

Detention and Removal: Challenges, Past and Present

SELECTED ANNOTATED BIBLIOGRAPHY

November 2014

STATE OF PLAY: DETENTION

“CMS Dialogue: Detention Policies as Tools of Immigration Control.” The Center for Migration Studies (CMS). July 21, 2014. <http://tinyurl.com/o5mj5q5>

Recording of a panel discussion focused on the global expansion of immigration-related detention featuring CMS Director Donald Kerwin, the Global Detention Project’s Michael Flynn, and Commissioner Dora Schriro of the Connecticut department of Emergency Services and Public Protection. The panel focuses on the question of how immigration-related detention diffused into an international practice, drawing on the expertise and past research of the panelists.

“Immigration Detention: Behind the Record Numbers.” The Center for Migration Studies (CMS). February 13, 2014. <http://tinyurl.com/oeK4534>

An updated analysis of detention and removal data from 2009-2012, which discusses the broader implications of the recent spike in detention and removal, including discussing wait times, likelihood of appeal, and a range of other factors relevant for the rights of migrants.



ABOUT THE PROJECT

The Institute for the Study of International Migration, with the support of the MacArthur Foundation, is organizing a series of public presentations, as well as expert roundtables that address the multiple challenges of immigration reform. The aim of the project is to inform debate on immigration reform, with a focus on addressing the challenges of implementation

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“The History of Immigration Detention in the US.” Detention Watch Network (DWN). July 2008. <http://tinyurl.com/ocu76p2>

A brief overview of immigration detention policies in the United States, from the beginning of the 20th century to the present.

Flynn, Michael. “There and Back Again: On the Diffusion of Immigration Detention.”

Journal of Migration and Human Security. Volume 2 Number 3 (2014): 165-197.

<http://tinyurl.com/nnaknep>

The use of detention as a tool of immigration control has become a global phenomenon. This paper draws upon diffusion theory to analyze the history of key policy events in immigration destination countries that led to the spread of detention practices over the last 30 years. It examines how the United States in particular has played an important role in encouraging the process of policy innovation, imitation, and imposition that has helped give rise to immigration detention regimes globally.

Flynn, Michael. “Immigration Detention and Proportionality,” Global Detention Project.

February 2011. <http://tinyurl.com/mfwphwr>

This Global Detention Project working paper analyzes the tension between the prerogatives of sovereignty and the rights of non-citizens from the perspective of the principle of proportionality. Flynn argues that the proportionality principle, despite its close association to individual legal cases, can also be used as a lens through which to assess the operations of detention centers, as well as overall detention regimes.

Manuel, Kate M. “Immigration Detainers: Legal Issues.” Congressional Research Service.

April 24, 2014. <http://tinyurl.com/ntzvlgw>

A legal analysis of lingering questions surrounding immigration detainers – documents by which ICE informs other law enforcement agencies of its interest in individuals whom these agencies are detaining. The paper discusses issues that have arisen since the implementation of the Secure Communities program in 2008, as well as questions over who has custody of aliens subject to detainers and whether detainer practices impinge upon the alien’s constitutional rights.

“Immigration Detention.” *The New York Times*. August 6, 2014. <http://tinyurl.com/lalstbz>

A comprehensive timeline of news updates pertaining to immigration detention from the New York Times, updated as of 6 August.

Preston, Julia. “As US Speeds the Path to Deportation, Distress Fills New Family Detention Centers.” *The New York Times*. August 5, 2014. <http://tinyurl.com/lr9lhgr>

A recent update on the state of family detention facilities in the context of the recent surge of children and families at the border, including subsequent deportation policies.

Ricupero, Isabel; Flynn, Michael. “Migration and Detention: Mapping the International Legal Terrain.” Global Detention Project Working Paper. November 2009.

<http://tinyurl.com/m437qhr>

An extensive overview of the international legal framework with respect to the detention of migrants.

Roth, Charles; Stoicheva, Raia. “Order in the Court: Commonsense Solutions to Improve Efficiency and Fairness in the Immigration Court.” National Immigrant Justice Center (NIJC) October 2014. <http://tinyurl.com/nt2kcjh>

The white paper details 21 practical changes the Department of Justice’s Executive Office for Immigration Review (EOIR) could implement at limited cost to taxpayers and without congressional action. At the broadest level, recommendations include: increasing efficiency of EOIR case management; creating an alternative dispute resolution structure through inter-agency coordination; increasing efficiency in the immigration court through access to counsel and legal information.

Siskin, Alison. “Immigration-related Detention: Current Legislative Issues.” Congressional Research Service (CRS). January 12, 2012. <http://tinyurl.com/o5rmx5n>

In anticipation of immigration reform, this paper analyses interpretations of current detention legislation pertaining to mandatory detention, post-removal order detention, expedited removal and detention, release on parole and bond and the rights of those detained. Statistics regarding detention and legislation surrounding detention conditions is also discussed - in particular detention space and costs.

“Step-by-Step Guide on Apprehension and Detention of Juveniles in the United States.” Women’s Refugee Commission (WRC). July 2014. <http://tinyurl.com/qzfwud4>

This guide provides a background to apprehension and detention of juveniles in the United States. Sections include: the US government’s immigration enforcement framework; how migrant children arrive at the southern border seeking entry; the process when an unaccompanied child is apprehended trying to enter the United States without permission; an overview of detention conditions for children; release from detention; and the unaccompanied refugee minor program.

CONDITIONS IN DETENTION

“Prisoners of Profit: Immigrants and Detention in Georgia.” The American Civil Liberties Union (ACLU). May 16, 2012. <http://tinyurl.com/l7ycdr9>

This report from ACLU on the rights of immigrants held in detention facilities in Georgia is based on more than three years of research, including reviews of government reports and responses from officials, reviews of grievances filed by detainees, site visits, and interviews with 68 detainees, as well as family members and immigration attorneys. The report raises a host of concerns over due process, in addition to inadequate living conditions, limited access to medical and mental health care, failed grievance procedures, and physical and verbal abuse.

“Outsourcing Responsibility: The Human Cost of Privatized Immigration Detention in Otero Country, New Mexico” The American Civil Liberties Union (ACLU). January 24, 2011. <http://tinyurl.com/nvblsl3>

An ACLU research report from 2011 documenting human rights violations in New Mexico detention facilities, with specific attention to the issue of private ownership of detention facilities.

“Sexual Abuse in Immigration Detention.” The American Civil Liberties Union (ACLU). 2011. <http://tinyurl.com/mbecw78>

A brief overview of the problem of sexual abuse in US immigrant detention centers, complete with victim testimonies and other resources.\

“House Judiciary Committee Hearing on Holiday on ICE: The U.S. Department of Homeland Security’s New Detention Standards. Hearing before the Subcommittee on Immigration Policy and Enforcement.” March 28, 2012. <http://tinyurl.com/oznybev>

The hearing includes an opening statement from Representative Lamar Smith (R-TX21) before testimonies from Mr. Kevin Landy (Assistant Director, Office of Detention Policy and Planning, ICE); Ms. Jessica Vaughan (Policy Director, Center for Immigration Studies); Mr. Chris Crane (President, National ICE Council); Ms. Michelle Brané (Director of Migrant Rights and Justice Program, Women’s Refugee Commission).

Detention Watch Network (DWN). “Expose and Close: Artesia Family Residence Center, New Mexico.” 2014 <http://tinyurl.com/qdpjtqg>

Expose & Close started in 2012, when DWN coordinated the release of ten reports that detail the acute and chronic human right violations occurring in immigration detention in the United States today. The reports were authored by DWN members and allies, including policy advocates, community organizers, legal service providers, faith groups and individuals personally impacted by detention, who together have deep experience and understanding of the immigration detention system. In 2013, DWN released Expose & Close: One Year Later, to review conditions in the original ten reports and shine the light on new facilities with egregious human rights violations. This year, in light of the alarming expansion of family detention, DWN has chosen to focus its report on the family detention center in Artesia, New Mexico.

“House Judiciary Committee Hearing on Performance-Based National Detention Standards (PBNDS) 2011: Written testimony of U.S. Immigration and Customs Enforcement from Office of Detention Policy and Planning Assistant Director Kevin Landy.” March 27, 2012. <http://tinyurl.com/m8y3fnz>

The testimony from Assistant Director Kevin Landy includes information on steps taken by ICE to reform the immigration detention system. Highlights of accomplishments include: the establishment of an office dedicated to reform and outreach on detention issues; the launch of an online detainee locator system designed to assist family members and attorneys in locating detainees in ICE custody; enhancement of federal detention oversight and accountability; the development of new civil detention facilities; and certain medical care reforms.

“H.R. 5950 – Detainee Basic Medical Care Act of 2008.” <http://tinyurl.com/mqysbp9>

Representative Zoe Lofgren (D-CA19) introduced [H.R. 5950](#), the Detainee Basic Medical Care Act of 2008, to ensure immigration detainees receive access to basic medical care while in the custody of the Department of Homeland Security. While the bill was not passed, it offers useful insights when considering detention reform.

“How to Protect Refugees and Prevent Abuse at the Border.” Human Rights First. June 2014. <http://tinyurl.com/l4w66s9>

This report, informed in part by interviews with service-providers and site visits to key border points, patrol stations and immigration detention facilities in Arizona, California, and Texas, outlines a blue-print for policymakers to more effectively address protection concerns and requests at the border. The report includes detailed recommendations on: reducing backlogs and vulnerability to abuse; launching measures to enhance appearance in immigration courts; addressing gaps in accurate information on due process; enhancing tools for detection and investigating abuse; strengthening protection safeguards; implementing alternatives to detention (ATDs), and addressing triggers of flight through foreign policy and aid.

“Detention Reform Accomplishments.” Immigration and Customs Enforcement (ICE).

[Last Update from May 2014] <http://tinyurl.com/bvfgaph>

This web page details in chronological order a list of ICE accomplishments in reforming detention. Recent accomplishments include: the opening of ICE’s first mental health transitional unit at the Krome Service Processing Center in Miami to address the mental health needs of detainees not requiring full hospitalization; the issuing of a directive on ‘Review of the Use of Segregation for ICE Detainees’; the deployment of a web-based system to facilitate compliance with the ‘Review of the Use of Segregation for ICE Detainees’ directive; and the revising the ‘Directive on Sexual Abuse and Assault Prevention and Intervention’, which now includes an outline of procedures by which ICE will make victim services available to victims of sexual assault, and requirements relating to accommodation of detainees with disabilities or limited English proficiency.

Martinez, Daniel E.; Slack, Jeremy; and Heyman, Josiah. “Bordering on Criminal: The Routine Abuse of Migrants in the Removal System, Part I.” December 2013. Immigration Policy Center (IPC). <http://tinyurl.com/llavt7j>

This report focuses on the mistreatment of detainees in U.S. immigration custody, mainly at border stations. Overall, the investigators found that the physical and verbal mistreatment of migrants is not a random, sporadic occurrence but, rather, a systematic practice. One indication of their claim is that 11% of deportees they interviewed reported some form of physical abuse and 23% reported verbal mistreatment while in U.S. custody. Their finding is supported by other academic studies and reports from non-governmental institutions, which they identify. Another finding presented is that migrants often note they are targets for nationalistic and racist remarks. When taken in the context of prior studies, the report authors believe the abuse of migrants while in U.S. custody is a systematic problem due to a lack of accountability in U.S. Customs and Border Protection.

“Memorandum from Inspector General John Roth on Oversight of Unaccompanied Alien Children for the Honorable Secretary Jeh C. Johnson” Office of Inspector General, Department of Homeland Security. June 30, 2014. <http://tinyurl.com/q7xbybz>

An OIG memo outlining findings from a series of unannounced site visits to DHS/CBP facilities housing unaccompanied children (UAC) along the southern border between July 1 and July 16, 2014. Observations include: the existence of communicable disease among UAC and employees in DHS facilities; the holding of UAC for longer than 72 hours in DHS facilities due to lack of permanent shelter; and inconsistencies in policy adherence among facilities.

Rhoad, M. “Detained and Dismissed: Women’s Struggles to Obtain Health Care in United States Immigration Detention.” Human Rights Watch (HRW). March 2009.

<http://tinyurl.com/mo5pwzc>

The report, drawing upon interviews with female detainees, immigration officials, and visits to nine detention facilities in three states, advocates for the need to provide adequate medical care to women detainees. Among the key findings from the report: many women detainees (including pregnant and nursing women) experience barriers to basic medical care, delayed or inadequate care for those diagnosed health issues, lack of information about available health services, breaches in confidential medical information, and fear that accessing care could have negative implications on their immigration case.

Terrio, Susan. “Life ended there” Rare interviews with the children of America’s border disaster. *Politico*. July 10, 2014. <http://tinyurl.com/m7x43kz>

This article draws from research on unaccompanied children in U.S. immigration custody – specifically 20 federal facilities and six foster-care facilities between 2009 and 2012 – as well as in-depth interviews with staff at federal facilities and formerly detained young migrants. Interspersed with first-hand accounts of detention, it offers an analysis of the current custodial system and its impact on unaccompanied children from Central America and Mexico.

ALTERNATIVES TO DETENTION

Fialho, Christina M. "Rethinking Pre-removal Immigration Detention in the United States: Lessons from Europe and Proposals for Reform," *Refugee Survey Quarterly*, 2012.

<http://tinyurl.com/nr4gven>

Inspired by United States and international legal theory, this article critically examines the legality of lengthy detention of non-citizens held in pre-removal immigration detention in the United States, while presenting a comparative analysis of the European Union and four of its Member States. The article concludes with three recommendations to decrease the amount of time non-citizens spend in administrative immigration detention in the United States.

Kalhan, Anil. “Rethinking Immigration Detention.” *Columbia Law Review*. July 2010.

<http://tinyurl.com/ogxnzdc>

In recent years, scholars have drawn attention to the myriad ways in which the lines between criminal enforcement and immigration control have blurred in law and public discourse. This Essay analyzes this convergence in the context of immigration detention, considering the possibilities and limits of these proposals, situating detention within the broader convergence of immigration control and criminal enforcement. Part I discusses the evolution of detention policies and practices and some ways in which they have become excessive. Part II analyzes the government’s reform proposals, which target excessive conditions of confinement but leave other excessive practices intact. Part III situates detention within the broader context of the government’s expansion of immigration enforcement.

“Unlocking Liberty. A Way Forward for U.S. Immigration Detention Policy.” Lutheran Immigration and Refugee Service (LIRS). October 27, 2011. <http://tinyurl.com/bfxypbs>

The report reviews the US government’s attempts to implement ATD programs and highlights five overarching structural challenges that must be overcome: an overreliance on detention as an

approach to immigration enforcement; lack of individualized risk assessments to determine who needs to be detained or otherwise supervised to ensure appearance and removal; absence of necessary data indicators and mechanisms to evaluate the use of detention and alternatives; absence of a robust case management system with referrals to appropriate social services; and insufficient access to legal and social services among detainees. The report also includes recommendations for Congress and ICE.

“The Math of Immigration Detention: Runaway Costs for Immigration Do Not Add Up to Sensible Policies.” National Immigration Forum. August 2013. <http://tinyurl.com/mty9vak>
The report asserts that heavy spending on detention could be reduced by detaining only those immigrants whose release would pose a danger to the community. It further argues that the government could employ less expensive alternatives for the majority of immigrants, saving billions of dollars and allowing for more human and cost-effective methods of monitoring.

Sampson, Robyn; Mitchell, Grant. “Global Trends in Immigration Detention and Alternatives to Detention: Practical, Political and Symbolic Rationales.” *Journal on Migration and Human Security*. Vol. 1 No. 3, 2013: 97—121. <http://tinyurl.com/m9lp2pz>
Drawing from research conducted by the International Detention Coalition and La Trobe University, this paper describes the Community Assessment and Placement (CAP) model, which seeks to prevent unnecessary detention, while allowing governments to meet the rationale offered for detention. It argues that the global trends of growth in detention and an increased emphasis on alternatives reflect competing political, policy and operational objectives. For example, governments wish to ensure compliance with deportation orders; alleviate political pressures regarding the harms associated with detention; and demonstrate control of territorial borders. Understanding the multiple rationales that shape this area of migration policy can help make sense of contradictory policy developments and identify the most effective ways to safeguard those who might be subject to detention.

Sampson, Robyn; Mitchell, Grant; Bowring, Lucy. “There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention.” International Detention Coalition (IDC). 2011. <http://tinyurl.com/kzzyr9d>
The handbook, intended for legislators, policymakers and civil society actors wishing to know more about ATDs, describes a range of mechanisms to prevent unnecessary detention and outlines a number of possible alternatives to detention. It also introduces a 5-step conceptual and practical framework called the Community Assessment and Placement (CAP) model, which is designed to prevent and reduce the likelihood of unnecessary detention.

“Beyond Detention 2014-2019: A Global Strategy to support governments end the detention of asylum seekers and refugees.” United Nations High Commissioner for Refugees (UNHCR). July 2014. <http://tinyurl.com/lo2pdar>
This latest global strategy on detention from UNHCR aims to guide and assist governments in ending the detention of asylum seekers, refugees and stateless persons. The document calls for an end to the detention of children, the provision of alternatives to detention in law and implementation, and the need to ensure that conditions in detention meet international human rights standards when detention is unavoidable.

Wood, Julie Myers; Martin, Steve J. “Wood and Martin: Smart alternatives to immigrant detention.” *Washington Times*. March 28, 2013. <http://tinyurl.com/bpe7wdh>

Wood and Martin argue that ATDs, when used wisely, can be cost-effective and have been successful in ensuring that individuals appear at their immigration hearings. The article highlights one ATD program that has enjoyed success – the Intensive Supervision Appearance Program II (ISAP II) run by BI Inc., which allows ICE to determine the possible alternatives based on an individual’s risk profile.

UNACCOMPANIED MINORS

Bhabha, Jacqueline. *Child Migration and Human Rights in a Global Age*. (Princeton: Princeton University Press, 2014).

Spanning several continents and drawing on the actual stories of young migrants, the book shows how difficult it is for children to reunite with parents who left them behind to seek work abroad. It looks at the often-insurmountable obstacles we place in the paths of adolescents fleeing war, exploitation, or destitution; the contradictory elements in our approach to international adoption; and the limited support we give to young people brutalized as child soldiers. Part history, part in-depth legal and political analysis, this powerful book challenges the prevailing wisdom that widespread protection failures are caused by our lack of awareness of the problems these children face, arguing instead that our societies have a deep-seated ambivalence to migrant children—one we need to address head-on.

Boehm, Deborah. "For My Children": Constructing Family and Navigating the State in the US-Mexico Transnation. *Anthropological Quarterly* 2008 81(4):777-802.

This paper considers this understudied population, the youngest members of Mexican migrant communities, to understand shifting configurations of kinship in a transnational space. By focusing on transnational families with ties to San Luis Potosí and several locales in the U.S. Southwest, the author studies the everyday experiences of Mexican migrants to demonstrate the presence and power of the U.S. state in family life. This paper examines a dilemma in transnational lives: a primary motivation for migration is to support and benefit children, and yet children are repeatedly in precarious or threatening situations precisely because of transnational movement, their own and that of their family members. The inclusion of children in the study of transnationality, the author argues, nuances our understanding of the (re)production and (re)structuring of kinship. Moreover, a focus on children as embedded within families problematizes popular conceptions of migrants as solely autonomous agents, uncovering the multiple ways in which the actions of parents, children, and other family members are repeatedly shaped and constrained by state policies.

Boehm, Deborah. US-Mexico Mixed Migration in an Age of Deportation: An Inquiry into the Transnational Circulation of Violence. *Refugee Survey Quarterly* 2011 30(1):1-21.

This article considers diverse migrations from Mexico to the United States, driven by a range of factors, in the context of violence that circulates transnationally. Throughout Mexico violence and kidnappings, increasingly targeted at migrants or their family members, are motivating increased or new flows to the north. Meanwhile, in the United States, nativism is fostering anti-immigrant policies and practices – also framed by violence – aimed at “returning” Mexican nationals south. Such processes are resulting in a simultaneous blurring and reassertion of

categories: distinctions between individuals with different motivations to migrate are not easily delineated, and in this case, individuals themselves often experience a form of “mixed migration”, with people migrating both for economic reasons and because they fear for their safety. Drawing on ongoing ethnographic research about migration and deportation, the author outlines recent experiences of transnational Mexicans to highlight contradictions within United States–Mexico migration and consider the implications for policy. In the current climate of United States immigration control, the possibility of claiming asylum within the United States is unlikely for nearly all Mexicans, underscoring the limitations of categorization within refugee protection and immigration regimes.

Cadman, Dan. Brief Analysis of the House Republican Leadership's Secure the Southwest Border Supplemental Appropriations Act and the Secure the Southwest Border Act of 2014 *the Center for Immigration Studies (CIS)*, July 2014. <http://tinyurl.com/na59p6s>

This report analyzes the recent legislation supported by Republican Leadership and provides recommendations. The analysis concludes that, while the appropriations sections of the bill are a great improvement over the President's request, and focus government spending more directly on repatriation of the families and children who crossed in the surge, the sections of the bill addressing the processing of unaccompanied alien children are little more than a repackaging of the worst elements of the HUMANE Act.

Chavez, Lilian; Menjívar, Cecilia. Children without Borders: A Mapping of the Literature on Unaccompanied Migrant Children to the United States. *Migraciones Internacionales*, 2010 5(3):71-111.

In this article, Chavez and Menjívar seek to map out what we know concerning unaccompanied migrant minors, with a focus on unaccompanied migrant children coming to the United States. The authors base their review on research reports that document the migration of Mexican and Central American children. In contrast to reports that focus on only the receiving end, they take a broader approach to shedding light on the different facets of the unaccompanied children's migration. Thus, the paper includes the following areas: the migration processes (initiation, transit, arrival and integration in both Mexico and the United States); the institutions (shelters and detention centers) involved in unaccompanied minors' migration; and the global polity (local, national, and international laws) that have a profound impact on this migration.

“Children in Danger: A Guide to the Humanitarian Challenge at the Border.” Immigration Policy Center (IPC). July 10, 2014. <http://tinyurl.com/p4249ff>

This guide aims to provide policymakers, the media, and the public information surrounding the current humanitarian challenge the U.S. is facing as thousands of young migrants show up at the US southern border. This guide seeks to explain the basics. Who are the unaccompanied children and why are they coming? What basic protections are they entitled to by law? What happens to unaccompanied children once they are in U.S. custody? What has the government done so far? What additional responses have been proposed to address this issue?

“Committee on Homeland Security Hearing: Dangerous Passage: The Growing Problem of Unaccompanied Children Crossing the Border.” Committee on Homeland Security. June 24, 2014. <http://tinyurl.com/q67k4zp>

Transcripts of the hearing include statements and testimonies from Rep. Michael McCaul (R-TX; Chairman of the Committee); Hon. Jeh Johnson (Secretary, DHS); Hon. W. Craig Fulgate (Administrator, FEMA); Mr. Ronald Vitiello (Deputy Chief, CBP).

Ensor, Marisa; Gozdzia, Elzbieta. Eds. *Children and Migration: At the Crossroads of Resiliency and Vulnerability*. (London: Palgrave Macmillan, 2010).

Children and Migration offers a comprehensive analysis of the increasingly common phenomenon of child migration from the perspective of the children themselves. Situating child migration at the nexus of resiliency and vulnerability, the volume focuses on the local conditions that frame child migrants' lives as well as analyzes the broader issues of poverty, (under)development, conflict, and displacement that mark the movement of children within and across national borders. Acknowledging that migrant children do not speak with one single voice, this volume bears testimony to the enormous diversity and multifaceted character of child migration. Drawing on rich ethnographic data as well as quantitative surveys, the book examines the experiences of children in a wide variety of migratory circumstances including economic child migrants, transnational students, trafficked, stateless, fostered, unaccompanied and undocumented children. This collection addresses theoretical, methodological and ethical considerations of research with migrant children, and analyzes aspects of health, education, work, kinship and gender issues, as well as the special circumstances presented by forced migration.

Frydman, Lisa; Dallam, Elizabeth; and Bookey, Blaine. “A Treacherous Journey: Child Migrants Navigating the U.S. Immigration System.” Center for Gender & Refugee Studies and Kids in Need of Defense (KIND). February 2014. <http://tinyurl.com/navzkmw>

This report addresses the issues raised by the recent historic and unabated increase in the number of children coming unaccompanied – without a parent or legal guardian – to the United States. From 6,000–8,000 unaccompanied children entering U.S. custody, the numbers surged to 13,625 in Fiscal Year 2012 and 24,668 in Fiscal Year 2013. The government has predicted that as many as 60,000 or more unaccompanied children could enter the United States in Fiscal Year 2014. These children come from all over the world, but the majority arrive from Mexico and Central America, in particular the Northern Triangle countries of El Salvador, Guatemala and Honduras.

Gonzales, Roberto; Suárez-Orozco, Carola; Dedios-Sanguinetti, Maria. No Place to Belong: Contextualizing Concepts of Mental Health Among Undocumented Immigrant Youth in the United States. *American Behavioral Scientist*. 2013. 57(8): 1174-1199.

This article examines the consequences of undocumented immigration status for those who grow up in the United States. The aim is to examine the relationship between undocumented immigrant status and mental and emotional health. The authors' efforts focus on undocumented immigrants who arrive as children and spend most of their formative years in the United States. The experiences of these undocumented members of the 1.5 generation are quite different from those who migrate as adults. Gonzales et al are interested in better understanding the effects confusing and conflicting experiences of inclusion and exclusion have on their mental and emotional health as well as the protective factors that may shape resilience. While previous scholarship has drawn some important implications to experiences of stress among undocumented youth and young adults, to the authors' knowledge, no work has been done to explicitly draw the link to mental and emotional health. The article concludes with some suggestions for future research on the topic.

Heidbrink, Lauren. *Migrant Youth, Transnational Families and the State*. (Phila, PA: University of Pennsylvania Press, 2014).

Each year, more than half a million migrant children journey from countries around the globe and enter the United States with no lawful immigration status; many of them have no parent or legal guardian to provide care and custody. Yet little is known about their experiences in a nation that may simultaneously shelter children while initiating proceedings to deport them, nor about their safety or well-being if repatriated. *Migrant Youth, Transnational Families, and the State* examines the draconian immigration policies that detain unaccompanied migrant children and draws on U.S. historical, political, legal, and institutional practices to contextualize the lives of children and youth as they move through federal detention facilities, immigration and family courts, federal foster care programs, and their communities across the United States and Central America. Through interviews with children and their families, attorneys, social workers, policy-makers, law enforcement, and diplomats, anthropologist Lauren Heidbrink foregrounds the voices of migrant children and youth who must navigate the legal and emotional terrain of U.S. immigration policy. Cast as victims by humanitarian organizations and delinquents by law enforcement, these unauthorized minors challenge Western constructions of child dependence and family structure. Heidbrink illuminates the enduring effects of immigration enforcement on its young charges, their families, and the state, ultimately questioning whose interests drive decisions about the care and custody of migrant youth.

Hinojosa-Ojeda, Raul. “5 Basic Lessons from the ‘Crisis’ of Central American Migrants: Poverty and Violence are Root Causes, but US Labor Demand Remains the Key Driver.”

UCLA North American Integration and Development Center. September 2014.

<http://tinyurl.com/mju59pc>

The report, drawing from econometric analysis, argues against the ‘surge’ narrative, and posits: 1) the total number of child apprehensions is roughly half of what it was before the Great Recession; 2) the increased share in UAC being apprehended is a product of the 2008 TVPRA Act; 3) Central Americans make up a disproportionate share of the UAC population in detention because the 2008 law does not provide Mexican children with the same rights and protections; 4) based on the author’s statistical analysis the recent increase in Central American children being apprehended at the border is not driven by an increase in violent crime; and 5) the strength of the US job market continues to be a primary determinant of the level and timing of migration flows.

“House Judiciary Committee Hearing: An Administration Made Disaster: The South Texas Border Surge of Unaccompanied Alien Minors.” House Judiciary Committee. June 25, 2014. <http://tinyurl.com/175o647>

Transcripts from the hearing include testimonies from Mr. Tom Homan (Executive Associate Director, Enforcement and Removal Operations, ICE); Mr. Ronald Vitiello (Deputy Chief, Border Patrol, CBP); Mr. Chris Crane (President, National Immigration and Customs Enforcement Council 118 American Federation of Government Employees); Mr. Brandon Judd (President, National Border Patrol Council, American Federation of Government Employees); and Most Reverend Mark J. Seitz, Bishop, Diocese of El Paso, Texas).

Orozco, Manuel; Yansura, Julia. “Understanding Central American Migration: The Crisis of Central American Child Migrants in Context.” Inter-American Dialogue. August 11, 2014.

<http://tinyurl.com/peshpq3>

This memo aims to inform the current debate on how to respond to the sharp increase in the number of unaccompanied child arrivals from Central America by integrating data on issues triggering this outflow while also introducing the perspectives of the people and communities they affect. Specifically, it draws on data from 900 municipalities to analyze migrant hometowns in relation to human development, violence and education. In addition, it presents the results of a nationwide survey in El Salvador and a survey of Central American migrants residing in Washington DC metropolitan area.

“Surge of Central American Children Roils U.S. Immigration Debate.” Pew Research Center. July 16, 2014. <http://tinyurl.com/oyrfpc2>

An article revealing results from a survey commissioned by the Pew Research Center in July 2014 of among 1,805 adults across the U.S. Among the findings, about half (53%) of those interviewed thought that the legal process for dealing with Central American children who cross the border illegally should be accelerated, even if that means that some children who are eligible for asylum are deported. Fewer (39%) supported staying with the current policy, even though the process could take a long time and the children will stay in the U.S. in the interim.

Ryan, Kelly. “Unaccompanied and separated minors: A call for a multidisciplinary approach to a humanitarian crisis.” *Migration Policy Practice*. Vol. IV, No. 3, July-September 2014. <http://tinyurl.com/laj5uod>

The policy briefing paper begins by demonstrating the upward trend of unaccompanied minors among European IGC Member States before advocating for the need to consider a more child-centric approach, warning that legal frameworks have not kept pace with child protection issues. The remainder of the paper outlines a multi-dimensional response, which includes: proper identification; appropriate short-term care arrangements; timely and established best interest determination (BID) processes; speedy access to the legal system; and a determination of legal questions.

Seghetti, Lisa; Siskin, Alison; and Wasem, Ruth Ellen. “Unaccompanied Alien Children: An Overview.” Congressional Research Service (CRS). June 13, 2014. <http://tinyurl.com/oz6ny5t>

The report opens with an analysis of the data of the recent surge in UAC crossing the border. It then discusses current policy on the treatment, care, and custody of the population. The processing and treatment of UAC is detailed, with a discussion of each agency that is involved with the population. The report then discusses both Administrative and Congressional action to deal with the current crisis. As this issue is still evolving, the report concludes with a series of questions related to UAC that remain unanswered.

Terrio, Susan. *Whose Child am I? Unaccompanied, Undocumented Children in U.S. Immigration Custody*. (Berkeley, CA: University of California Press, 2015).

The surge of desperate young migrants across the southwest border in 2014 has shed light on a shadowy juvenile detention system run by the U.S. government that has escaped public scrutiny for years. This book follows the story of the Central American and Mexican children who are driven from home by violence and deprivation and embark alone, risking their lives on the perilous journey north. They suffer coercive arrests at the U.S. border, land in detention, and wage an up-hill battle to obtain legal status. *Whose Child Am I* looks inside a vast, labyrinthine

system by closely following six youths, starting with their arrest by immigration authorities, placement in federal detention, appearance in deportation proceedings, release from custody, and, finally, ending with their struggle to build lives in the United States. It shows how the government got into the business of detaining children and what we can learn from our troubled history.

Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection. United Nations High Commissioner on Refugees (UNHCR). 2014. <http://tinyurl.com/n78wwgk>

In response to the recent surge of unaccompanied child immigrants at the US border, UNHCR Washington undertook an extensive study to examine the reasons why children are displaced from the four countries. UNHCR asked 404 unaccompanied or separated children – approximately 100 from each country – why they are leaving their country of origin and whether they are in need of international protection. Most children indicated leaving due to family and opportunity in the destination country and/or violence in the host-country, and indicated significant need for international assistance.

Young, W. and McKenna, M. “The Measure of a Society: The Treatment of Unaccompanied Refugee and Immigrant Children in the United States.” Winter 2010. Kids in Need of Defense (KIND). <http://tinyurl.com/mbbxh4p>

Part I of this article provides an overview of the demographics of unaccompanied children in the United States and the problems they face; Part II discusses U.S. government care and treatment of these children; Part III provides an overview of the forms of relief from deportation for which unaccompanied children may be eligible; Part IV highlights lack of availability of legal representation for these children; and Part V discusses procedural aspects of U.S. immigration law that affect unaccompanied children.

Zatz, Majorie; Rodriguez, Nancy. *Dreams and Nightmares: Immigration Policy, Youth and Families.* (Berkeley, CA: University of California Press, 2015).
Forthcoming in 2015.

STATE OF PLAY: REMOVALS

“The Great Expulsion.” *The Economist.* February 8, 2014. <http://tinyurl.com/lvx6gr7>

A profile of deportation numbers and policies under the Obama Administration.

“FY 2013 ICE Removals.” U.S. Immigration Customs and Enforcement (ICE).
<http://tinyurl.com/lja877k>

This statistical report published by ICE provides an overview of civil immigration enforcement and removal operations undertaken in Fiscal Year 2013.

Caldwell, Alicia. “US: Immigrant families fail to report to agents.” Associated Press (AP). September 25, 2014. <http://tinyurl.com/p7e6kuk>

The article, based on an audio recording of a federal working group meeting on detention and enforcement policies, claims that as many as 70 percent of families released under the Obama administration have failed to show up for follow-up appointments with federal immigration agents during the past Fiscal Year.

Desilver, Drew. “Executive actions on immigration have long history.” Pew Research Center. November 21, 2014.

In light of executive action by President Obama in late November 2014, this article includes a timeline and analysis of previous executive action on immigration.

Kanstroom, Daniel. *Aftermath: Deportation Law and the New American Diaspora* (Bethesda: Oxford University Press, 2012). <http://tinyurl.com/kqxdpbb>

This book examines the current deportation system of the United States and especially deportation's aftermath: the actual effects on individuals, families, U.S. communities, and the countries that must process and repatriate ever-increasing numbers of U.S. deportees. Addressing a wide range of political, social, and legal issues, Kanstroom asks a number of under-examined questions: What is the relationship between the "rule of law" and the border? Where do rights begin and end? Do (or should) deportees ever have a "right to return"? The book concludes with specific reform proposals for what he believes to be a more humane and rational deportation system.

Kanstroom, Daniel. *Deportation Nation* (Boston: Harvard University Press, 2007).

<http://tinyurl.com/kqtcblj>

Deportation Nation presents a critical legal and social history of deportation in the United States from the colonial era until 2006. Kanstroom begins his analysis with the Alien Sedition Laws, Indian ‘removals’ and the Fugitive Slave Laws in the post-revolutionary period, before proceeding to the Chinese Exclusion Act and the early formation of modern deportation law. The book goes on to analyze subsequent waves in deportation law and its implementation during the twentieth century, raising uncomfortable questions for the reader as to the ways in which it is used to exclude and control the non-citizen population.

Meissner, Doris; Kerwin, Donald M.; Chishti, Muzaffer; Bergeron, Claire. “Immigration Enforcement in the United States: The Rise of Formidable Machinery.” Migration Policy Institute (MPI). January 2013. <http://tinyurl.com/q5wn44u>

Chapter 8 of this report on US immigration enforcement describes recent trends in detention and removal – most notably, an increase in the removal of criminal aliens, and extensive use of administrative (versus judicial) orders to effect removals.

Preston, Julia. “In Remote Detention Center, a Battle on Fast Deportations.” *The New York Times*. September 5, 2014. <http://tinyurl.com/m3vuyh2>

The article discusses the situation for Central American migrants who claim to have fled domestic abuse, in light of the recent decision by the Immigration Board of Appeals to find victims of severe domestic violence in their home countries eligible for asylum in the United States. Issues pertaining to the nature and conditions of detention facilities and access to immigration attorneys for detainees are also raised, particularly as backlogs for immigration hearings are extending time in detention.

Simanski, John F. “Immigration Enforcement Actions: 2013.” Annual Report from the Office of Immigration Statistics, Department of Homeland Security (DHS).

<http://tinyurl.com/nx9rv2u>

This Office of Immigration Statistics (OIS) Annual Report presents information on foreign nationals found inadmissible, apprehended, arrested, detained, returned or removed during 2013.

STRENGTHS AND WEAKNESSES OF THE REMOVAL SYSTEM

(Including articles on impact of removals on deportees and source countries)

“Deportation by Default: Mental Disability, Unfair Hearings, and Indefinite Detention in the U.S. Immigration System.” The American Civil Liberties Union (ACLU) Human Rights Project and Human Rights Watch (HRW), 2010. <http://tinyurl.com/pvo7q3m>

A report documenting the lack of meaningful safeguards for people with mental disabilities facing possible deportation from the United States.

Brabeck, Kalina.; Lykes, M. Brinton.; Lustig, Stuart. “The Psychosocial Impact of Detention and Deportation on U.S. Migrant Children and Families: A Report for the Inter-American Human Rights Court.” August 2013. <http://tinyurl.com/kzrakyy>

This report to the Inter-American Human Rights Court from Boston College’s Post-Deportation Human Rights Project draws upon existing research findings and a review of relevant literature to reveal the detrimental impact of detention and deportation on migrant adults, children, families and communities, both in the United States and abroad.

Brabeck, Kalina; Lykes, Brinton; Hershberg, Rachel. Framing immigration to and deportation from the United States: Guatemalan and Salvadoran families make meaning of their experiences. *Community, Work & Family* 2011 14(3): 275-296.

Despite the large numbers of people directly threatened by the deportation system, little is known about how it affects Central American immigrant children and families. A participatory action research project was designed in collaboration with local immigrant organizations to (1) document the impact of deportation policy on Guatemalan and Salvadoran immigrant families and (2) collaboratively develop services and advocacy that reflect local constructions of needs and strengths within these families. This paper reports analyses of interviews with 18 families; interviews explored participants’ experiences and meaning-making of detention, deportation, and other forces that threaten their families. Analyses of interviews demonstrate how participants construct, deconstruct, and reconstruct the significance of current risks posed by the US deportation system; how these risks intersect with other threats to families, including poverty, state-sponsored violence, and previous migrations; and participants’ responses to these risks. Implications for sustaining collaborative relationships toward enhancing human service work, community organizing, and redressing injustices are discussed.

Dreby, Joanna. The burden of deportation on children in Mexican immigrant families. *Journal of Marriage and Family*. 2012 74(4): 829-845.

In 2011, a record number of foreign-born individuals were detained and removed from the United States. This article looks at the impact enforcement policies have had on Mexican families more broadly and children specifically. Drawing on interviews with 91 parents and 110 children in 80 households, the author suggests that, similar to the injury pyramid used by public health professionals, a deportation pyramid best depicts the burden of deportation on children. At the top of the pyramid are instances that have had the most severe consequences on children's daily lives: families in which a deportation has led to permanent family dissolution. But

enforcement policies have had the greatest impact on children at the bottom of the pyramid. Regardless of legal status or their family members' involvement with immigration authorities, children in Mexican immigrant households describe fear about their family stability and confusion over the impact legality has on their lives.

Garcia, Michael John; Manuel, Kate M. “Authority of State and Local Police to Enforce Federal Immigration Law.” Congressional Research Service (CRS). September 10, 2012. <http://tinyurl.com/m9ornbm>

The report discusses the authority of state and local law enforcement to assist in the enforcement of federal immigration law through the investigation and arrest of persons believed to have violated such laws. It describes federal statutes that expressly permit state and local police to enforce immigration directly, and discusses the Supreme Court’s ruling in *Arizona v. United States* and significant pre-*Arizona* lower court decisions concerning the ability of states and localities to assist in immigration enforcement. The report also briefly examines pre-*Arizona* opinions on the issue by the DOJ’s Office of Legal Counsel.

Hagen, Jacqueline. “Social Effects of Mass Deportations by the United States Government, 2000-10.” *Ethnic and Racial Studies* Vol. 34, No. 8, August 2011: 1374—1391.

Interviews with deportees in El Salvador and Mexico and with immigrants in the United States indicate that expanded US enforcement policies are straining transnational families and imposing fear on immigrant communities. Expanded enforcement is removing long-term settlers with strong kinship ties to the United States. Through various strategies, some immigrants attempt to cope with new enforcement operations, while others involuntarily return to their home communities. The findings suggest that (1) conceptualizations of immigration policy enactment of the ‘liberal state’ need to be reassessed, and (2) migration policies of the United States, Mexico and El Salvador need to be revisited in light of their human costs.

“Removal without Recourse: The Growth of Summary Deportations from the United States.” Immigration Policy Center (IPC). April 28, 2014. <http://tinyurl.com/oklmozh>

An examination of new data on deportations in the United States, with a particular focus on “summary removal processes.” The report analyzes new data showing an increase in deportations in recent years, and discusses implications for the rights of migrants.

Manuel, Kate M. ; Garvey, Todd. “Prosecutorial Discretion in Immigration Enforcement: Legal Issues.” Congressional Research Service (CRS). December 27, 2013. <http://tinyurl.com/kvosz8h>

An analysis of the scope of prosecutorial discretion in the context of immigration, and in particular the enforcement powers afforded to the Department of Homeland Security and its components in so-called ‘enforcement discretion’. Certain decisions have been generally recognized as within the prosecutorial discretion of immigration officers, such as the initiation of removal proceedings; granting deferred action or extended voluntary departure to an alien otherwise subject to removal; appealing particular decisions or orders; and imposing fines, among other things. The authors also point out that the prosecutorial or enforcement discretion of the executive branch is not necessarily unrestricted and discusses instances where this may be checked by the Constitution, statute, or agency directives.

Martinez, Daniel E.; Slack, Jeremy; and Heyman, Josiah. “Bordering on Criminal: The Routine Abuse of Migrants in the Removal System Part II: Possessions Taken and Not Returned.” December 2013. Immigration Policy Center (IPC). <http://tinyurl.com/n5t3554>

This report focuses on the issue of repatriated migrants’ belongings being taken and not returned by U.S. authorities at the border stations. Overall, it found that the taking of belongings and the failure to return them is not a random, sporadic occurrence, but a systematic practice. One indication of this is that just over one-third of deportees report having belongings taken and not returned. One finding is that, among deportees who were carrying Mexican identification cards, 1 out of every 4 had their card taken and not returned. The taking of possessions, particularly identity documents, can have serious consequences and is an expression of how dysfunctional the deportation system is. The study finds that migrants processed through Operation Streamline, or held in detention for a week or longer, are most likely to have their possessions taken and not returned.

Menjivar, Cecilia; Kanstroom, Daniel. Eds. *Constructing Immigrant “Illegality.” Critiques, Experiences and Responses.* (Cambridge: Cambridge University Press, 2013).

The topic of “illegal” immigration has been a major aspect of public discourse in the United States and many other immigrant-receiving countries. From the beginning of its modern invocation in the early twentieth century, the often ill-defined epithet of human “illegality” has figured prominently in the media; in vigorous public debates at the national, state and local levels; and in presidential campaigns. In this collection of essays, contributors from a variety of disciplines – anthropology, law, political science, religious studies, and sociology – examine how immigration law shapes immigrant illegality, how the concept of immigrant illegality is deployed and lived, and how its power is wielded and resisted. The authors conclude that the current concept of immigrant illegality is in need of sustained critique, as careful analysis will aid policy discussions and lead to more just solutions.

Menjivar, Cecilia. The power of the law: Central Americans’ legality and everyday life in Phoenix, Arizona. *Latino Studies*. 2011 (9): 377-395.

This article examines how a multi-pronged legal regime, composed of laws at the federal, state and local levels, shapes the everyday lives of Guatemalans, Hondurans and Salvadorans in Phoenix, Arizona, with special attention to the ambit of the family. On the basis of qualitative fieldwork conducted over a decade in the Phoenix metro area, and moving away from a focus on undocumented statuses *per se*, the article shifts attention to how changes in the law affect how immigrants live with their families as well as the separations they experience, and how the effects of the law are felt beyond US borders in multiple forms. Following the pivotal role that the law plays in the immigrants’ lives, the article also notes that the immigrants’ hyper awareness of the law makes them cognizant of the power of the law and how it can be used in other areas of life.

Passel, Jeffrey S.; Cohn, D’Vera; Ana Gonzalez-Barrera, Ana. “Mexicans Sent Back to Mexico by US Authorities.” Pew Research Hispanic Trends Project. April 23, 2012.

<http://tinyurl.com/oj3l5q8>

This brief analysis from 2012 highlights findings from a long-running survey of Mexicans who had been handed over to Mexican authorities by US law enforcement agents.

Rosenblum, Marc.; McCabe, Kristin. “Deportation and Discretion: Reviewing the Record and Options for Change.” Migration Policy Institute (MPI). 2014. <http://tinyurl.com/ntauk73>
This report provides a detailed description of formal removals from the United States since the establishment of DHS in 2003, based on an analysis of ICE data obtained through a Freedom of Information Act (FOIA) request. The data include information on 2.9 million removals in which ICE played a role between fiscal years (FY) 2003 and 2013. The report also draws on DHS Office of Immigration Statistics (OIS) data to estimate the number of Customs and Border Protection removals that did not involve ICE, bringing the full set of removals examined to approximately 3.7 million. The report describes deportees’ basic demographic characteristics, patterns in DHS removals, and how closely enforcement practices have adhered to DHS’s stated immigration enforcement priorities. The report also estimates how potential changes to such priorities could impact removal numbers.

Rosenblum, Marc.; Meissner, Doris. “The Deportation Dilemma: Reconciling Tough and Effective Enforcement.” Migration Policy Institute (MPI). 2014. <http://tinyurl.com/lankwtr>
This report analyzes the current pipelines for removal and key trends in border and interior apprehensions, deportations and criminal prosecutions. Using Department of Homeland Security and Immigration and Naturalization Service data, the authors identify striking trends in the deportation system since 1996: 1) a fundamental shift from a deportation system focused on informal returns (voluntary return and departure) to one focused on formal removals, which have more severe consequences for those who are repatriated; 2) major expansion in the use of nonjudicial removal procedures such as expedited removal and reinstatement of removal, in which immigration enforcement officers rather than immigration judges make deportation decisions; 3) escalating criminalization, with a rising proportion of those apprehended at the Southwest border charged with immigration-related criminal offenses.

Rosenblum, Marc K.; Kandel, William A. “Interior Immigration Enforcement: Programs Targeting Criminal Aliens.” Congressional Research Service. December 20, 2012.

<http://tinyurl.com/lpjzu2n>

DHS operates four programs designed in whole or in part to target criminal aliens: the Criminal Alien Program (CAP), Secure Communities, the §287(g) program, and the National Fugitive Operations Program (NFOP). The CAP, Secure Communities, and certain §287(g) programs are jail enforcement programs that screen individuals for immigration-related violations as they are being booked into jail and while they are incarcerated; the NFOP and some §287(g) programs are task force programs that target at-large criminal aliens. This report describes how these programs work and identifies their common features and key differences among them.

Stowell, Jacob I.; Messner, Steven F. “Addition by Subtraction? A Longitudinal Analysis of the Impact of Deportation Efforts on Violent Crime.” *Law & Society Review*. Vol. 47, Issue 4, December 2013: 909—942. <http://tinyurl.com/kuh56wc>

Contemporary criminological research on immigration has focused largely on one aspect of the immigration process, namely, the impact of in-migration (i.e., presence or arrival) of foreign-born individuals on crime. A related but understudied aspect of the immigration process is the impact that the removal of certain segments of the foreign-born population, and specifically undocumented or deportable aliens, has on aggregate levels of criminal violence. In an effort to cast new light on the association between forced out-flows of immigrants and crime, we begin

with descriptive analyses of patterns of deportation activity across the continental United States over an eleven-year period (1994–2004). We then examine the relationship between deportation activity and violent crime rates in a multilevel framework wherein Metropolitan Statistical Areas (MSAs) are situated within border patrol sectors. Overall, our analyses indicate that the relationship between deportation and criminal violence is complex and dependent on local context.

Vaughan, Jessica M. “Catch and Release: Interior Immigration Enforcement in 2013.” Center for Immigration Studies (CIS). March 2014. <http://tinyurl.com/m5639js>

This document provides an analysis of ICE statistics from FY13, arguing that a significant number of ‘deportable aliens’ were released instead of removed under the Obama administration’s prosecutorial discretion guidelines. A critical response to this analysis is also available by clicking on the link above.

ALTERNATIVES TO REMOVAL

Batalova, Jeanne; Hooker, Sarah; Capps, Randy. “DACA at the Two-Year Mark: A National and State Profile of Youth Eligible and Applying for Deferred Action. Migration Policy Institute (MPI). August 2014. <http://tinyurl.com/mkr7jcv>

As of August 2014, the report provides the most up-to-date estimates available for the size, countries of origin, educational attainment, employment, English proficiency, age, gender, and poverty rates for the DACA population nationally and for key states, based on an analysis of U.S. Census data. The report also offers DACA application rates nationally and in key states, as well as for particular national-origin groups. The report is accompanied by a new data tool that offers estimates of the current and potentially eligible DACA populations for 41 states, as well as detailed profiles for the United States and 25 states.

Fitz, Marshall; Martinez, Gebe; Wijewardena, Madura. “The Costs of Mass Deportation: Impractical, Inexpensive, and Ineffective.” Center for American Progress (CAP). March 2010. <http://tinyurl.com/pr5cjzg>

This paper, drawing from publicly available data, reveals the severe consequences of a deportation-only policy on the nation’s economy and how the execution of such a policy would require massive direct expenditures.

Gonzales, Roberto G.; Bautista-Chaves, Angie M. “Two Years and Counting: Assessing the Growing Power of DACA.” June 2014. <http://tinyurl.com/k53u3fu>

The report argues that while DACA is having a positive impact on many of its beneficiaries, many of its benefits are only partial. The authors provide recommendations aimed at bolstering DACA’s effectiveness and more fully addressing the needs of immigrant young adults and their families. Among the key findings of the report are: DACA increases opportunity in terms of jobs, internships, access to healthcare, banking and driver’s licenses; the benefits of DACA are greatest initially for those with the most education; DACA beneficiaries display a high propensity to work; and access to DACA often bridged connections to community organizations.

Morris, Helen.; Salomons, Machiel. “Difficult decisions: A review of UNHCR’s engagement with Assist Voluntary Return programmes.” United Nations High Commissioner for Refugees (UNHCR). July 2013. <http://tinyurl.com/neplatw>

Following a brief introduction to the origins, purposes and methodology of the review, this report examines the context in which AVR programs have emerged, focusing on the reasons why many rejected asylum seekers refuse to comply with official orders to leave the country where they have submitted an unsuccessful claim for refugee status. The report also examines the rationale for AVR programs from the perspective of states, explains why some NGOs have abandoned their previous opposition to such programs and identifies the benefits which they bring to the rejected asylum seekers and others who participate in them. The following chapters of the review focus more specifically on UNHCR’s role in relation to AVR programs, examining first the policy positions that the organization has adopted in relation to the return of rejected asylum seekers, and second its operational involvement in such programs in different parts of the world. On the basis of this analysis, the report ends with some conclusions and recommendations in relation to UNHCR’s role in AVR programs.

“How the Obama Administration Can Use Executive Authority to Stop Deportations.” National Immigration Law Center (NILC). [Available for Download Only] December 2013. <http://tinyurl.com/kexdw3q>

A tabular overview of ways in which the Obama Administration can take action to employ alternatives to removal.

Sward, Jon. “Assisted Voluntary Return (AVR): an Opportunity for Development?” Development Research Centre for Migration, Globalisation & Poverty. Briefing No. 20, September 2009. <http://tinyurl.com/n4rcuqw>

This briefing explores whether assisted return migration programs can have a positive impact on development in returnees’ countries of origin. It reviews the history of assisted return migration from Western European countries, and discusses the recent expansion of Assisted Voluntary Return (AVR) schemes in EU member states. Subsequently, the briefing presents the findings of a recent study carried out by the Migration DRC in Sri Lanka, which focused on returnees who had used the UK’s Voluntary Assisted Return and Reintegration Programme (VARRP). Although many of these returnees had received reintegration funding upon their return, the majority of returnees were in precarious situations, as their small business ventures were failing to provide for themselves and their families.

Thiel, Darren; Gillan, Kirsty. “Factors affecting participation in assisted voluntary return programmes and successful reintegration: a review of the evidence.” UK Home Office. Research Report 29. January 2010. <http://tinyurl.com/k13gx9l>

The review from the UK Home Office Research, Development and Statistics Directorate aims to map existing knowledge of Assisted Voluntary Return (AVR), in order to answer the following questions: What factors encourage or discourage AVR participation? What are key factors for the successful reintegration for AVR participants? What are the most effective policy and operational prescriptions for successful AVR programs? What aspects of AVR require additional research evidence to support their design or application?

Wadhia, Shoba S. “The Immigration Prosecutor and the Judge: Examining the Role of the Judiciary in Prosecutorial Discretion Decisions.” *Harvard Latino Law Review* 16, 2013: 39-78. <http://tinyurl.com/mfbrwgv>

The article examines the role of the judiciary in prosecutorial discretion decisions, and begins with providing an overview about the immigration process generally, and of prosecutorial discretion in particular. Part II examines the normative arguments about judicial review over immigration decisions. Part III describes the legal framework for judicial review of agency actions generally and prosecutorial discretion decisions particularly. Part IV examines a handful of federal circuit court decisions applying the judicial review scheme outlined in the governing statutes to discretionary immigration decisions, and challenges the appropriateness of applying *Heckler v. Chaney* to every prosecutorial discretion decision in the immigration context. Part V analyzes the potential for judicial review over select prosecutorial discretion decisions and offers related recommendations.

USEFUL LINKS AND RESOURCES

The American Civil Liberties Union (ACLU): ACLU’s website includes a series of briefs meant for immigration lawyers confronting the issue of detention. <http://tinyurl.com/msbfss6>. In addition, a list of research reports compiled by ACLU on issues related to immigrant detention is available here: <http://tinyurl.com/mqmlraa>

Center for American Progress (CAP): CAP has a research component dedicated to immigration issues that regularly publishes relevant policy briefs and op-eds. Immigration page: <http://tinyurl.com/objty6g>

Center for Immigration Studies (CIS): CIS publishes backgrounders, policy briefs and research articles on the social, economic, environmental, security, and fiscal consequences of legal and illegal immigration into the United States. To visit the home page, click here: <http://tinyurl.com/eq0w>. Of relevance to detention and removal is a page dedicated to the Secure Communities program, which features selected publications on the topic: <http://tinyurl.com/nytacjc>. Also of relevance is a page featuring articles on DACA: <http://tinyurl.com/l32twxj>.

De Center for Migration Studies (CMS): The CMS webpage provides an extensive repository of relevant to U.S. immigration policy and reform. To visit the publications page, click here: <http://cmsny.org/>. Also of relevance are its two peer-reviewed journals: the *International Migration Review* (<http://tinyurl.com/m4pn8kk>); and the *Journal of Migration and Human Security* (<http://jmhs.cmsny.org/index.php/jmhs>).

Congressional Research Service (CRS): The CRS webpage on Homeland Security contains a large number of research reports on immigration policy and reform, and more specifically on detention and removal. To visit the webpage, click here: <http://tinyurl.com/p2p9ajx>

Department of Homeland Security (DHS): A web page detailing executive orders issued by President Obama on November 20, 2014. To visit the webpage, click here: <http://tinyurl.com/na627ll>

Detention Watch Network (DWN): DWN is a national coalition of organizations and individuals working committed to advocating for reform of the U.S. immigration detention and removal system. DWN's website includes a resource page, which features backgrounders on conditions in detention, alternatives to detention, among other issues. Of particular relevance are the 'Expose and Close' reports on 10 of the worst immigrant prisons in the US. <http://tinyurl.com/cvj24bu>

Forced Migration Review 44 on Detention and Deportation (September 2013): Forced Migration Review (FMR), a product of the Refugee Studies Centre at Oxford University, published a special issue featuring a selection of concise articles on various topics pertaining to Detention and Deportation from around the world. <http://tinyurl.com/kw3uvf7>

Global Detention Project: The Global Detention Project website contains links to numerous reports, publications, and other resources specific to the issue of immigration detention in the international and comparative context. <http://tinyurl.com/lj9a4nk>

Immigration Customs and Enforcement (ICE): The ICE website contains information about a range of facilities and programs related to enforcement and removal activities. To visit the home page, click here: <http://tinyurl.com/oe9o3tj>; other relevant pages include: Office of Detention and Policy Planning (<http://tinyurl.com/k9hm3bw>); Removal Statistics (<http://tinyurl.com/lja877k>); and the Health Service Corps (<http://tinyurl.com/khl89ql>).

Immigration Policy Center (IPC): IPC publishes research on a range of immigration issues, which maintains a resource page with easy links to a range of reports, backgrounders, and organization blog posts specific to the subjects of detention and removal. Detention resource page: <http://tinyurl.com/kj6p2ek>. Removal resource page: <http://tinyurl.com/kx73yet>

Inter-American Dialogue (IAD): IAD conducts policy analysis and engages with a range of governmental and non-governmental actors, as well as business leaders on issues pertaining to governance, social equality and economic growth in the Western Hemisphere. IAD often publishes op-eds and in-depth research reports on migration-related issues. <http://tinyurl.com/prvh8uw>

International Detention Coalition (IDC): The IDC is a non-profit network based in Melbourne, Australia with a global membership base of 300 non-governmental organizations, faith-based groups, academics, practitioners and individuals. Coalition members research, advocate and provide direct services to and on behalf of refugees, asylum-seekers and migrants. The website contains publications, advocacy tools and a detention database that serves as a repository for research and resources from around the world that are specific to detention. <http://tinyurl.com/mxmk6oc>

Jesuit Refugee Service (JRS): The JRS USA website contains information on its research publications and programs. To visit the home page, click here: <http://tinyurl.com/p74v4ns> In

addition, JRS has a web page with a range of resources pertaining to detention in Europe:
<http://tinyurl.com/pdqxy5k>

KIND – Kids in Need of Defense: KIND is a non-profit organization that advocates for the protection of unaccompanied children who enter the US immigration system alone and works to ensure that no such child appears in immigration court without representation. Click here to access the KIND Reports/Resources page: <http://tinyurl.com/kx97s5l>

Migration Policy Institute (MPI): MPI's publication page contains a range of policy-relevant research that addresses U.S. immigration reform, in addition to its research on migration issues occurring elsewhere in the world. <http://tinyurl.com/lrym4zt>

National Immigrant Justice Center (NIJC): As part of its advocacy effort, NIJC releases publications on detention and removal, among other issues pertaining to immigration policy and reform. <http://tinyurl.com/kvwzx4h>

National Immigration Law Center (NILC): NILC regularly publishes research and technical toolkits, all of which can be accessed here: <http://tinyurl.com/ln9cmhs>

Office of Refugee Resettlement (ORR): The ORR webpage on Unaccompanied Children contains information about programs and services offered, as well as an infographic and statistics on release by state or county. To visit the webpage, click here: <http://tinyurl.com/k9mcnme>

Women's Refugee Commission (WRC): An expert resource and advocacy organization that focuses on the care and protection of displaced women, children and youth. WRC publishes guides and technical notes for practitioners, as well as in-depth reports and briefs for policymakers and advocates. Resources include this page on unaccompanied children: <http://tinyurl.com/ksl844l>

US Immigration Policy & Reform:

What does the evidence tell us?

Institute for the Study of International Migration

About the Project: The Institute for the Study of International Migration, with the support of the MacArthur Foundation, has organized a series of public presentations, as well as expert roundtables that address the multiple challenges of immigration reform. The aim of the project is to inform debate on immigration reform, with a focus on overcoming the challenges of implementation. This series of issue reports and reading lists is the result from our series of expert meetings, convened between September 2013 and October 2014. These meetings, which explored lessons learned from past and current policies and the most promising paths forward for implementing immigration policies, covered the following topics:

Legalization/regularization

Worksite enforcement challenges

Border security and interior removals

Highly skilled immigration

Temporary work programs for lesser-skilled migrants

Detention and removal

Refugee, asylum and other humanitarian admissions policies

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