



The Changing Landscape of Interior Immigration Enforcement Under Trump

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Revving Up the Deportation Machinery: Enforcement and Pushback Under Trump

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Jan. 2017 Interior Enforcement Executive Order

- Revoked Obama admin priorities (serious criminal convictions, recent removal orders/illegal entry)
- Set new, broader priorities:
 - Conviction for any crime
 - Arrested but not convicted and committed but not arrested
 - Public safety threat at discretion of individual officer
- Interpreted by ICE as *any* unauthorized immigrant may be a target for enforcement
- No prosecutorial discretion to let people out of detention, delay their deportation



Jan. 2017 Interior Enforcement Executive Order (II)

- Reinstated Secure Communities
 - Screening of all individuals in state prisons, local jails
 - Detainers (requests to hold up to 2 days) always issued
 - States, localities can no longer set parameters
- Encouraged states/localities to enter into 287(g) partnerships to assist ICE
 - Do screenings/start process in jails
 - No authority to screen in street operations by local police
- Threatened to withhold funding from “sanctuaries” who do not hold people/ communicate with ICE



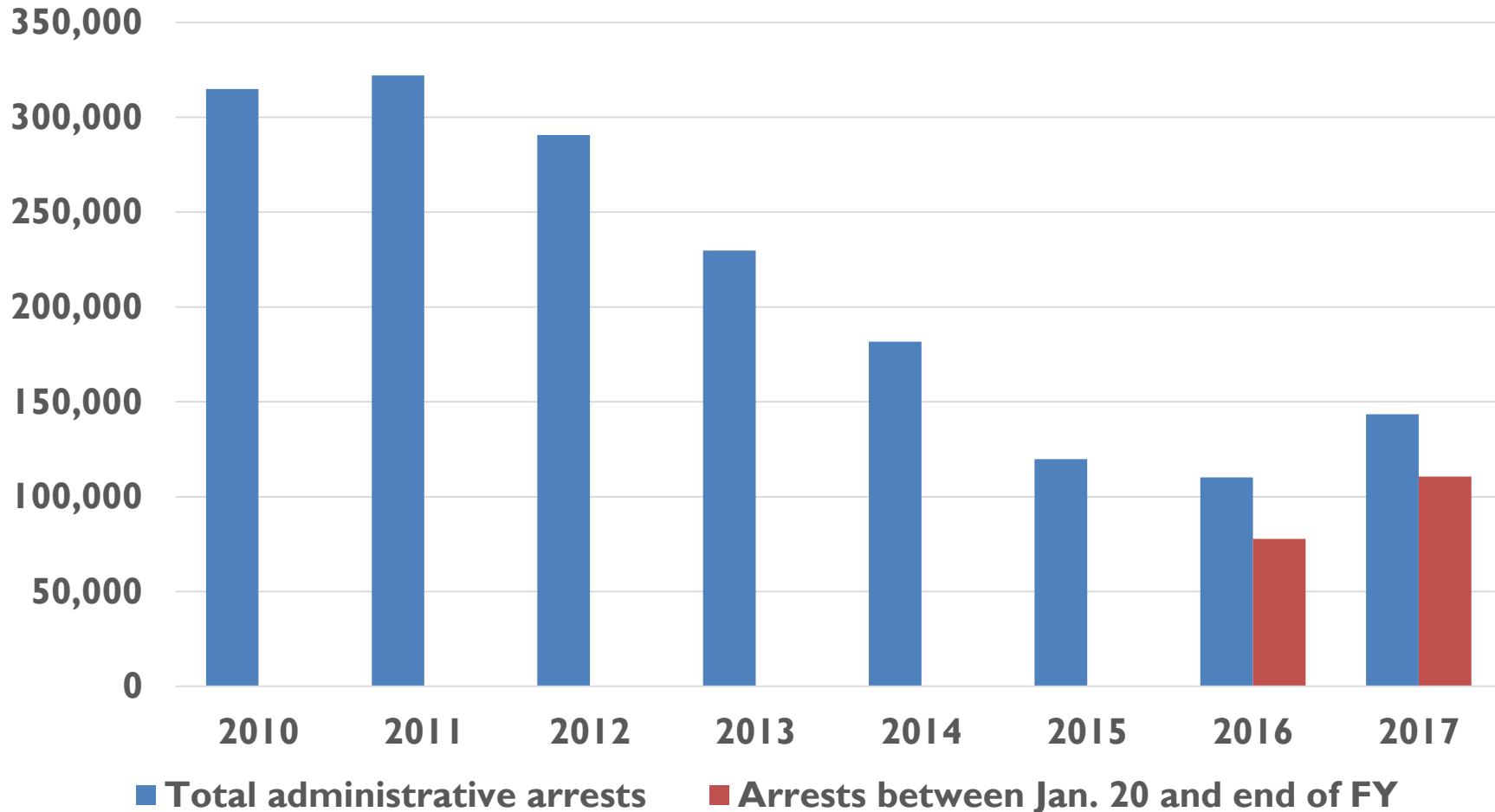
ICE Arrests Have Increased Substantially, But Still Half the Peak

- ICE arrests up 42% in 2017 versus 2016
 - But 2016 was a low point, down two-thirds from 2011
 - Arrests up more in some places (TX) than others (CA)
 - Arrests of noncriminals up 146%, criminals just up 12%
 - Still, three quarters of arrests were criminals in 2017
- ICE highly dependent on jail-based arrests
 - 69% of all arrests in 2017
 - Down from 85% or more in 2011 and before
- Arrests still only half of peaks in 2010-11



FY 2017 Arrests at Half FY 2011 Level

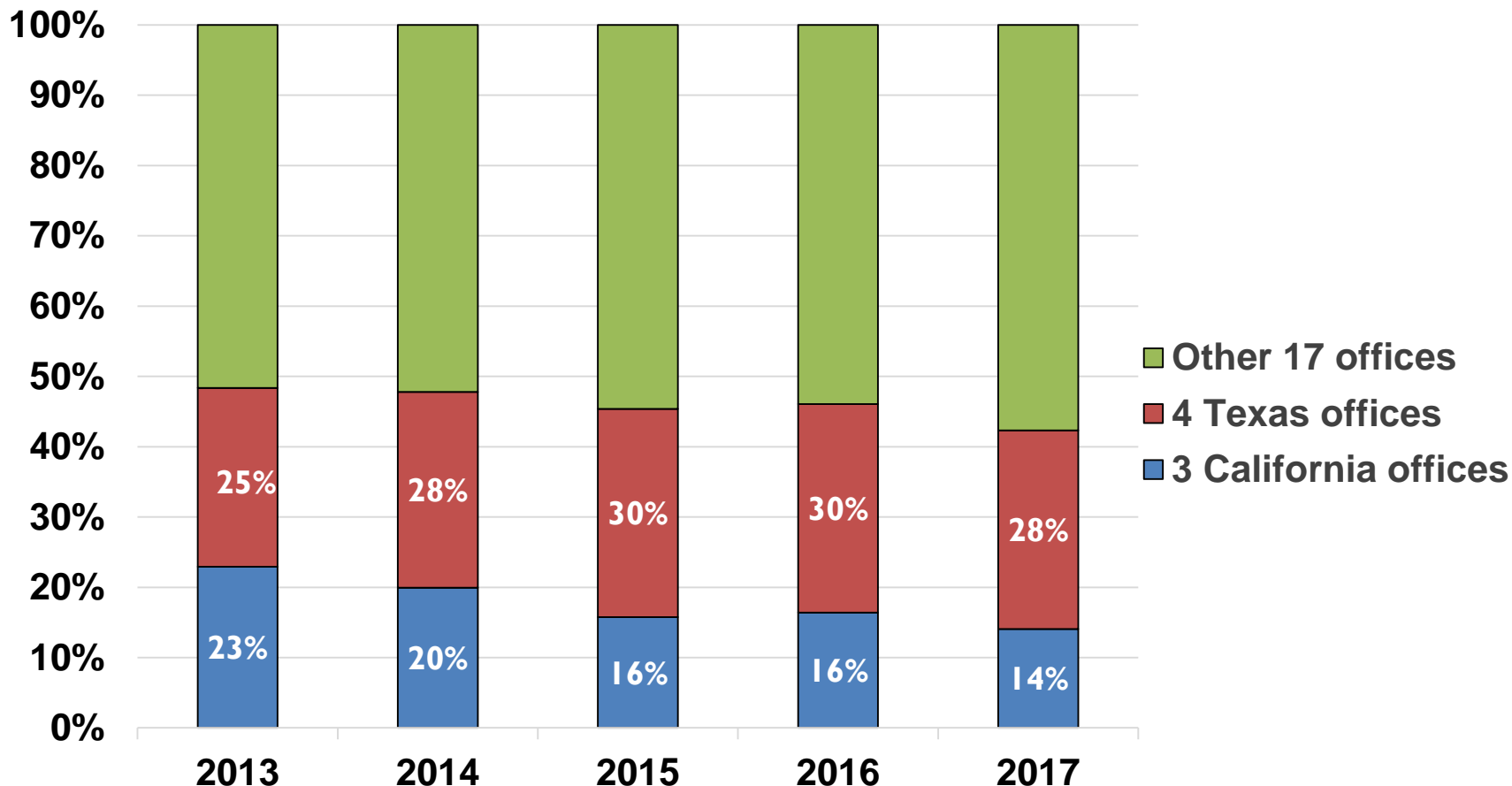
ICE Administrative Arrests, FY 2010 to FY 2017



Sources: ICE, *ICE Enforcement and Removal Operations Report Fiscal Year 2017*; DHS, *Immigration Enforcement Actions: 2016*

CA Share of Arrests Declining

Share of ICE Arrests in California, Texas, and Other Field Offices, FY 2013-FY 2017



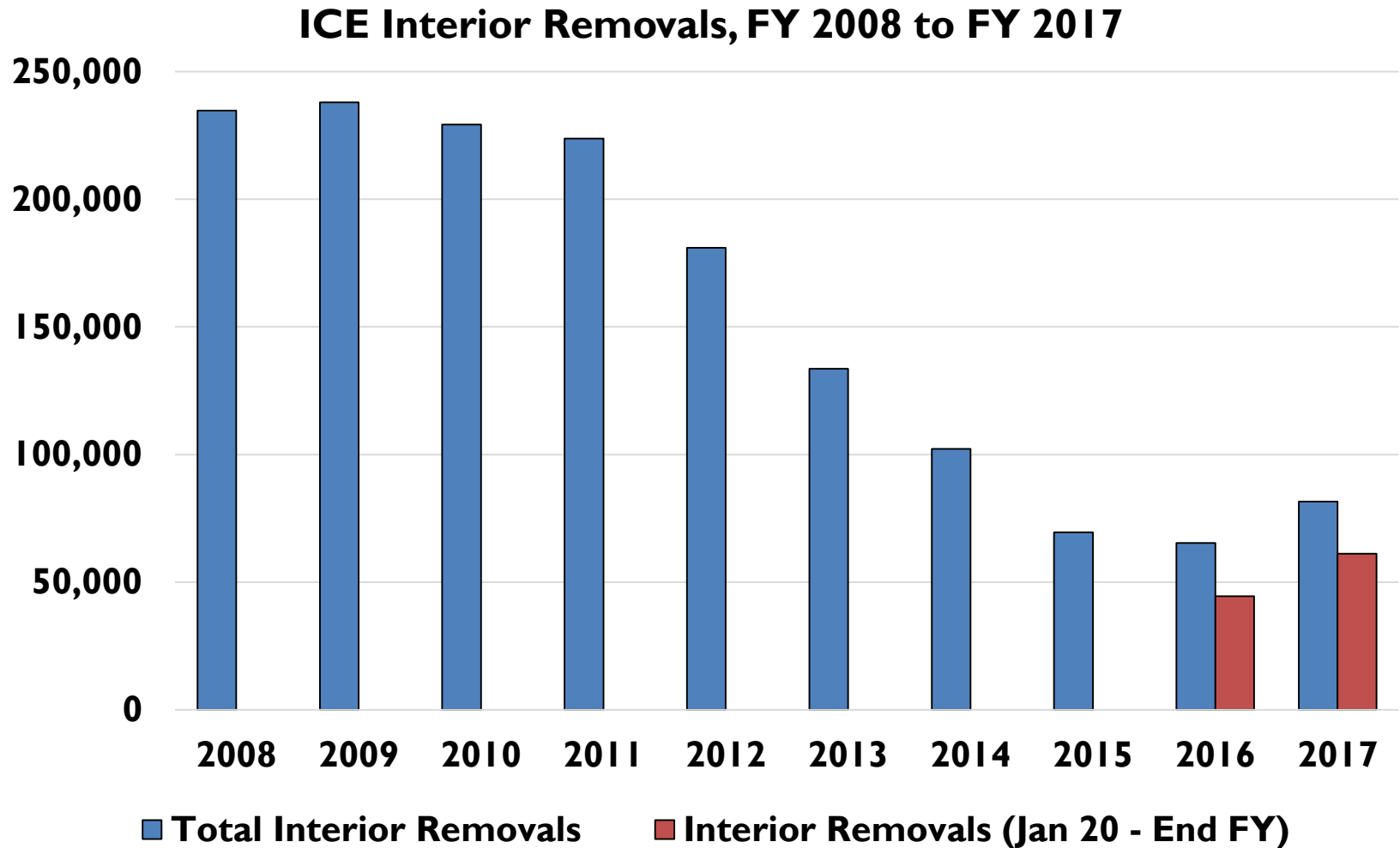
Sources: ICE, *ICE Enforcement and Removal Operations Report Fiscal Year 2017*; DHS, *Immigration Enforcement Actions: 2016*



Interior Removals Have Increased Almost as Much as ICE Arrests

- Interior removals up 37%
 - Almost same increase as arrests
 - Indicates ICE moving people swiftly through removal process
 - ICE is keeping people in detention (no discretion for release)
 - Time to immigration court hearings is shorter in detention (months instead of years)
 - ICE also re-arresting “fugitives” with outstanding removal orders (500,000+) and “check-ins” (90,000)—do not have to go back to immigration court, can be deported within days
- Deportations from the border declined because of lower Border Patrol apprehensions

Interior Removals at half FY 2011 Level



Sources: ICE, *ICE Enforcement and Removal Operations Report Fiscal Year 2017*; ICE, *FY 2015 ICE Immigration Removals*.

State and Local Limits on Cooperation Are Constraining ICE Arrests

- California passed a series of “sanctuary” laws limiting ICE cooperation in several ways
 - Complying with detainer/hold requests
 - Information ICE of prison/jail release dates
 - Allowing ICE to screen people in prisons/jails
 - Except for people with major criminal convictions
 - Banning 287(g) cooperative agreements (e.g., Orange County)
- Other states (IL, CT, RI) and major cities (Chicago, New York, Philadelphia, Seattle, Boston, Washington) have similar laws or policies limiting ICE cooperation

State and Local Limits on Cooperation Are Constraining ICE Book-ins from Local Jails

- ICE issued 70% more detainers in first three months of Trump administration than the year before
 - But detainers resulting in ICE book-ins up only 20%
 - Only 1/3 of detainers resulted in book-ins
- Book-ins from jail *fell* in many sanctuary locations:
 - CA counties: L.A., Orange, Riverside, Ventura, Alameda, Kern
 - N.Y. City, Cook County (Chicago), Travis County (Austin)
- Book-ins *rose* in most cooperating jurisdictions
 - Up 248% in Gwinnett County GA
 - Also up in Houston, Dallas, Miami-Dade, Collier (FL)



Some States and Localities Have Embraced the New Enforcement

- TX, MS, IA (soon maybe TN) passed laws requiring cities and counties to fully cooperate
- Number of 287(g) cooperative agreements between states/counties and ICE rose from 30 to 76
 - 25 new agreements in Texas
- Some places we visited screen everyone in jail for unauthorized status/removability
 - Houston, Memphis, Nashville, Gwinnett County GA, Prince William County VA
- But not enough immigrants live in these places to make up for the declines in CA, other sanctuaries



Trump Admin. Has Responded to Sanctuaries with Threats, More Arrests

- Attorney General Sessions announced lawsuit v. CA
 - DOJ has withheld public safety funding from L.A., Chicago, New York, and other cities
- ICE launched “Safe Cities” operation, specifically targeted to California, other sanctuary locations
 - ICE Director Homan publicly stated that ICE would launch more operations in sanctuaries
- With these operations, immigrants face risk of deportation even in “safe” sanctuary locations

ICE At-Large/Fugitive Arrests Have Spread Fear in Immigrant Communities

- ICE at-large arrests reached historical peaks (40,000+)
- ICE targets “fugitives” with old removal orders in addition to people with criminal records
 - Has included people without criminal records, alleged gang members, DACA participants who failed to renew, and refugees and asylees with old criminal violations.
 - ICE operations also result in arrests of “collaterals” (bystanders) who are not operation targets
- ICE has avoided “sensitive areas” (schools, hospitals and churches) but conducted arrests near them
- Also conducted arrests in courthouses



Once Arrested, Noncitizens Are Being Held Until Removal

- Revoked all “prosecutorial discretion” memos allowing for release, deportation stays for sympathetic cases
- Detained more pregnant women, parents of young children, etc.
- Stopped staying deportation for people applying for humanitarian visas (U, SIJ)
- Stopped allowing Congress to petition for individual cases to be stayed pending visa applications
- Generally stopped responding to public pressure for release



Pushback Restrains ICE Activities, Forces Officers onto Uncomfortable Terrain

- State, local laws/policies restricting ICE cooperation
- Local policing policies reducing arrests
 - Not arresting for driving without a license
 - Decriminalizing minor drug possession
- State, local, private, consular funding for legal defense
- Expanded consular services and protection
- Expansion of representation to remote ICE detention
- Tracking ICE activities, forewarning of operations
- Know Your Rights: Don't Open the Door for ICE



Differences in State/Local Policies Generate Disparities and Conflicts

- Substantial disparities in enforcement across U.S.
 - CA, IL, NYC protect those with serious criminal records, while those *arrested* for any crime deported in TX, GA, TN, VA
- Relationships between federal government and states like CA increasingly adversarial
 - Also between states and localities:
 - Orange/San Diego counties v. CA
 - Austin/Dallas/El Paso v. TX
- Conflicts threaten governmental relationships, coherent national immigration policy, public safety

For more information



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