



# PAID LEAVE

*The criminalization of improper border crossings costs taxpayers billions but does little to stifle the flow of illegal immigrants*

**BY EMILY GREEN**  
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In April, members of the immigrant advocacy group Enlace rallied on the doorsteps of U.S. Sen. Ron Wyden's Portland office.

They were there to encourage the senator, whom they see as an ally, to introduce legislation that would stop private prisons from qualifying for Real Estate Investment Trust status, which allows the for-profit companies to rake in millions of dollars in tax-free revenue. They brought with them a request bearing roughly 750 signatures.

Private prisons have become the sole focus of Enlace's campaign efforts. Enlace is an immigrant and low-wage-worker advocacy alliance with offices in Portland, Los Angeles, New York and Mexico City.

But why are immigrant advocates putting all their energy into taking on the prison industrial complex?

About six years ago, Enlace members were growing frustrated as mass deportation was inhibiting them from effectively organizing; active members and leaders were continually arrested, incarcerated and then deported.

In an effort to get at the root of the criminalization of immigrants, they began to examine what they viewed as anti-immigrant laws, said Enlace's Portland-based campaign organizer, Amanda Aguilar Shank.

And what they discovered, she said, was that "the private prison industry lobby was a driving force."

## Operation Streamline

Since 2005, the lengthy incarceration of immigrants caught illegally entering the United States has cost American taxpayers \$7 billion, estimates a 178-page report released July 13.

"Indefensible: A Decade of Mass Incarceration of Migrants Prosecuted for Crossing the Border" chronicles how America's current immigration policies were

shaped and how the incarceration of illegal immigrants is contributing to our nation's mass incarceration problem.

The full-length report is available online at the websites of both its authoring organizations, national advocacy groups Grassroots Leadership and Justice Strategies.

Its release follows the 10-year anniversary of Operation Streamline, a policy put in place under the George W. Bush administration in 2005.

This policy ushered in an era of mass criminalization and incarceration of unauthorized immigrants. Before Operation Streamline, improper migration was typically handled as a civil, not criminal matter, and civil provisions were used to remove illegal immigrants when the issue arose.

Inserting the criminal process is not a replacement for the civil process, said Judy Greene, one of the report's authors and director of Justice Strategies, "but simply postpones that process for days, months or even years," with "huge additional costs" to taxpayers.

Operation Streamline made it possible to expeditiously prosecute mass numbers of immigrants by arraigning, convicting and sentencing up to 80 immigrants caught improperly entering the U.S. in the same courtroom, at the same time.

This has resulted in the prosecution of nearly three-quarters of a million people for illegal entry over the past decade.

According to Greene, during the year

2000, before Operation Streamline, 7,900 cases of felony re-entry were filed nationwide. In 2015, that number had ballooned to 33,800.

The crackdown on illegal border crossings has drastically increased profits for private prison companies that now operate 62 percent of the nation's 250 immigration detention facilities.

The largest, Corrections Corporation of America, listed profits of more than \$1 billion from 2012 to the end of 2015.

Nine of Corrections Corporation of America's 61 correctional facilities are immigrant detention centers.

There are no federal immigrant detention centers in Oregon. Instead, Oregon's illegal immigrants are held in county jails and holding facilities before being transferred to out-of-state federal prisons – frequently the Northwest

Detention Center in Tacoma, Wash. It's a federal prison reserved for immigrants, and it's privately owned by the second-largest private-prison company, GEO Group.

Northwest Detention Center is one of the largest immigration prisons in the country, and in 2015, nearly 1,000 people were transferred from Portland District Office Holding Facility to it and other immigrant detention centers, according to a data research group at Syracuse University called the Transactional Records Access Clearinghouse, or TRAC. It also reported that 13 correctional facilities in Oregon transferred people to immigrant detention centers last year.

Many of these prisons are rife with

abuse, leading to protests and hunger strikes, the report states.

"Indefensible" found that increased felony prosecutions for re-entry, which can carry up to a two-year prison sentence, drove contracts for 13 new, privately operated immigrant detention facilities from 2000 to 2013.

First-time illegal entry is a misdemeanor and carries a sentence of up to 180 days.

While many who are prosecuted come into contact with the criminal justice system when they are caught crossing the border, others are deported after they are incarcerated for other crimes, which can drastically increase the length of their stay in an immigrant detention center.

But when people who are prosecuted for re-entry have a prior criminal history, Greene said, they can receive a sentence many years longer than the two-year maximum.

Human Rights Watch and Drug Policy Alliance have connected what they call the "war on immigrants" to the war on drugs.

From 2007 to 2012, more than 250,000 deported immigrants had a drug offense as their most serious conviction, and of those, 34,000 were deported for simple marijuana possession, according to data compiled by the two groups.

During that same period, deportations for people convicted of drug possession increased 43 percent.

Not all immigrants who get deported are here illegally. People living in the U.S. as legal residents can face deportation if they commit a crime.

Today, non-citizens make up 23 percent of the federal prison population, and illegal border crossing prosecutions accounted for an astounding 49 percent of all federal prosecutions in 2015, according to "Indefensible."

## 'Nothing has worked'

A key finding of "Indefensible" is that there is no convincing evidence showing the

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## BY THE NUMBERS

**33,800** Felony re-entry cases filed in U.S. in 2015, up from 7,900 in 2000

**43%** Increase in deportations for drug possession, 2007-12

**49%** Federal prosecutions in 2015 that involve illegal border crossing

*SOURCES: Judy Greene, Justice Strategies; Human Rights Watch and Drug Policy Alliance data; "Indefensible" report*