

# Report: “Nonjudicial” deportations, criminal charges up since 1996

By [Jeremy Redmon](#)

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The number of people who have been charged with [immigration](#)-related criminal offenses and deported without going before a judge has steadily increased since Congress passed stringent [immigration](#) enforcement legislation in 1996, according to a new report released Tuesday.

In all, more than 4.5 million people have been deported since the passage of the Illegal [Immigration](#) Reform and Immigrant Responsibility Act of 1996, says the report by the Migration Policy Institute, a Washington-based think tank that evaluates migration policies. The pace for formal deportations rose from about 70,000 in 1996 to a record 419,000 in 2012.

Some of the report’s other findings:

- Formal deportations have risen sharply since 1996. They accounted for 65 percent of all expulsions in 2012, up from an average of 3 percent between fiscal 1970 and fiscal 1996. Meanwhile, the number of cases in which people have been allowed to voluntarily leave the U.S. has plummeted, falling from 82 percent of all removals in fiscal 2005 to 21 percent in fiscal 2012.
- Nearly as many people were formally deported during the first five years of the Obama administration — more than 1.9 million — as during all eight years of the George W. Bush administration at 2 million.
- [Immigration](#) enforcement officers rather than judges are increasingly making more deportation decisions. Such “nonjudicial” deportations — called “expedited removal” or “reinstatement of removal” — accounted for 75 percent of all deportations in fiscal 2012, the highest proportion ever. In contrast, analogous deportations accounted for 3 percent of deportations in fiscal 1996.
- The proportion of those apprehended at the southwest border who have been charged with [immigration](#)-related criminal offenses rose from 1 percent in fiscal 1997 to 22 percent in the fiscal year ending in September.

“The deportation dilemma is this: How does the government carry out its enforcement responsibilities and mandates while also shielding U.S. citizen and immigrant families and communities from the inevitable damage that a robust enforcement system inflicts?” said the report’s co-author, Doris Meissner, director of the institute’s U.S. [immigration](#) policy program and a former commissioner of the U.S. [Immigration](#) and Naturalization Service.

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