

ICE Agrees to Release Thousands of Previously-Withheld Records

Settlement Will Provide First Detailed Look at “Criminal Alien Program”

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Washington, DC - Yesterday, a U.S. District Court in Connecticut approved a [settlement](#) [1] in a Freedom of Information Act (FOIA) lawsuit challenging the refusal of Immigration and Customs Enforcement (ICE) to release tens of thousands of documents about the Criminal Alien Program (CAP), one of the agency’s largest enforcement programs. CAP currently is active in all state and federal prisons, as well as more than 300 local jails throughout the country and is implicated in approximately half of all deportation proceedings. Although CAP supposedly targets the worst criminal offenders, the program also appears to target individuals with little or no criminal history for deportation and [to incentivize pretextual stops and racial profiling](#) [2].

Although CAP facilitates the removal of hundreds of thousands of individuals each year, very little information about the program is available to the public. To better understand CAP, the American Immigration Council (AIC), in collaboration with the Worker and Immigrant Rights Advocacy Clinic of Yale Law School and the Connecticut chapter of the American Immigration Lawyers Association (AILA), filed a FOIA [lawsuit](#) [3] to compel ICE to disclose information about CAP.

- Under the terms of the settlement, ICE has agreed to produce numerous previously-withheld records, including:
- A report of all encounters by ICE officials with individuals under the auspices of the CAP program from 2010 to the present, including dozens of discrete data fields for each encounter;
- Policies and other guidance regarding the implementation and operation of CAP, including interviewing procedures and arrest quotas;
- Records regarding the relationship between CAP and other ICE programs such as Secure Communities; and
- Policies regarding racial profiling in the course of CAP activities.

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Additional Resources

- For a comprehensive overview of what currently is known about the CAP program, including valuable insights gained from a deposition of Jamison Matuszewski, the Unit Chief for CAP, taken during the litigation see our [CAP Fact Sheet](#) [4].
- A related [Advocacy Guide](#) [5] issued by a coalition of organizations, explains how information about the program revealed through the lawsuit can be used to address the impact of the program at the local level.

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