



287(g): Blurring the Lines of Immigration Enforcement

Local Law Officials and Immigration Enforcement

Section 287(g) of the Immigration and Nationality Act allows Immigration and Customs Enforcement (ICE) to enter into agreements with local law enforcement and jail officials to assist in its immigration enforcement operations. These “287(g) programs” designate and train local officials to enforce immigration law as part of their regular policing duties and allow jail officials to collect information regarding the immigration status of persons as they are booked into jail. 287(g) gives broad powers to local police and jails to question persons about their immigration status, arrest and detain persons related to immigration matters, process certain administrative deportation orders and refer persons to ICE. Under 287(g) agreements local law enforcement agencies have unprecedented powers that have historically been delegated only to the federal government and federal law enforcement agencies. It has been shown that the 287(g) program operates with little oversight or review and undermines community policing and public safety.

Important Definitions:

ICE (Immigration and Customs Enforcement):

An agency within the Department of Homeland Security responsible for the deportation and detention of immigrants. ICE uses local law enforcement and jails to aid in its operations. Nationally, ICE will detain over 440,000 people for immigration processing. In Arizona, ICE detains 3,000 men, women and children on any given day.

287(g): The section of the Immigration and Nationality Act (INA) that delegates immigration authority to local law enforcement officials. The 287(g) program trains officials to enforce immigration law in the jails and on the streets. As of July 10, 2009, nine law enforcement agencies in Arizona hold 287(g) agreements with ICE.

287(g) Targets

ICE’s stated goal is to track down people deemed to be “criminal aliens,” or any individual who is not a U.S. citizen and has been arrested or convicted for *any* criminal offense. ICE depends on the local criminal justice system to identify “criminal aliens.” In fact, to accomplish its goal, ICE is classifying more and more individuals as “criminal aliens,” regardless of the severity of the crime and subjecting an increasing number of persons to detention regardless of lawful immigration status.

ICE alleges to target only non-U.S. citizens who commit the most serious offenses. However, a March 2009 Government Accountability Office (GAO) review of the 287(g) program discovered that ICE does not necessarily track the most serious criminal offenders. In fact, the review found that officers

aggressively concentrated on targets somewhat easier to spot, such as those who commit minor traffic violations, like speeding or broken taillights.

Consequences for Local Communities

287(g) agreements allow local law enforcement to indiscriminately target an ever increasing number of individuals who they suspect are not U.S. citizens. This has led to racial profiling in ethnic communities, particularly the Latino community in Arizona.

287(g) programs do not make communities safer. In Maricopa County, Arizona, where Sheriff Arpaio has shifted law enforcement resources to illegal immigration, FBI statistics show that violent crime has increased by 69%, murder is up 166%, robbery is up 74%; property crime is up 26%; burglary is up 25%.

The Erosion of Due Process

“Detainers” are filed in cases when ICE receives information from the jail that someone is allegedly a non-citizen. The detainer allows that individual to be detained beyond their criminal case until transferred into ICE custody.

According to U.S. law, immigrants are entitled to due process, which includes a hearing before an immigration judge and review by a federal court. An individual who is not a U.S. citizen may have numerous defenses that would allow him or her to remain legally in the U.S. However, many persons may not fully understand or be able to assert these rights.

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