



Protect Immigrants | Spring Lobby Weekend | March 17-20, 2018 | Washington, DC

Communities of Color Disproportionally Hurt by Immigration Enforcement

At all levels, the U.S. criminal justice system disproportionately arrests, convicts, and incarcerates people of color. When immigrants of color – or people of color perceived to be immigrants – are stopped by law enforcement, the web of immigration enforcement also makes them more vulnerable to unjust detention and deportation.

A Tangled Web of Racial Profiling, Local Policing, and Immigration Enforcement

Immigration enforcement programs, including the Criminal Alien Program, Secure Communities, and the 287(g) program, allow – and often incentivize – local and state law enforcement officers to check the immigration status of individuals they pick up. In 2012, the Justice Department found that localities with 287(g) agreements have engaged in unconstitutional practices of racial profiling and unduly focusing on Latino neighborhoods.

Communities of color are disproportionately targeted, over-policed, and convicted for mainly nonviolent crimes, and current federal laws mandate arrested citizens be locked up for decades and non-citizens be eventually deported. If law enforcement is consistently failing to protect community members of color and immigrants, then our communities are not safe.

Expanding Punitive Laws

In the mid-90s, Congress passed a series of laws that “cracked down” on crime, leading to the continued mass incarceration of people of color in this nation. In the same sweep, two 1996 laws, the Illegal Immigration Reform and Immigrant Responsibility Act and the Antiterrorism and Effective Death Penalty Act, radically shifted how immigrants navigated the immigration system. The laws:

- **Redefined ‘aggravated’ felonies** to include nonviolent crimes like theft and drug offenses.
- **Increased the use of mandatory detention and deportation.**
- **Were applied retroactively**, meaning that even if a crime was committed decades ago, immigrants were suddenly deportable.
- **Eliminated immigration judges’ discretion** during deportation proceedings, including eliminating certain deportation waivers and excluding anyone who had been convicted of an aggravated felony from others.



FRIENDS COMMITTEE ON NATIONAL LEGISLATION

245 2ND STREET NE » WASHINGTON, DC 20002 » (800) 630-1330 » FCNL.ORG

- **Instituted bars for re-entry to the United States.** The law banished people from qualifying for practically any kind of immigration status for at least **3 years** if they lived in the U.S. without papers for six months, and for **10 years** if they had lived in the U.S. without papers for a year or more. Most non-citizens – including legal permanent residents – with aggravated felony convictions are **permanently** barred from accessing any kind of legal immigration status, such as being sponsored by a family member or an employer.
 - To appeal these bars, immigrants have to prove deportation would cause “exceptional and extremely unusual hardship.” The pain of family separation does not count.

Mass Deportation and Mass Criminalization

- In 2013, **83% of the 438,000** immigrants deported never went in front of a judge.
- Between 1997 and 2007 **72%** of those deported whom ICE labels “criminal aliens” were **removed for nonviolent offenses**.
- According to the Black Alliance for Just Immigration, Black immigrants make up just **7.2% of the noncitizen population** in the United States, but due to over-policing and target enforcement they comprise **20.3% of immigrants facing detention on criminal grounds**.

Pushing for Legislative Fixes

Both Democratic and Republican presidents and policymakers alike have insisted they are only seeking to punish “felons, not families” for immigration enforcement. Yet such broad and sweeping efforts have the effect of breaking up the families and communities that these individuals belong to. Deporting most of these individuals does not make our country safer or our immigration laws just.

In FCNL’s work, we look at the effect of current policies on people and work to change those policies to allow every person’s potential to be fulfilled. We strive for U.S. laws that promote equity and justice for all. Families should be able to stay together. Individuals should be able to have deportation orders individually assessed by judges. As aligned with Quaker values, we believe that people are capable of Spirit-led transformation after transgressions.

The undue and disproportionate impact that immigration enforcement and outdated, punitive laws have on communities of color – citizen or immigrant – perpetuates a system of oppression and white supremacy. Under current criminal justice and immigration laws, communities of color are not able to fully thrive. We work to dismantle this unjust system and build our laws anew so that all in our communities are safe.

For links to sources or to see this online visit: <https://www.fcnl.org/updates/1282>

