

“SECURE COMMUNITIES”

Our country is facing a crisis of mass detentions and deportations that runs against our values of fairness and justice. Through Secure Communities (S-Comm) and other programs, the police and Immigration and Customs Enforcement (ICE) are increasingly collaborating to use the criminal justice system to deport immigrants. S-Comm leads to the deportation of people who have already paid their debt to society and who contribute to their families and to our state. Meanwhile, their families and communities are deprived of breadwinners, loved ones, and support systems.

How Does S-Comm Work?

- If you get arrested for any reason where S-Comm is activated, the police will forward your fingerprints to ICE.
- If ICE thinks you are deportable, the agency will decide what enforcement action to take. Enforcement actions usually include arrest by ICE, transfer to ICE custody, and initiation of deportation proceedings.
- Generally, ICE will issue a “detainer” (or “hold”), which is a request that the police or jail hold you for an extra 48 hours after your criminal case has been resolved, so that ICE can transfer you to immigration custody.

S-Comm funnels immigrants into a fundamentally unfair deportation system

S-Comm funnels immigrants into a fundamentally unfair deportation system that denies most immigrants the right to a fair hearing. Often sent to far-away detention centers, most immigrants are forced to defend themselves without loved ones, information, or even lawyers to help them navigate the deportation process.

S-Comm threatens our safety and divides our communities.

When community members are afraid that interaction with local police might lead to deportation for themselves or a loved one, they are less likely to report crimes or cooperate as witnesses. This makes it harder for police to investigate crimes and makes us all less safe.

S-Comm violates due process and other protections.

- S-Comm encourages racial profiling. The program gives the police incentives to make pretextual arrests based on perceived race or ethnicity in order to funnel immigrants into the deportation system.
- S-Comm creates a dual system of justice. Under S-Comm, immigrants are routinely denied bail, jailed for longer periods, and disqualified from alternative release programs. This unfair approach hurts whole families and neighborhoods across our state.

ICE Must Honor NY State's Decision to End S-Comm!:

On June 1, 2011, Governor Andrew Cuomo suspended S-Comm in New York, stating, “There are concerns about the implementation of the program as well as its impact on families, immigrant communities and law enforcement in New York.” On August 5, 2011, ICE unilaterally withdrew S-Comm agreements with states, suddenly claiming they were unnecessary. Although S-Comm remains active in 31 New York counties, we are continuing efforts to maintain and expand Cuomo’s decision and to terminate the program nationally.

New York Working State Group Against Deportation

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ICE ACCESS & S-COMM

ICE ACCESS

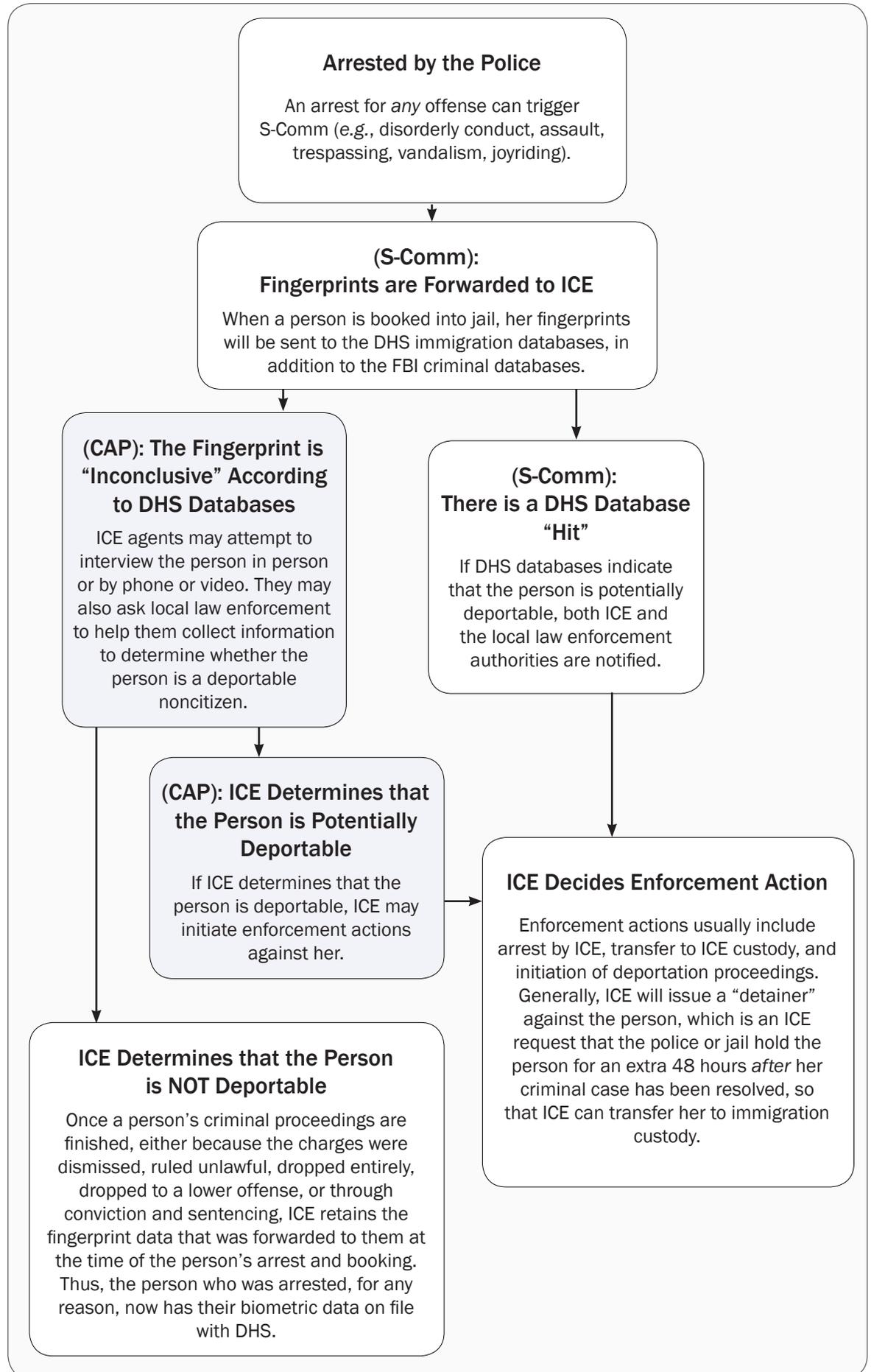
Immigration and Customs Enforcement's Agreements of Cooperation in Communities to Enhance Safety and Security (ICE ACCESS) is a suite of programs designed to get city, county, and state law enforcement to help ICE deport immigrants. FY 2010 funding for ICE ACCESS is nearly \$1.5 billion.

ICE ACCESS programs include:

Criminal Alien Program (CAP): ICE agents are deployed to jails and prisons to get information about potential noncitizens to transfer them to immigration detention for deportation proceedings. In the past three years, over half a million people have been flagged for deportation through CAP.

Secure Communities (S-Comm): Fingerprints taken by local law enforcement are automatically run when processing arrest through immigration databases. This provides ICE a constant presence at police stations. S-Comm is now active in more than 630 jurisdictions across the country.

287(g): ICE enters into agreements with local law enforcement to allow police to act as immigration officers. More than 70 287(g) agreements have been signed across the country.



Arrested by the Police

An arrest for *any* offense can trigger S-Comm (e.g., disorderly conduct, assault, trespassing, vandalism, joyriding).

(S-Comm):

Fingerprints are Forwarded to ICE

When a person is booked into jail, her fingerprints will be sent to the DHS immigration databases, in addition to the FBI criminal databases.

(CAP): The Fingerprint is "Inconclusive" According to DHS Databases

ICE agents may attempt to interview the person in person or by phone or video. They may also ask local law enforcement to help them collect information to determine whether the person is a deportable noncitizen.

(CAP): ICE Determines that the Person is Potentially Deportable

If ICE determines that the person is deportable, ICE may initiate enforcement actions against her.

ICE Determines that the Person is NOT Deportable

Once a person's criminal proceedings are finished, either because the charges were dismissed, ruled unlawful, dropped entirely, dropped to a lower offense, or through conviction and sentencing, ICE retains the fingerprint data that was forwarded to them at the time of the person's arrest and booking. Thus, the person who was arrested, for any reason, now has their biometric data on file with DHS.

(S-Comm):

There is a DHS Database "Hit"

If DHS databases indicate that the person is potentially deportable, both ICE and the local law enforcement authorities are notified.

ICE Decides Enforcement Action

Enforcement actions usually include arrest by ICE, transfer to ICE custody, and initiation of deportation proceedings. Generally, ICE will issue a "detainer" against the person, which is an ICE request that the police or jail hold the person for an extra 48 hours after her criminal case has been resolved, so that ICE can transfer her to immigration custody.