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# Detention: Springing Your Client from the Grips of ICE

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1. Immigration Detention Watch, *Immigration Detention 101*, available at: <https://www.detentionwatchnetwork.org/issues/detention-101>.
2. *Id.*
3. Freedom for Immigrants, *Detention by the Numbers*, available at: <http://www.freedomforimmigrants.org/detention-statistics>.
4. U.S. Immigration Customs and Enforcement, *Detention Facility Locator*, available at: <https://www.ice.gov/detention-facilities>.

## U.S. Immigration Detention Statistics

- The U.S. has the largest immigrant detention system in the world.<sup>1</sup> In 2016, the U.S. government detained nearly 360,000 people.<sup>2</sup>
- Texas detains more immigrants than any other state in the U.S. Approximately 15,852 individuals are detained on any given day.<sup>3</sup>
- Of the over 200 immigration jails across the country, Texas has approximately 30 detention facilities within its borders.<sup>4</sup>

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# Apprehensions by ICE and CBP

- Interior Enforcement:
  - ❖ Criminal Alien Program (CAP): U.S. Immigration Customs and Enforcement (ICE) interviews and screens individuals in jails and prisons to identify allegedly removable non-citizens.
  - ❖ 287(g) agreements: ICE enters into agreements with local law enforcement, allows police officers to be deputized as immigration officers.
  - ❖ Task Force Operations: In recent years, ICE Raids have increasingly targeted vulnerable populations and sensitive locations (schools, courthouses, etc.).
- Border Enforcement:
  - ❖ Border Apprehensions and Enforcement at Ports of Entry.

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# Detention Priorities

- New Department of Homeland Security (DHS) policy expands the list of those who are prioritized for removal.
- Trump Administration's Executive Order, "Enhancing Public Safety in the Interior of the United States," signed on January 25, 2017, prioritizes removable aliens who:
  - 1) Have been convicted of any criminal offense;
  - 2) Have been charged with any criminal offense that has not been resolved;
  - 3) Have committed acts which constitute a chargeable criminal offense;
  - 4) Have engaged in fraud or willful misrepresentation in connection with any official matter before a governmental agency;
  - 5) Have abused any program related to receipt of public benefits;
  - 6) Are subject to a final order of removal, but have not complied with their legal obligation to depart the United States; or
  - 7) In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

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Also available as part of the eCourse

[2019 eConference on Immigration and Nationality Law](#)

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43<sup>rd</sup> Annual Conference on Immigration and Nationality Law session  
"Detention"