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## **Low-risk, legal immigrants being deported**

**By Juan Castillo**

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A federal program to identify and deport dangerous criminal immigrants has been routinely scooping up legal and unauthorized immigrants with little or no criminal history, according to a locally generated study released this week by the Immigration Policy Center in Washington.

According to the study, 57 percent of immigrants identified by the Criminal Alien Program in 2009 had no criminal convictions, up from 53 percent in 2008.

Written by Austin attorney Andrea Gruttin, the report, "The Criminal Alien Program: Immigration Enforcement in Travis County Texas," covers the history of what it describes as a problematic program responsible for deporting hundreds of thousands of immigrants.

The program is managed in local jails by federal Immigration and Customs Enforcement officers who cull through the jail population looking for those who are in the country illegally and who are considered dangerous because of their criminal backgrounds.

The study concludes that the majority of immigrants caught up in the program had been arrested on misdemeanor charges. In 2008, 58 percent of the detainees were placed on people charged with misdemeanors — up from 38 percent in 2007 and 34 percent in 2006.

The program "does not distinguish between the innocent and the guilty, between those who are traffic violators and those who are violent felons, or between victims and aggressors," the report says, adding that the program tends to erode trust between immigrants and local law enforcement.

It found that in 2008, Travis County spent \$1.3 million after federal reimbursements to house inmates with detainees from the program. The Travis County sheriff's office

disputed that assertion and other conclusions in the report, calling them nothing new. "They just put it in writing," spokesman Roger Wade said.

"Obviously, (Immigration and Customs Enforcement) prioritizes removing dangerous criminals from the country, and no one is going to argue with the importance of doing that," said Michele Waslin, a senior policy analyst for the center. "However, I think this report sheds some light on the effectiveness of doing that through this program.

"Are (those being apprehended) really the worst of the worst, or is there a better way to be spending taxpayer dollars?"

In a statement, the immigration agency referred to the program as an important tool to identify and remove criminal aliens from the United States.

"ICE is committed to smart, effective immigration enforcement that focuses first on criminal aliens that pose a threat to our communities," the statement said.

"In the first four months of fiscal year 2010, the program identified more than 70,000 aliens already present in our nation's jails and prisons."

According to the study, the program apprehended more deportable immigrants than any other federal program. In 2008, the immigration agency charged 221,000 noncitizens under the program.

Critics say the local-federal cooperation through the Criminal Alien Program can have dangerous consequences, which the report notes. Immigrants might be discouraged from reporting crimes or cooperating with police because they fear deportation. Jails might be more crowded, and jail costs could go up. And deportations could separate families with children who are U.S. citizens.

Wade said the jail population has gone down by about 20 percent as ICE detainees have gone up. Of the report's assertion that the program erodes trust in immigrant communities, he said, "We've said all along we've never seen any evidence of that."

Thomas Esparza Jr., an immigration lawyer in Austin and a critic of the program said, "I agree there are dangerous people who need to be apprehended, but (the program) is such a broad net that it catches people with Class B and Class C misdemeanors."

The Immigration Policy Center recommends that federal officials prioritize immigrants who have been convicted of felony offenses rather than low-level offenders. And it recommends that jail status screenings be conducted after conviction, not after arrest.

The center is the research and policy arm of the American Immigration Council. Waslin said it supports reforms that include legalization of unauthorized immigrants who are already in the U.S. and who do not have criminal records, and the creation of legal channels that allow more workers to come to the United States.