

IMMIGRATION CONSEQUENCES AT DOC

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(WDAIP)*

Many Uch

Formerly Incarcerated Group Healing Together (FIGHT)

Presentation Roadmap

- Intros
- ICE Detainers – 2016
- DOC Policies
- Re-entry Issues

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Formerly Incarcerated Group Healing Together - FIGHT

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- Supporting current and formerly incarcerated APIs through mentoring, advocacy, outreach, and political education

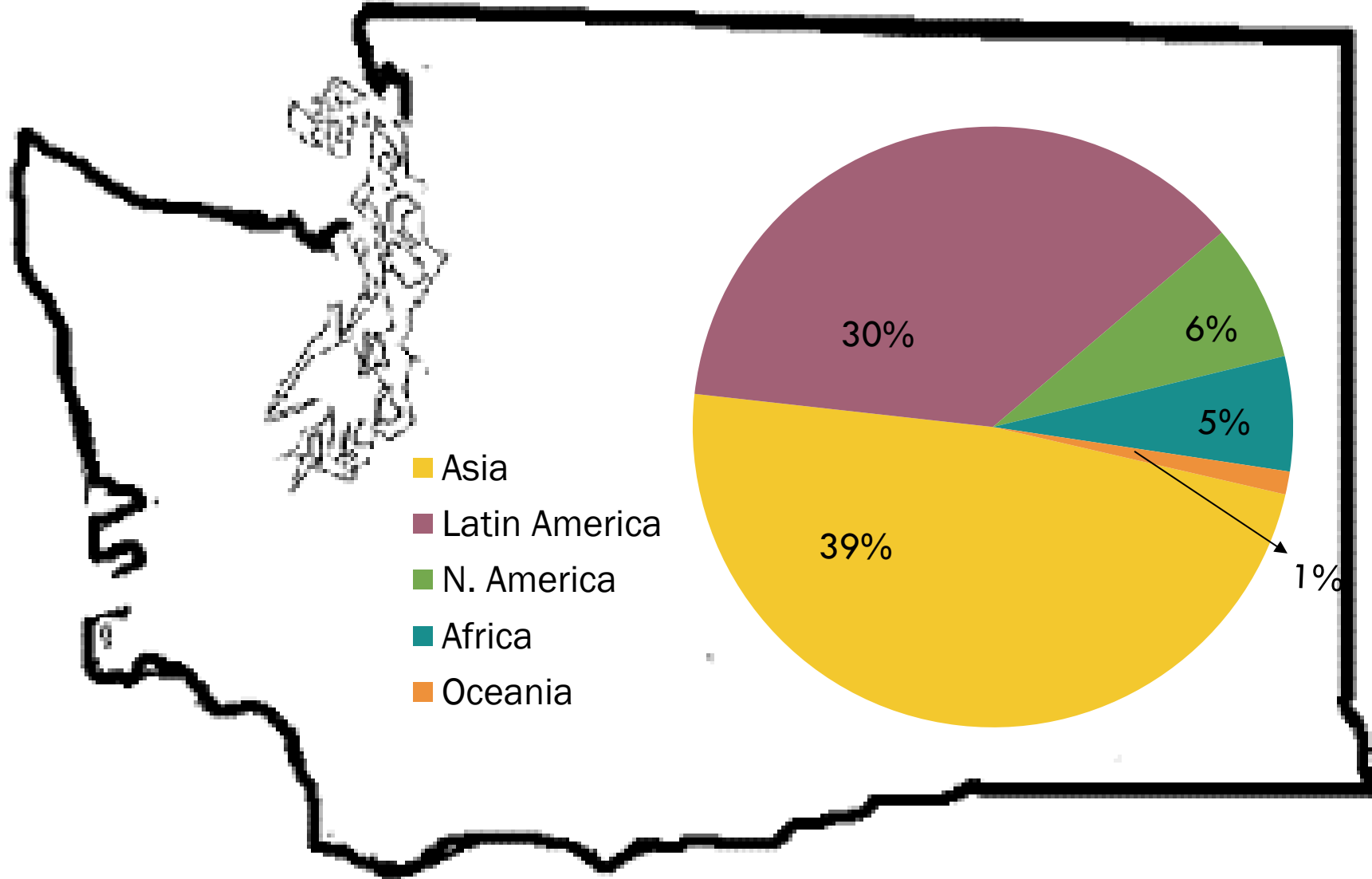
ICE DETAINERS

2016



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- U.S. Foreign born population = 40 million
 - 29 million are legal immigrants
 - 11 million are considered 'undocumented'

Washington's Immigrants



Top 3 countries of birth:
Mexico (26.3 percent), Philippines (6.9 percent), and China (6.3 percent)

ICE Enforcement in Criminal Justice System

What ICE Says

Apprehension of “serious criminal aliens”

What ICE Does

Collaborates with local law enforcement, jails & courts to maximize apprehension and deportation of all noncitizens



ICE deportation quotas – required to fill 34,000 detention beds daily



Federal Court decisions - Spring 2014

- ICE detainers = new arrest : ICE must have prob. cause
- County jails liable (\$) for post-release detention for ICE
- Majority of WA Counties now do not honor ICE holds

ICE Enforcement Priorities



- Aggravated felony
- One felony
- 3 misdemeanors
- One “significant misdemeanor”

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“Significant Misdemeanor”

- DUI & negligent driving
- Certain DV crimes
- Sexual abuse or exploitation (CMIP, A4SM, Pat. Prostitute)
- Possession of firearm

ICE Holds: 3 types

<p>247-N Notification <i>(not detention)</i></p>	<p>247-D Detention requested</p>	<p>247-X Notification/Detention</p>
<ul style="list-style-type: none"> ■ Request, not mandatory ■ DOC notifies ICE upon release of inmate ■ Based on triggering the ICE Enforcement Priorities ■ <i>SHOULD NOT BE TREATED AS AN ICE DETAINER</i> 	<ul style="list-style-type: none"> ■ Request, not mandatory ■ ICE enforcement Priority & Removable ■ Detention (up to 48 hrs) requested until ICE picks inmate up ■ <i>According to ICE, this is the most common at DOC</i> 	<ul style="list-style-type: none"> ■ Request, not mandatory ■ Based on recent entry, recent order of deportation, or... ■ “Serves an Important Federal Interest” ■ <i>Notification or Detention</i>

DOC POLICIES

Corrections Industries Employment (CI)

- Source of lucrative employment
- Support families, pay LFOs, gain skills/experience for re-entry
- Inmates with ICE hold are not eligible for CI (1/1/16)



Educational Programs

- Serves rehabilitative purpose, aids in re-entry
- Non-US citizens are lowest priority for basic skills and ELL classes



Extended Family Visits (EFV)

- Inmates can't have a detainer in any jurisdiction
- Bars weekend visits
- **Good news! As of 9/15 those with ICE Holds remain eligible**



NONCITIZENS IN DOC



Top Non-Cooperating Countries

Asian countries

- Bangladesh
- Cambodia
- China
- India
- Iran
- Laos
- Pakistan
- Vietnam

Non-Asian countries

- Belarus
- Carribbean (Jamaica, St. Lucia, Dominica, St. Vincent and the Grenadines, St. Kitts and Nevis, Trinidad and Tobago, Antigua and Barbuda)
- Cuba
- Liberia
- Republic of Congo
- Sierra Leone
- Somalia
- Zimbabwe

Additional Issues

Removable?

- ICE holds are placed at intake, but case law changes
- Any way to challenge determination that someone is deportable?
- US citizens with ICE holds



Advocacy at DOC

- Challenge the use of ICE holds
- Create a new classification – low priority ICE holds
- Create a way to appeal an ICE hold classification
- Challenge the use of ICE holds being used to bar employment



Re-entry Challenges

- Work permit delays

