



CHIRLA
Coalition for Humane
Immigrant Rights

Abolish ICE Just the Tip of the ICEberg

Immigration Enforcement is inhumane and out of control

July - 2018

The Trump Administration is creating a falsehood that immigration is out of control and immigrants, both documented and undocumented, are a threat to public safety. To this end, it is important to debunk the lies that the United States Attorney General Jeff Sessions and President Donald Trump are conveying to the American people as justification for their draconian anti-immigrant policies. It is critical to underline that our current enforcement systems are overfunded, intertwined with one another, lack transparency, and oversight. U.S. Congress must reign in the current enforcement beast, increase oversight and transparency, and consider a complete overhaul of the current systems.

The immigrant share of total U.S. population has grown approximately 9% since 1970. This consist of a rate of less than 2% per decade, where the majority of the immigrant population is both authorized to be in the U.S., and naturalized citizens. An estimated 11.4 million unauthorized immigrants reside in the U.S., accounting for approximately less than 3.5% of the total U.S. population.¹ In states and cities where immigrant population grew, crime rates decreased.² Additionally, the economic contributions of immigrants are significant. In 2014 the immigrant population earned \$1.3 trillion, contributed \$224 billion in federal taxes, \$105 billion in state and local taxes, while accounting for \$927 billion in consumer spending.³ These facts are counter to the “[alternative facts](#)” the Trump Administration is selling to the American public about immigrant communities.

A recent [memo](#) by Attorney General Sessions dubbed “Zero-Tolerance Policy for Criminal Illegal Entry” shed light into our current outdated, unworkable, and inhumane immigration system. The separation of children from their parents, the conditions inside [detention centers](#), and willingness to undermine due process for immigrants has drawn criticism and disapproval from the majority of the American public. A poll conducted by CBS found that two-thirds of Americans disapprove of the “Zero-Tolerance” policy.⁴ Since taking office, the Trump Administration has taken at least [15 actions](#) to undermine due process, limit legal migration, separate families, and criminalize immigrant communities. All these actions are implemented not only by Immigration and Customs Enforcement (ICE) but also other federal agencies, and most importantly stem from the 1986 and 1996 immigration laws passed by Congress.

CHIRLA historically has demanded that Congress pass a humane immigration reform proposal and much-needed overhaul of the Department of Homeland Security (DHS) to bring transparency, oversight, and

¹Zong, Jie, et al. “Frequently Requested Statistics on Immigrants and Immigration in the United States.” *Migrationpolicy.org*, 27 Feb. 2018, www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states

²Flagg, Anna. “The Myth of the Criminal Immigrant.” *The New York Times*, The New York Times, 30 Mar. 2018, www.nytimes.com/interactive/2018/03/30/upshot/crime-immigration-myth.html.

³Tan, Avianne & Marshall, Serena. “Without immigrants, the U.S. Economy would be a ‘Disaster,’ experts say.” February 16, 2017. ABC News. <https://abcnews.go.com/US/immigrants-us-economy-disaster-experts/story?id=45533028>

⁴CBS News. “Poll: 67 Percent Of Americans Disapprove Of Separating Families At U.S. Border.” 18, June, 2018. <https://losangeles.cbslocal.com/2018/06/18/poll-67-of-americans-disapprove-of-separating-families-at-u-s-border/>



evaluation of current agencies. The immigration-enforcement deportation machine has grown dramatically and comprised with many tentacles providing the Trump administration with many tools to advance its anti-immigrant policies.

It is important to underline that after the 9-11 attacks in New York, Congress enacted the Homeland Security Act in November 2002 to create the Department of Homeland Security (DHS), combining 22 federal agencies, ranging from the U.S. Secret Service to Federal Emergency Management Agency (FEMA).⁵ In this reorganization, the Immigration and Naturalization Service (INS), formerly under the Department of Justice and previously under the Department of Labor which was tasked to enforce immigration law, was eliminated and replaced with U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP) to enforce immigration laws.⁶

Before the creation of DHS, the budget for INS was increasing every year and therefore immigration enforcement both in the interior and border regions was amplified dramatically. Between 1995 and 2001, INS' budget tripled.⁷ In addition to the augmentation of resources, support for a new strategy also emerged dubbed "prevention through deterrence," which led to a dramatic increase in Border Patrol agents at the border. This type of ill-investment and strategy did not change and instead intensified throughout time. In 2005, former DHS Secretary Michael Chertoff announced the Secure Border Initiative (SBI), consisting of five main elements intended "to achieve operational control" of the border within five years.⁸ The most detrimental provisions of this initiative were the expansion of immigrant detention and end of the "catch and release" policy. Evidently, the feeding of the immigration-enforcement beast has been done for decades. In 2013, spending for immigration enforcement under DHS reached \$17 billion annually.⁹ In the 2018 DHS' budget increased "roughly 13 percent compared with the previous year's enacted levels, CBP a 15 percent funding spike [and] ICE [received] a 10 percent boost."¹⁰ The increase of resources paired with the criminalization of immigrant families led to the creation of a highly sophisticated deportation machine set in place before the Trump Administration. Today, the Trump administration has hijacked the enforcement system, enhanced it, and furthered its scope to implement harsher and inhumane policies.

As a result, we must rethink our approach to the immigration enforcement machine. Both political parties have invested into an inhumane beast that ignores the root causes of immigration, is instead wasting taxpayers' money and is counter to the principles of due process, justice, and human rights for immigrant communities. CHIRLA calls on Congress and the Administration to seek accountability measures and conduct strong oversight over ICE and CBP, and to dismantle systems that profit from the pain immigrant communities face through enforcement mechanisms and family separations.

⁵ Department of Homeland Security (DHS). https://www.dhs.gov/sites/default/files/publications/18_0519_DHS_Organizational_Chart.pdf

⁶ USCIS adjudicates applications and petitions for immigration and naturalization benefits, ICE is responsible for interior enforcement and for detention and removal operations, and CBP enforces immigration laws at and between the ports of entry.

⁷ Gomez, Jimmy, and Walter A. Ewing. "Learning from IRCA: Lessons for Comprehensive Immigration Reform." *American Immigration Law Foundation, Immigration Policy Center*, May 2006, www.americanimmigrationcouncil.org/sites/default/files/research/Learning%20from%20the%20IRCA.pdf.

⁸ United States, Congress, Chertoff, Secretary Michael. "Fact Sheet: Secure Border Initiative." *Fact Sheet: Secure Border Initiative*, 2005.

⁹ Meissner, Doris, Donald M. Kerwin, Muzaffar Chishti, and Claire Bergeron. 2013. *Immigration Enforcement in the United States: The Rise of a Formidable Machinery*, Report in Brief. Washington, D.C: Migration Policy Institute.

¹⁰ Hedson, Ted. "Inside the Omnibus." *Politico*. 22 Mar. 2018 <https://www.politico.com/newsletters/morning-shift/2018/03/22/inside-the-omnibus-147187>



We Demand Immediate Action

- Reunite immigrant families immediately without imposing any financial cost related to reunification on the backs of immigrant parents.
- Reinstate prosecutorial discretion.
- Halt the prosecution of immigrant parents for the offenses under 8 U.S.C. § 1325(a), which leads to the separation of families.
- ICE should use a risk assessment tool to make case by case custody decisions, and should not be able to detain an individual without articulating why that individual is not suitable for release, parole, bond, or an alternative to detention (ATD) program.

Uphold Due Process in Detention Centers

- Individuals who are parents or legal guardians of children have the right to daily phone calls, regular visits to their children, ability to participate in family court proceedings affecting the custody of their children, and to have their children join them in the country of origin should they be removed.
- Ensure that all detained individuals are treated in a humane manner, require that each detainee receives prompt and adequate medical care, a comprehensive intake screening, and any necessary medications. Heightens requirements for administering psychotropic medication, transfer of detainees, and eliminate solitary confinement.
- Ensure all detainees have access to legal materials, are provided with a detainee handbook in their native language during intake process, and made aware of grievance procedures within the facility.

Ten Steps to Disassemble an Inhumane & Out of Control System

1. DISMANTLE THE ESTABLISHED REPRESSIVE STRUCTURE

The Department of Homeland Security (DHS), encompasses four entities responsible for immigration enforcement: Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (EOR), Homeland Security Investigations (HSI), and Customs and Border Patrol (CBP). Each body is integrated with the other and has to be included in order to dismantle repression and advance constitutional policing, human, civil, and constitutional rights of migrants and their families.

2. FULL TRANSPARENCY AND OVERSIGHT

The Immigration Law Enforcement machinery should be required to adhere to all constitutional policing requirements including in border regions.¹¹

3. DEFUND STRUCTURES IN PLACE

Enforcement has human costs that are destructive to individuals, communities and families. Its budget increases by billions every year. Withhold appropriations from this repressive enforcement machinery and tie appropriations cutbacks due to lack of adherence to basic human rights.

¹¹ Constitutional policing provides the foundation for ethical, lawful practices that seek to protect civilians' civil rights. Community policing builds on that framework and applies it to the needs and concerns of a particular community.



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4. PRIORITIZE & INVEST TO EXPEDITE FAMILY REUNIFICATION AS WELL AS LEGAL MIGRATION

U.S. Citizenship and Immigration Services (USCIS), needs to be properly appropriated. If we invest more resources to legal immigration processing rather than enforcement, more bureaucracy would be available to adjust individuals' status, therefore fewer people would be undocumented and priorities for immigration enforcement. USCIS can no longer be a fee for service program. USCIS must prioritize family unity and have the capacity to process immigration applications in a swift matter to prevent the current backlogs. For instance, currently there is a 730,000 citizenship application backlog, an increase of 87% from the previous administration.¹²

5. END INDEFINITE DETENTION

Immigration detention and bail should be abolished and replaced with a court order reporting and monitoring system among other alternative to detention programs (ATD). Children should be immediately removed from immigration detention facilities and reunited with their parents.

6. DECRIMINALIZE IMMIGRATION

Criminal Alien Program, 287(g) programs, Secure Communities, need to be dismantled and a legal firewall between local law enforcement policing and ICE enforcement created. Immigration is a civil violation and should not be criminally prosecuted. Fugitive Alien Teams should be disbanded.

7. END EXTENSION OF ENFORCEMENT AND MILITARIZATION OF BORDER

Do not place immigration enforcement duties on the Department of Defense, USCIS, Department of Health and Human Services (HHS), and further militarize immigration matters. Avoid any loopholes to carry out enforcement operations.

8. END FOR PROFIT DETENTION

Dismantle all private immigration prison systems and detainment of immigrant and refugees for profit, including multi million dollar contracts for corporations like [GEO](#) and [Core Civic](#).

9. ENFORCE HUMAN PROTECTION AND SECURITY

U.S. Customs and Border Enforcement (CBP), should prioritize dismantling human trafficking networks, and eradicating criminal syndicates that control human and drug trafficking. Migrants are the victims and suffer physical abuse, rape and forced labor. The more restrictive our immigration policies become, the more power criminal syndicates have over migrant communities.

10. PROTECT IMMIGRANT RIGHTS

Interior immigration enforcement should become part of the Department of Labor, Wage and Hour Division, charged with investigating and eradicating labor exploitation including based on immigration status.

¹² Silva, Daniella. "Citizenship Applications 'Skyrocketed'" NBC News. 2 July. 2018.
<https://www.nbcnews.com/news/latino/citizenship-application-backlog-skyrocketed-under-trump-report-finds-n888146>