

Deported Immigrants Released Back Into US

By [Robert Arnold](#)

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HOUSTON -- Local 2 Investigates obtained information revealing an area of immigration policy and diplomatic relations that is prompting the federal government to release deported immigrants back into U.S. neighborhoods.

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Local 2 obtained a database from Immigration and Customs Enforcement showing over the last three years, 12,781 immigrants were released onto U.S. soil even though the government ordered they be deported. ICE's database shows 68 percent of these released immigrants had been convicted of committing crimes in the United States.

"I think it's outrageous," Houston-area U.S. Rep. Michael McCaul said. "I think this is a real threat to our homeland security."

McCaul is a member of the House Committee on Homeland Security and serves as the chairman of the Subcommittee on Oversight, Investigations and Management.

This problem happens when a foreign government refuses to allow a deported immigrant to return home.

"I think we need to take a harder look at these countries that won't take these people back," said McCaul.

In 2001, the Supreme Court ruled the U.S. cannot detain an immigrant indefinitely. The ruling, in essence, allows an immigrant who has been detained for at least six months to challenge continued detention if there is no reasonable expectation of being deported in the near future.

"The idea is we don't keep people in jail indefinitely," Houston immigration attorney Gordon Quan said. "Immigration by and large has been a civil offense, not a criminal offense."

Quan said he considers the number of immigrants with final deportation orders being released in the U.S. as "fairly insignificant" when compared to the more than 300,000 immigrants deported by the federal government each year.

Quan also downplayed security concerns regarding deported immigrants eventually being released back into the United States.

"These people are not just walking out never to be seen again," said Quan.

Quan, who has handled these type of cases, explains the federal government still monitors released immigrants on what he termed a "long leash."

"They simply don't have the resources to monitor that many people beyond something that's very cursory, perhaps requiring them to check in once a month," said Mark Jones, chairman of Rice University's Department of Political Science and a fellow at the James A. Baker Institute for Public Policy.

ICE officials also told Local 2, instances of a threat to national security, imminent threat to public safety and mental illness can allow for the continued detention of immigrants whose home countries will not allow them to return.

Both Jones and Quan also laid out a myriad of reasons a foreign government would not accept a deported citizen. Jones said it is a way for a foreign government to exert "mild" political pressure on the U.S.

"It's a nice way for those countries that are upset to demonstrate that they're upset without really, seriously causing harm in diplomatic relations," said Jones.

Quan added rampant document fraud in countries without computerized records makes it difficult to establish citizenship, heightening a foreign government's reluctance to accept a deported citizen back into the country.

"Just because his name is Mohammed and it sounds like a Pakistani-type name doesn't necessarily mean he's from Pakistan," said Quan. "So the true identity of the individual is in question."

Jones also said many countries have been wracked by years of war leaving almost no functioning government. Jones used Somalia as an example.

"The bureaucrats there who would be in charge of immigration are more concerned with staying alive than trying to process some paperwork," said Jones.

Both Jones and Quan said few foreign governments are willing to allow a citizen who has committed a crime in the United States back into the country.

"There's little to be gained and much to be lost," said Jones.

"I don't think that most countries want people with a history of not complying with the law," said Quan.

Both Quan and Jones pointed out if the U.S. has no diplomatic relations with a foreign country, like Cuba, then it is almost impossible to deport a citizen of that country back home.

The federal government can try to deport an immigrant to a country other than their native country. However, both the immigrant being deported and the government of the country where the immigrant is being deported have to agree to the move.

"I don't see too many countries lining up to take people who the United States is wanting to deport," said Quan.

"I think the State Department needs to put more pressure on these countries to take these people back," said McCaul.

Local 2 did not receive a response when it contacted the U.S. Department of State seeking on comment on this issue.

Housing immigrants awaiting deportation is also costly to taxpayers. According to ICE, it costs an average of \$116.27 a day to house an immigrant in a detention facility. That figure is a sharp contrast to the \$50.79 a day it cost to house a convicted criminal in Texas prisons.

Last month, Local 2 highlighted the case of Shirz Qazi. Qazi, who the U.S. government contends is a Pakistani national, was convicted as part of a terrorism investigation involving a group of Houston men. Qazi was only convicted of being an immigrant in possession of a weapon. He served 10 months in federal prison and was ordered deported from the United States. However, Pakistan refused to allow Qazi to return home, stating it could not verify his citizenship. According to ICE, Qazi was kept in an immigration detention facility for 2 1/2 years while the federal government tried to persuade Pakistan to allow him to return home. Based on ICE's figures, it cost taxpayers more than \$100,000 to keep Qazi in detention for that time period. The U.S. government was unable to convince Pakistan to allow Qazi to return home so he was eventually released and, according to his attorney, currently lives in Houston.