

Info Demanded on 'Criminal Alien Program'

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NEW HAVEN, Conn. (CN) - Immigration lawyers want the Department of Homeland Security to release information on its Criminal Alien Program, which is believed to be involved in nearly half of all the "removal proceedings."

The American Immigration Council and the American Immigration Lawyers Association Connecticut Chapter sued the Department of Homeland Security in a federal FOIA complaint.

Critics have said that the so-called "criminal alien program" does not target criminals at all, but is used to enlist local governments in deportations.

"The Criminal Alien Program ('CAP') is an enormous, nationwide initiative of the United States Immigration and Customs Enforcement ('ICE'), a component of the U.S. Department of Homeland Security, and is implicated in approximately half of all removal proceedings," the complaint states. "CAP's enforcement operations take place in tandem with law enforcement in every state, and as a result of CAP, individuals are often detained by ICE and deported before they have been convicted of a crime or have had the opportunity to speak with an immigration attorney. Despite CAP's role in facilitating the removal of hundreds of thousands of individuals each year, and despite serving as ICE's 'bedrock' enforcement initiative, very little information about CAP is available to the public. What little is known about the program suggests that CAP exacerbates racial profiling and other abusive police practices."

The complaint adds: "Congress never enacted legislation authorizing CAP. Nor did DHS officially promulgate regulations to govern CAP. As a result, little publicly available information exists that could illuminate how CAP functions. Instead, DHS and ICE stitched CAP together from interpretations of vague congressional appropriations provisions and a patchwork of administrative initiatives, thwarting public understanding of the program."

Because of the "very limited information in the public domain," the plaintiffs say they had to "piece together" the background information they know about the CAP.

"ICE uses CAP to screen detainees in jails and prisons and to place removable noncitizens back into deportation proceedings," the complaint states. "This approach, described by ICE as a 'jail status check,' is also the approach of two other ICE programs, the Secure Communities Initiative and the 287(g) Enforcement Act."

Use of the CAP has grown exponentially and has facilitated the arrest of 1.1 million people for deportation, the complaint states. CAP funding has increased as well: "for [FY] 2013, ICE requested more than \$216 million in congressional appropriations for CAP, over \$50 million more than it did as recently as 2006, and \$20 million more than in 2012."

The secretive nature and scope of the program have led to abuses, as detailed in the American Immigration Council's 2010 published report "The Criminal Alien Program: Immigration Enforcement in Travis County, Texas."

The report found that not only did local law enforcement not understand the purpose or scope of the program, but it led to racial profiling because the "jail status check" and other aspects of the program encourage some officers to arrest people who look like they could be an immigrant, in order to process them through the CPA and facilitate deportation.

"(T)he report found that in 2008 in Travis County, 58 percent of all people detained through CAP had

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only been charged with a misdemeanor," the complaint states.

"... (T)he report raised concerns that ICE is not deploying CAP to fulfill its stated goal of targeting dangerous criminals, but rather is conscripting local police to enforce immigration law by detaining immigrants who have committed only misdemeanors or immigration status-related offences."

The plaintiffs say the DHS has not responded to their request for information.

The American Immigration Council is a nonprofit charitable and educational institution. The American Immigration Lawyers Association has 11,000 members, about 150 in Connecticut, according to the complaint.

They want the DHS ordered to release the records, and waive fees for them.

They are represented the Jerome N. Frank Legal Services Organization of the Yale Law School, and Emily Crow with the American Immigration Council, of Washington D.C.

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