

## Current Immigration Laws on Detention and Deportation Fact Sheet

**The Laws:** The Antiterrorism and Effective Death Penalty Act (AEDPA) and The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)

**Enforced By:** U.S. Immigrations and Customs Enforcement (ICE)

### **The Issue:**

- Immigrants are being detained and deported without access to due process.
- The laws for detention and deportation are mandatory and judges' hands are tied by the laws, which do not allow them to consider the circumstances of each case.
- These laws affect all immigrants: legal permanent residents, those fleeing persecution, students and undocumented people.
- Current immigration laws have greatly expanded the types of crimes for which legal and undocumented immigrants are being detained and deported, without judges being able to consider the circumstances of each case.
- The laws now include hundreds of new offenses, including minor crimes that do not generally carry jail time.

### **The Impact:**

- Since 1996, nearly 2 million legal and undocumented immigrants have been automatically deported for a variety of reasons, including undocumented status or minor criminal offenses.
- Recent data shows 65% of immigrants had no lawyer in immigration court.
- The Department of Homeland Security claims it is removing violent criminals but will not release complete numbers. Human Rights Watch estimates that from 1996, more than 500,000 people have been deported for non-violent minor offenses as compared to 140,000 for violent offenses.
- The vast majority of detainees – approximately 63% -- are held at hundreds of city and county jails around the nation, alongside convicted criminals.
- ICE pays in the range of \$50-95 per day for each detainee in these facilities – more than it costs to educate a child. That's \$1.2 billion dollars of taxpayer's money every year.
- Since 2004, 66 people have died in detention -- including legal permanent residents -- with numerous allegations of medical negligence.
- Approximately 1.6 million spouses and children living in the United States have been separated from their parent, husband, or wife because of these deportations.
- Between 1994 and 2001, the average daily detention population nearly quadrupled, from 5,532 to 19,533. On any given day, about 28,000 people are in detention, reaching its highest point of 261,000 in 2007.

### **Breakthrough Fair Immigration Policy Recommendations:**

- America should be a place that upholds our ideals of due process and human rights for all people within our borders. **Stop forcing judges to deport U.S. residents without considering the circumstances.**
- America should be a place that respects basic human rights such as the right to be free from imprisonment without just cause and due process. **Stop automatic imprisonment without cause and deportation without due process.**
- It is not in line with American values that government officials can deport people they **suspect** are illegal immigrants without giving them a hearing, without an opportunity to make their case. **Don't put the law in the hands of immigration clerks: protect due process and judicial review.**
- We have a process in America. If someone has committed a crime, you charge him and try him in front of a jury. Holding people indefinitely and deporting people without hearings are not how we do things in this country. **End unfair extreme punishment for minor offenses.**
- **When we let the government deny due process and human rights for some people, we put all of our freedoms at risk.**

### SOURCES

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3. "Detention and Removal of Illegal Aliens," Office of Inspector General, Department of Homeland Security, April 2006.
4. Forced Apart: Families Separated and Immigrants Harmed by United States Deportation Policy; Human Rights Watch, July 2007; <http://www.hrw.org/reports/2007/us0707/>
5. Nina Bernstein, "New Scrutiny as Immigrants Die In Custody," The New York Times, June 26, 2007.
6. Darryl Fears, "Illegal Immigrants Received Poor Care in Jail, Lawyers Say," The Washington Post, June 12, 2007.