

This is an excerpt from *Inside the Numbers: How Immigration Shapes Asian American and Pacific Islander Communities*, a report published by Asian Americans Advancing Justice—AAJC and Asian Americans Advancing Justice—Los Angeles in June 2019. The report is available for download: <https://advancingjustice-aajc.org/inside-the-numbers-report-2019>

ISSUE BRIEF: IMMIGRATION ENFORCEMENT: ARRESTS, DETENTION, AND DEPORTATION

Within five days of taking office, President Trump issued several executive orders that made sweeping changes to our immigration enforcement system. Through these major policy shifts, the administration has rapidly increased arrests, detention, and deportations of immigrants in the interior of the United States, and severely curtailed the due process rights of immigrants along the southern border. The federal government has the authority to exercise prosecutorial discretion in immigration enforcement, meaning that immigration officials may decide whether to arrest, detain, and deport an immigrant. Previous Republican and Democratic administrations adhered to priorities that focused enforcement on certain individuals. For example, the Obama administration issued immigration enforcement priorities that shielded around 87% of the undocumented immigrant population from deportation. In contrast, the Trump administration has explicitly abandoned all forms of prosecutorial discretion and has directed federal agencies to employ “all lawful means” to deport “all removable” noncitizens. As a result, the enforcement agencies Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) have enacted a dragnet enforcement approach, escalating raids and arrests across the country, and striking fear into immigrant communities.¹⁵⁹

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Since 2017, we have witnessed a drastic increase in targeted enforcement against long-time community members, including many long-term residents and refugees. As detailed in the issue brief on Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS) in this report, the administration’s termination of the DACA and TPS programs potentially places over one million DACA recipients and TPS holders at risk of arrest and deportation. The Trump administration’s dramatic shifts in immigration enforcement policy serve the administration’s ultimate goals of expanding deportations and decreasing pathways to lawful immigrant status and citizenship.¹⁶⁰

Arrests

Since President Trump assumed office, ICE arrests of immigrants in the interior of the United States have increased compared to the last two years of the Obama administration. In fiscal year (FY) 2017, ICE arrested 143,604 immigrants compared to 110,593 in FY 2016 and 119,876 in FY 2015. The administration’s dragnet enforcement tactics have resulted in increased arrests of immigrants with and without criminal convictions. During President Trump’s first 14 months in office, ICE arrests of immigrants without a criminal record more than tripled compared to the final 14 months of the Obama administration, growing from 19,128 to 58,010. ICE arrests of undocumented immigrants with criminal convictions increased by 18% during that same time period. Despite the administration’s claims that arrested immigrants are dangerous criminals, the most frequent criminal charges for immigrants held in detention in FY 2018 were driving under the influence, followed by drug offenses, traffic offenses, and immigration offenses (such as reentering the U.S. after a deportation order).¹⁶¹

Since the beginning of FY 2015, ICE has arrested nearly 500,000 immigrants, including nearly 15,000 immigrants from Asia. About 70% of Asian immigrants arrested (or around 10,000 individuals) come from 10 countries, with immigrants from China, Vietnam, and India comprising the majority of individuals arrested.¹⁶²

ICE Arrests within the Interior of the United States—Top Ten Asian Countries of Origin

FY 2015–2018 | Ranked by Total Number of Arrests

FIGURE 25

Country	FY 2015	FY 2016	FY 2017	FY 2018	Total
China, People's Republic of	491	530	713	739	2,473
Vietnam	419	422	456	401	1,698
India	357	354	496	432	1,639
Philippines	277	224	237	152	890
Iraq	130	142	398	114	784
Laos	184	194	193	110	681
Cambodia	125	172	94	181	572
Pakistan	124	129	171	140	564
South Korea	160	114	107	97	478
Jordan	109	92	136	115	452

Immigrants with deep ties to the U.S., including long-time residents and refugees, have also increasingly been targeted for arrest and deportation. In particular, ICE has targeted Southeast Asian American refugee community members with old removal orders who came to the U.S. at a very young age. After fleeing genocide and war as children, many Southeast Asian refugees sought safety in the U.S., only to be resettled in poor urban areas without adequate resources. Faced with economic insecurity and overpolicing within their neighborhoods, many Southeast Asian American youth made mistakes that resulted in convictions. Despite many of them serving their sentences years (and sometimes decades) ago, and growing up to become pillars within their local communities, Southeast Asian American immigrants are three to four times more likely to be deported for old criminal convictions compared to other groups of immigrants. And although most Southeast Asian American refugees gained lawful permanent resident status, and have U.S.-citizen children and family members, many are barred from seeking immigration relief to stay in the U.S. with their families due to old convictions.¹⁶³

In 2017, the Trump administration escalated enforcement against multiple Asian refugee communities. In October 2017 alone, ICE arrested approximately 100 Cambodian American community members nationwide, the largest raids ever to target this community. By comparison, prior to the October raids, ICE had arrested and detained 500 Cambodian Americans since 2002. In that same year, 456 Vietnamese and 193 Lao American community members were arrested. About two-thirds of those arrested were individuals who had lived in the U.S. for more than 20 years. At least 16,000 Southeast Asian American community members have received final orders of removal, more than 13,000 of which are based on old criminal convictions. And at least 14,000 Southeast Asian Americans with final orders of removal remain in the U.S., meaning that tens of thousands of Southeast Asian American families are living in limbo with at least one family member at risk of arrest and deportation.¹⁶⁴

In addition to targeted enforcement against Southeast Asian American refugee communities, in summer 2017, ICE arrested about 70 Indonesian immigrants who claimed asylum after overstaying nonimmigrant visas. Additionally, ICE has targeted Iraqi refugee communities for arrest and deportation. In FY 2017, ICE arrested 398 Iraqi American community members, at least 166 (42%) of whom had lived in the U.S. for more than 20 years.¹⁶⁵

FIGURE 25: Transactional Records Access Clearinghouse, "Immigration and Customs Enforcement Arrests," Syracuse University.

In October 2017 alone, ICE arrested approximately 100 Cambodian American community members nationwide, the largest raids ever to target this community.

At the U.S.-Mexico border, unauthorized border crossings have been on the decline for nearly two decades and dropped to a 46-year low in FY 2017. In FY 2016—the most recent year with complete data—76% of all individuals arrested by CBP were men. The top two Asian countries of origin for CBP arrestees in FY 2016 were India (3,668 individuals) and China (2,439 individuals). Nearly all Indian immigrants (97%) arrested by CBP in 2016 were men, and 71% of Chinese immigrants arrested by CBP that year were men. In that same year, all 636 Bangladeshi immigrants arrested by CBP were men. In recent years, increasing numbers of Indian immigrants, many of whom are asylum seekers, have been arrested at or near the southern border, with at least 4,197 Indian nationals arrested by CBP in FY 2018.¹⁶⁶

In 2017–2018, the Trump administration drastically ramped up arrests of asylum-seeking families at the southern border under its cruel “zero-tolerance” border enforcement policy, forcibly separating thousands of children—including infants and toddlers—from their parents and detaining the children hundreds or thousands of miles away from where their parents were detained. A federal judge has ordered the government to identify and reunify the separated families. The exact number of children separated from their parents, however, is yet unknown as the Department of Homeland Security failed to utilize a formal tracking system to keep adequate records of the children separated from their parents. Families and individuals fleeing violence have the right to claim asylum regardless of their manner of entry into the U.S., but the Trump administration has criminally prosecuted parents who crossed the southern border without authorization as part of its escalated enforcement strategy.¹⁶⁷

Detainees often receive dangerously inadequate medical care, including unreasonable delays in care, poor practitioner and nursing care, inadequate emergency response, and inappropriate use of solitary confinement for mentally ill and suicidal detainees.

Detention

Detention creates significant burdens for immigrants trying to secure relief from deportation to stay in the U.S. with their families and communities. Since deportation is classified as a civil rather than a criminal sanction, immigrants placed in deportation proceedings do not have the same constitutional protections as criminal defendants. In particular, immigrants facing deportation do not have the right to counsel at the government’s expense, leaving many indigent or low-income immigrants to face an immigration judge without the assistance of an attorney. Detained immigrants have a harder time accessing legal help since many detention facilities are located in remote, rural areas. About 30% of detained immigrants are held in ICE facilities more than 100 miles from the nearest government-listed legal aid provider. Between 2007 and 2012, only 37% of all immigrants in deportation proceedings had an attorney, and for immigrants in detention the representation rate plummeted to an abysmal 14%. For immigrants detained in a small city or rural area, the representation rate dropped even lower—to around 10%. Having a lawyer more than doubles a detained person’s chance of winning their immigration case. But every day, local families are being torn apart, simply because they cannot afford an attorney to defend them.¹⁶⁸

Detention not only imposes significant legal obstacles for immigrants but also often subjects immigrant detainees to deplorable human rights abuses. Detainees often receive dangerously inadequate medical care, including unreasonable delays in care, poor practitioner and nursing care, inadequate emergency response, and inappropriate use of solitary confinement for mentally ill and suicidal detainees. As of January 2019, 188 detainees had died in ICE detention facilities since 2003, the year the agency was established. During the first two years of the Trump administration, 22 detainees died in ICE custody, and more immigrants died in

detention in FY 2017 than in any year since 2009. A study of recent detainee deaths shows that about half of the deaths in ICE custody are attributable to inadequate medical care. The 22 deaths in ICE detention in FY 2017–2018 do not include deaths in CBP custody. In 2018, three children—a 19-month-old girl, a 7-year-old girl, and an 8-year-old boy—died in CBP detention facilities near the border after receiving poor medical care. The number of miscarriages suffered by detained pregnant women also nearly doubled under the first two years of the Trump administration, with at least 18 women losing their pregnancies while in ICE detention in 2018 due to substandard medical care. Immigrants in ICE detention facilities, including multiple Bangladeshi detainees, have also been punished with solitary confinement for refusing to work for one dollar per day.¹⁶⁹

Despite the alarming conditions in ICE detention facilities, the ICE detention and deportation budget has grown by nearly one billion dollars (from \$3.2 to \$4.1 billion) since President Trump took office in 2017—a 40% increase in funding. ICE consistently overspends its congressionally appropriated budget, leading Congress to reprimand the agency for its “lack of fiscal discipline and cavalier management of funding for detention operations.” Despite ICE’s history of severe fiscal mismanagement, Congress continues to increase funding for the agency, and the FY 2019 Department of Homeland Security appropriations bill included a record \$4.2 billion allocation to ICE for its detention and deportation activities.¹⁷⁰

The number of detained immigrants has increased under every presidential administration over the last 25 years. The immigration detention system has grown nearly seven-fold since 1994, from an average daily population of 6,785 in 1994 to 45,890 as of February 2019. As of March 6, 2019, ICE had increased the average daily population of immigrant detainees to 50,049, a historic high. In comparison, by the end of President Obama’s second term, the average daily population in immigration detention had reached just over 34,000.¹⁷¹

ICE detention records for June 2018—the most recent month with complete data—provide a snapshot of the detained Asian immigrant population. As of June 2018, 4,881 Asian immigrants were detained and the majority of detainees came from seven countries.¹⁷²

Highest Number of Detained Asian Nationals: Snapshot as of June 2018

Ranked by Total ICE Detainees

FIGURE 26

Country of Origin	Male	Female	Total ICE Detainees
India	2,310	66	2,376
China, People’s Republic of	449	197	646
Bangladesh	254	3	257
Nepal	203	8	211
Iraq	194	3	197
Vietnam	162	18	180
Pakistan	159	1	160

Immigrant detainees are overwhelmingly male. In FY 2015, the latest fiscal year for which the federal government released comprehensive immigration detention data, ICE detainees were housed in over 630 sites spread throughout the U.S., and about 79% of detainees were men.¹⁷³

Detention records after June 2018 show that immigrants from India remained detained at high numbers. In August 2018, 56% of immigrant detainees in Victorville, California, were from India, and about 40% of detainees at the ICE

FIGURE 26: Transactional Records Access Clearinghouse, “Immigration and Customs Enforcement Detainees,” Syracuse University.

Imperial Valley detention facility in California were from India. The majority of Indian detainees are asylum seekers. As of October 2018, nearly 2,400 Indian immigrants were detained nationwide.¹⁷⁴

Additionally, many of the Asian immigrants detained by ICE in June 2018 had lived in the U.S. long term. Approximately 43% of the Vietnamese Americans detained had lived in the U.S. for more than 20 years, as had 46% of the Iraqi Americans detained. The majority of Lao and Cambodian American detainees had lived in the U.S. for more than 20 years, with 86% and 75% of Lao and Cambodian American detainees, respectively, living in the U.S. long term.¹⁷⁵

Deportations

Following the Trump administration's elimination of enforcement priorities, deportations of immigrants with no criminal record jumped by 174% in FY 2017. Deportations of those with convictions rose nearly 13% that same year. ICE's escalated arrests of long-time refugee community members coincided with the Trump administration's efforts to pressure certain countries into accepting more deportees. In September 2017, the Trump administration issued visa sanctions against Cambodia and several other countries for refusing to accept forced returns of their nationals. One month later, in October 2017, ICE conducted raids in Cambodian American refugee communities, detaining around 100 individuals for purposes of deportation. In April 2018, ICE deported 43 Cambodian Americans in the largest group ever to be deported in one day since the repatriation of Cambodian nationals began over a decade ago. On December 17, 2018, ICE deported 36 Cambodian refugees on a single flight. About 1,900 Cambodian Americans in the U.S. have final orders of removal and are at immediate risk of deportation.¹⁷⁶

Deportations of refugee community members from five Asian countries increased by 86% from 2017 to 2018. The Cambodian American refugee community alone suffered a 279% increase in deportations from 2017 to 2018.

In July 2018, the Trump administration issued visa sanctions against Laos and Myanmar to punish the countries for delaying deportations from the U.S. The majority of community members from Laos and Myanmar with final orders of removal entered the U.S. as refugees and later adjusted status to lawful permanent residents. As of July 2018, over 4,600 Lao Americans and over 60 Burmese Americans had final orders of removal, placing them at immediate risk of deportation from the U.S.¹⁷⁷

The Trump administration has also sought to escalate deportations of Vietnamese American refugees, pressuring the Vietnamese government to accept thousands of deportees of Vietnamese origin with old criminal convictions. The U.S. and Vietnam established a repatriation agreement in 2008 that only allows for the deportation of Vietnamese American immigrants who came to the U.S. after 1995, the year the two countries resumed diplomatic relations. Since at least 2017, the Trump administration has been attempting to renegotiate the repatriation agreement in order to deport Vietnamese American refugees who came to the U.S. before 1995. Around 8,400 Vietnamese American community members have final orders of removal, placing them at immediate risk of deportation from the U.S.¹⁷⁸

Iraq, initially listed in the Muslim Ban executive order signed in January 2017, was later dropped from the list of banned countries after the Iraqi government agreed to cooperate in accepting more deportees. In FY 2017, ICE arrested nearly 400 Iraqi Americans, but deportations dropped from 61 in FY 2017 to 48 in FY 2018, due in part to a federal court order allowing Iraqis with final orders of removal to reopen their immigration cases. Approximately 1,400 Iraqi American community members in the U.S. have final orders of removal.¹⁷⁹

Deportations: Refugees by Asian Countries of Origin

FY 2017–2018 | Ranked by Deportations FY 2018

FIGURE 27

Country of Citizenship	FY 2017	FY 2018
Vietnam	71	122
Cambodia	29	110
Iraq	61	48
Myanmar	10	40
Laos	5	8
Total	176	328

Deportations of refugee community members from the five Asian countries listed above increased by 86% from 2017 to 2018. The Cambodian refugee community alone suffered a 279% increase in deportations from 2017 to 2018.

The top five Asian countries of origin for deportations in FY 2017 and 2018 were China, India, Pakistan, the Philippines, and Bangladesh, with deportations to these countries increasing by 25%.

Deportations: Top Five Asian Countries of Origin

FY 2017–2018 | Ranked by Deportations FY 2018

FIGURE 28

Country of Citizenship	FY 2017	FY 2018
China, People's Republic of	525	726
India	460	611
Pakistan	177	235
Philippines	182	217
Bangladesh	203	147
Total	1,547	1,936

FIGURE 27: U.S. Immigration and Customs Enforcement, Fiscal Year 2018 ICE Enforcement and Removal Operations Report, Appendix B.

FIGURE 28: U.S. Immigration and Customs Enforcement, Fiscal Year 2018 ICE Enforcement and Removal Operations Report, Appendix B.

Policy Recommendations

We oppose the current administration's escalation of immigration enforcement. The administration should exercise greater prosecutorial discretion and withhold from arresting, detaining, and deporting long-time members of our communities and the family members of U.S. citizens and lawful permanent residents. The administration's changes to immigration enforcement policy have escalated the separation of families and strike fear into immigrant communities. The administration must honor the right of asylum seekers to request asylum without being criminalized, turned away, detained indefinitely, or separated from their families. Additionally, states and localities should enact community trust policies that disentangle local law enforcement and government agencies from federal immigration enforcement.

At minimum, many of the administration's changes to immigration enforcement policy must be implemented through congressional appropriations, or federal spending legislation. We recommend drastic cuts to the enforcement, detention, and deportation budgets of ICE and CBP within the Department of Homeland Security to reduce the number of enforcement agents and detention beds. We also recommend strong oversight and accountability mechanisms to keep ICE operating within budget constraints. We oppose increased funding for border militarization and enforcement, including funding construction of a border wall that causes harm to border communities and the environment.

Congress should shift funding from activities that criminalize immigrants and place draconian punishments on immigrants and their families and instead invest in communities through programs that promote naturalization and social and economic well-being.



Furthermore, we recommend that taxpayer dollars should be spent on critical programs that make our communities strong and vibrant such as education, health care, infrastructure, and housing rather than fueling abusive agencies that destabilize communities and separate families. Congress should shift funding from activities that criminalize immigrants and place draconian punishments on immigrants and their families and instead invest in communities through programs that promote naturalization and social and economic well-being. We support a path to citizenship for undocumented immigrants and repeals to the Illegal Immigration Reform and Immigrant Responsibility Act and the Antiterrorism and Effective Death Penalty Act, draconian 1996 laws that tear families apart.

To better protect the constitutional rights of detained immigrants and immigrants in deportation proceedings, we recommend that Congress pass legislation guaranteeing the right to counsel in immigration proceedings similar to the right to counsel in criminal proceedings. Moreover, immigration detention is cruel and unnecessary to enforce our civil immigration laws. Therefore, we recommend that Congress mandate use of alternatives to detention programs.

NOTES

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