continue to utilize federal prosecutors to further criminalize and incarcerate Black and brown immigrants.

Policy Recommendations: The Next President of the United States

1. Direct Federal Agencies to Implement Pro-Immigrant Regulations and Policy

The next President, through their cabinet appointments; executive orders; and policy directives, has the inherent ability to shape, shrink and dismantle the nation's deportation apparatus. Consequently, the President should

direct DHS and DOJ to immediately adopt the above recommendations and set our nation's immigration system on a course toward fairness, humaneness, and justice.

2. Reaffirm this Nation's Commitment to the Immigrant Community

Beyond policy, it is incumbent for the next President to use the power and prestige of the presidency to reframe the hateful narrative against immigrants and communities of color that has festered under this administration. The President, as a leader of the American people, is uniquely suited to exercise moral and rhetorical leadership, helping the most

vulnerable communities, and inviting the American public to join her in unreserved support of immigrants and the communities they are part of. This moral leadership is sorely lacking under the current administration, and the nation is hungry for a President that will restore the promise of diversity and inclusiveness into the public consciousness.

Policy Recommendations: To Cities, Counties, and States

1. Enact Legislation that Disentangles State and Local Law Enforcement from Immigration Enforcement

Local and state legislative bodies should enact legislation and policies that disentangles state and local law from federal law enforcement by prohibiting collaboration with the federal government. States like California have already taken the lead in pushing back against this administration's excesses by enacting and reaffirming statewide TRUST Acts or equivalents. This legislation could include unilaterally ending all 287(g) agreements in the state; prohibiting local law enforcement

from responding to requests for notifications or warrantless detainers; enhancing oversight over detention facilities within the state; ending contracts with private prisons operating within the jurisdiction; and limiting information sharing. Importantly, local and state governments must not carve out certain types of immigrants, e.g. those with criminal convictions, from protections under this type of legislation.

2. Local Law Enforcement Must Refuse to Collaborate with ICE

Local enforcement agencies, including police and sheriff's departments, should implement policies to extract themselves (for those already participating) and prevent entanglement with ICE through notifications, detainers, and 287(g) programs. Attorney Generals and Police

Departments can also issue bulletins and orders that clarify that law enforcement should refuse to collaborate with ICE.²³⁶ Heads of these enforcement agencies should strive to maintain their independence from ICE.

3. Enact Universal Representation Programs for Immigrants in Deportation Proceedings

Local and state legislative bodies should enact legislation that provides legal counsel to all immigrants who are detained and in deportation proceedings. Immigrants with counsel are substantially more likely to successfully win their case in immigration court. In New York, counsel made it 1,100 percent more likely for an immigrant to win their case.²³⁷ Over 20 jurisdictions across the country have

adopted universal representation programs, which provide qualified immigration attorneys (often ultimately saving taxpayer dollars),²³⁸ to immigrants who are detained and unable to afford legal representation.²³⁹ These programs make measurable strides to restoring due process to our nation's immigration system and ensure that all people—no matter their income—have access to the due process.

Policy Recommendations: Advocates, Partners, and Allies

1. Support Advocacy and Appropriations Efforts to Defund ICE and CBP

Advocates and allies must support immigrant youth in their efforts to defund ICE and CBP. Maintaining these agencies at current funding levels or even modest increases represent the adoption of a status quo that will continue to lead to the terrorizing of our communities. This support can manifest in a multitude of ways, including joining immigrant youth in calling on members of Congress generally; members of Congress belonging to key committees (e.g. appropriations and budget committees);

candidates running for federal office to adopt the defunding of these agencies into their platform; and future administrations to refrain from requesting funding for these agencies in their yearly budget.

A dollar sent to ICE and CBP is a dollar used to break apart families; target immigrant youth; and continue to support an institutionally racist and broken immigration system. Advocates must stand with immigrant youth.

2. Include Immigration in Debates about Reforming a Racist Criminal Justice System

Debates regarding race relations; the dehumanizing treatment of Black and brown bodies by our criminal justice system; and the need to reform the institutionally racist nature of our criminal justice system are core to current politics. But these conversations cannot occur in a vacuum, separate from the topic of immigration. Criminal justice reforms on Capitol Hill, and even among advocates and allies, often exclude discussions regarding immigration for fear of upsetting the careful, bipartisan balance of criminal justice reform.

And yet, our immigration system is integrally tied with our criminal justice system, from increased criminal prosecutions for immigration-related offenses by the

federal government; racial profiling, arrest, killings, and prosecution of Black and brown people by state and local enforcement (and collateral immigration consequences); to the double-standard for immigrants in terms of rehabilitation and post-conviction relief.

Criminal justice reform must include reforms to lessen the impact of that same system on immigrant communities, including addressing the collateral consequences of that system that often render an immigrant ineligible for immigration relief in our nation's civil immigration system. No longer can discussions about immigrants classify immigrants into "good" and "bad" immigrants and penalize the latter category.



Glossary

Glossary

287(g): Federal program, housed within the Immigration and Nationality Act, that allows state and local law enforcement to enforce immigration law against immigrants in custody (“jail” model) or through enforcement in the community (“taskforce” model).

Appropriations: Process through which Congress determines how it will allocate its budget and spending for a fiscal year.

Arrest: Process by which ICE takes an immigrant into custody for immigration violations, also known as an “administrative arrest.”

Check-in: Routine, in-person meetings with ICE officers required for some undocumented immigrants.

Collateral Arrest: The arrest by ICE of any immigrants it encounters during raids, even if those immigrants were not its target. This includes immigrants merely in the company of targeted immigrants, including family members, coworkers, passengers in a vehicle, or community members.

Deferred Action for Childhood Arrivals: A form of prosecutorial discretion that provides a two-year, renewable grant of employment authorization (commonly known as a “work permit”) and protection from deportation for immigrant youth who entered the United States before the age of 16; and meet a variety of stringent educational and background criteria.

Department of State: Federal agency that represents the nation in international affairs and foreign policy issues; and issues visas for immigrants seeking to enter the country.

Deportation: Process by which the federal government physically expels an immigrant from

the country. Also known as “removal” since 1997.

Detainer: Request by ICE to local or state enforcement to maintain custody over an immigrant after they otherwise would be released.

Detention: The incarceration of an immigrant during the pendency of their immigration court case or while they are in deportation proceedings.

Detention Facility: Publicly and privately-operated jails and prisons where ICE incarcerates immigrants.

Employment Authorization Document: A government-issued document that authorizes an immigrant to work.

Enforcement and Removal Operations: The subcomponent of ICE that apprehends, detains, and removes noncitizens from the country.

Executive Office for Immigration Review: The United States’ administrative immigration court system, housed under the U.S. Department of Justice.

Executive Order: A directive issued by the President that directs the federal government and agencies to implement specific regulations or policies.

Expedited Removal: The process through which the government deports immigrants from the country without allowing them to see an immigration judge.

Immigration Raid: At-large community sweeps of immigrants by ICE at homes, work places, and public spaces where ICE indiscriminately arrests immigrants.

Lawful Permanent Resident: Immigrants who are authorized to permanently live and work in the United States and can naturalize and become U.S. citizens.

Memorandum: Written documents produced by federal agencies and law enforcement to change and implement immigration policy.

Notice to Appear: Charging document issued by the federal government that begins deportation proceedings for an immigrant.

Notification: Request by ICE to local or state enforcement to share information regarding the release time and date of an immigrant in custody.

Port-of-Entry: A place through which people or goods enter our nation, administered by CBP.

Prosecutorial Discretion: The federal government's authority to decide whether to arrest, detain, and deport an immigrant.

Removal: Process by which the federal government physically expels an immigrant from the country. Also known as "deportation."

Reprogramming: Allows federal agencies to, after providing notice to Congress, transfer a certain portion of appropriated funds from one segment of its budget to another.

Return: The ability of CBP to "return" immigrants to their home country who arrive at a border or port-of-entry, outside of the deportation process.

Sanctuary Cities or Jurisdictions: State or local jurisdictions that have a spectrum of policies that disentangle jurisdictions and local law enforcement from federal immigration enforcement.

Secure Communities: Program where ICE can identify and request the continued detention of immigrants apprehended by state and local jurisdictions.

Special Immigrant Juvenile Status: Legal process through which abandoned or abused children may adjust to LPR status.

Temporary Protected Status: Temporary legal status granted by the federal government to nationals of countries that suffer from conditions that prevent its nationals from returning safely.

Transfer Authority: DHS's budgetary authority to transfer funds from one subcomponent to another.

U.S. Customs and Border Protection: Federal law enforcement agency charged with border security and, increasingly, enforcement in the nation's interior (e.g. within 100 miles of the border).

U.S. Department of Homeland Security: Umbrella agency that houses CBP and ICE and directs our nation's immigration enforcement policies.

U.S. Department of Justice: Federal agency that prosecutes immigrants for violations of the United States' criminal code (e.g. unauthorized entry or re-entry) and houses the Executive Office for Immigration Review.

U.S. Department of Labor: Federal agency that administers labor laws, supervises unfair labor practices (especially as they relate to immigrants), and employment immigration matters.

U.S. Health and Human Services: Federal agency that administers health and human services, charged with implementing the nation's refugee system and placing unaccompanied minors with sponsors.

U.S. Immigration and Customs Enforcement: Federal law enforcement agency that implements immigration laws, and arrests, detains, and deports undocumented immigrants within the interior of the nation.

Unaccompanied Minor: Immigrants under the age of 18 who cross into a country by themselves, e.g. not in the company of a parent, or are subsequently separated from their parents.

Undocumented Immigrant: Immigrants who do not have authorization to remain in the United States, either because they entered without status or subsequently fell out of status.



Endnotes

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7 Dune Lawrence, Trump Refuses to Release Data on Immigration Crackdown, BLOOMBERG BUSINESSWEEK, June 14, 2018, <https://www.bloomberg.com/news/articles/2018-06-14/trump-refuses-to-release-data-on-immigration-crackdown>.

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nonimmigrant) has been revoked under section 1201(i) of this title, is deportable.”).

9 8 U.S.C. § 1427 (West 2018) (Stating that naturalization requires that an individual “immediately preceding the date of filing his application for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least five years and during the five years immediately preceding the date of filing his application . . .”).

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and Immigration Services, et al. on Memorandum on Rescission Of Deferred Action For Childhood Arrivals (DACA) (Sept. 5, 2017), available at <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>; Press Release, National Immigration Law Center, Status of Current DACA Litigation (Nov. 9, 2018) available at <https://www.nilc.org/issues/daca/status-current-daca-litigation/>.

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20 *Id.*

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