



The Deportation Story: Deporter-in-Chief, Releaser-in- Chief, or Reformer-in-Chief?

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Migration Policy Institute

WELCOME



THE DEPORTATION DILEMMA

RECONCILING TOUGH AND HUMANE ENFORCEMENT



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Report Overview

- Three Drivers of Deportation Policy
 - Immigration legislation
 - Immigration enforcement appropriations
 - Executive branch implementation
- Key Enforcement Trends
 - Increasing share of deportations are formal removals
 - Increasing share of removals are non-judicial
 - Increasing share of border crossers face criminal charges
- Enforcement Priorities and Prosecutorial Discretion
- Policy Levers to Influence the Deportation System



IIRIRA and Pipelines for Removal

- Illegal Immigration Reform and Immigrant Responsibility Act of 1996
 - Removals vs. returns
 - Judicial vs. nonjudicial removals
 - Expedited removal
 - Reinstatement of removal
 - Stipulated removal*



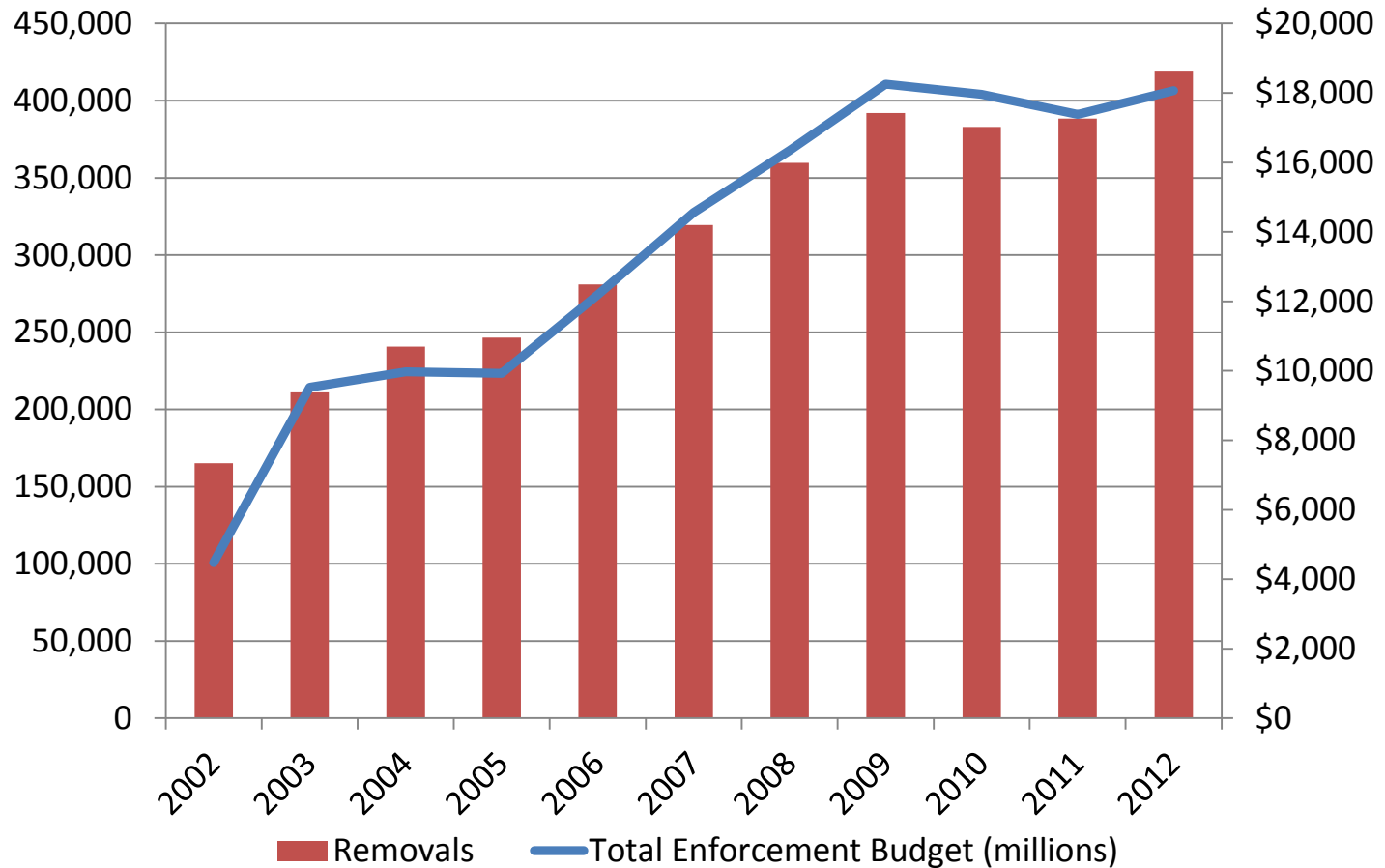
Congressional Appropriations

- Why appropriations matter
 - Funding for enforcement inflows
 - Front-line enforcement agents
 - Enforcement infrastructure and technology
 - Funding for enforcement processing
 - Immigration judges (EOIR)
 - Immigrant detention system



Congressional Appropriations

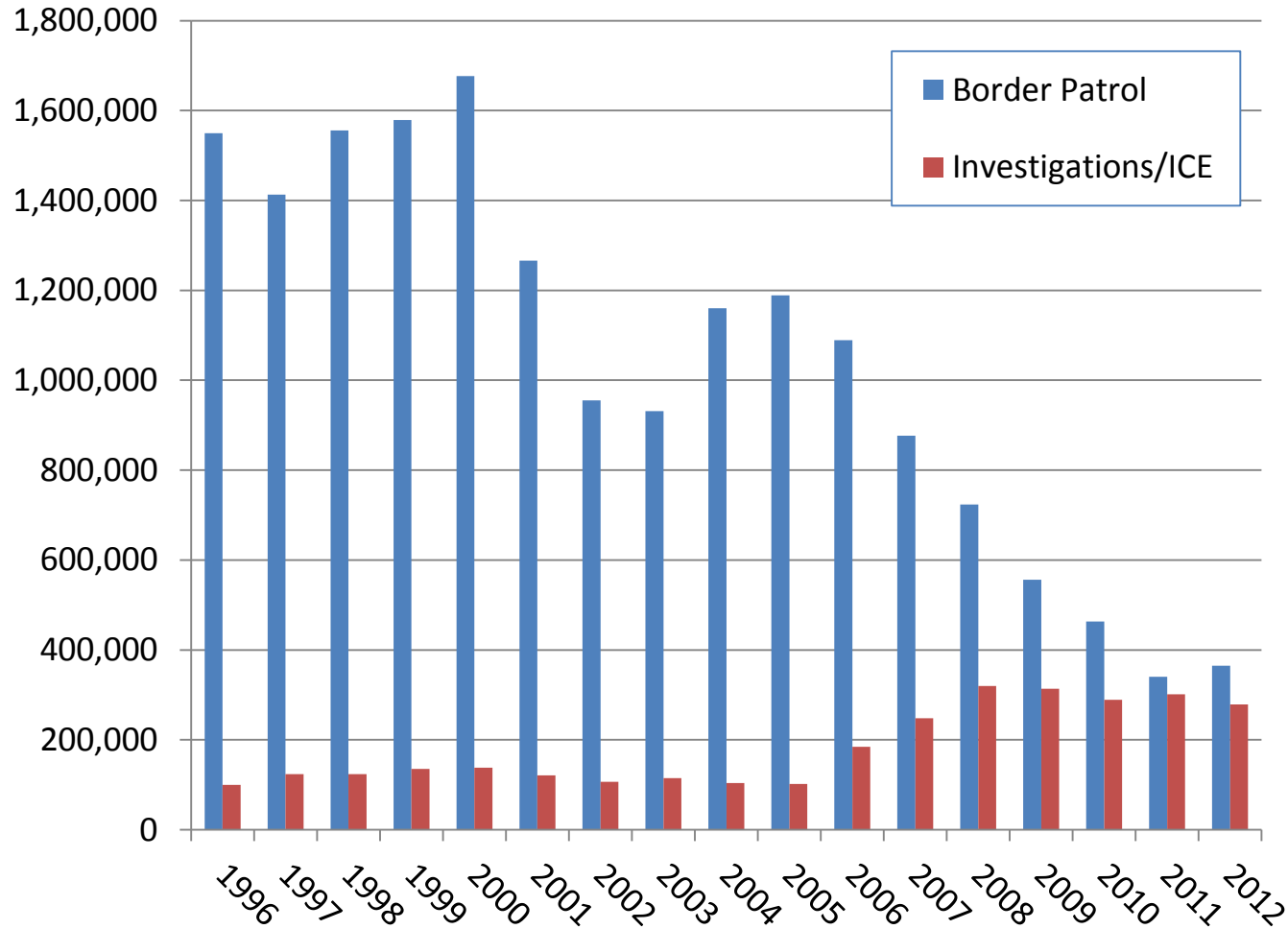
- Immigration Enforcement Appropriations and Removals





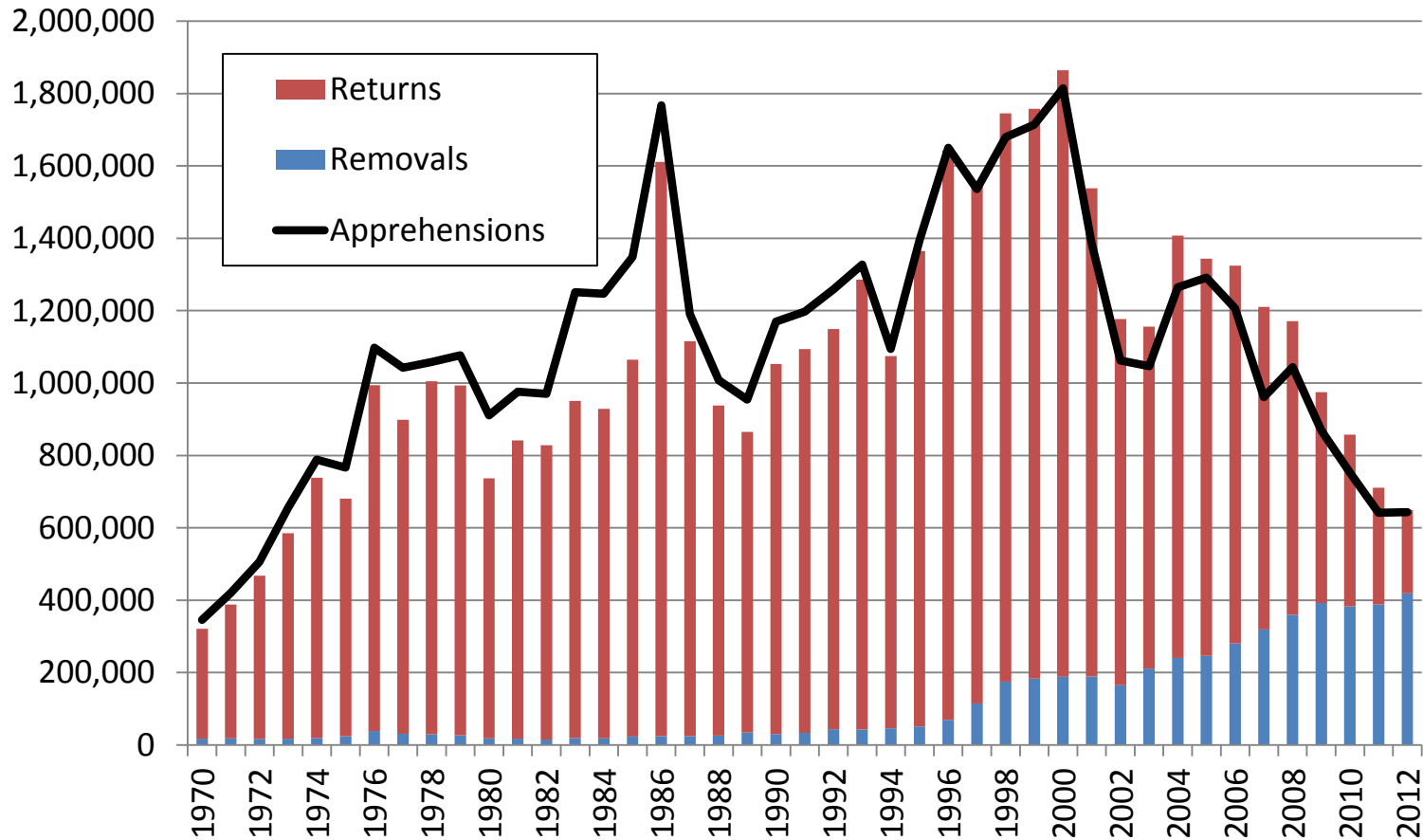
Enforcement Trends

- Border and Interior Apprehensions



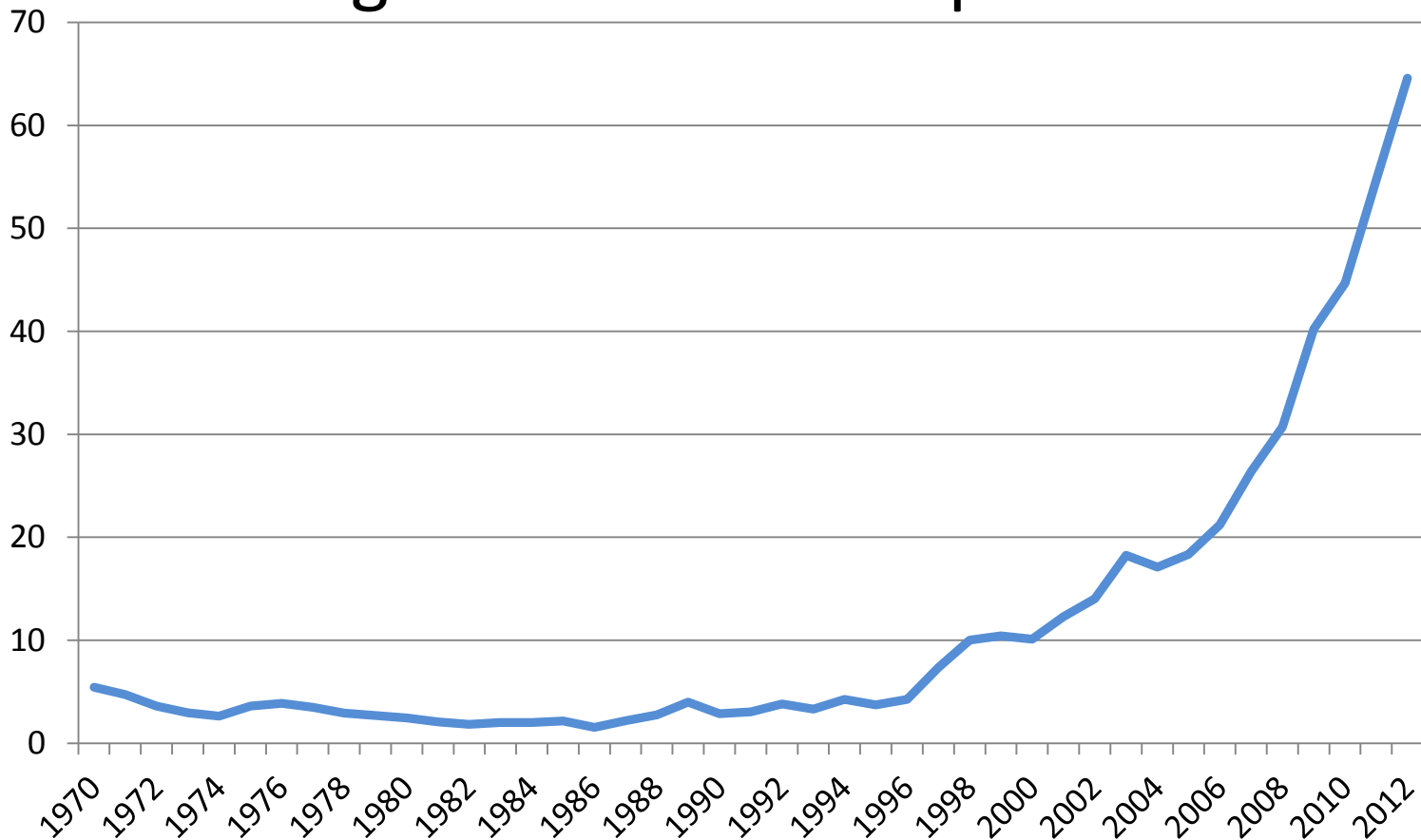
Enforcement Trends

- Apprehensions, Removals, and Returns



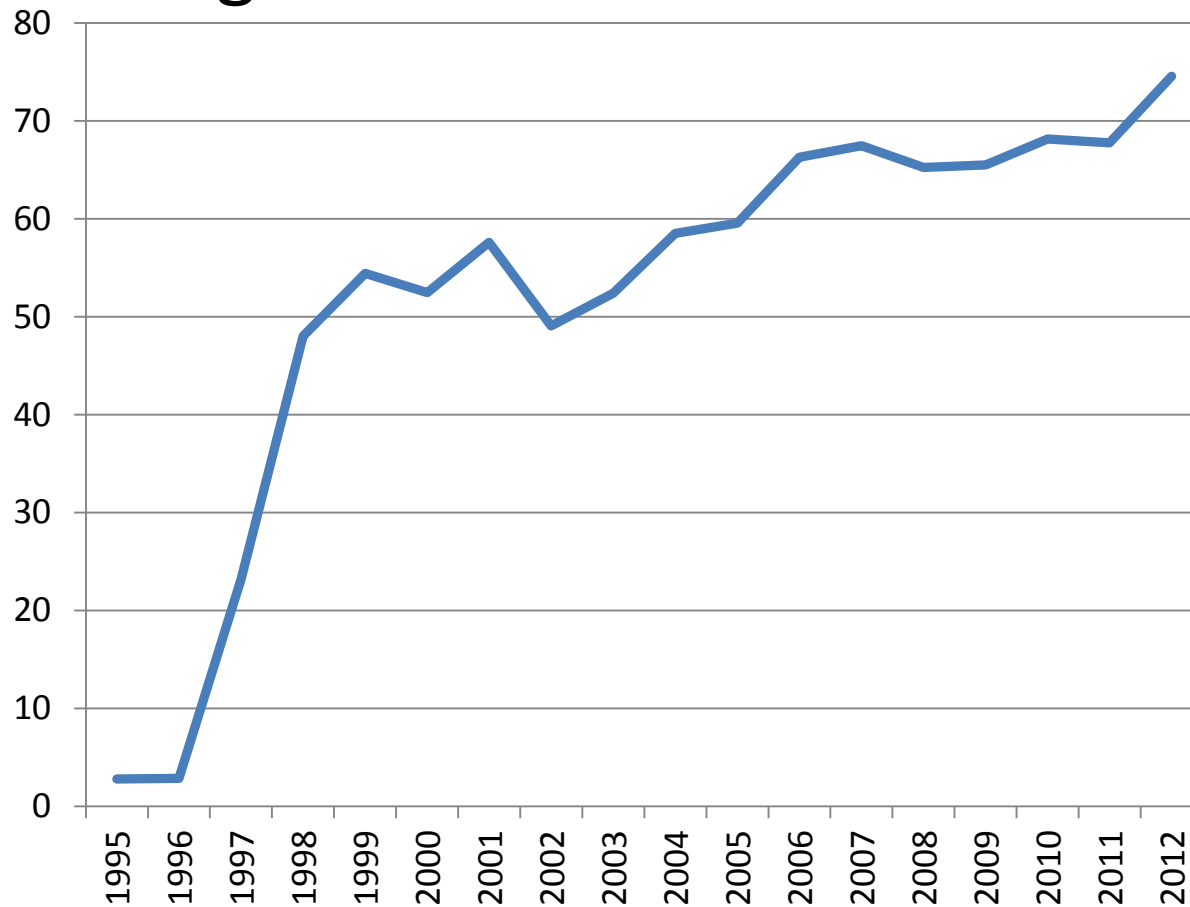
Enforcement Trends

- 1st Key Trend: Formal removals are an increasing share of total deportations



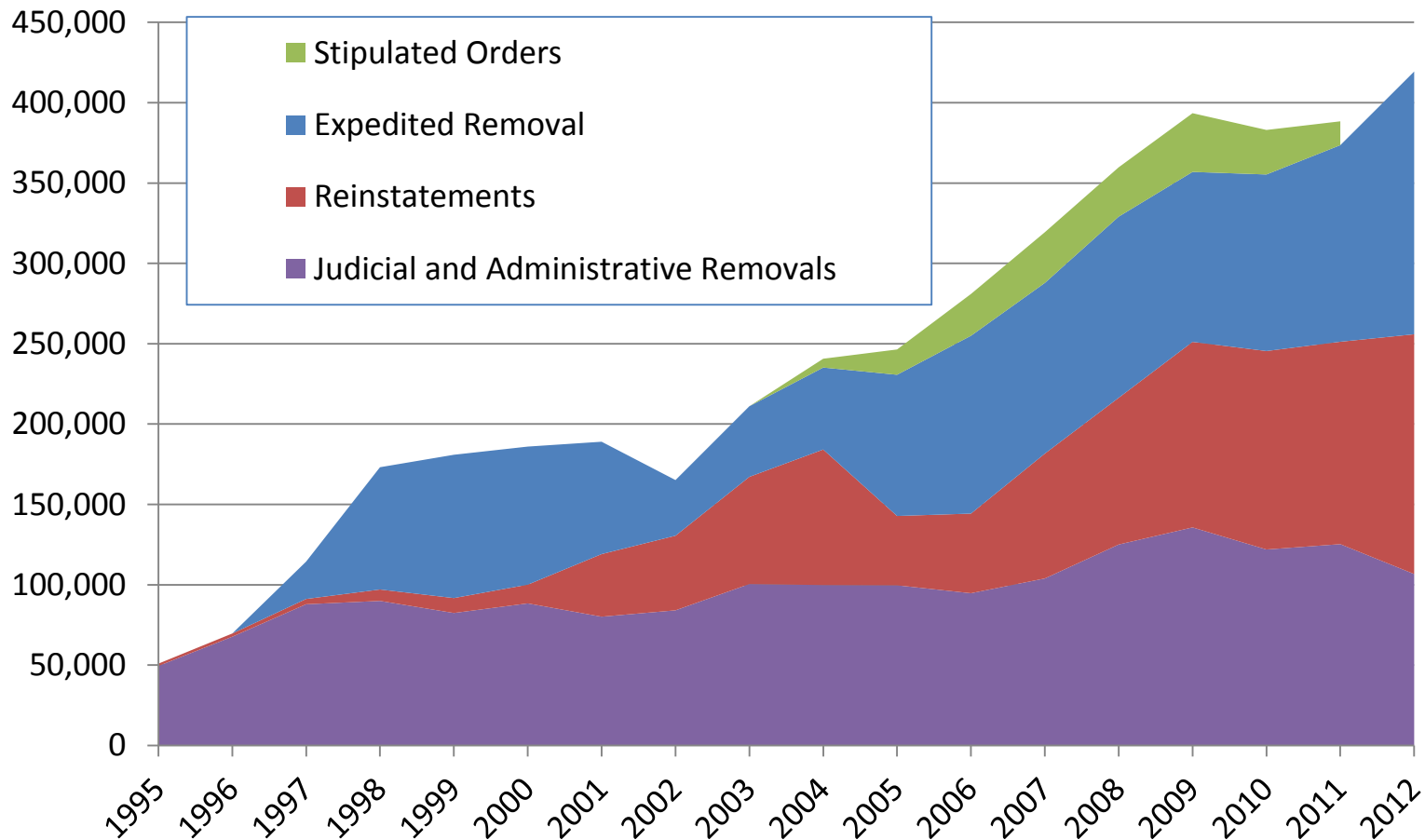
Enforcement Trends

- 2nd Key Trend: Nonjudicial removals are an increasing share of all removals



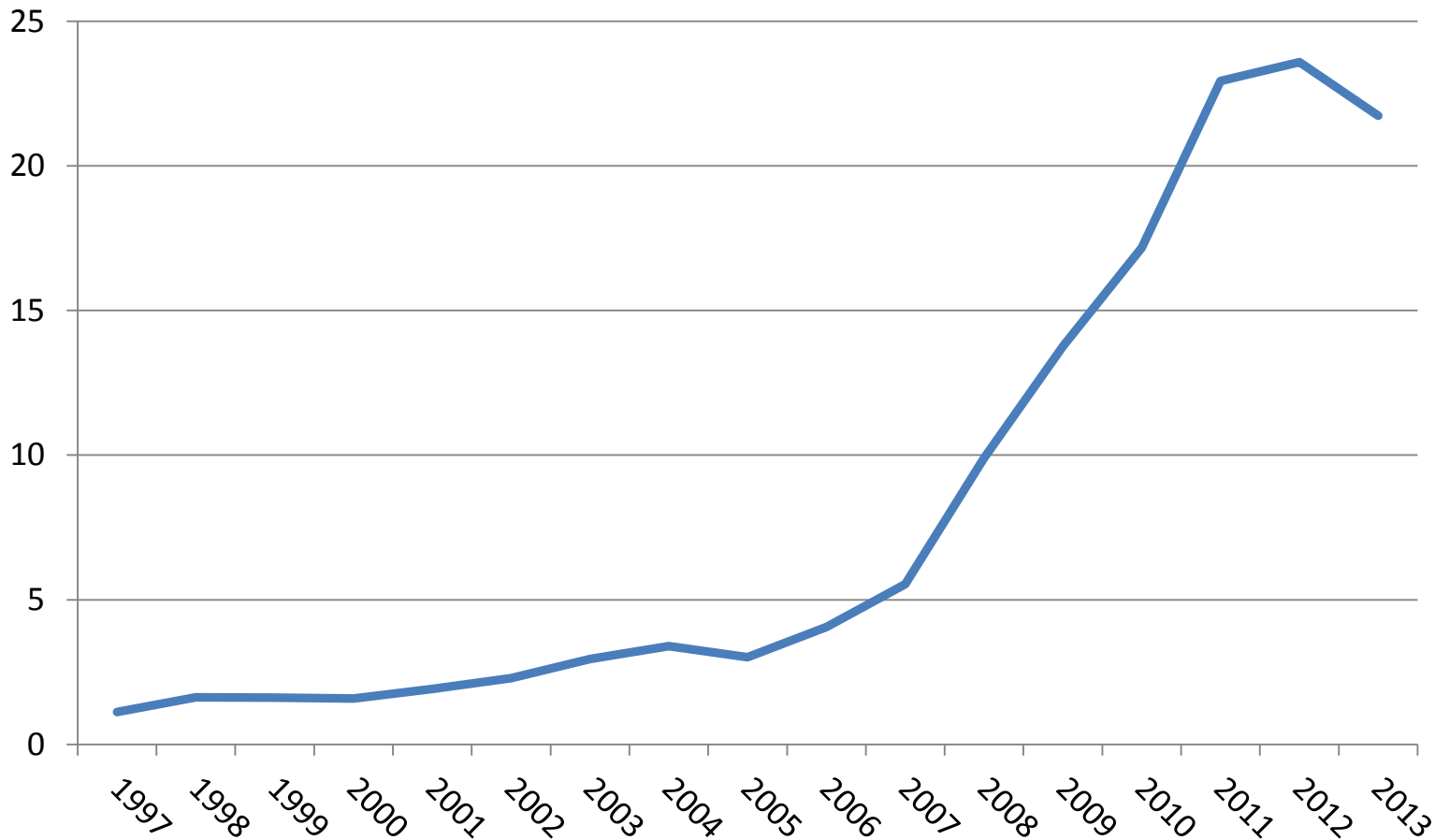
Enforcement Trends

- Formal Removals by Types of Removal



Enforcement Trends

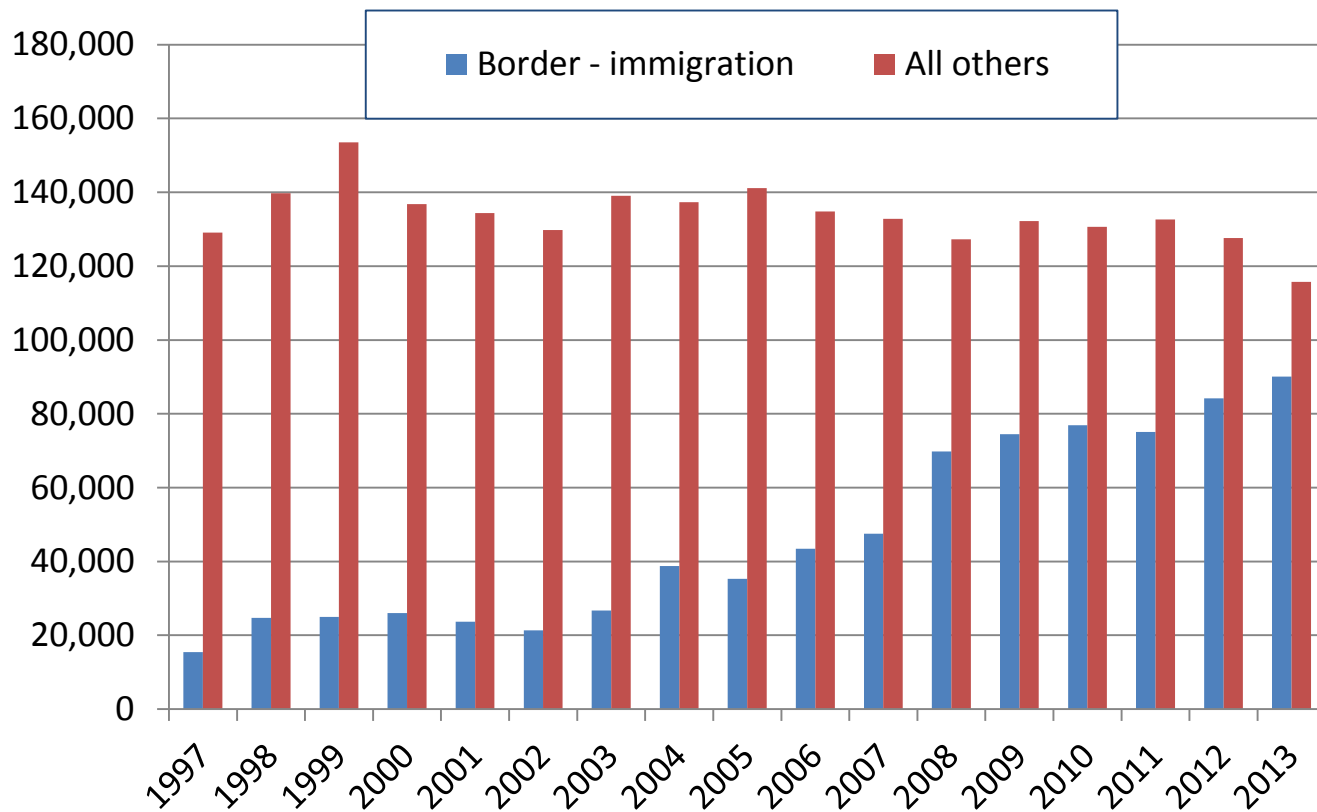
- 3rd Key Trend: An increasing share of border crossers face criminal charges





Key Enforcement Trends

- Federal Immigration Cases in Border Districts vs. All Other Cases, All Districts



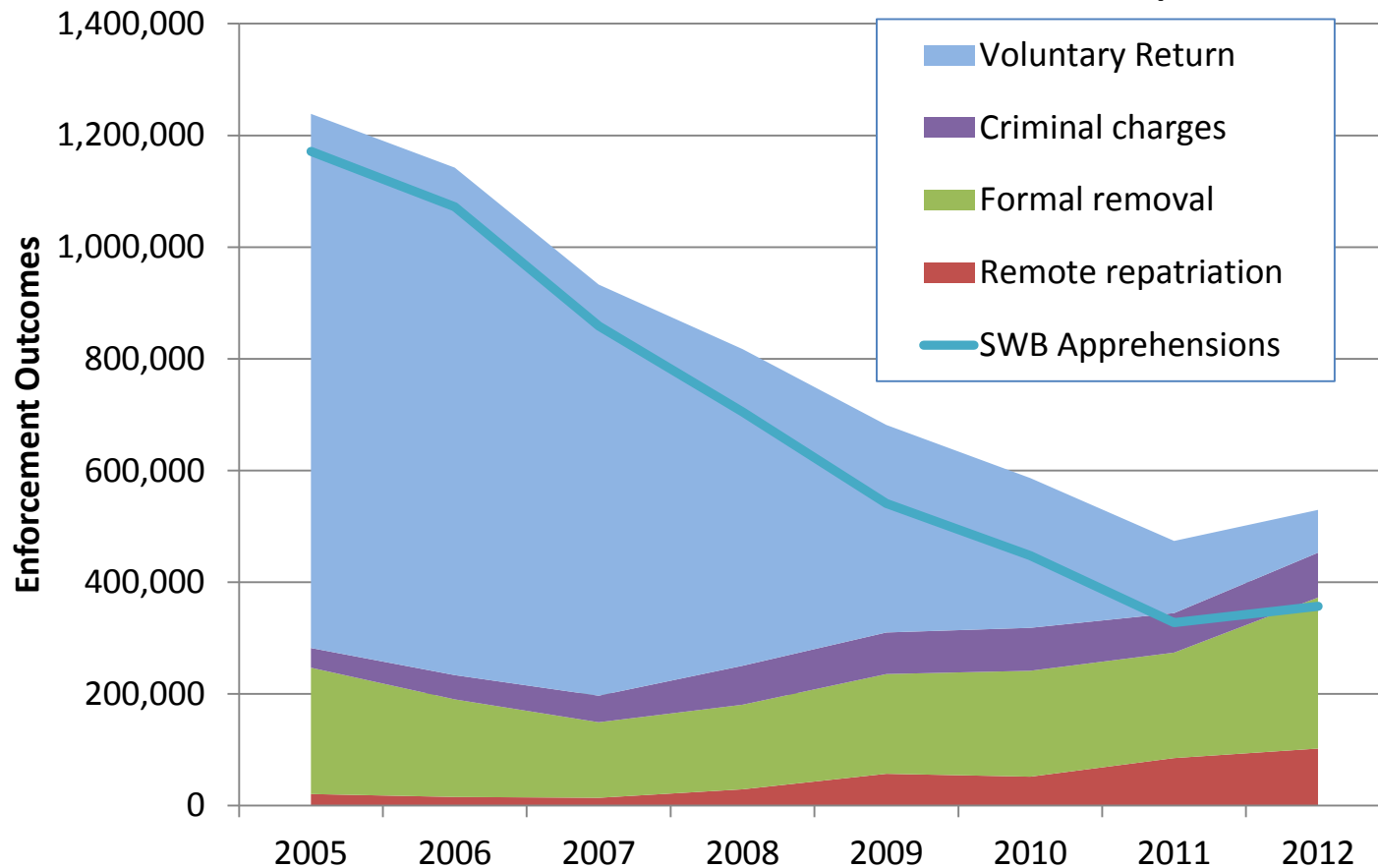


Enforcement Priorities and Prosecutorial Discretion

- Obama Administration: Actions to focus on high-priority cases
 - Criminal aliens
 - Recent illegal entrants
 - People who obstruct immigration controls
- Very different enforcement systems at border and within interior

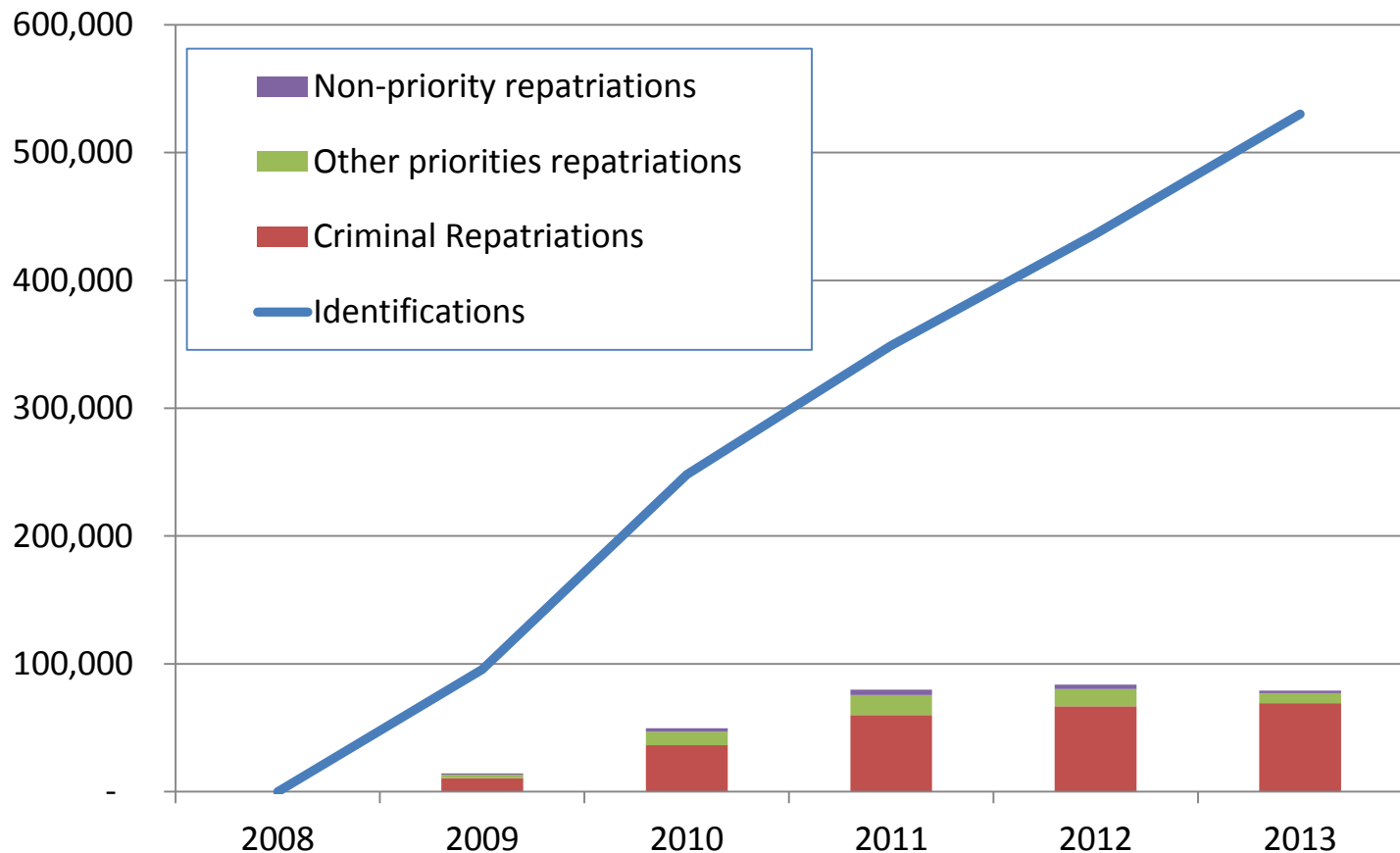
Enforcement Priorities and Prosecutorial Discretion

- Border Enforcement: Near Zero-Tolerance
 - Southwest Border Enforcement Consequences



Enforcement Priorities and Prosecutorial Discretion

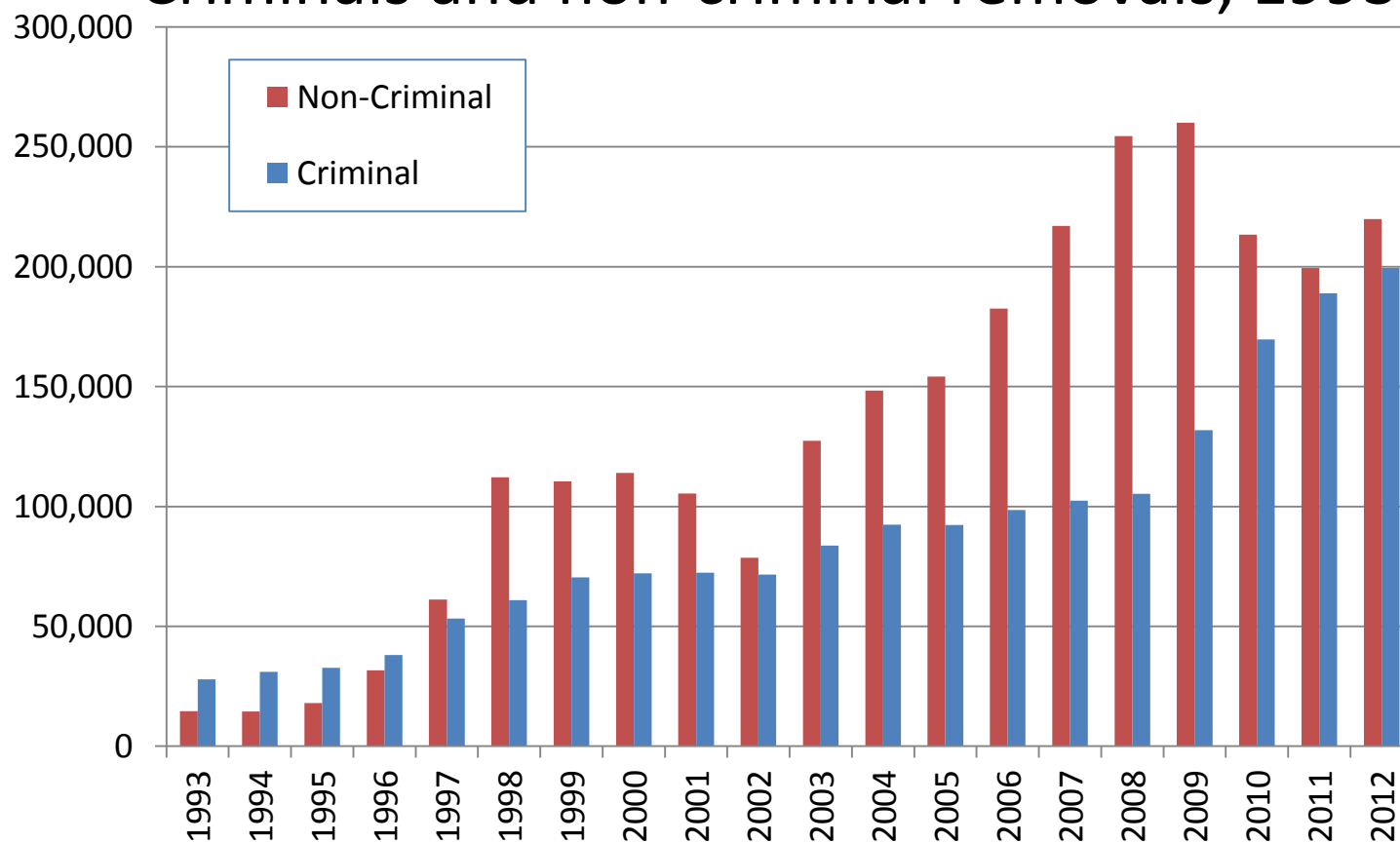
- Interior Enforcement: Substantial Exercise of Discretion
 - Secure Communities Program Outcomes



Enforcement Priorities and Prosecutorial Discretion

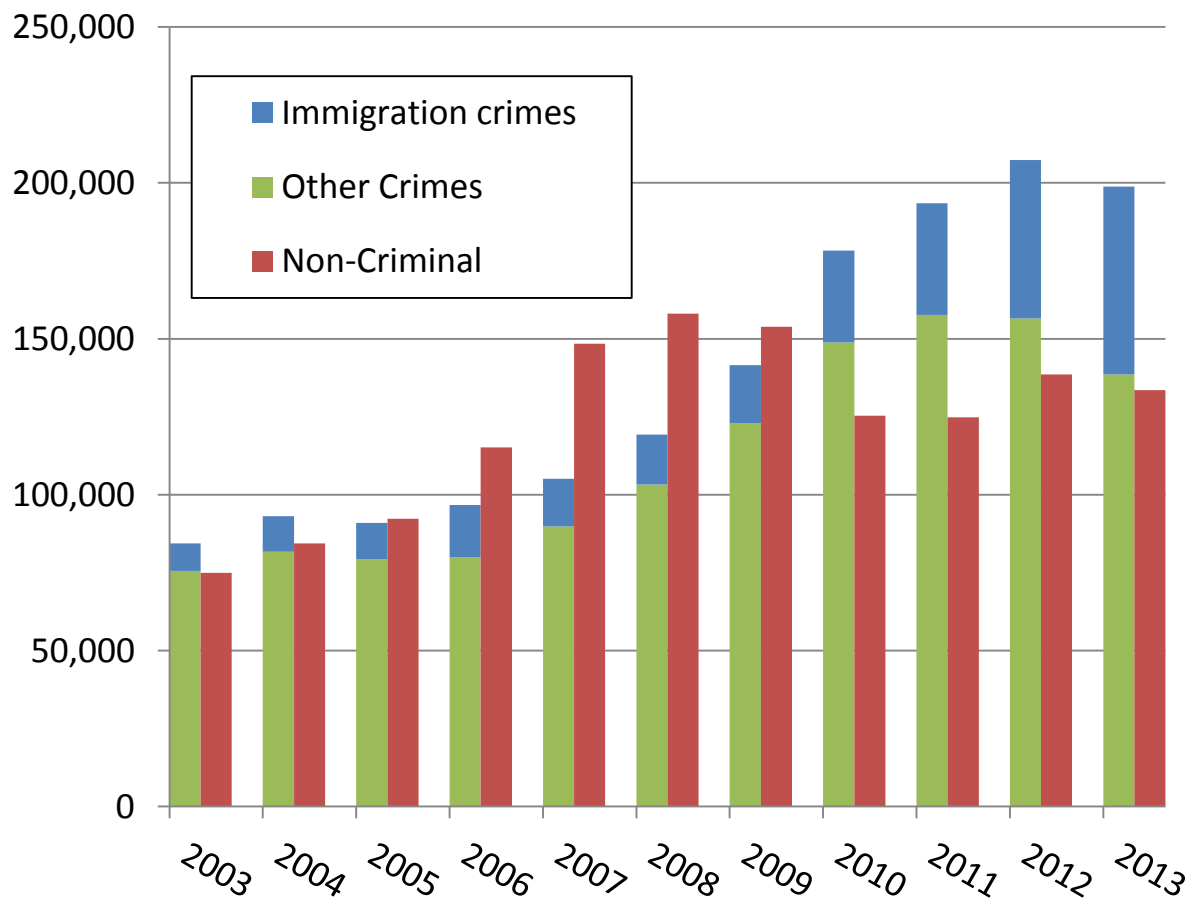
- Effects on Deportations

- Criminals and non-criminal removals, 1993-2012



Enforcement Priorities and Prosecutorial Discretion

- Effects on Deportations
 - ICE removals by type of crime, 2003-2013





The Deportation Dilemma

- Even highly focused enforcement has a substantial impact on immigrant communities
 - Particularly when it occurs on such a large scale
 - And when unauthorized immigrants have deep roots in U.S.
- Fundamental tension between more humane enforcement and stricter immigration control



Policy Levers to Influence the Deportation System

- Proposed Reforms to U.S. Immigration Law
- Proposed Changes to Enforcement Appropriations
- Potential Executive-Branch Actions
 - Proposals to refine DHS enforcement priorities
 - Proposals to strengthen the use of prosecutorial discretion
 - Proposals to modify the enforcement process
 - Proposals to expand DACA-style relief



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Report available at:

www.migrationpolicy.org/research/deportation-dilemma-reconciling-tough-humane-enforcement