

Migration Policy Institute
The Changing Landscape of Interior Immigration
Enforcement Under Trump
May 8, 2018

Doris Meissner: Okay. Let's get started. Of course, I have to begin with a welcome to the audience in the room as well as to our audience on livestream. Welcome to the Migration Policy Institute and to today's release of a very ambitious new report that we've done that looks at interior enforcement under the Trump administration. My name is Doris Meissner, and I'm a Senior Fellow here at MPI. And I'm joined by a really distinguished panel this morning. Two are my colleagues: Randy Capps who is our Director of Research in US Policy here at MPI, and Muzaffar Chishti who is the director of our MPI Office at NYU. They are co-authors of the report. And then our commenters on the report are on this side of the table, and they begin with Gary Mead who was the executive associate director of Enforcement and Removal Operations at ICE from about 2006 through 2013. Then we have Chief Thomas Manger who is the Police Chief in Montgomery County, a neighboring county, very big, diverse immigrant county, but also serves as chief of the Major Chiefs Association nationally. And finally, we have Raphael Laveaga who is the Mexican Consul here in D.C. but he covers D.C., Virginia, Maryland, and West Virginia. Correct?

Raphael Laveaga: Correct.

Doris Meissner: Very good. Then I want also to introduce a couple people in the audience who are also co-authors of the report. And they are Julia Gelatt, Jessica Bolter, and Ariel Ruiz. And I want them to stand up so that you know who they are. A multi-faceted, multi-person effort. And I'm told we also have a former intern here Jonathan Beeler - there you are Jonathan - who did a lot of the data work that's in this report, and you know for all of you who are associated with MPI or organizations similar to ours, you know that lifeblood comes in the form of interns. And so it's wonderful that you've been able to come back and see this work actually be released today.

Now you know as with similar events, we want you to know that you can tweet questions to @migrationpolicy, or you use #MPIIdiscuss, or you can email events@migrationpolicy.org and we'll look at those when we get to the Q&A period. But you can be sending them in as we go. And we also want you to know that the full report which I'll tell you a little bit more about is available on our website, and that's migrationpolicy.org/deportation-machinery.

So the report that we are releasing today is titled, "Revving up the Deportation Machinery: Enforcement and Pushback under Trump." We have on your chairs for you a report in brief, and that report in brief isn't even so brief. But it is a report in brief which we've done for you because we have

sympathy for you. And we gave you a shorter document that has the key takeaways in it. We have sympathy not only for readers but for the trees. And so but it's important that you know that this is just a report in brief. The actual report is available online at the website that I just told you about. And I do really encourage you to go to the full underlying report because the underlying report is very, very rich in information. It goes very deeply into all of the issues and many more that we won't be able to talk about today, but it certainly delves into the top line points that you'll be hearing in this briefing. It's also very detailed on the locations that we visited, so you're able to get a real telescope view of the various cities and jurisdictions where we did interviews. It's rich with data that is organized by counties, by ICE field offices, so it's an incredible resource for further understanding of the things that we'll be discussing.

The report itself and the research did involve extensive field visits. It began more than a year ago, really right at the beginning of the Trump administration and of the changes in policies that were set forth within weeks of the inauguration. Our research team visited seven of ICE's 24 Enforcement and Removal Operations Field Offices. We had access to all of the senior leadership in those offices and interviewed them. We visited 15 jurisdictions in all around the country and they

included the four largest cities in the country - New York, Los Angeles, Houston, and Chicago. In each of those locations, we talked with the ICE leadership, with local law enforcement officials, both police and sheriffs, with state and local elected officials, also with former immigration judges, legal service providers, community-based organizations, immigrant advocates, union leaders, and Mexican and Central American consular representatives. In total, we did 122 interviews. And they were divided between jurisdictions that cooperate with federal enforcement and jurisdictions that limit their cooperation with federal enforcement, generically called sanctuary jurisdictions.

But I do want to quickly point out that, as you probably know, sanctuary is not a single thing. It allows a range of policies that, to some degree, limit cooperation with federal enforcement. Together, the places that we visited and the people that we talked to are in parts of the country that represent 28 percent of the unauthorized population in the country. So it's a strong representation of what's taking place around the country.

In addition and finally, we got ICE national data, did some very detailed analysis of ICE national data on its enforcement activities, obtained that through FOIA. And that taken together

constitutes what it is that we'll be talking about and that you will see reported on in the report in brief.

So with that I will turn to the panel, and to the co-authors who are here. We'll begin with Muz Chishti who is going to talk of Overview. He's going to give you what the key takeaways, what the key findings are in this work, and we'll move them to Randy Capps who will go into the detailed information. So Muz?

Muzaffar Chishti: Thank you so much, Doris. So just to make abundantly clear, this is not a report and study about Trump immigration policies. It's not even a report about Trump immigration enforcement policies. This is a very narrow section of the Trump's immigration policies in the interior of the country. My job here is just to situate the debate, essentially to summarize how did we get to this machinery of immigration enforcement.

You know, without digging into ancient history, I think it's safe to say that the current contemporary era of immigration enforcement has its roots in the mid-1990s. I think before 1990s there was a lot of deportation in our country, most of it used to happen at the border. The idea that a good chunk of our removals every year would come from the interior is fundamentally a post mid-1990s phenomenon.

It actually had its roots in the first World Trade Center bombing in 1993, which got Congress' and public's attention to issues of criminal activity, terrorism, and immigration, and particularly by the two major laws which became high watermark in immigration enforcement in 1996, which did a number of things. It significantly increased the number and types of crimes that make both unauthorized and even lawful permanent residents of long-standing removal if they commit certain crimes. It broadened the government's detention and deportation powers by limiting the discretion of immigration judges in both those areas. And most importantly, it established for the first time a mechanism through which Federal Government could enter into cooperative agreements with states and localities so that their officers could start enforcing some elements of our immigration law. Popularly, these agreements were called 287(g) Agreements.

Though many of these provisions were enacted in 1996, they did not find teeth until after 9/11. It was only after 9/11 that the Congress was lavished with funding for these programs. There was much more political support for it and there was a newly-minted Department of Homeland Security. Not a single 287(g) agreement to a sign between 1996 and 2002. It was only the aftermath of 9/11 that the first 287(g) agreement was signed actually between state of Florida and the Federal Government.

But between 2002 and 2008, 61 287(g) Agreements were signed including some major metropolitan areas in the country including Los Angeles County, Harris County in Houston, and most famously, the Maricopa County which includes Phoenix in Arizona.

Now this development of 287(g) programs also came parallel to another program called the CAP program - The Criminal Alien Program, much less known, much less studied. It is actually a program that was given life to in 1986 law but did not get its full bloom until the mid-2000 in the first part of the decade of the 21st century. And under which, ICE officers would actually sit in state prisons and local jails to screen inmates for their removability from the United States.

Finally, and perhaps most importantly, at the end of the Bush administration, the Secure Communities Program was launched. It was a program actually which was a recommendation of the 9/11 Commission but got its launch in the fall of 2008 in two jurisdictions of the country but was written to be getting universal by 2013. By 2013, all the 3,181 booking stations in the country were now fully geared up for Secure Communities, under which anyone who's fingerprinted in those booking places, their fingerprints are matched against DHS's immigration database and FBI's Criminal database and ICE determines that any of those people fingerprinted are removed from the United

States. They flagged them for the local authority and issued a detainer to hold them until ICE can take into internal custody.

Now Secure Communities, popularly called SComm by various people, was a huge force multiplier. There's no denying the importance of Secure Communities in the immigration machinery. It obviously increased the ability of DHS to reach in all communities in the United States. And it sort of leveraged 750,000 state and local cops around the country in the service of ICE. MPI estimates suggest that in 2013, Secure Communities was responsible 60 percent of all deportations of the country. By 2014, it was responsible for 73 percent of all deportations from the country.

So if you look at this combination of these cooperative arrangements [sounds like] of CAP, 287(g), and the SComm, between 2008 and 2011, we had reached the peak levels of deportation from inside the country, frequently reaching the high-water marks of about 2,000 people a year.

By then, the nexus between the criminal justice system and the immigration deportation machinery was complete. I submit that anyone who would have been the president of the United States in those years would have been the deporter-in-chief, except only one of them earned that distinction. However, while the deporter-in-chief was being branded that way, there were two things happening parallel. One is that because of the

mobilizing by immigrant advocates, states and localities increasingly were enacting laws, ordinances, and policies to limit the cooperation between those jurisdictions and ICE, and they were declining to honor detainers. And by then, federal courts started lending credence to this phenomenon by declaring that detainers are not mandatory, they're only voluntary. And, indeed, if jurisdictions hold people exclusively on the basis of the detainers, they could be violating the Fourth Amendment of the U.S. Constitution. Hundreds of jurisdictions by 2014 had stopped accepting detainers. We don't know the full number but was thought to be pretty close to about 200 to 300 people.

Again, in response to the lobbying and advocacy by immigrant defense advocates, the Obama administration issued three memos: one in 2010, one in 2011, one in 2014, more and more narrowing the enforcement priorities and increasing the prosecutorial discretion. And by 2014, the most important or final one, it had declared that its immigration priorities were confined to serious criminals, recent border crossers are people who had fresh removal orders. MPI estimated that as the result of 2014 immigration priorities of the Obama administration, 87 percent of the unauthorized population of the country was effectively protected from removal.

So the Obama administration 2014 also ended Secure Communities and it replaced it with a new phenomenon called

Priority Enforcement Program properly called PEP, which allowed the states and localities to notify ICE if they were releasing someone from their custody as against accepting detainers which will force them to hold people. So not surprisingly, the arrests and deportations fell significantly in the last years of the Obama administration. Historians will debate whether these years will recall the golden era of immigration enforcement if you look at the perspective of immigrant advocates, though they will never find words to describe it that way, or it is a historic aberration in the art of immigration enforcement.

But it's true that all the ICE officers we interviewed across the country saw that that period had handcuffed them. They were seen that not only was this actually not an exercise of discretion, they had actually lost discretion in picking people who did not fit the enforcement priorities of the Obama Administration. So this golden era or this historic aberration has been followed by something which is strikingly different, could not be more different, which is the inauguration of the Trump administration and its immigration priorities.

Now, President made no beef about this. I mean, President launched his immigration campaign on -- his election campaign on immigration enforcement. And in quick succession, he issued some of the earliest memos on immigration. And though Randy will tell you much more about the depth and detail of these

executive orders and the actions that followed them, what they did was they restored Secure Communities, ended PEP. They signed 46 new 287(g) agreements. They rescinded not only Obama administration's prosecutorial discretion. They rescinded every single prosecutorial discretion memo that has been in existence since the mid-70's from the Ford administration era. And they issued implementing memos that made all removable non-citizens subject to deportation. This phenomenon is best represented by statement by the acting ICE Commissioner Tom Homan who said that anyone who's in the country illegally should feel uncomfortable and should be looking over their shoulders.

So this is obviously a huge sea change from the last three years of the Obama administration. Though the sea change is real and that arrests and removals are going up, and Randy will tell you more about it, there is -- and this machinery actually is now fully revved up not only because it has a real mission and a clear mission, there's a cadre of people who are fully aligned with that mission and there's a narrative that supports it. So the machinery you would say -- and it has retained, has regained all the tools that it had abandoned in the last few years. So you could actually say this machinery is now is really revved up to catch up with the old peak removals of the Obama and the Bush era.

But our own findings, they will tell you that we don't think that is going to happen. That is one of our more important findings in the study. And the reason for this is that while the machinery is revved up for all the kind of reasons that I mentioned, there has also been a strong push back in the opposite direction. We know the Congress has been reluctant to give massive infusion of revenues for any big enforcement efforts. We also know that people around the country, they have been mobilized to provide know-your-rights training which sort of resist ICE operation in the communities. But most importantly, the pushback comes ironically from the same criminal justice system that in the first place was responsible for the peak removals in the end of Bush and early Obama years.

And the reason is that the criminal justice system now is so tied to the removal machinery, so reliant on the removal machinery that almost any change in that criminal justice system is going to affect the ability of ICE to remove people. Criminal justice system, at least in this case, is fundamentally a state and local phenomenon.

And, therefore, if states and localities begin to resist cooperation with ICE, that's obviously going to affect the outcome of this removal machinery. And that's what we have been seeing even before Trump took office but certainly after

President Trump took office. Many jurisdictions around the country, and Randy will go more in detail, have obviously increased cooperation with ICE after the Trump administration took effect. But many have gone in the opposite direction. And most of the important -- because they are the home to most immigrant-dense populations in the country. California obviously is seen as a big leader in this area because it has enacted a trilogy of laws to increasingly limit cooperation between ICE and local jurisdictions. But California is not alone. Illinois has passed similar measures. Rhode Island has passed similar measures. Cook County has passed similar measures. New York City has passed similar measures. These are big hubs of immigrant communities in the country. It's also unlikely that the big cities in the past had big 287(g) agreements, which was LA County. Even in some of the fully cooperating states like Nashville and Phoenix, it's unlikely that they will come back to the 287(g) agreements.

The second finding turning slightly counterintuitive is that the level of anxiety in the jurisdictions that you will call as not cooperating or not fully cooperating is higher than in jurisdictions which are more fully cooperating. And the reason for them at some level goes back to what they were used to at the end of the Obama administration. These were jurisdictions that were now used to a very targeted enforcement

where most people on a daily basis felt protected. Now that sense of security is gone in those communities. It also happens to be true that ICE, either because they're retaliating against jurisdiction or they feel they have no choice but to go into the communities because they can't do their job inside the jails, are much more public in these communities, both in terms of raids at homes and at workplaces.

But the last thing I want to say in terms the finding is not a counterintuitive finding. It's actually quite clear finding but it's unfortunately a very disturbing finding, is that the entanglement between the states, and localities, and ICE is irreversible now. The tug of war is not only between federal government and these states, it's also sometimes between localities within the states. We now have a phenomenon of Swiss cheese of immigration enforcement around the country. This tug of war is generating growing disparities in immigration enforcement across the country. As we found in our study, the fate of an unauthorized or otherwise removal [of] immigrant depends on where he is apprehended, not what he has done. If he's apprehended in Georgia, Texas, or Tennessee, a traffic violation can result in arrest and deportation. If, on the other hand, you get apprehended in California, Chicago, New York City, you could be arrested for a variety of crimes and still not be taken into ICE custody. Such unevenness enforcement

landscape threatens federal preeminence in immigration enforcement policy on one hand. On the other hand, it has severe implications for effective law enforcement relationships and public safety for all of us. Thank you.

Doris Meissner: Thank you so much, Muz. Randy.

Randy Capps: Okay. Well, thanks both to Doris and Muz for those introductory remarks and to everyone for coming and signing on today. I'll start here with the details of the executive order that was signed a little over a year ago. As Muz mentioned, it revoked the Obama administration priorities and set new broader ones. And I think the details of the priorities are interesting. It includes conviction for any crime, but also somebody who is arrested and not convicted for a crime, and even people who have committed a crime and not yet been arrested. So a much broader definition of what a criminal is in terms of the priorities of the system, and then, importantly, at the discretion of individual ICE officers, anyone who's deemed to be a public safety threat.

And as Muz mentioned, one of the things that was controversial within ICE was the top-down priorities consistently across ICE during the latter Obama administration. This restores the discretion of the field officers and the individual officers. It's been interpreted, as Muz mentioned, to say that any unauthorized immigrant may be a target for

enforcement even if they're not specifically in one of these priority groups. And the lack of prosecutorial discretion that Muz alluded to means once someone's arrested, then it's very difficult to get them out of ICE detention. It's very highly unusual for their deportation to be delayed or stayed.

The reinstatement of security meant that we're going back to the old model that Secure Communities was originally envisioned, where anyone booked into any jail is screened for their removability. It means that detainers, which are requests to hold people up to 48 hours for ICE to come pick them up, are going to be issued in almost every case where there's probable cause to believe that that immigrant is removable. And the states and localities that had been negotiating agreements with ICE under the PEP program at the end of the Obama administration. These negotiations are no longer taking place so it's become more of a one-size-fits-all program as it was originally envisioned.

And then, of course, these 287(g) agreements, which are agreements that a local officer in a jail is trained to help assist ICE in screening the status and removability of people in the jail, these have been expanded. And one thing we should say here that we haven't seen, we haven't seen the Sheriff Joe Arpaio model which is the delegation of authority officers on the street to ask about immigration status. That has not yet

occurred. And then, finally, the threats to withhold funding from the sanctuary locations.

So what have been the outcomes? Well, it's been widely reported, and many of you I'm sure are aware, that arrests are up about 40 percent, a little over 40 percent. The data for early months of 2018 show maybe a 43 percent increase in arrests over a year ago, but it's been a pretty consistently slightly higher level throughout the Trump administration. And that's up versus the low point in recent history in 2016 of arrests that were down two-thirds since 2011. I'll show you a chart about that in a minute.

Arrests are up much more in Texas and some other places that fully cooperate than they are in California. And arrests of people without criminal records at all have more than doubled while those with criminal convictions are up just 12 percent. Still about three-quarters of all the arrests have criminal convictions. So it still is very largely tied to the criminal justice system, as Muz mentioned. ICE continues to be highly dependent on what we call the jail-based or criminal justice system arrests. These are arrests that actually start by a local police officer arresting someone else on someone on a non-immigration offense in the local community, and then feeding through the jail. There's 69 percent of all arrests last year.

This is down somewhat from 85 percent in 2011 and before, but still a large majority.

So this is the pattern of all ICE arrests. You can see like at their peak in 2010 and in 2011, there were over 300,000 per year. That fell by two-thirds to about sixty thousand -- I'm sorry to about a hundred thousand in 2015 and 2016, and is now back up to about a hundred-fifty thousand.

So despite the executive order, despite the additional resources that the administration's put into enforcement, were still at half the arrest levels that we were at six or seven years ago. California's share of all arrests declined from almost a quarter in 2013 to just 14 percent last year. That has to do with the California laws, of course, in large part, while Texas, the ICE offices in Texas saw their share increase from 25 percent to 28 percent. So we've seen a regional shift in where the arrests are occurring.

A surprise for us is that the deportations from inside the United States have actually increased almost as much as the removals. We thought it might take some time to get people through the process. But while arrests were up 42 percent, removals were up 37 percent. This is in large part because ICE has been keeping people in detention. With the new prosecutorial guidelines, they don't release people as often. People in detention usually get their immigration court cases in

a matter of a few months, whereas it can take a few years once they're released. It's also because ICE has been re-arresting people that have already been ordered removed by an immigration judge. They fit into two categories: the fugitives, the people who didn't show up for their court hearings or didn't show up for the removal date; and then the check-ins, the people who did stay in touch with ICE and came to meet them on a regular basis, but were already ordered removed and we're a low priority for removal in the Obama administration. Together, there's about 600,000 of these people. So that's a pretty large pool to draw from and the Trump administration has been increasingly drawing from them. These folks can be deported in a matter of days because they don't have to have an additional immigration court hearing.

I should mention that the deportations from the border have been lower, falling. We don't get into that in the report but it's really important to make that distinction. So these are just the interior removals, not the border removals. There were 200,000 to 250,000 of them each year 2008 through 2011. They also declined by about two-thirds to 60,000 in 2015 and 2016. And now we're back up to about a level of a hundred thousand annually. It's 80,000 for the full fiscal year in 2017 but those increased slightly towards the end of that year.

So what's happened with these state and local limits on cooperation? We feel again this is the main theme of the report. This is what's constraining the ICE arrests. This is why we're only half the peak levels. So what are the particular elements of these laws? Well, the California series of three laws have several elements. The first is to not comply with those detainers: the request hold people an extra two days so that ICE can come pick them up. The second is sometimes not even to notify ICE when someone's being released from a local jail. The third is not to allow ICE officers to come into the jail to screen people. Even though Secure Communities does this automatically based on fingerprints, it's more accurate when there's a face-to-face interview with an ICE officer. Sometimes it's done over the phone, too, and that element has also largely banned. The exceptions are a list of people who have committed certain major crimes and been convicted of them, a list that was fairly narrow in the Trust Act, which was the first act in 2014, and narrower now than the Values Act that just went into effect.

And then that last piece of legislation bans 287(g) agreements. Orange County, which we visited last year, was the last county in the state to have one. LA had had one years ago. And those 287(g) cooperative agreements where the local police in the jail helped to do the screening, those have been banned. So other states have sort of forms of these Trust Acts.

Illinois and Connecticut have some similar legislation. Now, Rhode Island has some state-wide rules by the Executive Order. And then several major cities also have sanctuary policies. We visited Cook County, Chicago, and New York City, and they're among the strictest in the nation. They rarely, if ever refer someone into ICE custody directly from the jail.

So we looked at the detainers. And the detainers again are those requests to hold people an extra two days. And the Trump Administration has been issuing much many more of them because their arrest priorities broadened. They issued 70 percent more detainers in the first three months than had been the case in the same three months back in 2016. But those detainers only represented in 20 more percent -- 20 percent more bookings or transfers into ICE custody. Only a third of the detainers resulted in booking. So you see many more requests but not that much more in terms of referrals.

And the bookings or the referrals to ICE custody actually fell in most of the California counties, the big ones, LA, Orange, Riverside, Ventura, Alameda, and Kern that we analyzed. Even though the enforcement priorities were broader, the jails were referring fewer people. And again, this is because of the state legislation. The only exception to that pattern, by the way, was San Diego County where they went up a bit. New York City, Cook County, Chicago, Travis County, Austin -- New York

and Chicago referred just a handful of people via detainers. And actually, most of those went indirectly through the state prisons first. There were almost no direct referrals from Cook County jails or New York City jails to ICE during the period we looked at. Travis County, Austin had a sanctuary policy that they implemented right at the beginning of the Trump administration and they had to rescind in the summer when Texas passed SB 4 that bans such policies. But in our data in the first three months, we see a real drop in compliance with detainers when that policy was in effect.

Then you have the fully cooperating jurisdictions led by places like Gwinnett County Georgia which has one of the highest volume 287(g) jail screening programs in the country. People booked into ICE custody via detainers rose almost 250 percent in the first three months of the Trump administration. They were up considerably in Houston and Dallas where there aren't 287(g) programs but CAP officers, the program that Muz mentioned. The ICE officers are allowed in the local jails there. Miami-Dade, they went up. That's because Miami-Dade had a sanctuary policy in 2016 and ended it at the beginning of 2017.

So we have these states that are also embracing, I mentioned California's legislation. Well then, you have the Texas SB 4, followed by Mississippi, and Iowa, and Tennessee is actually in process of passing legislation that mandates that

all counties and cities comply with all ICE detainer requests or there would be financial penalties and potential criminal penalties for local officials.

The number of 287(g) agreements has risen as Muz mentioned from 30 to 76 with 25 percent of the new agreements in Texas. You have to bear in mind there's like 250 counties in the state of Texas. So 25 sounds like a lot but it's only a tenth of all their counties. And include some big cities like Fort Worth, and Corpus, and Galveston, but not the biggest cities like Dallas, Houston, El Paso, San Antonio, and Austin don't have them. But whether or not they have a 287(g) agreement in these mostly Southern states, we saw full participation in terms of notifying ICE when someone has committed a crime, is removable, and then placing that detainer on them among our sites that includes Houston, Memphis, and Nashville, Tennessee, Gwinnett County, Georgia, and here closer to home Prince William County, Virginia.

The bottom line though is that a lot of people live in California. A lot of people live in New York. A lot of people live in Chicago. I mean, a fair number of people also live in Texas and in these Southern states but not enough to make up for the difference in California and those major cities that don't fully cooperate with ICE.

So the Trump Administration of course takes this challenge seriously. They alluded to it during the election, immediately after the inauguration, and then recently the Attorney General sued California based on its sanctuary policies. They've also been withholding funding or attempting to withhold funding from cities based on this and that's also tied up in court with the cities suing to retain their funding. They've launched operations specifically targeted with the ICE Director saying that they're specifically targeted toward sanctuaries in California and elsewhere.

And the bottom line with this, as Muz mentioned, just sort of the difficult to understand finding that even though people are at lower risk of deportation in this sanctuary, they actually may be more afraid. They may be more afraid because for the first time in many years, they actually have a substantial risk of deportation and because of all the publicity around these ICE operations that have been specifically targeting those jurisdictions. These are what ICE now refers to as the at-large arrests which in the past have been referred to as fugitive operations. There were 40,000-some of them last year. This actually is about the peak. This is as high as it ever was back in 2008, '9, '10, '11. These are ICE's own officers conducting operations in the community. They look primarily for two groups of people: people who've been released

from a local jail and a local charge, and people who are fugitives, who have one of those removal orders and that they have to find in the community.

It's included a pretty wide range of people. It's hard to quantify this but there have been a lot of people with alleged gang ties, maybe they don't have a criminal conviction but they are supposedly a member of a gang, some DACA participants who let their benefits expire and didn't renew, a fair number actually of refugees who committed criminal violations that warrant their deportation, and people who applied for asylum as well. And then there are the collaterals, which we also call the bystander, right? So ICE is looking for people with a hold removal order or criminal charge. They knock on the door and the wife, or the brother, or the sister answers. ICE officers have the authority to ask the immigration status of anyone they encounter in any operation. By law, they have the authority to take them into custody. If they're unauthorized, they're otherwise removable. They didn't do that much during the end of the Obama administration but they're doing it much more now.

So if someone happens to be in the house when they're looking for a particular target, in the car with them, walking down the street with them, they're vulnerable to deportation. And these are the kinds of arrests that really scare people the most because there's a random element to it. You don't have to

have done something wrong, you know, in terms of a crime. You don't have to have failed to comply with a removal order. You just have to be in the wrong place at the wrong time.

ICE has though avoided the sensitive areas - the schools, hospitals, and churches. They've continued to abide by that policy. They may be arresting people near these places but not in them. However, they have increased arrests in courthouses and this has been attributed by ICE to the fact that they can't get people from the jails now any more directly. So they are more often staking out people for their court appearances.

As was mentioned, the prosecutorial memos were -- discretion memos have been revoked so they're detaining more sympathetic cases: people who would have been released during the Obama administration, not always being held in detention but more frequently they're holding pregnant women, parents with young children. They're not staying the deportation of someone who's applying for certain types of visas like U visas for victims of crime, SIJ visas for children who aged out of foster care. In the past, if this application was pending with Citizenship and Immigration Services, they would have held off on their deportation. Now they're saying even if they're deported, they can apply abroad from a consulate.

Congress has inquired and petitioned with private bills for green cards for people and asked ICE to stay their deportation.

And ICE is not doing that as often anymore either. In general they've stopped responding to these requests and delay people's deportation.

But there's been pushback. It's not just, as Muz and I have discussed, the limits on cooperation by states and localities. Local policing policies and criminal justice system policies have changed too. People are being arrested less often in places like Houston and Atlanta for driving without a license, for minor drug possession, and for other things like that. California and New York City, Chicago provided a lot of funding for defense attorneys for immigrants and detention. And places like Southern Poverty Law Center have been sending more and more attorneys into remote detention centers in places like South Georgia, Louisiana, Alabama, and Arizona where, generally speaking, it's hard for people to find an attorney. And when they don't have an attorney, it's highly unusual that they can appeal their deportation successfully.

The Mexican Consular Network, which we worked with closely on this study, has broadly expanded their capacity. They've provided funding for legal defense. They're handling a lot more applications for documents for people who might need to return, and they're doing a lot more activities to protect for people that are in ICE custody. And then there are the folks in the communities that have been tracking ICE operations, trying to

get accurate information about what's really going on, and I think most importantly telling people about their rights, the biggest one of which that's had the most impact on ICE operation is the right not to open the door to your house if somebody doesn't have a warrant. And ICE officers usually don't have judicial warrants. And so if they can't open the door, then they can't arrest people at home. That has the unintended effect of forcing them out more into the community but it also slows down the pace of arrest somewhat.

So I won't say too much more about this because Muz mentioned it, but bottom line findings are that ICE's capacity is constrained a lot by these state and local activities, and the other pushback, and that there's a lot of disparity now across the country. And it's getting tied up at three levels of government. It's the federal government suing the states, the state suing the federal government, the counties such as Orange and LA County in California suing California, but it's also Austin, Dallas, and El Paso that sued Texas unsuccessfully to stop the implementation of this before. And that's kind of where we find ourselves in a situation where it's harder than ever to agree on immigration policy because the level of conflict among governments both legally and vocally has really been ratcheted up. Thank you.

Doris Meissner: Okay. Well, that's a lot of material. But it does give you a real sense of the change in this landscape. And the change in the landscape is the overview picture of it you have now. We're going to turn to comments from three points of view or from three places in this picture that are extremely important in what you've just heard. And we're going to start with a former ICE official. You have folder bios on your chairs of each of these people so we're not going to take time going into them. But let me say that each one of these people is distinguished and experienced in ways that I think will be very important and are very important to this discussion.

So I'm going to turn first to Gary Mead who has a long background in ICE during the periods that Muz discussed historically. And Gary, give us your reactions to what you've heard.

Gary Mead: All right. First of all, thanks for the opportunity to be here. I never tire of talking about immigration. It's just such a fascinating subject. And I would be remiss if I didn't point out that I thought the report was one of the more accurate and balanced reports on immigration enforcement that I've seen. And, you know, congratulations Doris and the rest of your team because I think you put together a good report.

Doris asked me to keep my remarks to eight minutes and if I stick to what's on these pages, I'll be right about there. I would like to add a little detail to what happened during the end of the Bush administration and the early Obama years because I think most of what we did back then is applicable to where we are today. And I think there's more than even a revving up. There's just a reusing or using again what was started at a different time. And then there are four areas where even though I like the report, I wish the report had gone a little further. And I'll spend a couple minutes giving you my opinion on what that was.

As we said from 2006 to 2013, I was heavily involved in immigration enforcement in the interior, had a front row seat. And during that time, one of our major objectives was to end the practice of catch-and-release both in the interior around the border. In 2006, if you get arrested by the Border Patrol or by ICE, you had an excellent chance of not being detained primarily because there just wasn't enough detention space.

When I came in 2006, there was only about 18,000 people in custody. And one of the first things we said about doing and continue to do to this day is add detention space, particularly where it was needed. And by the time I left in 2013, the detained population was up over 34,000 and we had the capacity to detain about 40,000. So we added detention space.

We also increased, as was mentioned, the number of ICE fugitive apprehension teams and the number of CAP teams to give us direct access to more and more people who were here unlawfully. We did, as was mentioned, create and implement the Secure Communities Program and we added many 287(g) jurisdictions again as force multipliers and as ways to identify more people.

Something that's oftentimes overlooked is the fact that we greatly expanded ICE air transportation assets. One of the problems with doing large-scale arrests back then was if you did that and you had a hundred or 200 people that you had just arrested and that jurisdiction did not have detention space, you were left with releasing them. You caught them, now you had to release them. We added enough aircraft that that never happened. We had the ability to move large numbers of people from the point of arrest to where vacant detention beds were from the interior of the country to the border, and from the border to the interior of Mexico and into Central America. We had substantial air force, if you will, and it exists today in terms of planes available to move aliens.

There was also an emphasis on just maximizing efficiency. We used expedited removals for border cases. We encouraged stipulated removals for interior cases. We encouraged voluntary returns - everything that we could do to move people through the

system more quickly. We instituted joint operations with the Border Patrol for what became known as Lateral and Interior Repatriation. As many of you know, if you engage the services of a coyote and you get apprehended by the Border Patrol and later that day kicked back across the border, the smuggler is waiting and they will give you another shot at it. And sometimes they will guarantee up to five shots. And so the purpose or the intent of lateral repatriation was if you were arrested in the Tucson sector, we would move you over to El Paso and remove you there, therefore taking you out of contact with the coyote and/or move you into the interior via aircraft. So we did things like that.

As was mentioned about this time, this is when the first Morton Memos come out on prosecutorial discretion. [Audio glitch] And just about that time, 2012, 2011, 2013 was when these efforts, all of these assets, all of these policies came together, and the total number of returns and removals hit about 415,000 which is what really gave President Obama the moniker of deporter-in-chief. That was a number that had never even been considered possible in years gone by. And it was, as I said, it was over 415,000. As the restrictions began to be implied in terms of ICE's discretion, as was mentioned, the removals went down. So during that time, you know I had the distinction of being known as the person who 50 percent of America was mad at

100 percent of the time. And it was a title that I was more than happy to pass to my deputy at the time, Tom Homan. And he's doing a good job continuing that title.

The title of the report is particularly accurate. The idea of revving up is true and I would argue that it's actually a re-revving of many things that have been put in place years before and then abandoned or were greatly diminished. There's simply a clarity of focus right now about what the job of the individual ICE officer is on the street. That dramatically was changed during the end of the Obama administration but was clearly back, was clearly there back in 2006. And as was mentioned, to say that the men and women of ICE are pleased with this change of events during the Trump administration would be just a monumental understatement. I mean, this is the job that they were hired to do. This is the job that they were they expected to do and they were very pleased to do it.

In terms of understanding the policy in its simplest form, you can go back to my first week on the job in 2006. I came from the Marshal Service, understood prisoners, understood transportation, understood fugitive operations, did not have a clue really about what immigration policy was. And during my first week, I was told I'm going to go on an air transportation flight with a CNN reporter and it was my job to explain immigration policy. And I said, "I can't do that. I don't know

what it is." They said, we can explain it to you. Here's the policy: if ICE encounters you and you are here illegally, they will detain you. They will do everything possible to deport you. They will arrest, they will detain, they will deport. That is the policy.

That is the policy today. It is as simple as that. If ICE encounters someone who is here illegally, they will arrest them, they will detain them, and they will do everything possible to deport them. That's the policy. And as I said, as far as the report goes, it was very good. But here are the four areas that I think need to be examined further at some point.

The first one has been sort of mentioned several times already, and it's the one that makes me particularly crazy. If someone is in this country illegally, they are subject to deportation and there is virtually no way or there are very few ways that someone here illegally will be allowed to gain legal status. That is the law. Period. End of story. Their removal is not dependent upon committing some other crime or their personal situation. So when I hear people criticize removals by saying things like they were only convicted of shoplifting. Their drunk driving conviction was five years ago. They haven't been arrested since. Or even something that is basically sympathetic: they've been working here for ten years and they

have a family, it drives me crazy because it doesn't matter. The law does not allow for those considerations.

And the other thing that irks me, even though I know ICE uses the expression themselves which is where people got it from, there's no such thing as a collateral arrest. It somehow suggests that this is not a real arrest. Well, anyone arrested by ICE is removable. Doesn't matter what other circumstances exists, they are removable. So to paraphrase what Tom Homan said and this has been mentioned, you know, if people don't like what ICE is doing, change the law. And until that time, illegal aliens should be worried.

And the second issue kind of relates to the first one. And this has to do with imposing subjective criteria on what ICE officers can do and when they can do it. I think that's a slippery slope. I hope we don't return to that. And not only is it a slippery slope but it really ultimately satisfies no one in terms of what they're doing.

And we'll give you a real-life example. This woman in the second row has what looks like a fairly valuable bag on the floor. They're brown leather. And if she were to leave here today and as she's leaving the building, someone runs by and snatches that from her and runs down the street. And two D.C. police catch up with the person and she catches up with him and she hears the D.C. police say to the person who stole that bag,

"How long have you lived in the District of Columbia? Are you married? Do you have any kids? Do you have any health issues? Do any of your kids have any health issues? Do you own a home? Do you pay taxes? Oh, okay, you have positive answers to some of those things? Sorry, ma'am. We're not going to arrest him." That's what ICE officers had to do under the end of the Obama administration and it just has nothing to do with the law, and it just isn't right.

So I think we need to, you know, understand that as I said in the first issue, being here unlawfully is grounds for removal. Period. And you know that's not to say that ICE doesn't have priorities. They do have priorities because they don't have the resources to arrest and remove everyone. So they do focus on criminals, recent entrants, and fugitives. And I think the most recent data shows that their removals are made up of about 90 percent people who are criminals, fugitives, or recent entrants.

Third, and this one the chief and I talked about probably 12 years ago when he sadly pointed out to me we were both much younger, and it's this: I am not aware of any convincing evidence that immigration enforcement, particularly the use of detainers, makes communities less safe. And the reason I say that is that, you know, barring the community being scared for a variety of reasons, victims and witnesses of crime have nothing

to fear from ICE. And why do I say that? Well, the victims and witnesses of crime are not arrested by local police and they are not fingerprinted. If you are not fingerprinted or you were put into a local jail, you will not be encountered by ICE either through Secure Communities, CAP, or 287(g). So the idea that is pretty rampant in some communities that, don't go to the local police because you'll be encountered by ICE just doesn't have any basis in reality.

But there is reason to say, and I know this is controversial, that members of the community are sometimes at risk when local law enforcement does not refer people who are here unlawfully to ICE. And I'd be the first to admit that, you know, there is data that shows crime in America is committed by a relatively small proportion of illegal aliens. I think that's true. And I think there's even some data that says, you know, illegal aliens who are convicted of crimes have a relatively low recidivism rate. Let's assume that both of those things are factually correct. But that does not change the fact that if you or one of your loved ones or one of your neighbors is the victim of a crime, small or big, that was committed by someone who had who had been arrested by local law enforcement and wasn't referred to ICE, it doesn't make you feel any better because while there may have been some other drunk driver out there or there may have been some other purse snatcher out

there, it definitely wouldn't have been the person that ICE had removed. So I think that's an argument that needs to be maintained as we go forward.

I also think it's ironic that a lot of sanctuary cities and jurisdictions say that they can't cooperate with ICE because they don't have the authority to do so. Immigration enforcement is a federal matter. And they're right. But I would argue that by picking and choosing, which almost all of the jurisdictions do, which aliens they're going to refer to ICE, they are in fact enforcing immigration law. They're determining who should be removed as compared to if you refer everyone to ICE, it's ICE's decision, ICE's problem as to who gets removed, not the local law enforcement.

And fourth, and this doesn't speak quite so much about arrests but it relates to arrests in terms of backing up the system, and this has to do with the growing and currently enormous docket before immigration judges. As was mentioned, there's over 600,000 active cases before immigration courts right now. And I think at last number, we had around 300 judges attempting to hear over 600,000 cases. And if you talk to any ICE officer or Border Patrol agent, they will tell you this is the way the game is played now. If you come across the border illegally, you have very little reason not to turn yourself in to the Border Patrol and immediately claim asylum. If you're

from Central America or Mexico, the chances of that claim being approved ultimately are pretty slim. But you know that you only spend about two weeks in ICE detention, maybe three. And then you'll be released and you go on to the non-detained docket where it was accurately mentioned, your case might be heard in two years, three years, four years, maybe longer. And you're willing to roll the dice about that short time in detention because in that many years, a lot of things could change and maybe they'll change to your benefit. And at a minimum, after five years if you were in the wind, ICE really doesn't have the time or the resources to go and look for all of those people.

And to understand why ICE is so insistent upon trying to detain as many people as they can and hold them for as long as they can, of the people that were removed last year by ICE, what percentage do you think came from the detained docket versus the non-detained docket? Ninety-five percent of the removals came from the detained docket. And so if you were ICE, you would focus on trying to detain as many people as you could and hold them through the completion of their removal order.

I do think that this issue of this growing docket and the time it takes to work your way through it is something that has to be addressed if there's going to be any sort of meaningful immigration reform because no matter what reforms are made, if it ultimately breaks down because of this this enormous docket,

we would be revisiting these issues, maybe colored slightly differently, a year or two or three or four whatever after immigration reform is passed because if the adjudication process can't proceed, ultimately you're going to end up with more fugitives, you're going to end up with fewer people being detained, more catch-and-release, and you end up where you are today. So thank you.

Doris Meissner: Okay, thank you. Thank you very much, Gary. Okay, Chief Manger. From a local standpoint, the picture that we painted here creates all kinds of complexities. So you live in a jurisdiction that limits cooperation but you also represent as president the Major Chiefs Association. Tell us your reactions to this.

J. Thomas Manger: I have the advantage I guess of being a police chief in two large jurisdictions since 1998. And when I think about the complexities of dealing with immigration issues, the time from 1998 to the time to 2001, specifically September 11 2001, it was simple in those years because we didn't really have to deal with a lot of immigration issues. But I think the catalyst of September 11th did bring local law enforcement into the immigration enforcement landscape. And I can tell you that it was a very chaotic beginning because the way it really started for us was then Attorney General John Ashcroft putting ICE detainers in NCIC. NCIC is the database that if a cop's out

at two o'clock in the morning and stop somebody and wants to know if they're wanted, they put their name and date of birth into this database that's run by the FBI. And if it comes back that the person is wanted, we can arrest -- we typically would arrest them based on the strength of that hit in NCIC.

Well, when all of a sudden, we started getting these hits in NCIC for civil immigration warrants, not criminal warrants, well, it wasn't so simple anymore. And because we had case law, we had our own attorneys, our city attorneys who were telling us, "Your cops don't have the authority to arrest someone on this civil warrant." And there was not agreement on that, by the way, but there was there was enough question that we were advised don't do that. So now, all of a sudden, my cops are standing with somebody on the side of the road and they really were unsure about what to do. That became more clear as time went on, but it really took us by surprise because no one warned us that these now civil -- which, by the way, had never been in NCIC to my knowledge because I, for all my years of being a cop, never got a hit like that in NCIC. Only criminal warrants in that database.

So it took us by surprise, it took us a while to get through that. And I think -- but the panelists have really done a nice job at talking about what the issues are. So I just want to make a couple of comments about how this impacts local

police. Doris, you described that I'm the chief in the jurisdiction that limits cooperation. Well, we do but I'll tell you -- but when someone asks me why don't you cooperate with ICE? I tell them we do. We do cooperate with ICE. When we arrest someone -- and by the way, so much of this is actually Corrections. I have been very involved and talked a lot about this, and I think it gives people the impression that it's my cops that are doing this. My cops arrest somebody for a crime that they believe was committed, that violates Maryland state law or county code, that's what we arrest for. We don't arrest for federal violations. But once we arrest that person -- by the way if you're going to get fingerprinted, and I think the Secure Communities was a great tool to -- if you're arrested for something that's going to get you fingerprinted, that has to be some level of seriousness.

We're not locking people up, i.e., we're not fingerprinting them for parking tickets, not even for drunk driving, not for many minor offenses that people are released to own citations. So it has to be an offense that's serious enough to get fingerprint in the first place for your fingerprints to get to Homeland Security and get reviewed by ICE.

So when the ICE reviews them and they did say, well, we're going to file a detainer on this person, they have the fingerprints, they'll call our local jail and they'll ask two

questions. One, is this individual in your jail? And two, when do they get out? And they'll file a detainer and say, when they get out, you notify us and we'll come and get them. Well, what we've said is we cannot honor these detainers. And by the way, these are not policy decisions on our part. These are based on legal advice that we've gotten from our attorneys based on federal case law, that we do not have the authority to hold that person beyond when they would normally be released. So we can't hold them for that 48 hours. But what we do is we tell ICE, here's the date they're going to get out either because we know it or because we they'll get released in court on bond. And what we'll tell them is, look, it'll take them a few hours to process out but the judge has released them. So if you want them, get here.

Now the Baltimore Field Office was actually pretty good and has been pretty good about getting people down there to be waiting and we will turn that person over to ICE. And back in the heyday - I loved your chart, Randy - back in 2009, 2010, we were turning between 400 and 500 people over to ICE from Montgomery County each year. Now we're down to -- if we probably don't break a hundred, you know 75 to 90 people a year that are now being turned over to ICE. But can I tell you this? That these are the right people I think that should be turned over. These are people that, frankly, if you ask me, I don't

want them in my community because they're committing crimes and they make my community less safe. So I have no problem turning them over to ICE. And what ICE does with them, if they get deported, fine. If they don't, I mean that's up to ICE. But the people that we're turning over to ICE are people that have committed serious crimes in in our county.

So there's often differences between what police chiefs do and what sheriffs do. Police chiefs are not elected. We are appointed officials who serve at the pleasure of the mayor, of the chief elected official in that jurisdiction. And so we have no job security. We can be fired for no reason, for any reason. And sheriffs are elected. So that for the four years that they are elected for that term, they got job security. Now they have to be re-elected. So in terms of policy decisions, they're typically made by the chief elected official. The mayor is going to tell the police chief, "Well, this is what --" and trust me, I've had many conversations with my chief elected official.

And the good news is that we have come to a point where we believe we found the right balance for our county, a county that is a majority-minority county, a county that is one-third of our population was not born in the United States of America and that we do have our fair share of undocumented residents. And it does matter to me that people are afraid, whether it is that

fear is based in fact or just misconception on their part, which I think in many cases it is. But there's still that fear is real. And when someone is the victim of a crime and they don't report it to the police, when someone witnesses a crime and they fail to come forward to help the police solve a crime or testify against someone who's committed this crime, that makes my jurisdiction less safe. So I care about those issues. And so we believe we found the right balance in terms of our cooperation with ICE.

A sheriff has to be re-elected. A sheriff has to be more concerned about what the public opinion is, weigh those things. Also, the sheriffs are typically running the jails. And if I was running the jail, my opinion and my approach might be a little different than the fact that I don't run the jail. But I do the law enforcement. I'm the one that's policing and delivering police service, so that is a difference. And I think that that impacts some of the reasons that police and sheriffs might differ on these issues.

So 287(g) has sort of ebbed and flowed as the years have gone by. But make no mistake and everybody who talked about the number of jurisdictions that participate in 287(g), you're talking about less than one percent of the of the law enforcement agencies in this country. Now, some of them are big ones and that's fine. But I will tell you that my association,

Major City Chiefs Association which I've led for the past three years, it is comprised of the 70 largest police departments in the United States. And it is it is probably less than 10 percent and it's less than one percent of police agencies nationwide. But for many communities, they believe it's the right thing to do and I will tell you that even they are selective about the cases they pick up. 287(g) does not, in my opinion, does not make sense for police departments. It makes sense for people that run jails. If you're going to have a 287(g)-trained team, put them in the jail. Let them go through and say, you know what, this person was arrested for shoplifting or arrested for drunk driving, not fingerprinted. But you know what? This guy's the leader of MS-13 in our jurisdiction. So they may want to use their investigative authority that they get with 287(g) to pick that person because they know that that person is active in criminal activity in the jurisdiction and they may want to work with ICE on these. So they can pick and choose which investigations they do.

And so it makes sense for many jurisdictions and I don't disparage the program. I just know that it would not be right because it would not have the public support. And that's where we get to the issue of legitimacy. And if people don't believe that the police are delivering -- are enforcing the law fairly,

then that diminishes the legitimacy, and the support, the confidence that people have in their law enforcement agency.

And I will just tell you that I have felt nothing but respect for my colleagues in ICE, the same way I feel for my federal law enforcement partners - the FBI, ATF. ICE has a job to do. And there was no agency in this country, no law enforcement agency in this country that was more vilified for so many years than ICE was. Just because someone didn't like what they did does not mean that they don't have a job to do and that we should not respect that mission. And I will tell working with many elected officials who would just disparage the work that ICE did and directly disparage ICE and say, "How can we fight them? How can we keep them from doing their job?" And those conversations made my head explode. Why do you think that that's the right thing to do?

Gary said it, "If you don't like it, then change the law." And ultimately I think if we have time to talk about how do we go, move forward, what do we do, we've got to look at how we take these extremes, whether it's the folks that want to deport everybody who's undocumented in this country, to those who want to give amnesty to everybody who's undocumented in this country, we've got to find a balance where we can pass comprehensive immigration reform and try and fix it. But we also have to secure the borders because the minute we pass a comprehensive

immigration reform, that first person that comes across the border undocumented, the problem starts again. So it's got to be a combination of those things to do.

I know we're pressed for time. Doris, I want to talk about -- I think that there are other issues that we can compare this to, whether it's civil rights today, back in the '60s, today it's marijuana. We've got folks that think that local law enforcement should do one thing, federal is doing another. There's the conflict there and people have their opinions about whether we should be enforcing those laws at all.

And so there's other issues. The immigration issue is certainly perhaps the most visible and talked about, but we do need to start having intelligent conversation versus screaming at each other because I will tell you that we're dealing with an issue where opinions are extreme, the divisions are very deep, emotions are high, and civility is just non-existent.

Doris Meissner: So let's move on because we are running out of time and I do want to be able to have some time for audience questions. We've asked Rafael Laveaga to participate here because one of the things that came up in this research that was a little bit unexpected to us was the role that consular officials and consuls are playing, particularly Mexico but other countries, and we wanted to have that point of view

represented because it's a very interesting element of community-level response and engagement.

And so we decided that would be something that might be very informative. And therefore, I'm going to turn to you, Rafael, for our final comments and I will ask you to be efficient about it. Thank you.

Rafael Laveaga: I'll do my best. Thank you, Dr. Meissner. Whether the MPI with this report hits the nail on the head, that's up to you, the analysts, the experts on immigration. But MPI certainly grabs the bull by the horns. And you have all my recognition and all the credit for delving into one of the most complex issue, which is immigration management.

Where do their foreign consulates fit in? I bet all of you in this room have seen a movie where in a foreign country someone runs into trouble and demands, "Call the Embassy." Well, we answer those calls. That's what consulates do. We provide help and assistance to our nationals. Mexico and the United States have a very strong consular relationship. Some of our consular officers were established in the early 19th century.

Today, consular activities have a very robust legal base: the 1963 Vienna Convention on Consular Relations and the Bilateral Consular Convention between Mexico and the US. These

conventions are the law in our countries. No other country has more consulates in the U.S. than Mexico and no other country has more consulates in Mexico than the U.S. The reason for this is that more than 1 million Americans live in Mexico and millions of American tourists travel to Mexico. Just in 2016, Mexico received more than 31 million American tourists.

Most people think of consulates as passport offices. This is true to some extent. But we do much more than that. Our job includes trade promotion, cultural exchange, and the issuance of birth, marriage, and death certificates, powers of attorney, wills, and visas for foreigners traveling to Mexico. We also have a program for Mexican communities living abroad that is focused primarily on giving information about health prevention and education services.

An important aspect of our job as consular officers is to inform our nationals of their rights and obligations in the host country as well as safeguarding their interests through services such as our Call Center for Information and Assistance for Mexicans (CIAM). We try to guide them on the risks of driving under the influence and the serious consequences of domestic violence. We give advice on how to open a bank account, how to pay taxes in the United States, and how to find options to improve their English.

We do not promote undocumented immigration. What we do is prevention, which is the engine that drives our information efforts. We hope that by providing information to our nationals, we might prevent them from falling prey to individuals who may falsely claim they are immigration experts or guarantee a particular outcome in an immigration case.

We also consider safety a top priority. For just about every community, part of feeling safe is knowing that you can come forward and report crimes as it has been said here. We can all agree that we are better served when victims and witnesses of crimes share information with law enforcement. Some communities, however, live in fear and nobody deserves to live in fear. Consulates are pretty much bridge builders in that sense. We believe in creating partnerships. We work to bring our communities closer to their local police, closer to non-governmental organizations, closer to American attorneys, and yes, closer to immigration authorities.

The U.S. Immigration and Customs Enforcement is a law enforcement agency with a very specific job to do and, of course, we respect that. It's a sovereign right of every country to decide their internal immigration policy, but at the same time every country has the duty to ensure the well-being of its citizens abroad. We certainly expect a due process in immigration enforcement operations to be conducted in a fair and

humane manner. I have no doubt that we would all want dangerous criminals off the streets.

However, I wonder who would really be in favor of locking up - I'm talking about locking up an immigrant who has been working for 15 years with no criminal record. I say 15 years because according to the Pew Research Center, most immigrants have been living in the United States for at least 15 years and the majority of them have spouses, children, and other relatives who are U.S. citizens. The problem is much more complex than the law enforcement side of it. That is why we meet regularly with ICE and other agencies. We especially feel the need to act, for example, when people being detained are not allowed to make arrangements for the proper care of their children, children who may be at school or at home when the apprehension occurs.

From the consular point of view, it's important that all decisions take into account legal, family, and medical considerations. We strongly believe that separating families is incompatible with American and Mexican values. That's why we urge people to call us and speak to a lawyer. We want them to know what their options are not just in immigration cases but in general.

Victims of hate crimes have rights. Witnesses have rights. People involved in accidents have rights. Our main goal is for

individuals to know what rights and obligations, and obligations they have under U.S. law. And that in a nutshell is what we do. I want you to know that regardless of how complicated and intense these issues become, we stand ready to continue working for the well-being of the Mexican and American people because we should have a brilliant future as neighbors, partners, and friends. Thank you very much.

Doris Meissner: We've gone longer than we expected on presentations, but I hope you'll agree that there is just so much material and interesting perspectives on all of this that it was and is very, very important to hear them. And we've tried to bring them to you here today.

We do have some time for questions. We will go 10 minutes over the time that we had originally allotted so that you can ask questions. For those in the livestream audience, let me remind you that you can tweet questions to @migration policy, you can use #MPI discuss, or you can email events@migrationpolicy.org. And with that, let me open the floor to Hans but please wait for the mic to come to you and tell us who you are in the back.

David: Hi, my name is David. My question is for Chief Manger. First of all, thanks for the impassioned statements that you made earlier and for the work that you do. Now, I think it's safe to assume that all law-abiding, taxpaying

residents who live in your community, the community that you police deserve freedom from crime, fear, and terror. You mentioned that about a third of your jurisdiction in Montgomery County were not born in the United States. That's a jurisdiction of about 1.4 million people -- 1.04. I'm sorry.

Do the 346,000-plus, that's an approximation, also deserve fear from the terror that ICE raids may cause at their homes, or at their place of work, or when they show up to a courthouse?

J. Thomas Manger: They deserve to be treated lawfully. And if I can tell you that I was just on a -- they deserve to be treated lawfully. When you serve a search warrant on a house, when you serve an arrest warrant on an individual, it can be very scary. But it's a lawful act that the court has authorized and we cannot say we can't do this because it might frighten someone. You've got to find the right balance. And so you do it lawfully. You do it with everyone's safety in mind. And you do it, try and treat people with dignity. And I think that's the best we can do.

Andrea Rojas: Hi. Thank you for reaching out to a big audience with this research. I think my point is to Gary.

Doris Meissner: Tell us who you are.

Andrea Rojas: Andrea Rojas with Polaris, anti-human trafficking organization. I think I appreciate the passion to apply the law and I think the point is like a sub-law

enforcement and Customs and Border Protection. You should be equally passionate to also apply humanitarian law that is equally important. And I think that's the point coming from a non-governmental organization that, of course, you have to ensure the security of your border, but also you have to ensure that the people is being heard and it's going on their due process as the Consul of Mexico just said, and human rights and humanitarian law equally apply.

And the personnel who has to apply the law is trained enough to make sure that that due process and the screen for asylum applications and other, like, equally important law are also apply and in balance with the other protections law. I think that's the point that it has to be passion. Yeah, you're right. It's the law and you have to change it. But there are other humanitarian laws are equally in balance and are as equally important. Thank you.

Doris Meissner: So I think the question has to do basically with balance and competing considerations. How do you address that from a law enforcement standpoint, from ICE's standpoint? Do you consider that to be and do individual officers and the overall way in which the agency is operating, is that something that is taken into account at the agency level or is that something that you view as a larger societal issue that needs to be solved by others?

Gary Mead: Well, first of all, I think that the ICE officers are highly trained and well supervised. One of the things that's lost in in the present environment is the fact that they go out of their way to make sure that people that they are talking to, whether to apprehend them or not, understand what their rights are. They do in all of our detention centers make available the names of pro bono attorneys. They make available the names of the consular officials. They do to the extent they can find people. They provide know-your-rights presentations.

And ICE officers understand that people have the right to seek asylum. They have the right to try and obtain legal representation, that they understand the international covenants on various human rights issues. The one thing that I think you won't find is any large-scale abuse of that or even any small-scale abuse of that because I think if there was, you would read about it in the paper. You would read about it in reports. So I think they do a good job of making sure that they recognize human rights, and dignity, and only make arrests and, as the Chief said, the safest and I would say most humane way possible.

Doris Meissner: Yeah, we had a question back there and then we'll come up here.

Rita Gerona: Thank you so very much. My name is Rita Gerona or Gerona-Adkins. I'm a reporter. I'm a freelance

writer for especially Asian-Pacific, American readers here in the U.S. as well as in Asian countries. My quick question to the panel refers to DACA. The literature here says that ICE targets, quote, "fugitives with old removal orders, which includes DACA participants who failed to renew." Would the panel kindly address more precisely the situation of this DACA people? Apparently, they're about 700,000 to 800,000. And what exactly is their status during the Trump administration?

Doris Meissner: Okay. This is not central to what the work -- what has been that we're doing here. But Randy does know a good deal about this. So let's give a very quick answer.

Randy Capps: So this 700,000 or so current participants, they have the DACA protection. They are not being arrested and they can't be deported right now because the course of enjoining the ending of the DACA program that the Trump Administration proposed. Now, if and when the courts were to change their decision, then those 700,000 could be vulnerable. But that's not the case right now.

However, there are some people who either failed to renew because they couldn't afford it, or they thought there might be some kind of a technical disqualification, or they didn't get around to it. And there have been a handful of those cases that have been brought in. They may or may not technically still be eligible for DACA and we heard about them. Sometimes, they're

people who actually had been ordered removed many years ago and then they were still able to get DACA under the Obama administration because they weren't considered a priority. And there have been a few well-publicized cases of those, but they're small in number.

Doris Meissner: Here.

Stef Kight: Hi, I'm Stef Kight. And I'm a reporter for Axios and I cover immigration. Mr. Mead, I have a question for you. I was wondering if you could sort of respond to Chief Manger's comment about how -- maybe law enforcement doesn't feel that it is their job to cooperate in immigration enforcement. You very clearly laid out ICE agents' jobs to find, detain, and deport as quickly as possible undocumented immigrants. But is there kind of a legal question between law enforcement's role in that process?

Gary Mead: Well, first of all, I'm glad you guys put us back. I agree with what the Chief said. And I don't think people on ICE would disagree. It is not the role of local law enforcement to enforce immigration law. They were not asked to do anything different during Secure Communities. As he said, the officers on the street make arrests for state offenses or county code offenses. They happened to get fingerprinted which kicks off Secure Communities. It has nothing to do with the local law enforcement activities.

And the question is, to what extent should local law enforcement be notifying ICE about people that have been arrested and, more importantly, are going to be released from custody? There are 300 or so very well publicized jurisdictions that don't honor ICE detainers, don't cooperate fully, but there are roughly 3,000 jurisdictions that do. And so clearly, there's a difference of opinion there.

But I do think when it comes down to day-to-day cooperation in terms of like officer safety, I know that ICE feels that they can rely on local law enforcement to respond if one of them is in danger and the same is true for local law enforcement. They know that they can count on ICE officers to respond to support them, which is totally different from any enforcement activities.

Doris Meissner: Theresa.

Theresa Brown: Hey there. Theresa Brown with the Bipartisan Policy Center. One of the observations I've had about the conversation about immigration enforcement over the last 10 to 15 years is that we've gone from a conversation about what are the appropriate means and methods to enforce immigration law in the United States to whether or not we should in the political realm. Literally, we have people saying that ICE should not exist, that we should not enforce our immigration

laws at all in the United States. And then we have the opposite extreme saying that we need to deport everybody.

And it seems like in that environment, it's very difficult to come to some sort of middle ground on what an appropriate, fair, efficient, and humane immigration enforcement policy should look like. I appreciate this report for documenting this, but I'd be interested in thoughts from the panel about how we how we reassume a conversation about what we should be doing on immigration enforcement, not whether or not we should.

Doris Meissner: Muz, I'm going to turn to you on that.

Muzaffar Chishti: Earn my stripes well couldn't be better. I think people who believe that we should not enforce an immigration law are obviously not living in reality. Our nation's laws have to be enforced and I think the country demands it. And I think it's sort of otherwise also rule of law is not just about how you enforce the rule of law, it's also how do you respect people who have obeyed the laws. I think the fact is that there is certainly some strand in the debate that they would think that we should -- that even the number of people who were deported at the end of the Obama administration was too high. And they know that's a fact. I think we can't live in that reality.

But on the other hand, we just be clear that this is a tough debate only because we have pretty close to 11.2 million

unauthorized people in the United States. They're all technically deportable. And we also know an important reality: we don't have resources to deport all 11.2 million people. You have to face that frontal reality as well.

Given that, those two realities, it's only logical for us to establish priorities. And how we establish priorities is where there's contested to [indiscernible]. Is it exclusively the job of ICE and the prerogative of ICE to make that determination? Or given the federal structure in which we live, where people are living in our communities, whether that is a discussion that should result from engagement as to deciding what those priorities should be. And I think local and state jurisdictions have to have a role on that. That's probably the departure from the mid-'90s when the assumption was that this is exclusively just a decision of the federal government. I think that ability to negotiate the balance has broken down. And I think that's what we are trying to regain as an important thing that the country needs to do as a result of the kind of things we found across the country.

Gary Mead: I just have one comment on that. I think the balance of how to enforce immigration law is, to some extent, at the heart of the problem because if you don't have a law that you can enforce universally most of the time, and ICE does still use prosecutorial discretion regarding medical issues and all

kinds of things, but once you get on the road to if you've been here 10 years, that's good enough, well, why not nine? Why not seven? At one point, if you were convicted of one misdemeanor, you weren't going to be apprehended. But if you were convicted of three misdemeanors, you were. There was a point at which how long ago was your drunk driving conviction.

I mean you just can't go there because there's no end to it. No matter what you think is acceptable today, it's not going to be acceptable tomorrow. And it leads to this polarization of where we find ourselves today. And so I think the only answer is some sort of a law that is acceptable to be enforced most of the time except under highly unusual circumstances because, otherwise, we end up right back where we are today saying, "Oh, they were only convicted of this or they've only been here so many years or only, only, only." It just doesn't have an end to it, certainly an end that two polarized groups are going to rally around.

Doris Meissner: Well, but that's the question, about the balance, and how the balance is arrived at, and the degree to which you can do it simply through laws or through a fuller engagement and fuller conversation, which we're not having very fully in the country right now except from points of crouch on each side. And we hope very much that this report and the information that it helps to at least illuminate the way in

which that is happening, and the importance and complexity of the issues that are involved in where we find ourselves.

So I want to thank you all for being here. Thank you very much for your patience and staying over a bit. I do invite you to go to the full report, again as I said, at our website migrationpolicy.org. You'll find a tremendous amount of information and let's keep the conversation going. Thank you all.

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