

IMMIGRATION DETENTION AND DEPORTATION

The debate on immigration reform presents a vital question: what is sound and just immigration policy? Since 1996, the United States has utilized a system of mass deportation, and mandatory and indefinite detention. This system is unsound and unjust.

A Democratic Society Should Not Engage in Mass Deportation Programs or Imprison Individuals for Civil Violations

From 1996-2004, almost **1.5 million individuals were deported** from the United States by the Bureau of Immigration and Customs Enforcement (ICE).¹

Total Deportations by Country 1998-2004²

Bangladesh	548	Ghana	1,579	Korea	1,932
Brazil	16,027	Guatemala	37,038	Mexico	979,172
China	3,956	Guyana	1,929	Nicaragua	3,636
Columbia	14,744	Haiti	4,233	Nigeria	3,374
Dom. Republic	23,532	Honduras	38,400	Pakistan	3,498
Ecuador	5,515	India	3,141	Peru	5,449
Egypt	1,102	Indonesia	1,137	Philippines	4,305
El Salvador	33,052	Jamaica	14,271	Trin. & Tob.	2,251

In 2004 alone, approximately 235,247 individuals were placed into detention by ICE. **The average daily detention population was 22,812.**³

<u>Year</u>	<u>Average Daily Individuals in Detention⁴</u>	<u>Individuals Deported Yearly⁵</u>
1996	9,011	69,680
1997	11,871	114,432
1998	15,447	173,146
1999	17,772	181,072
2000	19,458	186,222
2001	20,429	178,026
2002	20,282	150,542
2003	21,133	189,368
2004	22,812	202,842

Immigrant detainees – technically under “civil” hold – are held in hundreds of local prisons, jails, and private contract facilities throughout the United States. **Civil detainees are typically subjected to arbitrary punishment**, including shackling, solitary confinement, neglect of basic medical and hygienic needs, denial of outdoor recreation, and verbal, physical, and even sexual abuse. There are no binding uniform detention standards relating to the treatment of detainees.⁶

Families Are Torn Apart as a Result of Our Detention and Deportation System

Every year, hundreds of thousands of American-born children lose their mom or dad to deportation; women are turned into single mothers; and communities are devastated by the loss of members and fear of further deportations. The detention and deportation system affects immigrants and citizens alike.

Nearly 1 in 10 American families are of mixed immigration status – where one or more parent is a non-citizen, and one or more child is a citizen.

1 in 10 children in the United States live in mixed status families.

85% of immigrant families are mixed status families.

A 1998 study of the New York immigrant population found that 70% of households headed by an undocumented immigrant contain a citizen child.⁷

Detention And Deportation Waste Tax Dollars

The increased detention space currently proposed by the Senate would cost approximately \$1.64 billion over 5 years, almost equivalent to the *entire* cost of the other provisions of the proposed immigration bill.⁸

It would cost between \$206 billion and \$230 billion to detain and deport the millions of undocumented immigrants currently residing in the United States.⁹

Immigrants Turns from Breadwinners to Dependents Once Deported

Immigrants remitted approximately \$28.3 billion from the U.S. to their home countries in 2004. Given the reality that a large amount of moneys are probably transferred through informal channels, the actual amount may be significantly higher.

In 2003, remittances to Mexico amounted to approximately \$9 billion; Central America, \$2.5 billion; the Caribbean, \$4.5 billion; South America, \$2 billion; Asia, \$7 billion, Africa \$1 billion.¹⁰

Elected Leaders Across the Spectrum Have Criticized the 1996 Laws

Former **Representative Bill McCullom** (R-FL), a leading proponent of the 1996 laws, criticized the expansion of the “aggravated felony” definition to include so many minor offenses, as well as the retroactive application of the law. He concluded that these reforms amounted to a “manifest injustice.”¹¹ To redress the injustice, Rep. McCullom, joined by **Republicans Ileana Ros-Lehtinen, Brian Bilbray, Doug Ose** and **Lincoln Diaz-Balart**, and **Democrat Robert Wexler**, introduced the Fairness for Permanent Residents Act of 1999 (H.R. 2999) in the House.

Representative Henry Hyde (R-IL), also a supporter of the 1996 laws, noted that the “aggravated felony” definition was being applied to immigrants who had “clearly rehabilitated themselves in the intervening years since committing their crimes, are no longer a threat to society, and have started families. In these cases deportation seems an extreme remedy.”¹²

Senator Edward Kennedy (D-MA): “The changes made in 1996 went too far. They have had harsh consequences that punish families and violate individual liberty, fairness, and due process. Families are being torn apart. Persons who present no danger to their communities have been left to languish in INS detention...Detention is an extraordinary power that should only be used in extraordinary circumstances...[I]ndefinite detention must end. No public purpose is served by wasting valuable resources detaining non-dangerous individuals, many of whom have lived in this country with their families for many years, established strong ties to their communities, paid taxes, and contributed in other ways to the fabric of our Nation.”¹³

Representative Bob Filner (D-CA): “We must stop hauling parents away in the middle of the night in front of their children and denying these people, now in detention, the most basic constitutional rights that we in America believe everyone should have. That is exactly what the 1996 law did...”¹⁴

Representatives Nancy Pelosi, Grace Napolitano, Luis Gutierrez, and Senator Harry Reid: “We oppose mandatory and indefinite detention of immigrants and support adherence to guidelines that assure appropriate conditions of detention, including access to legal counsel.”¹⁵

¹ 2004 Yearbook of Immigration Statistics, Table 42, by the U.S. Department of Homeland Security, Office of Immigration Statistics (OIM).

² Id. at Table 43.

³ Immigration Enforcement Actions: 2004 Annual Report by OIM.

⁴ Immigration-Related Detention: Current Legislative Issues, April 28, 2004 by the Congressional Research Service.

⁵ 2004 Yearbook of Immigration Statistics, Table 42, by OIM.

⁶ Locked Away: Immigration Detainees in Jails in the United States, 1998 by Human Rights Watch.

⁷ All Under One Roof: Mixed Status Families in an Era of Reform, 1999 by the Urban Institute.

⁸ Congressional Budget Office Estimate, HR4437, Dec. 13, 2005; Senate Judiciary Committee Bill, March 30, 2006.

⁹ Deporting the Undocumented: A Cost Assessment, July 2005 by the Center for American Progress.

¹⁰ International Remittances, March 2006 by the U.S. Government Accountability Office.

¹¹ Congressional Record H7770 (Sept. 19, 2000).

¹² Congressional Record H7766 (Sept. 19, 2000).

¹³ Congressional Record S5631-632 (May 24, 2001).

¹⁴ Congressional Record H7769 (Sept. 19, 2000).

¹⁵ Letter to President Bush and Mexican President Vicente Fox, March 21, 2005.