



*Detention Watch Network (DWN) Testimony to the U.S. House Committee on the Judiciary Subcommittee on Immigration Integrity, Security, and Enforcement, pertaining to its hearing:*

**“The Consequences of Criminal Aliens on U.S. Communities”  
July 13, 2023**

Detention Watch Network (DWN) is a national coalition building power through collective advocacy, grassroots organizing, and strategic communications to end the use of immigration detention in the United States. DWN submits this statement to the House Judiciary Committee Subcommittee on Immigration Integrity, Security, and Enforcement to provide critical research, data, and reporting on the grave harm caused to all U.S. communities by the government’s long-standing policies criminalizing immigrants and the expansion and entrenchment of immigration enforcement systems. Immigrants are a vital and beloved part of our communities, and framing them as “criminals” is false and misguided. It is the continued arrest, detention, deportation, and prosecution of immigrants that continually tears apart families, causes lasting physical and mental damage, and wastes crucial public funds and resources. These are the consequences that hurt our communities and must be addressed.

**I. U.S. immigration enforcement policies disproportionately harm communities of color.**

In 1996, President Clinton signed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA) into law, laying the groundwork for the enforcement and criminalization machine we have today. While the history of anti-immigrant and xenophobic legislation in the U.S. goes back much further, these laws firmly tied the already racist criminal punishment system with the detention and deportation of immigrants and made immigration enforcement even more punitive and expansive. This kind of entanglement subjects immigrants to double and even triple punishment simply based on the place they were born. Compounding the harm on immigrant communities, the U.S. Department of Homeland Security (DHS) has since its creation in 2003 employed enforcement policies and guidelines based on immigration laws that target and prioritize immigrants for arrest, detention, “zero tolerance” prosecution, and deportation. The department and its sub-agencies often collaborate with local police to carry out arrests, raids, and other tactics that sow fear in communities and make it difficult for immigrants of all status to move freely in their neighborhoods.

These efforts to criminalize immigrants and frame migration as invasive have dire consequences for communities of color in particular. Because the criminal punishment and immigration enforcement systems are so entwined, people of color are particularly vulnerable to the racist policing and jailing practices endemic to both and intended to feed immigrants into the deportation pipeline. [Black, brown, and Southeast Asian immigrants bear the brunt of the impact](#), as they are racially profiled and far more likely than other immigrants to be arrested, detained, and deported on criminal grounds. According to the Black Alliance for Just Immigration, only 7% of non-citizens in the U.S. are Black, but Black immigrants make up 20% of people facing deportation due to contact with the criminal punishment system that disproportionately targets them. Latinx individuals are imprisoned at 1.3 times the rate of white people. Southeast Asian immigrants are at least 3 to 4 times more likely to be deported for an old criminal conviction than other immigrants. This disparate racial impact goes beyond immigration status and devastates communities of color across the country.

## **II. The threat of immigration enforcement paralyzes U.S. communities.**

When people fear finding themselves in the deportation pipeline due to stricter enforcement policies or the active presence of agents, daily life—going to work, obtaining medical care, sending children to school—becomes less safe. This has a chilling effect on so many communities where immigrants are vital and beloved members. States that have turned to these policies in the past have experienced the detrimental impact. Most recently, Florida’s SB 1718 bill has already [negatively affected](#) the physical and mental wellbeing of the approximately 1.8 million noncitizens in the state—over 8% of its population—and the even larger number of residents that live in mixed-status families. The state’s economy has also taken a hit as a result, with the food service industry reporting losses of both long-time employees and customers due to their fear of being in public places. Agriculture and construction businesses are facing similar issues—[images of abandoned construction sites](#) have been circulating in the media.

Communities in our border regions have long experienced these dynamics as well. Customs and Border Protection’s (CBP) jurisdiction spans 100 miles into the interior of the country, which includes two-thirds of the U.S. population. Thousands of Border Patrol agents, a vast network of checkpoints and other policing infrastructure, active-duty troops, invasive surveillance and military technologies, and hundreds of miles of border wall pervade this zone and disrupt the daily life of all residents in the borderlands, especially along our southern border. Units of armed Border Patrol agents profile and harass people who live in the region regardless of status—interrogating and searching people going to school or work, doctor’s appointments, or the grocery store without need for a warrant and at times in fatal ways. Recently, [CBP agents shot and killed](#) Raymond Mattia, a 58-year-old member of the Tohono O’odham Nation, after he had contacted them himself—one of [several fatal shootings by CBP this year alone](#).

### **III. Immigration enforcement agencies have endangered the lives of *all* people living in the U.S.**

Immigration enforcement agencies have an extensive history of putting immigrant lives in jeopardy. Since the creation of Immigration and Customs Enforcement (ICE)'s detention system in 2003, there have been over 225 deaths in its custody. ICE's detention practices during the COVID-19 pandemic escalated that risk and spread the virus throughout the system and beyond. DWN [published a report](#) at the end of 2020 that found that ICE's woeful mismanagement and failure to release people from its dangerous detention system during the pandemic added over 245,000 cases to the total U.S. caseload and significantly increased the risk of COVID-19 outbreaks in counties surrounding ICE detention centers.

Farmville Detention Center in Virginia serves as a telling example of how ICE's reckless actions during the pandemic impacted communities across the U.S. Following the transfer of over 70 people from detention centers located in epicenters of the pandemic in other parts of the country, Farmville experienced the worst COVID-19 outbreak in the entire detention system, which resulted in 93% of people detained contracting the virus and the [death of James Hill](#). [Investigations later exposed](#) that ICE had lied about the reason for the mass transfer. Despite the agency's claims that the transfers were made to facilitate social distancing, officials with knowledge of the operation revealed that the true reason was to circumvent certain restrictions for chartering flights in order to deploy agents to support suppression of the 2020 racial justice uprisings in Washington, D.C. In just this one operation, ICE cracked down on communities exercising their first amendment right, contributed to the spread of COVID-19 on a major scale, and caused the death of James Hill.

### **IV. Bloated immigration enforcement budgets take federal resources away from the real needs of U.S. communities.**

Since the creation of the DHS, the federal government has allocated \$1.4 trillion to the agency, with 30% going to ICE and CBP alone. As the economy is still recovering from a global pandemic and families in the U.S. contend with rising costs for necessities, Congress has instead prioritized using valuable resources to jail and deport immigrants, surveil people across the country with little accountability, decimate ecosystems in the borderlands, and harass migrants and U.S. citizens alike. This leaves the real needs of U.S. communities to live a whole and secure life under-resourced.

In 2020, organizations based in areas with immigration detention centers—the Rio Grande Valley, Texas, Chaparral, New Mexico, and Etowah, Alabama—conducted a small-scale [community needs assessment](#) as part of an initial effort to examine their assets and determine

necessities for services development. Each region identified many overlapping gaps in public programs:

- 94% of people surveyed identified **affordable housing** as a needed investment that would provide people the opportunity to have financial stability, a healthier lifestyle, and security.
- 95% of people surveyed identified **community care clinics** as a needed investment to provide comprehensive care to underserved and vulnerable people living in rural and urban regions and improve communities' overall wellness.
- 97% of people surveyed identified **environmental protections** as a needed investment to ensure everyone has access to clean water, air, and an environment free of toxic chemicals.

[Research](#) conducted by the National Priorities Project shows that for the approximately \$26 billion spent on just ICE and CBP this fiscal year, the government could have provided over **3 million public housing units** for the year, hired **230,000 registered nurses** to address shortages, or built **solar farms to power more than half the nation's households**. It is impossible to reconcile the government's massive investments in our vast deportation-centered immigration enforcement infrastructure, which wreaks havoc across U.S. communities without producing a functional immigration system, while communities struggle for basic needs.

## V. Conclusion

If the Committee wishes to understand the consequences of our immigration policy on U.S. communities, we encourage you to assess what nearly three decades of a punitive, enforcement-centered approach has wrought. U.S. communities are not safer, but instead are subjected to unaccountable and racist police forces, separated from loved ones, and missing the support they need to thrive due to a purported lack of resources. Moreover, our values of freedom and dignity for all people are at stake.

*Thank you for the opportunity to submit this statement for the record. If you have questions, please contact:*

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