

Five Issues about DEPORTATION



and Detention You Should Know About

Q: What is detention and deportation?

A: Detention is the lock up of noncitizens for violating any U.S. law (e.g. overstaying the visa) in an immigration detention center or jail facility while a determination is made whether or not to deport them. Over 230,000 immigrants are detained each year. Deportation is the forced return to one's country of origin. From 1996-2004, almost 1.5 million individuals were deported.

Q: How does detention violate basic human rights?

A: While noncitizens are not criminal inmates, detention centers are like prisons and government standards regarding detainee treatment are not enforced. Detainees often lack access to basic medical care, legal materials, phones, and even fresh air. A recent Physicians for Human Rights study found that the detention of asylum seekers led to high levels of depression and anxiety.

Q: Why is detention a waste of your tax dollars?

A: Immigrant detainees are the fastest growing portion of the US prison population. The government spends \$1.2 billion per year on detention and still they continue to ask for more detention beds. Why? Coleen Rowley, an FBI special agent, explains: "After 9-11, FBI Headquarters encouraged more and more detentions for what seem to be essentially PR purposes." Meanwhile, less costly alternatives, such as home-visits and ankle bracelets that yield 93% appearance rate before immigration court, are ignored.

Q: Why should I be concerned about detention and deportation?

A: A noncitizen is deportable if they commit an aggravated felony or violate an immigration law. In 1996, Congress passed the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) which increased the number of offenses considered as an aggravated felony to include minor crimes such as shoplifting and marijuana possession. In fact, this new definition is retroactive. In other words, any noncitizen who committed a crime that falls within the expanded definition of aggravated felony before 1996 can be deported, even if they have already served their sentence.

Q: What are the main arguments against deportation?

A: Deportation hurts families. Most people in danger of deportation are the main wage-earners for their families. Increases in evictions, the need for public assistance, physical and mental health problems, depression, and youth criminal activity, can all be found among families whose primary income earner was deported.

People fighting deportation lack any meaningful chance to defend themselves.

Immigration detainees have no right to a court-appointed lawyer. Finding a lawyer while detained is extremely difficult, but the chances of winning without one are slim. In fact, 84% of detained immigrants go without representation.

Deportees receive triple punishment. Deportees may be punished three times for a single criminal conviction: firstly through their prison sentence, secondly in immigration detention, and finally by deportation.

Sources:
2004 Yearbook of Immigration Statistics, Table 42 and 43,
by the U.S. Department of Homeland Security, Office of
Immigration Statistics (OIM).

The President's Fiscal 2003 Immigration Budget, 02/04/02

Detention and Removal of Illegal Aliens, Office of Inspector
General, Department of Homeland Security, April 2006.
Also, www.ice.gov, August 7, 2006.

Rowley February 26, 2003 letter to FBI Director Robert Mueller

Critics Decry Immigrant Detention Push, Associated Press,
and June 25, 2006.

What You Can Do to



the Injustice of Detention and Deportation

Educate yourself by visiting the websites of organizations in Washington, DC that work on deportation issues

Asian American Justice Center

www.advancingequality.org

202-296-2300

Detention Watch Network

www.detentionwatchnetwork.org

202-339-9354

Liberty & Justice for All, a campaign of the Rights Working Group

www.libertyandjusticecampaign.org

202-296-2300 x 123

Southeast Asia Resource Action Center

www.searac.org

202-667-4690

Volunteer your time

You do not need any special skills to help make a big difference. Local organizations are always in need with help with citizenship applications and classes, translation services, and detention visits.

The following are some of the several organizations you can volunteer at:

- Boat People SOS - www.bpsos.org
- Capital Area Immigrants' Rights Coalition - www.caircoalition.org
- Central American Resource Center - www.dccarecen.org
- Newcomer Community Service - www.servintfree.net/ncsc
- Language Etc - www.languageetc.org

Contact your member of Congress and lawmakers

(Go to www.senate.gov and www.house.gov to find your representatives)

Urge both houses of Congress to strongly oppose the current immigration bills which increases detention and deportation penalties. These bills increase the already vast number of aggravated felonies that carry deportation and give more power to the executive branch to detain immigrants. Ask to restore fairness in the detention and deportation process, and stop the deportation of immigrants from all countries.