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Undocumented Immigrants and Crime

general population. Mississippi stopped this practice in 2010 (Human Rights Watch, 2010). In 2000, the Supreme Court upheld Alabama's right to segregate these prisoners, stating that prison officials should be allowed to make judgments about the difficulty of controlling prisoners in various settings and programs (Greenhouse, 2000). Though Alabama officials claim that they have been more successful than most states in preventing the spread of HIV in the prison population, HIV-positive inmates are excluded from 70 different programs, including job training, educational, and work-release programs. They are offered some alternative programs, but these are more limited and appear to be less effective than the programs provided to the general population. Most states have not found it necessary to segregate infected prisoners. If they are to be segregated, they should have the right to programs of the same quality.

For the eighth straight year, the number of undocumented immigrants in the United States is estimated to be just over 11 million (Passel & Cohn, 2017). In 2013, 62 percent of undocumented immigrants came from Mexico, whereas by 2017 the percentage had dropped to 50. This drop may be due in part to an improved economy in Mexico, Mexican families are having fewer children, and finally enforcement along the border has become progressively more intense over the last 10 years. The most prevalent occurrence of undocumented people has been found in the states that border Mexico, as this has been the transit route for migrants from Mexico and the rest of Latin America. However, people who lack legal documentation can be found living throughout the United States.

Although immigration is not new for the country, in recent years, attention has been focused on the danger that is posed by the surge in immigrants who either overstay their visas or permits to visit, or sneak over the border. Since 2005, the Department of Homeland Security (DHS) has increased efforts to detain undocumented immigrants and remove them from the United States (National Immigration Law Center, 2017). These efforts have been accompanied by increased state and local enforcement of immigration law. Although the initial impetus was in response to the illegal entry of the terrorists from the 9/11 attacks on the World Trade Center, it has become focused primarily on Latino undocumented immigrants. Enforcement of immigration laws was minimal prior to 2000. From 1996 to 2000, fewer than 12,000 people had been deported and barred from reentry. In 2006 alone, more than 13,000 people were barred from reentering the United States for 10 years (Gonzalez, 2008). In contrast, under direction of the Obama administration 410,000 immigrants were deported in 2012 and 369,000 in 2013 (Nakamura, 2013). The difference is not in the laws on the books, which have not been changed, but in the enforcement of those laws.

Immigration detainees are held under civil law, not criminal law. As such, they are legally entitled to better living conditions than convicted prisoners or pretrial detainees (American Civil Liberties Union [ACLU], 2017). Civil

law covers issues such as property rights, child custody, divorce, contracts, and agreements and are not considered crimes. Therefore, under law, undocumented people are to be tried for a breach of contract, not for committing a crime. However, the reality of detaining thousands of undocumented people in recent years has led to the accusation of abuses of their rights.

The DHS detainee population has more than tripled since 9/11, and now exceeds 400,000 people a year (National Immigration Forum, 2017). The detention is civil and not punitive, yet the vast majority are held in prisons, housed with criminal convicts. Other than entering or staying in the country illegally, the detainees have not committed any other crime.

The surge in immigration law enforcement has affected the criminal justice system and social workers in numerous ways. The numbers of undocumented people in prisons and requiring legal authorities' attention has grown dramatically, particularly in the border states of California, Arizona, and Texas. The cost for the increase in incarceration is growing, and the extra efforts at border control are costly. Some states argued that the federal government was not doing enough to address immigration concerns, and passed laws to address these concerns. In 2010, the Arizona State Legislature passed Senate Bill 1070, called by many the "papers please" immigration law. "Papers please" referred to the provision in the law that made it a crime for legal immigrants to be without their immigration papers. It gave the police broader powers to detain anyone in Arizona whom they suspected of being in the United States illegally. Opponents feared that the law would make harassment of Latinos widespread and that it would encourage racial profiling (Richey, 2010). There were protests in Arizona and other states after the bill was passed, as well as threats to boycott the state, and in June 2012 the US Supreme Court upheld the provision requiring immigration status checks but struck down three other provisions, including the "papers please" component. One of the rationales for increased enforcement measures to combat crimes committed by immigrants is very controversial. Do immigrants, particularly undocumented immigrants, actually cause more crime? Although there may be a public perception that they do, studies indicate that it may not be true. In fact, research indicates that the opposite may be the case; crime decreases with growth in immigrant populations (Press, 2006). Immigrant communities are often tight-knit, and there is an informal system of social control.

The challenge to social workers is to address public perceptions of immigrants while also serving immigrant populations. People who are undocumented are fearful of accessing social or public services. Fear of becoming known to authorities and potentially detained or deported holds people back. This fear includes reluctance to report crimes or make oneself known to school authorities. Undocumented immigrants, already marginalized due to language and economic barriers, are now even more marginalized due to fear of all authorities. This means that social workers have an even greater task of helping families who are undocumented access services such as health care, education, and protection from becoming victims of crimes.



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