



COMMUNITIES TORN APART:

THE IMPACT OF DETENTION AND DEPORTATION IN HOUSTON



HOUSTON IMMIGRATION LEGAL SERVICES COLLABORATIVE

Houston Immigration Legal Services Collaborative (HILSC)

HILSC's mission is to advocate for immigrant inclusion, equity, and justice by uniting and strengthening diverse allies, developing holistic immigration legal services, and supporting creative initiatives through principled, values-based collaboration. Using a collaborative approach in decision-making, program design, and implementation, HILSC:

- Provides funding to advance HILSC's mission;
- Increases the quality and quantity of high-quality, low-cost immigration legal services providers equipped to serve low-income immigrants;
- Improves and streamlines immigrants' access to holistic legal and social services; and
- Is a source of reliable and timely information about changing immigration policies and resources.

Deportation Defense Houston

Deportation Defense Houston, a HILSC project, provides free legal representation to people in detention through an innovative and collaborative approach that includes public engagement, the Immigrant Rights Hotline, and impact litigation. The cohort also works to educate policy-makers and the public about the detention and deportation systems through tours of detention facilities, presentations, and community outreach. Most importantly, DDH is responsive to the needs of the Houston community.

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EXECUTIVE SUMMARY

Houston, the most diverse city in the nation, is a city of immigrants. In Houston, one in every four residents is foreign-born, nearly half of Houstonians speak one of 140 non-English languages at home, and more refugees are resettled than in any other city in the US. Harris County is home to more than 1.6 million immigrants who have a right to health, prosperity, stability, and due process in court. These rights are threatened by immigration enforcement, detention, and deportation.

the possibility of long-term and, in some cases, permanent separation from their families and communities.

Increased anti-immigrant rhetoric, policies, and enforcement under the Trump Administration, have been well documented, but these strategies are not new, nor will they end under a new administration. Racist strategies that keep people from crossing US borders, create barriers to lawful status for low-income

Harris County is a national hot spot for deportations. Despite a new incoming administration, immigrant Houstonians will remain under threat from deportation so long as unjust immigration laws remain in place.

Each year, thousands of Houston and Harris County residents — parents, siblings, employers, workers, and students — face the possibility of detention and deportation. There is no right to free legal counsel in the immigration court system, as there is in the criminal legal system. Yet having a high-quality lawyer has repeatedly been shown to have an outsized impact on the outcome of a case. Despite this, the majority of people facing deportation must go before an immigration judge alone. High quality legal representation has the biggest impact on whether an immigration judge grants an individual the right to legally remain in the United States. Harris County residents facing deportation without legal counsel confront

immigrants, and remove families from the country have been used throughout US history to reduce the number of Black and Brown immigrants in the country. Although immigration policy is federal, Immigration and Customs Enforcement (ICE) works closely with local law enforcement to deport individuals living and working in the United States. Texas has passed anti-immigrant legislation, namely Senate Bill 4 (SB4), aimed at strengthening such collaboration between local law enforcement and ICE. City and county governments have the authority and the moral obligation to take action to keep immigrant communities safe.

Harris County is a national hot spot for deportations – and the number of deportations are on the rise. In 2018, there were 46 percent more deportations than the previous year. This report estimates that ICE physically deported 6,612 Houston area residents that year. An additional 10,608 Harris County residents were ordered deported by non-detained immigration courts in FY2019, though it is unknown how many of the people ordered removed by a judge were physically deported by ICE or left on their own, or how many remain in the US. Many of the people ordered deported were

HOUSTON AREA DETENTION & DEPORTATION

4,114 DAILY CAPACITY TO DETAIN ADULTS

69% OF DETAINEES DO NOT HAVE A LAWYER

1,000 DAILY CAPACITY TO DETAIN CHILDREN

10,608 PEOPLE ORDERED REMOVED BY JUDGE (2019)

6,612 HOUSTON & HARRIS COUNTY RESIDENTS
PHYSICALLY DEPORTED BY ICE (2018)

done so in their absence – often without their knowledge.

ICE collaboration with police and sheriff departments increases the likelihood that people will end up in an immigration detention center after an arrest. Racial profiling and systemic racism in the criminal legal system lead to Black and Brown people being arrested – then detained and deported – at higher rates. ICE has office space and access to records in the county jail, the Harris County Joint Processing Center (JPC), so it can effectively interrogate anyone it suspects may be deportable, regardless of the status of a person’s criminal case. In fact, 25 percent of people who were transferred to ICE after a local law enforcement arrest had no conviction. Undocumented immigrants, immigrants with temporary status, and even lawful permanent residents are deportable if convicted of certain – even minor – crimes.

Once someone is transferred to immigration detention, they remain in ICE custody until they are released on bond, win the right to stay in the US, or are deported – this process can take months or even years. People in detention

COVID-19 AND DETAINED IMMIGRANTS

447 CASES IN HOUSTON AREA ICE DETENTION CENTERS

2 DEATHS AT CONROE’S JOE CORLEY DETENTION FACILITY

25% POSITIVE TEST RATE IN ICE DETENTION

15% POSITIVE TEST RATE IN TEXAS

months or years, and can be deported even when they have viable legal claims to remain in the US. Nearly 70 percent of people detained in Houston area detention centers in FY2018 did not have an attorney at any point in their immigration case.

The consequences of not having an attorney are dire — over 95 percent of people detained in the Houston area were ordered deported in FY2018. People who have an attorney are ten and a half times more likely to win the right to remain in the US than those without counsel. It is fundamentally unjust for anyone living in the US to face a judge without an attorney to help them navigate a complex legal system.

Nearly 70% of people detained in Houston did not have a lawyer – yet those who are represented are ten and a half times more likely to win their case.

centers suffer medical neglect, isolation, as well as physical and sexual abuse. In the past few years, there have been multiple allegations of rape in Houston area facilities, yet there are no consequences for the perpetrators.

COVID-19 has placed people in detention at even higher risk. Even with severe under-testing in Houston area immigration detention centers, at least 447 people have tested positive for COVID-19 and 2 people have died.

Without the right to counsel, people facing the near-insurmountable challenge that is the US immigration system can languish in detention for

The detention and deportation of Houstonians has a dramatic impact on our local economy and on our social fabric, from school enrollment to health to family stability. This burdens Houston and Harris County families, employers, government, and, ultimately, all residents. Immigrants hold about 32 percent of jobs in the region, earn \$50.9 billion in total annual income, and pay \$11.7 billion in federal, state, and local taxes. This report estimates that Houston lost approximately \$133 million in total spending power in FY 2018 due to deportations.

Moreover, deportations contribute to labor shortages, foreclosed homes, and closed

Families who lose a loved one to deportation may suffer a loss of up to 90 percent of their household income, and lose access to health insurance.

**ESTIMATED COST OF DEPORTATIONS
IN HARRIS COUNTY (FY18)**

\$133 MILLION

IN LOST SPENDING POWER

\$24.8 MILLION

IN EMPLOYER TURNOVER COSTS

\$7.8 MILLION

IN LOST STATE & LOCAL TAXES

businesses. Families experience up to a 90 percent decline in their household income when a family member is deported, meaning they can no longer afford basic expenses like rent, food, and transportation. Employers are also impacted by deportation since they must re-train employees who cannot return to work – this report estimates that employers in Houston lose \$24.8 million in turnover costs per year.

Other costs are less easily quantifiable: the costs of foster care for children who are separated from their parents by deportation or the cost to state health insurance when US citizen children must turn to public benefits.

Deportations also create significant health consequences for the people deported, for their families, and for their communities. The resulting family separation is traumatic – with particularly devastating impacts on the wellbeing of children, leading to anxiety, PTSD, depression, and even suicide. Children whose parents are deported may be placed in foster care if they have no other care-taker. The looming threat of ICE enforcement can also lead to long-lasting health and educational consequences for children. US citizen and noncitizen adults in communities with increased ICE enforcement show increased risk of anxiety, depression, cardiovascular disease and, in pregnant women, higher rates of preterm births. All of this has a lifelong impact on health, social mobility, and economic stability. These effects ripple out past the person who

is detained, to their families and communities. Multiple generations can be impacted by the trauma of one deportation.

Unless bold action is taken to address these problems, the socioeconomic impacts outlined in this report are likely to continue in the Houston area. But this is not a task for only the federal government to solve – all levels of government can take steps to mitigate these effects. It is imperative that Houston and Harris County keep residents out of detention and provide them with legal representation.

Harris County and the City of Houston can reduce the negative impacts of deportation on our community and economy by:

Providing a significant budgetary allocation to an Immigrant Legal Services Fund to provide free legal representation to indigent Houstonians facing deportation.

There is no true due process in the immigration system where thousands of individuals are deported every year without any opportunity to effectively argue their case against an inherently unjust system.

Committing to long-term solutions to reduce the number of people incarcerated in Houston.

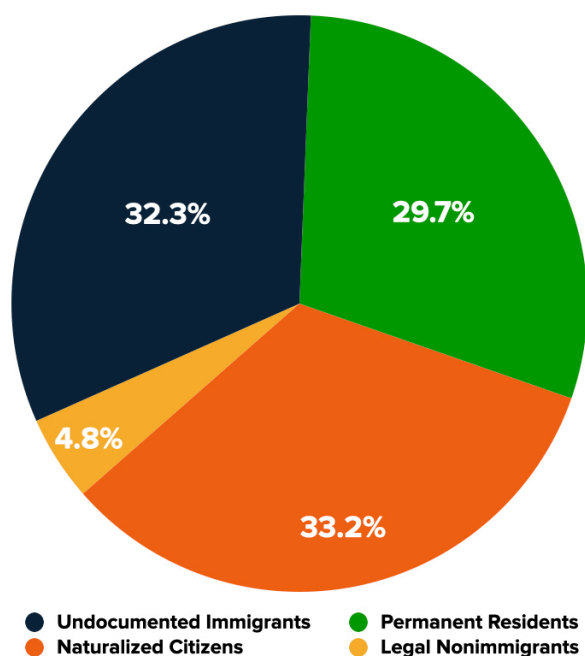
Even minimal contact with the criminal legal system creates a serious risk that ICE will intervene. It is important for local government to implement policies that fight institutionalized racism and discrimination in order to bring justice for immigrants and all communities of color.

IMMIGRANTS IN THE HOUSTON REGION

Houston is the most ethnically diverse city in the country, home to more than 1.6 million immigrants.¹ One in four Houstonians is foreign-born, with nearly 50 percent speaking a language other than English at home.² There are 90 countries in the consular corps, and more refugees are resettled here than in any other city in the US.³

In Harris County, there are an estimated 424,000 lawful permanent residents, 61,000 nonimmigrant visa holders, and 412,000 undocumented immigrants.⁴ Harris county's immigrant population grew 18 percent over the last decade.⁵

HARRIS COUNTY IMMIGRANTS BY STATUS



Immigrants are far from a monolithic group when it comes to culture, language, or immigration status. People coming to the US may enter the country as legal residents, visa-holders, or without status. Families can be made up of people with US citizenship, without status, and many different statuses in-between. Furthermore, immigration status is not fixed. People are able to obtain or change status through various means – family members, work, or humanitarian pathways – although the process is usually long and nearly impossible to navigate without an attorney.

Similarly, people may lose status by overstaying temporary non-immigrant visas or after contact with the criminal justice system, for instance. Once people become naturalized US citizens, they gain the same rights and responsibilities as natural-born citizens and cannot be deported.⁶

Over half a million Houston children have at least one parent who is not a US citizen.

Many of Houston's families are mixed-status, in which one person could be a US citizen or permanent resident, and their spouse, child, parent or sibling may be undocumented. For instance, one third of Houston's children have at least one parent who is not a US citizen.⁷ People living in mixed-status families may worry for the safety of their relatives, even if their own immigration status is secure. Many Houstonians are at risk of being separated from a parent, spouse, or other loved one. Deportation and the threat of deportation have serious long-term ramifications both families torn apart from loved ones and the communities they live in.

UNDOCUMENTED IMMIGRANTS

People who entered the US without documentation or overstayed temporary non-immigrant visas. This broad category includes people who have no status, as well as DACA or TPS recipients, and those in the long process of seeking asylum.

LEGAL NON IMMIGRANTS

People who hold visas for temporary stays like tourists, and certain students and workers.

LAWFUL PERMANENT RESIDENTS (LPR's)

People who have lawful permission to stay in the US indefinitely. Also called "green card holders," these individuals can become naturalized US citizens after a period of years. However, LPRs are deportable in certain circumstances.

NATURALIZED CITIZENS

Naturalization grants people born abroad the same rights and responsibilities as natural-born citizens.

Immigrants make substantial social, cultural, linguistic, and economic contributions to Houston. The diversity of Houston means residents get to engage in cultural celebrations, language diversity, and authentic cuisine. While many of these are difficult to quantify in dollars, the economic power of immigrants of all statuses is clear. Immigrants are responsible for about 26 percent of the Houston metro area's total GDP and tens of billions of dollars in taxes and spending power.⁸

In one scenario analysis, Center for Houston's Future calculated that if all undocumented immigrants were deported, GDP would drop by 36 billion dollars by 2036.⁹ By contrast, increased levels of immigration would create growth of \$67 billion in GDP.¹⁰ Houston's economy is made up in large part of immigrant labor, industry, entrepreneurship, and spending; the region's future will depend even more so on their economic contributions and taxes and spending power.

HOUSTON AREA IMMIGRANTS CONTRIBUTE

\$3.5 BILLION IN STATE AND LOCAL TAXES

\$9.2 BILLION IN FEDERAL TAXES

\$38 BILLION IN ADDITIONAL SPENDING POWER

HOUSTON AREA UNDOCUMENTED IMMIGRANTS CONTRIBUTE

\$448.4 MILLION IN STATE AND LOCAL TAXES

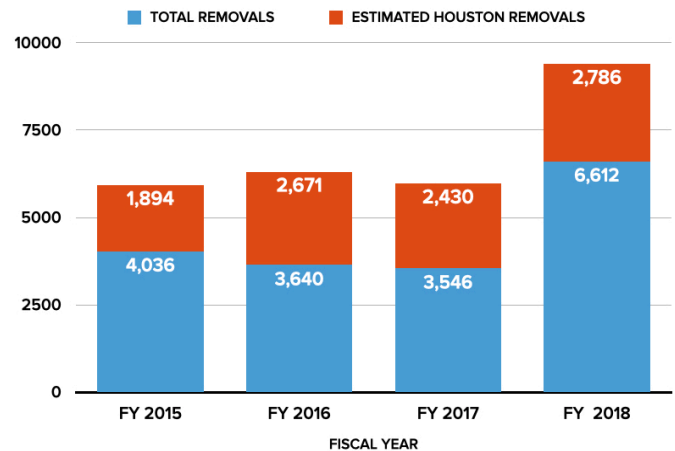
\$742.2 MILLION IN FEDERAL TAXES

\$9.8 BILLION IN ADDITIONAL SPENDING POWER

SOURCE: NEW AMERICAN ECONOMY

Although immigrants make up just under a quarter of Houston's population, they account for 32 percent of all jobs in the Houston area.¹¹ Immigrants account for 34 percent of STEM jobs, over 40 percent of doctors, scientists, and petroleum engineers, and 42 percent of the self-employed.¹² After Hurricane Harvey, undocumented immigrants contributed to the rebuilding of Houston's homes, businesses, and infrastructure while under the threat of deportation and without the financial support that other Houstonians had.¹³ Currently, more

HOUSTON AREA REMOVALS



than 30,000 DACA recipients are healthcare workers fighting COVID-19 in Texas hospitals.¹⁴

Immigrants bolster the housing market through their purchasing power, by indirectly drawing US-born residents to neighborhoods through economic opportunity, and by making declining neighborhoods more attractive to working-class Americans.¹⁵ In Harris County, immigration has contributed more than \$25,000 in value to the typical home over the past 10 years.¹⁶ Creating a safe and stable environment where immigrants can confidently become homeowners in turn increases the value of Harris County homes and stabilizes its neighborhoods.

The well-being of Houston's families, communities, and economy is damaged when immigrant members of our city are detained and deported. Yet Houston and Harris County have not done enough to protect them. In recent years, the number of deportations have increased in the Houston area. In FY2018, there were 9,398 people physically deported from Houston airports, representing a 57 percent increase over the previous year.¹⁷ We estimate that 6,612 of the individuals deported in 2018 were residents of the Houston area.¹⁸ In 2019, there were 10,697 detained cases initiated in Greater Houston.¹⁹

These 6,612 Houston and Harris County residents are parents, spouses, and children. The fact of their deportation does not mean that they do not belong here – they had jobs, business, and families here.

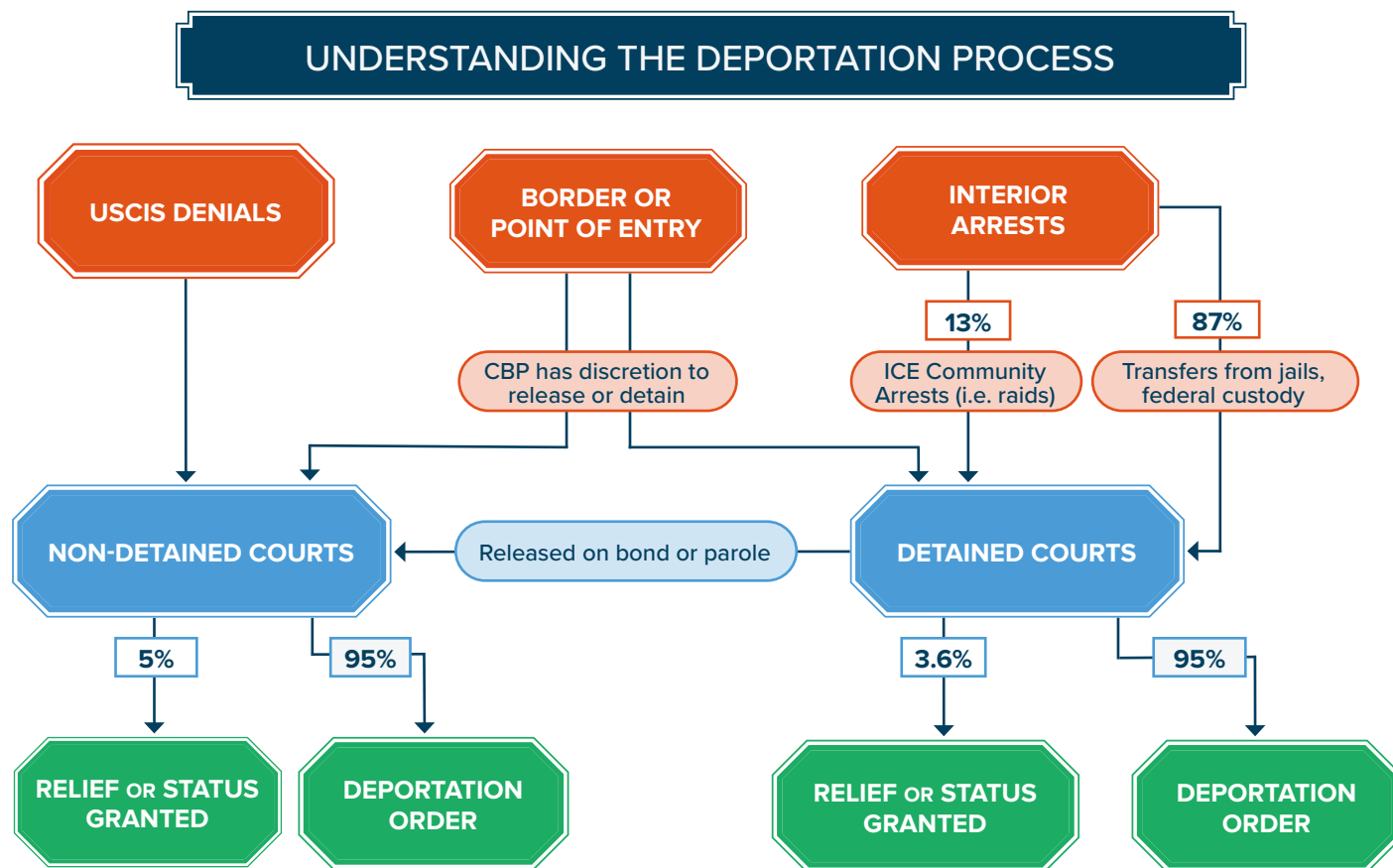
THE SYSTEM: DETENTION AND DEPORTATION

OVERVIEW: THE AGENCIES

Independent of the state and federal judicial systems, immigration cases are tried in a separate, specialized system known as the Executive Office for Immigration Review (EOIR), a part of the Department of Justice (DOJ). The immigration court system is made up of about 50 courts and 200 judges which are responsible for granting immigrants status to remain in the US or ordering them deported.²⁰ While immigration is a civil system, the consequence of deportation is life-altering and even fatal.²¹ Immigrants do not have a right to government appointed counsel – they must go through the complicated court process on their own if they cannot afford a lawyer. Yet the government that is trying to deport them is represented by a trained lawyer.

People enter the immigration court system various ways: they might be immediately placed in court proceedings after attempting to enter the US,²² they might have their immigration case sent to the court after an application is denied before United States Citizenship and Immigrant Services (USCIS), or they might be placed in proceedings after being picked up by Immigration and Customs Enforcement (ICE) – either directly by that agency or via the criminal legal system.

Immigrants who have been in the US for a few months or for decades can apply through USCIS for visas, asylum, permanent residency, and other statuses. If their application is denied, the case may be referred to immigration court for removal proceedings. In 2018, USCIS issued a new policy increasing the types of cases that are referred to immigration court if the application is denied.²³



FY 2018 DATA: HOUSTON AREA

Immigration detention is the practice of depriving people of their liberty while their case is pending with the immigration court. The agency that manages the immigrant detention system is ICE, a part of the Department of Homeland Security (DHS). ICE typically subcontracts with private prison companies to detain immigrants.²⁴

Customs and Border Protection (CBP) is also a part of DHS. The general public routinely confuses ICE and CBP, but these are separate agencies with separate functions. CBP is tasked with border security, including customs and immigration, while ICE is tasked with immigration enforcement in the interior of the country. When CBP apprehends individuals or families attempting to enter the US, CBP may place them in a “short-term” detention facility while a determination is made on the next steps of the case. CBP facilities are routinely cited for inhumane conditions and abuse, such as freezing temperatures, overcrowding, prolonged detention, inadequate food and water, and a lack of medical care, among many complaints.²⁵ Most egregiously, CBP carried out “Zero Tolerance” – the policy that sparked national outrage when it forcibly separated children from their parents and held them in cages.²⁶

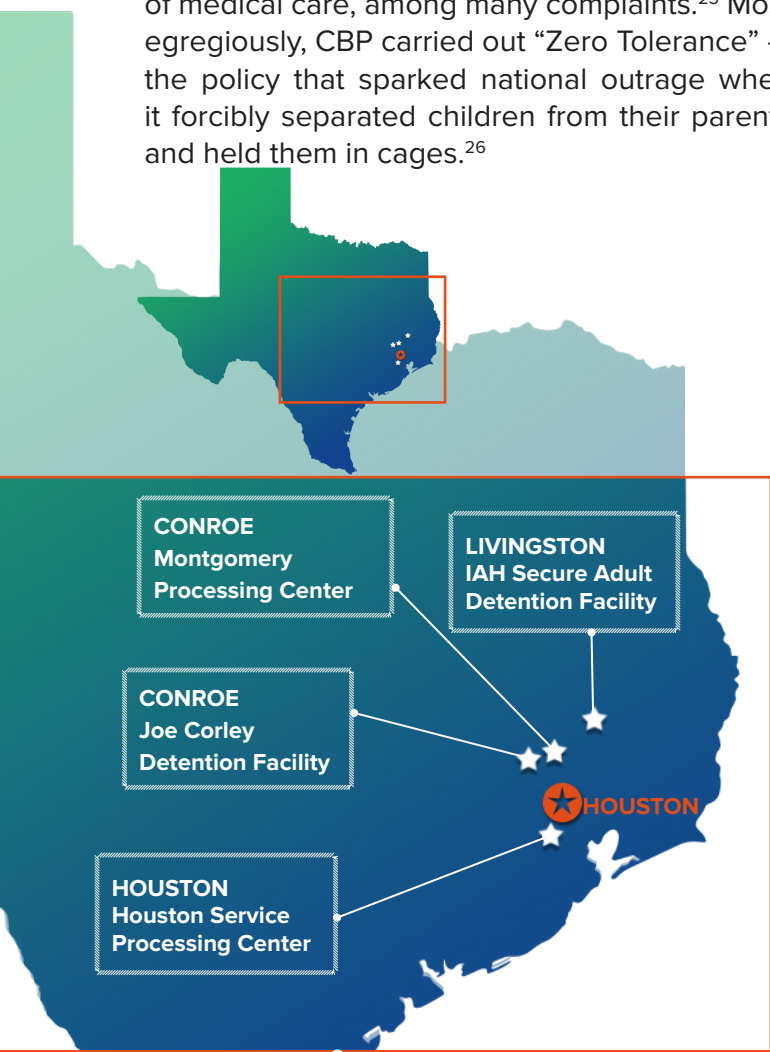
DETENTION AND DEPORTATION

Immigration courts hear cases for immigrants the government alleges are deportable. Most individuals are not detained during the immigration court process. In non-detained cases, people go through the court process, which may take years, but are free to live in their homes. In the detained system, however, people are placed in a detention center where their freedom of movement is limited, they are monitored, and they cannot easily communicate with people outside the facility. The law requires the detention of certain immigrants, yet the majority are detained at the discretion of ICE.²⁷ (See infographic on p. 14)

ICE can arrest people it suspects are deportable from the US and place them in detention.²⁸ ICE can also arrest people with previous deportation orders – including people who never knew they had been ordered deported.²⁹ ICE arrests in Harris County account for more than a quarter of all ICE arrests in Texas, even though the county constitutes only 16 percent of the state’s population.³⁰ According to data most recently available, Harris County has the highest number of ICE arrests out of any county in the nation – over 6,200 people.³¹ Last year, there were 10,697 new cases filed in Houston’s four area detention centers – 7,444 of them did not have a lawyer.³²

ICE arrests people at their homes, at courthouses, at their jobs, at churches, and at their children’s schools.³³ Unlike a judicial warrant, an ICE arrest warrant does not give authority to enter a person’s home.³⁴ Yet during home raids, armed ICE officers may threaten, trick, or force their way inside people’s homes in the middle of the night.³⁵ ICE has also engaged in the political arrests of prominent immigration activists.³⁶ Across the country, ICE raids break families apart and spread fear and pain.

ICE also apprehends people through the criminal legal system. ICE maintains office space in the



There are four ICE detention centers within 75 miles of downtown Houston, with a total capacity to hold 4,114 adults.

Harris County jail, giving them access to interview arrested people and flag them for transfer to immigration detention. ICE may flag someone by placing them under a “detainer” based on having the same name as someone in their error-ridden databases or simply based on their place of birth.³⁷

Generally, in order for someone to get deported, an immigration judge must issue an order for deportation after a case has been heard.³⁸ In non-detained cases, immigrants must appear at one of Houston’s three immigration

Immigration courts are effectively a tool to facilitate deportation, not ensure due process.

court locations. During their hearing, immigrants must present their arguments for why they are eligible to remain in the US. The judge will then make a ruling on whether the person qualifies for relief and may remain in the US or will be ordered deported. Those who miss their court appointment – even if it is for lack of notice, transportation, or childcare – are ordered removed “in absentia.”³⁹

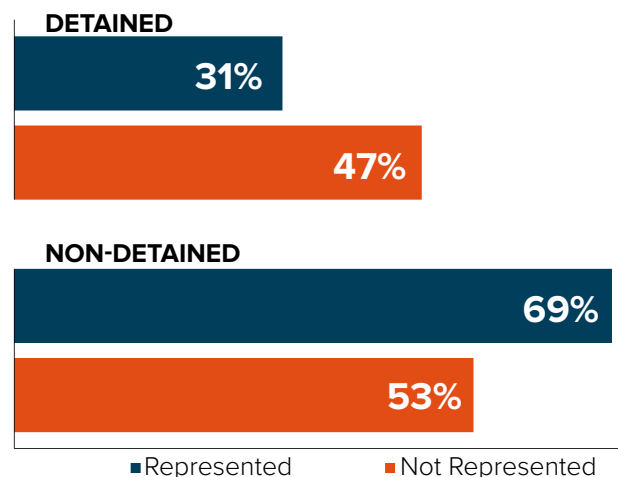
The immigration courts hear cases for both adults and children, including children who are part of a family unit and unaccompanied children. Children entering the US alone or with a non-parent relative may be detained by the Office of Refugee Resettlement (ORR). Special protections, the result of decades of legal advocacy, require that children be detained in the “least restrictive setting” appropriate to the child’s age and special needs in facilities licensed by each state’s licensing agency for dependent children. Religious or nonprofit organizations typically run the shelters, under contract with ORR. The Houston region is home to ten of these ORR facilities, with a capacity to house over 1,000 children. Seven of these are located in Harris County.

ACCESS TO COUNSEL

Immigration law is complex, proceedings are confusing, and the law itself is racially prejudiced against immigrants.⁴⁰ This has created a system in which immigration courts are effectively a tool to facilitate deportation, not ensure due process.⁴¹ People in deportation proceedings face an uphill battle against a trained DHS attorney who is seeking their removal. Immigration judges have discretion to decide cases, resulting in outcomes that vary widely based on a judge’s individual bias.⁴² The US government does not provide a right to counsel for those who cannot afford one.⁴³ In this system, access to counsel is critical, yet only a small percentage of people facing deportation will have an attorney to help them prepare their case.

In recent years, immigration courts have become increasingly politicized, with some judges openly expressing anti-immigrant views.⁴⁴ The DOJ has stacked the bench with people who have previously worked for ICE – the majority of Houston’s 13 judges previously worked for the enforcement agency – and it has changed hiring practice at the Board of Immigration Appeals to appoint restrictionist judges with histories of high case denial rates.⁴⁵ Some immigration judges are already biased against the immigrants who come into their court, making it even more important for each person to have an advocate to represent them.

IMMIGRANTS WITHOUT COUNSEL HOUSTON AREA FY 2018



The DOJ has implemented policies that have resulted in the denial of due process.⁴⁶ For instance, judges must meet high case completion quotas – this pressure on judges results in fast-tracked hearings at the expense of due process.⁴⁷

Detained immigrants with lawyers are 10 ½ times more likely to win than those without.

Judges' discretion over their dockets has been severely curtailed through limitations on mechanisms, such as continuances, that ensure fair procedure.⁴⁸ The DOJ has also made significant changes to law by reversing long-held immigration rulings; these changes make it even more difficult for immigrants to win their cases.⁴⁹ Lawyers are needed to push back against these changes, and protect immigrants' rights.

There are many other aspects of immigration court proceedings that make the process stacked against people facing deportation. As one example among many, language access barriers make it even harder for people who speak languages other than English to access justice.⁵⁰ Interpretation is critical because credibility is often a central issue in immigration cases – when there are errors the entire testimony can be misconstrued, resulting in denial of the case.⁵¹ While interpreters are provided for court hearings, in-person interpretation is limited and telephonic interpretation is difficult to hear and impossible to observe body language.⁵² Despite insufficient in-person interpretation, courts have begun replacing interpreters altogether with pre-recorded videos for certain types of hearings.⁵³ People who speak indigenous languages or dialects may not get an interpreter in their preferred language – in these cases, the interpretation of the message the person intends to send to the judge categorically fails.⁵⁴ Lawyers not only prepare documents in English, but they can object to interpretation errors and ensure their clients get interpretation in the language they speak.

Having a lawyer is a key factor in determining whether someone will win their case. Representation has been consistently shown

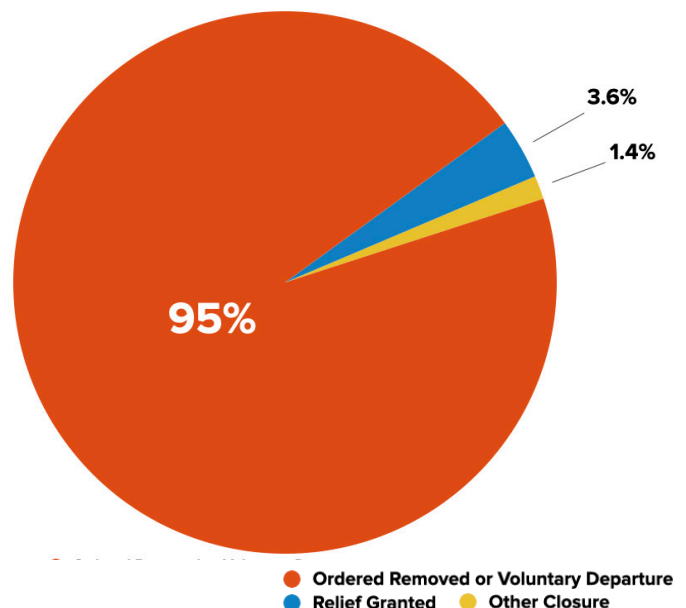
to help people get released from detention, apply for, and win relief.⁵⁵ The publicly funded New York Immigrant Family Unity Project showed that – regardless of a case's initial perceived strength – an immigrant's chance of winning went from 4 percent when unrepresented to 48

percent with counsel.⁵⁶ A study that assessed national data over a period of five years found that people in detention were ten and a half times more likely to win their case if they had a lawyer.⁵⁷

High-quality representation is important not only because lawyers can effectively argue a legal case, protect a client's rights, and increase a person's chances of winning, but because they help demystify a complex system. Lawyers should explain the process to their clients, go over defenses to deportation, and include clients in the strategy and progress of the case. Lawyers can also be an ally and provide moral support to clients in a system that is overwhelmingly against them.

The majority of immigrants facing deportation in Houston do not have counsel. Under half of immigrants outside detention had a lawyer

DETAINED IMMIGRANTS ORDERED REMOVED
HOUSTON AREA FY 2018



in FY2018.⁵⁸ While this is not a good figure, representation for people in detention was particularly dismal – 69 percent of people did not have an attorney.⁵⁹ This is likely an overestimate since government data counts

Thousands of Houstonians are deported each year without true due process or a fair trial – without high-quality representation, they are unable to effectively argue their case against an inherently unjust immigration system.

10,608 Harris County residents – adults and children – were ordered removed by a judge last year.

someone as represented if they had counsel at any point in their case, regardless of whether they had representation for the entire process. Experts estimate the true representation rate for detained immigrants in Houston is closer to a mere ten percent.⁶⁰

The results of this lack of legal representation are stark. Houston's detained and non-detained courts have issued over 35,000 removal orders since 2017.⁶¹ In FY2019 alone, 12,782 were ordered deported by the non-detained court.⁶² Of these, 10,608 were Harris County residents.⁶³ Case denial rates are particularly high for asylum seekers. In Houston's non-detained court, 91.9 percent of asylum cases are denied. This is one of the highest denial rates in the nation.⁶⁴ As in the non-detained context, asylum seekers also face higher denial rates when they are subject to immigration detention. For instance, one judge denied 97.6 percent of all detained asylum cases before her court.⁶⁵

Without a right to counsel, people in ICE detention must prepare their immigration cases on their own if they cannot afford a lawyer. Without access to the internet and restricted telephone access, it is nearly impossible for detained immigrants to obtain evidence that could be instrumental in establishing a defense to deportation. Yet people in detention are less likely to get an attorney than those who are not detained. In Houston's detained cases in FY 2018, 95 percent of active cases were ordered removed or took an order of voluntary departure, meaning they also had to leave the US. A mere 3.6 percent – 168 people – won their cases.⁶⁶ Nationally, 95 percent of cases that win do so with an attorney – only 5 percent won without an attorney.⁶⁷

CHILDREN FACING DEPORTATION

As for adults, there is no right to counsel for children in deportation proceedings. This is very different from other legal systems, such as the juvenile and child welfare systems, which provide children with free appointed legal counsel and best interest advocates.⁶⁸ Children without lawyers must represent themselves, regardless of age. Nationally, only 35 percent of children in removal proceedings had lawyers. For the remaining 65 percent, the vast majority – 82 percent – were ordered deported.⁶⁹

While there is funding authorized by the Trafficking Victims Protection Reauthorization Act to provide children in ORR custody with legal orientations and screenings, representation is only provided while they are detained.⁷⁰ There have also been reports of limitations to access to representation while detained. A recent lawsuit alleges that “ORR blocks lawyers from representing detained children” with respect to their placements and release.⁷¹

For children released from ORR custody, there is no guarantee of a lawyer at government expense. The majority of detained children are released to sponsors⁷² – where they must make their own arrangements to find counsel.⁷³ Some nonprofits are able to continue representation for children who are released when they live in the same area as the shelter, but nonprofits that provide free legal services are under-resourced and are unable to provide services for everyone who needs them.

TRACKING INJUSTICE IN THE SYSTEM: FROM ARREST TO DEPORTATION

One of the main feeders into the deportation pipeline is the criminal legal system. Approximately 75 percent of all ICE arrests in the country are a direct result of individuals' contact with local law enforcement, creating an arrest-to-deportation pipeline.⁷⁴

The criminal legal system's infrastructure, by intent or omission, is designed to produce and perpetuate racially, and socio-economically, disparate outcomes. Black, Latinx, Indigenous and other systemically marginalized communities

lawful immigration status. This occurs through arrests, prosecutions, and convictions.

LAW ENFORCEMENT ARRESTS

In addition to facing racial bias in policing, immigrants are also at high risk of arrest due to barriers in accessing necessary services and documents. For example, undocumented immigrants are more likely to have interactions with law enforcement due to barriers that block access to forms of identification and driver's

Structural racism leads to Black and Brown people being arrested, incarcerated, prosecuted and convicted at a disproportionate rate.

are disproportionately arrested, incarcerated, prosecuted and convicted.⁷⁵ This is particularly true where there is room for discretion, including through surveillance, policing, prosecutorial power and sentencing.⁷⁶ Black immigrants, in particular, are at higher risk of arrest due to racial profiling.⁷⁷ A 2020 report showed that while Black Harris County residents made up nearly 20 percent of the local population, they made up almost half – 45 percent – of Harris County Jail bookings.⁷⁸

These many failures of the criminal legal system have a disproportionate impact on immigrants, particularly Black and Brown immigrants, who are often targeted by law enforcement due to both their race and ethnicity, as well as anti-immigrant sentiment. For many immigrants, an arrest can lead to prolonged detention and deportation.

The deep-seated entanglement between the criminal legal system and federal immigration enforcement means that even minimal contact with the criminal legal system can result in contact with ICE, detention, and deportation for both undocumented immigrants and people with

licenses. Since 2008 undocumented immigrants have been ineligible for a Texas driver's license.⁷⁹ In a city where public transportation is limited, driving becomes an essential means of meeting basic needs. Individuals must make the difficult decision of driving without a license, making them vulnerable to arrest by local law enforcement.

Alcohol and drug abuse related crime are some of the main drivers of the criminal legal system. In Harris County, for instance, Driving While Intoxicated (DWI) was the leading charge for men in 2019.⁸⁰ Yet immigrants are also likely to have less access to resources for addiction or mental illness, which are often the root drivers of behaviors that have been criminalized. This is due to lower rates of healthcare coverage,⁸¹ lower rates of health service utilization,⁸² and lack of access to medical services due to immigration status.⁸³ In one three-year period, 28 percent of people apprehended by ICE following a local police arrest had been convicted for an alcohol-abuse related crime (such as DWI) or a drug-abuse related crime (such as possession of a controlled substance).⁸⁴

DENNIS

Dennis was being repeatedly bullied by a classmate at his high school for being an immigrant. One day, he pushed his bully down and ran away. That was enough for Houston law enforcement officers to arrest him, which led to his transfer to an immigration detention facility. For two months, Dennis — a teenager who had simply defended himself from a bully's anti-immigrant attacks — was imprisoned and denied the right to be with his family, his classmates, and his soccer team. Only through national advocacy and thousands of petition signatures was he able to get out of detention. He is still in removal proceedings and fighting to remain in the United States.

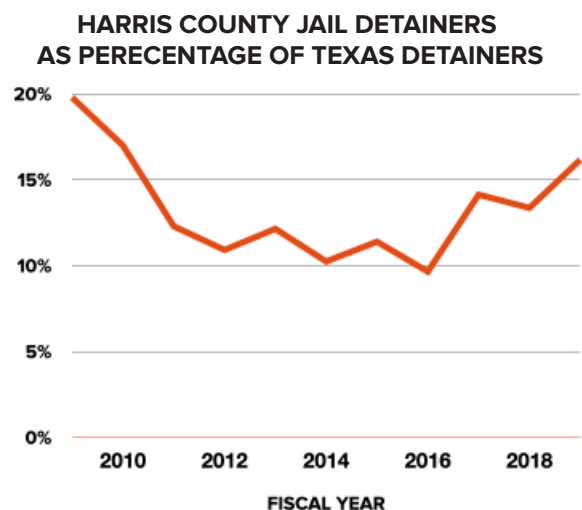
IMMIGRATION AND JAILS

Once a person is arrested by local law enforcement, they are taken to jail, fingerprinted, and their information is run through several local and national databases. ICE has access to arrest and charging data, and it maintains a permanent desk inside the Joint Processing Center of the Harris County Jail, where individuals are booked — thus they can approach and interrogate anyone they suspect may be deportable, regardless of the status of their criminal case. In fact, 25 percent of people who were transferred to ICE after a local law enforcement arrest had no conviction.⁸⁵

Once ICE has obtained information through local and federal databases, as well as through interrogations within the jail, it will issue “detainers” for individuals in criminal custody who it believes to be deportable.

Immigration detainers are a harmful and error-ridden tool used by ICE to apprehend, detain and deport people. A detainer is a written request to a law enforcement agency, usually a jail, asking them to hold the person for up to 48 additional hours after the jail's custody authority under criminal law ends. In other words, people flagged by ICE may be held in jail for an additional two days after they are eligible for release, such as upon paying bail, obtaining a bond, charges are dismissed, completing their sentence, or their criminal case is resolved in another way. Rather than being released to their homes, they are transferred directly to ICE custody, where they may languish for several more months, or even years. In Harris County, approximately 46 percent of all ICE arrests and subsequent detentions are transfers from local jails.⁸⁶

The constitutionality of detainers has been called into question several times through federal litigation.⁸⁷ Although detainer requests are voluntary, Senate Bill 4 (SB 4), an anti-immigrant, anti-sanctuary Texas law passed in 2017 requires law enforcement agencies to comply with valid ICE detainer requests, thus formalizing the harmful relationships between local jails and ICE. The number of detainers has been on the rise in Harris County Jail, more than doubling in three years.⁸⁸ In fact, ICE issues more detainers to Harris County than any other county in the US — over 5,000 last year alone.⁸⁹ Additionally, Harris County spends far more money detaining people with ICE detainers than any other county in Texas.⁹⁰



THE ARREST-TO-DEPORTATION PIPELINE



INTERACTION WITH LAW ENFORCEMENT

Contact with police can have significant consequences for immigrants, as it creates a serious risk that ICE will intervene.

PRE-ARREST DIVERSION

Diverting someone who has committed a low-level offense to a social services program can address underlying issues and prevent the commission of future crimes. For immigrants, diversion is an important intervention point in the arrest-to-deportation pipeline.



ARREST & BOOKING

Once a person is arrested and booked into Harris County Jail, ICE has access to question them inside the jail, run their name and fingerprints through national databases, and to request that they be held under a detainer.



DETAINER

An ICE request to the jail to “hold” a person for up to 48 hours beyond the time they can be held on the underlying charge. This gives ICE time to pick up the person and transfer them to detention, where they may be deported. Convictions for many types of criminal offenses, even “low-level” offenses like drug and theft offenses, can make noncitizens deportable – even if they have green cards.



DETENTION

Immigrants do not have the right to a free attorney if they cannot afford one, despite the importance of counsel. Some studies have shown having a lawyer can increase the chance of winning a case by 10 ½ times.



BOND / RELEASE

People in ICE detention may be eligible for release on parole or after paying a hefty bond. In these cases, their case will continue before the non-detained immigration court.

DEPORTATION

ICE physically deports people to their countries of origin. ICE's Houston office physically deported 9,398 people from Houston airports in FY2018. We estimate 6,612 of these were Houston and Harris County residents.



Reducing arrests will reduce the number of Houstonians held in immigration detention and deported. Local governments should implement policies that mitigate racial disparities and address institutionalized racism in policing. Policies and programs rooted in harm reduction – like cite and release and community-led pre-arrest diversion programs – can reduce arrests and ensure people get access to the services they need to address the social and behavioral health drivers of crime.

PROSECUTIONS AND CONVICTIONS

Another critical point in the criminal legal system is how a criminal case is resolved. The prosecution of a case and the resulting conviction and sentence can mean the difference between being able to stay in the US or being deported. Convictions for offenses, even “low-level” offenses like misdemeanor drug and theft offenses, can make noncitizens deportable – even if they hold lawful immigration status (for instance, a “green card”).

The Supreme Court understood this when it ruled in *Padilla v. Kentucky* that immigrants facing criminal proceedings must be informed of the immigration consequences of their pleas including if and when deportation might result.⁹¹ The Supreme Court encouraged both the defense and prosecution to consider immigration penalties in the plea bargaining process in order to “reach agreements that better satisfy the interests of both parties” and “reduce the likelihood of deportation.”⁹² Furthermore, the Supreme Court recognized that deportation is an integral part of the penalty that may be imposed on noncitizen defendants who plead guilty to specified crimes.⁹³

Ensuring that there are robust immigration-safe alternatives to conviction and incarceration is crucial for our immigrant population. The county should implement and expand well-designed and accessible pre-charge and pre-plea diversion programs wherever possible. Not only can this protect immigrants from deportation, but it can also prevent recidivism and ensure Houston

and Harris County residents have access to the services needed to address the underlying causes of criminal behavior. The county should also ensure that criminal defense counsel has access to immigration experts to give advisals on the impact of a plea deal or other possible resolution on a noncitizen defendant’s immigration case.

The obstacles and permanent harm immigrants face in the criminal legal system contributed to the physical deportation of an estimated 6,612 Houston residents in just one year.



In 2019, the Harris County Public Defender’s office brought on two attorneys with immigration law backgrounds to give advisals on the immigration consequences of a criminal case. This is a crucial step in ensuring that noncitizen defendants have holistic representation in criminal proceedings.

COVID-19 IN DETENTION

The Coronavirus pandemic has brought new risks and increased attention to the inadequate conditions in detention. Detention centers are hotbeds of infection, where people cannot physically distance to prevent virus spread. It is critical that people in detention have counsel who can help secure their release.

As of November 3, 2020, ICE had reported 6,914 cases of COVID-19 in detention facilities, 447 of which were in the four Houston-area detention facilities.⁹⁴ Epidemiological modeling suggests this is an undercount due toDespite the inadequacy of testing at ICE facilities, the test positive rate for people in ICE detention is 25 percent – the rate for the general population in Texas is 15 percent.⁹⁵

According to ICE, only eight detainees have died of COVID-19 since the pandemic began; but this is likely an undercount because of the way “in custody” deaths are tracked.⁹⁶ Alonzo Garca Salazar, a Houston-based father and grandfather, died from COVID-19 in May after being held at the Joe Corley Detention Facility.⁹⁷ He was previously deported and was charged with “illegal reentry” when he tried to return to his family in Houston. He was in the custody of the US

Marshals, which – like ICE – contracts with GEO Group’s Joe Corley facility.⁹⁸ In August, a second man died of respiratory failure due to COVID-19 after being detained in ICE custody at the Joe Corley facility in Conroe.⁹⁹ Fernando Sabonger-Garcia, the 50-year-old Honduran man who contracted COVID-19 in ICE custody had entered the US two weeks before his death.¹⁰⁰

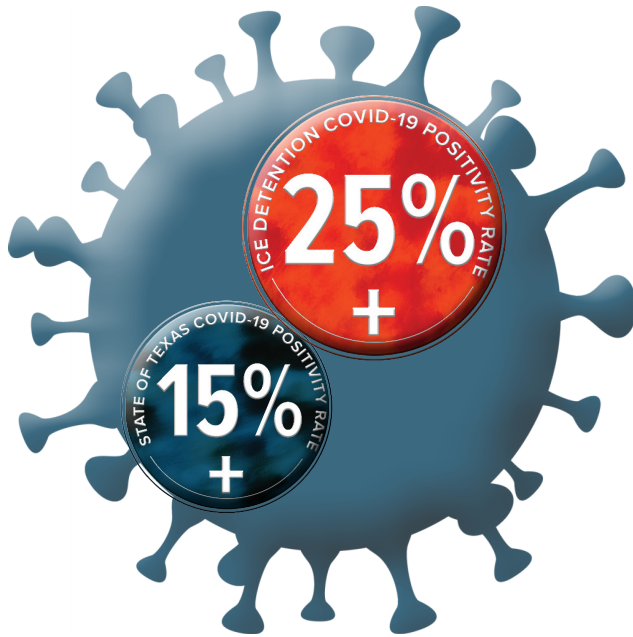


Though DHS has released some detainees who are particularly vulnerable to COVID voluntarily, many other vulnerable people have had to go to court to secure their release. Lawyers are essential in advocating before ICE, providing representation in bond hearings, and bringing suit in federal court. Without counsel, many people in detention with well-known

comorbidities remain in ICE custody despite the spread of COVID-19 in detention facilities.

Conditions in detention facilities in Houston are inadequate to prevent the spread of the Coronavirus or treat those who have contracted COVID-19. Immigrants detained at facilities in the Houston area have reported insufficient testing, a lack of physical distancing or isolation for people showing symptoms, lack of personal protective equipment (PPE), and inadequate treatment COVID-19.¹⁰¹

Physical distancing, as recommended by the CDC, is not possible in detention centers. Detained immigrants report close quarters with poor ventilation and shared communal toilets, sinks, and showers that are



not disinfected between uses.¹⁰² Instead, ICE requires detainees to clean their rooms and bathrooms without providing sufficient cleaning supplies.¹⁰³ There is insufficient and sometimes no access to soap, hand sanitizer, face masks, and gloves.¹⁰⁴ Guards do not adhere to CDC guidance regarding the use of PPE, wearing face masks and gloves irregularly.¹⁰⁵ Accounts from detained and formerly detained people in Houston show that detainees are not tested even when they have symptoms like fever or chills.¹⁰⁶

ROGER

Roger Ernesto fled Cuba only to be detained in Houston during COVID-19. As an epidemiologist, he understood the heightened risk of being in a confined space:

“ Within this crowded detention facility, all of us are victims of this pandemic; we find ourselves in a concentration camp with death orders from COVID-19.

..

Detainees with respiratory symptoms are forced to go without medical assistance. Testing and widespread checks for fevers are nonexistent...We are asking — pleading — for help before we become victims of COVID-19.

Roger Ernesto secured free legal counsel from Deportation Defense Houston and was released from detention.¹⁰⁷

TRAUMA AND ABUSE: ADULTS AND CHILDREN DETAINED IN GREATER HOUSTON

TREATMENT OF ADULTS IN DETENTION

Houston's four immigration detention facilities hold thousands of people each year.¹⁰⁸ People may be detained for months, or even years, while they await the outcome of their immigration case. An immigration violation is a civil issue, yet people are held in jail-like facilities, where they face substandard and often inhumane conditions. While some immigrants may come to detention centers after a criminal arrest or conviction, their immigration case is separate and entirely civil.

ICE routinely denies and delays medical care for people in detention – meanwhile, 34% of people in detention suffer from chronic health conditions.

People in detention are subject to isolation, inadequate medical care, and even sexual abuse. Immigrants in Houston-area detention centers have reported unhygienic conditions, insufficient food, and denial of medication or medical treatment.¹⁰⁹ These conditions can have long-lasting effects on people once they are released. The results of untreated disease, mental health, and trauma can impact not only the individual but their families and wider community.

The very circumstances of detention are detrimental to a person's health and that of their relatives. Facilities impose unnecessary

restrictions on detained immigrants, such as not allowing contact visits from their family members and limiting the amount of visitation allowed. For instance, one survey found that only ten percent of people could maintain regular contact with their families.¹¹⁰ This can lead to anxiety, depression, nightmares, detachment, isolation, and hopelessness in both the detained person and their relatives outside the detention centers.

The already terrible conditions are exacerbated by the pandemic. The risk of fatal illness or long-term adverse health effects is exponentially greater for people in detention since there is no room for physical distancing (as required by the CDC), there is insufficient testing, and symptomatic detainees are not quarantined.¹¹¹ The threat of COVID-19, sexual abuse and solitary confinement only magnify the stress and trauma of detention.¹¹² (See *COVID-19 in Detention*, p. 16)

HEALTH AND MENTAL HEALTH IN DETENTION

Immigration and Customs Enforcement is responsible for the detention of over 54,000 people across the country, yet its disregard for detainee health and wellbeing is apparent. People in detention are often denied access to health treatment or experience significant delays in access.¹¹³ This can have serious consequences for the estimated 34 percent of people in detention who suffer from chronic conditions, including hypertension, diabetes and mental health issues.¹¹⁴

ICE routinely denies and delays treatment for people in detention seeking access to medical care, including dismissing continuation of treatment ongoing before detention, denying or delaying specialist or off-site care, dismissing patient concerns by simply giving over-the-counter pain medication, and failing to evaluate and manage chronic illnesses and mental

Detained immigrants, particularly asylum seekers fleeing violence, are likely to have depression, anxiety, post-traumatic stress disorder (PTSD), and suicidal ideation.

health problems.¹¹⁵ In one study, medical experts assessed 51 deaths in ICE custody from 2010 to 2017, finding that substandard medical care contributed to 45 percent of the deaths.¹¹⁶

At the Joe Corley facility in Conroe, one young man needed treatment after eye surgery, but his 17 complaints went unanswered – when he finally saw a doctor months later, they told him they might have to remove his eye to relieve his pain.¹¹⁷ Another man detained in a Houston area facility was forced to choose between treatment for his kidney stones or his shoulder injury because it was too expensive to treat both.¹¹⁸ Despite the numerous examples, reports by the government’s own watchdog and non-governmental organizations, and litigation, ICE’s medical neglect and mistreatment continues.¹¹⁹

Particularly vulnerable groups like pregnant women and people with disabilities are not treated any better. After 2017, ICE no longer automatically releases pregnant women from detention, despite the damaging effects detention has on pregnant women and their fetuses.¹²⁰ Carolina Ramirez, a rape survivor, was detained for 6 months of her pregnancy at the Joe Corley detention center in Conroe – during that time she stopped eating and suffered from major depressive disorder.¹²¹ Pregnant women in detention report abdominal pain, fainting, bleeding, hypertension, and vomiting blood.¹²² They also experience anxiety and depression, stressors which can increase risk for preterm birth and other negative outcomes.¹²³ There are numerous examples of the inadequate healthcare in detention, which has led to miscarriage and stillbirth.¹²⁴ People with disabilities not only suffer from the medical neglect detailed above, but also discrimination. For instance, detained immigrants with disabilities are denied necessary services such as interpreters for the deaf, leg braces, and wheelchairs.¹²⁵

In addition to possible physical health issues, detained immigrants, particularly asylum seekers fleeing violence, are likely to have depression, anxiety, post-traumatic stress disorder (PTSD), and suicidal ideation.¹²⁶ An estimated fifteen percent of people in detention nationally have a mental disability.¹²⁷ One study of asylum seekers in Texas found that 32 percent had PTSD, 24 percent suffered from depression, and 17 percent had both.¹²⁸

KIKIO

Kikio fled persecution in Central America based on her identity as a transgender woman. After a long and difficult journey, she arrived in the US only to be detained by immigration officials and transferred to a Houston-area detention center. Kikio was referred to the DDH project through HILSC’s Immigrant Rights Hotline. Kikio spent nearly a year in detention, where she was unable to regularly access her medical treatment; she also faced harassment by other detained individuals and guards because of her gender identity. With the hard work and advocacy of the Deportation Defense Houston team, as well as Kikio’s courage and resilience, Kikio won her asylum claim in October 2018 and now lives in Houston.

Detention exacerbates these and other mental health issues, yet ICE facilities do not provide sufficient mental health services to immigrants, who are often forced to cope on their own or placed in isolation in lieu of treatment.¹²⁹ Numerous studies have documented the lack of access to care for people with mental health disorders, which can lead to self-harm, including suicide.¹³⁰ At the Joe Corley facility in Conroe, for instance, mental health issues are rarely treated, and those who are treated typically receive medication but not psychotherapy.¹³¹

Worryingly, many detention facilities rely on the use of solitary confinement to control people with mental health disorders instead of treating them.¹³² The Houston Contract Detention Facility, for instance, houses its suicide watch in the same cells it uses for disciplinary segregation.¹³³ One study found that 40 percent of people placed in solitary confinement in ICE facilities have mental illness¹³⁴ – despite clear psychiatric guidance and international standards against the use of solitary confinement.¹³⁵ Indeed, Houston area facilities regularly isolate people with suicidal ideation instead of transferring them to hospitals that specialize in mental health care.¹³⁶

The use of solitary confinement in ICE detention has grown since 2016.¹³⁷ Not only is it used instead of treatment for mental health, but people are also placed there for their “protection.” For instance, LGBTQ immigrants have reported being told they had to stay in solitary confinement because they were HIV positive, transgender, or because they had a feminine appearance.¹³⁸

The health and wellbeing of immigrants is daily jeopardized by being held in detention centers. Detention centers not only fail to adequately treat health problems, but they create and exacerbate mental health issues by the overuse of solitary confinement, in contravention of national standards.¹³⁹ Detention not only worsens the individuals’ health, but has a profound effect on the families and communities of those who are detained

ABUSE AND SEXUAL ASSAULT

Detention creates a system where people are at the mercy of their jailers. Abuse and sexual assault occur, often without repercussions or accountability. While Texas is among the top three states for the number of allegations of abuse in immigrant detention centers, this likely

does not reflect the true extent of the abuse.¹⁴¹ People may not report because of fear of retaliation, feelings of shame, or concern that nothing will be done even if they do come forward.¹⁴² Even when complaints are made, they are rarely investigated – one study of over 1,000 reports found only 2.4 percent were investigated.¹⁴³

There are numerous reports of abuse in detention, including verbal, physical, emotional, and

sexual abuse. One report found 800 instances of abuse motivated by hate or bias due to race, ethnicity, religion, disability, and sexual orientation and gender identity.¹⁴⁴ These abuses include verbal abuse, sexual assault, physical abuse, death threats, forceful searches and jury, and the overuse of solitary confinement.¹⁴⁵ In one Texas ICE facility, men reported guards using

LGBTQ people make up less than 1% of people in ICE detention, yet they account for 12% of reported sexual abuse and assault in detention. LGBTQ people are 97 times more likely to report being sexually abused in detention than cisgendered and heterosexual people in the same conditions.¹⁴¹

Children are routinely separated from siblings, aunts, uncles, grandparents, or step-parents without legal guardian status because DHS does not consider these relatives to be a “family unit.”

racial slurs, physically assaulting them, pointing guns at them, and pepper-spraying them.¹⁴⁶ In another facility, Somali men were subject to excessive force including beatings, body-slammings, and unrestrained pepper-spraying that led to vomiting.¹⁴⁷ They also were called racial slurs, including the n-word.¹⁴⁸

Sexual abuse in detention centers is not only common and widespread, it is systemic.¹⁴⁹ The Houston Processing Center has the second highest number of sexual and physical abuse cases reported to the ICE reporting hotline in the country.¹⁵⁰ In recent years, there have been several assaults in Houston area detention centers. In 2018, three women were raped by immigration officials at the Houston Processing Center the night before they were deported.¹⁵¹ The women say that three men wearing facial coverings entered their cell in the middle of the night. They raped and beat them, then deported them.¹⁵² One of the women later discovered she was pregnant from the assault.¹⁵³ In 2017, a man held at the Joe Corley facility was raped by someone in his cell, and guards did nothing – they did not even relocate him to a different cell.¹⁵⁴

TREATMENT OF CHILDREN IN DETENTION

Children who are apprehended as they attempt to enter the US may also be placed in detention. If they are with their parents, they may be sent to an ICE family detention center. If they are travelling “unaccompanied” then they will be sent to a facility under the Office of Refugee Resettlement (ORR). DHS does not consider siblings, aunts, uncles, grandparents, or step-parents without legal guardian status to be a “family unit” – resulting in the routine separation of children from these relatives.¹⁵⁵ In many cases, they are separated from their loved one, who is placed in

adult detention, and the child is transferred to a children’s facility.

The Houston area is home to ten facilities with enough capacity to hold over 1,000 children. Some of these facilities house children under 12 years old. In FY2019, an average of 366 children under age five were detained in ORR facilities across the country each month.¹⁵⁶

The government is required to make special provisions for immigrant children in government custody under federal law.¹⁵⁷ It must adhere to basic standards regarding their care, including releasing children from custody without unnecessary delay to parents or other approved sponsors.¹⁵⁸ If a child cannot be released, the child must be placed in the “least restrictive” setting.¹⁵⁹ Children in government custody must have access to water, food, medical assistance, ventilation, sanitary conditions, education, adequate supervision, and contact with family members until they can be quickly and safely released to sponsors.¹⁶⁰

The government must release children to a sponsor as rapidly as possible, yet the average length of time children are in custody has increased over the past few years, averaging over two months in FY2019.¹⁶¹ There is significant variation in the average length of detention among facilities, yet one Houston facility had an average of 84 days – among the longest in the country.¹⁶² Some of these delays may be caused by ORR – one recent lawsuit claims ORR arbitrarily denied children release to their family.¹⁶³ In 2018, a policy change that required ORR share the immigration status of potential sponsors with DHS meant that fewer potential sponsors completed the process due to deportation fears.¹⁶⁴ In fact, ICE did apprehend and deport some parents who came forward to sponsor their children.¹⁶⁵ Although

this practice has ended, it may continue to leave sponsors in fear of deportation.¹⁶⁶

Children leave ORR facilities when they are reunited with a sponsor, deported, or “age-out” of the facility. When a child in ORR custody turns 18, DHS is required to consider the placement of the youth in the “least restrictive setting.”¹⁶⁷ Yet ICE often transfers these teens to an adult facility without consideration for a less restrictive placement.¹⁶⁸ A 2018 class action lawsuit alleges that ICE failed to comply with federal law compelling them to place teenagers in the least restrictive setting possible.¹⁶⁹ In July 2020, a district court ruled that the failure to consider less restrictive settings for unaccompanied immigrant youth who turn 18 violates the law.¹⁷⁰ As of the time of publication, there is no final ruling instructing ICE on remedies.

MENTAL HEALTH & SEXUAL ABUSE

Children often arrive at immigration facilities with undiagnosed mental health disorders in part due to pre-migration factors like exposure to violence and displacement.¹⁷¹ Research has shown high levels of depression, PTSD, and other forms of mental health distress in detained immigrant children.¹⁷² Separation from family, prolonged lengths of detention, and uncertainty about being deported, may only worsen pre-existing mental health distress.¹⁷³

ORR shelters are required to provide mental health services, but in reality, mental health services fall woefully short.¹⁷⁴ A majority of detained children do not receive therapy, negatively impacting their lives and their immigration cases – even after release.¹⁷⁵ ORR facilities “struggled to address the mental health needs of children who had experienced intense trauma and had difficulty accessing specialized treatment for children who needed it,” according to an internal report.¹⁷⁶ Facilities also face challenges employing and keeping mental health clinicians.¹⁷⁷

When children do have access to mental health treatment or counseling, the shelters – tasked with providing them a safe space – break their

confidentiality. ORR shares what is meant to be protected information with ICE such as notes from therapy sessions, mental health diagnosis, and treatment plans.¹⁷⁸ Attorneys have reported an increased use of such information by ICE as the basis for a child’s deportation.¹⁷⁹ Mental health treatment, a service critically important to detained children, is being used to justify deportation.

One other critical concern is the overmedication of youth who are in residential treatment centers contracted by ORR, such as one treatment center

Children in detention suffer from high levels of depression, PTSD, and other forms of mental health distress.

13 miles south of downtown Houston. Lawsuits allege children were heavily drugged, in some cases held down and injected, and abused by staff members.¹⁸⁰ As a result of litigation, the government must now obtain consent or a court order before administering psychotropic drugs, except in “dire emergencies.”¹⁸¹

Detained immigrant children, like adults, are placed in a situation where they can be abused with little to no accountability. According to a DOJ report, more than 4,500 complaints were received in a four year period.¹⁸² Complaints reported abuse by other children and by staff, the latter of which included reports of relationships with minors, inappropriate touching, and showing pornographic videos.¹⁸³

The psychological trauma that children experience in detention can have long-lasting effects.¹⁸⁴ Even when children are released and reunited with their families, they may suffer long-term consequences of even short detention stays.

ASSESSING THE IMPACT: SOCIO-ECONOMIC CONSEQUENCES FOR COMMUNITIES

The impact of detention and deportation ripples far beyond the thousands of individuals experiencing the inhumanity and trauma of detention. Their forced absence can generate insurmountable challenges for the families and communities from which they were torn.

The families of those detained often struggle to meet daily needs, all the while unsure if or when they will be reunited with their loved one. The detention of a family member may result in a loss in crucial income, compromised health and an inability to pay for care, as well as the possibility

that reduced income jeopardizes access to food and housing. Children may also have difficulty in school or be altogether unable to attend.

Houston residents are already fearful and distrusting of law enforcement. On top of that, many Black and Brown communities are terrorized by the dubious and duplicitous tactics used by ICE agents that take advantage of limited language access and lack of familiarity with the legal system to detain and deport people.

Detention and deportation have severe consequences for families and communities, and the Houston economy. This includes the loss of millions of dollars of income, taxes, labor, and spending power. There are both short and long term health, education, safety and economic impacts on individuals, families and the community as a result of detention and deportation.

JOSE

Jose Escobar left El Salvador as a youth and relocated to Houston, where he created a life and family for himself. He previously had immigration status, but lost it in a paperwork error. This meant he had to check-in with ICE routinely. At one of these regular check-ins, Jose was detained and deported without warning. The family suddenly found itself struggling financially, barely making their mortgage payments. The children endured teasing from other kids at school – Jose’s daughter stopped talking and his son started acting up. Jose was brought back to the US and reunited with his family with the help of advocates and Congressional representatives – but most deported immigrants do not get that chance. Those families will continue to struggle financially, emotionally, and psychologically because of deportation.¹⁸⁵

HEALTH AND MENTAL HEALTH

Detention and deportations are causing chronic health issues in immigrant communities. Clinicians have found significant increases in severe psychological distress, post traumatic stress disorder (PTSD), depression, anxiety, and suicide among family members who are separated because of deportation.¹⁸⁶ It is important to point out that these outcomes occur not just as a result of deportation, but also from detention – especially when immigrants are detained for months or years.¹⁸⁷

Houston families may not be able to visit with a loved one who is in detention. Visitors to detention centers must have immigration status in order to enter. Even when families are allowed to visit, they may face hardship in traveling to a detention center in Livingston or Conroe, and when they do get there, they are limited to one hour of visitation per week.¹⁸⁸ At three of the four

Houston area detention centers, for instance, the allotted weekly hour of visitation happens through a plexiglass window, since contact visits are forbidden.¹⁸⁹

Studies have shown that even the threat of detention and deportation has a profound impact on families.¹⁹⁰ Immigration raids lead to increased distrust in public institutions and lower participation in social services.¹⁹¹ Children living in communities affected by increased immigration enforcement have reported feeling abandoned, traumatized and depressed.¹⁹² In the Houston area, more than 30 percent of children have at least one non-citizen parent; the threat of detention and deportation in Harris County affects the mental health, access to health care, and education of over half a million children.¹⁹³

The threat of detention and deportation in Harris County affects the mental health, access to health care, and education of over half a million children.

The long-term costs associated with child trauma, development, and health conditions from deporting their parents are serious. Children who have had a parent detained or deported have higher rates of malnutrition, obesity, substance abuse, cutting and other self-harm – even suicide – than children in the general population.¹⁹⁴ In a study of Harris County students, for instance, more than half of Latinx students sampled reported symptoms of PTSD, anxiety, and depression.¹⁹⁵ Doctors and providers have reported seeing more children exhibiting “toxic stress” in the last few years, due to fears that a relative will be detained or deported.¹⁹⁶ One study found that 68 percent of children with at least one parent who was detained or deported showed some sign of internalized behavior problems (such as sleep

or eating problems, anxiety, and depression) or external issues (clinginess or aggressiveness).¹⁹⁷ The forcible separation of families through deportation is also associated with increased hardship, including housing instability and food insecurity, which may have long term consequences for health.¹⁹⁸ Children whose parents are deported or detained may lose their health insurance. Without access to health care, those children will have few, if any, resources to work through the trauma and other psychological aftereffects of their parent’s deportation.¹⁹⁹

Deportation also affects adult family members, as well as wider community members. Studies have shown associations between immigration-related stressors, such as fear of deportation, and poor mental health.²⁰⁰ These outcomes affect not only immigrants, but extend to the communities more broadly, regardless of immigration status.²⁰¹ In addition to mental health concerns, the physical health of communities is also at risk. One study found that deportation fears were associated with high blood pressure and risk for cardiovascular disease in women.²⁰² Another study found an increased risk of preterm birth for pregnant women and low birthweight in their infants following an immigration raid.²⁰³

Detention and deportation – and even the threat of such – has severe health consequences for Houstonians and Harris County residents. While relatives of a detained or deported person undoubtedly suffer mental anguish, the physical and mental health impacts on community members extend far beyond immediate family members.

EDUCATION

The detention and deportation of parents and loved ones has demonstrable consequences for a child’s attendance and achievement in school. Recent data shows approximately 43 percent of students in Houston-area public schools are immigrants or the children of immigrants.²⁰⁴ Even children of parents that have obtained citizenship may fear the possibility of parents being taken away, especially with rampant anti-immigrant vitriol and threats by public officials to revoke

citizenship.²⁰⁵ This can substantially affect a child's academic stability and success.

Children whose parents are deported are at higher risk of missing school and dropping out altogether.²⁰⁶ The reasons behind truancy and dropouts are not tracked, so it is unknown how many students do not attend school due to fear of immigration enforcement or the deportation of a parent. There is plenty of anecdotal evidence, however. In one case, a high school senior with a full scholarship to college nearly dropped out of high school because his father was deported and he needed to take care of his mother and sibling with a disability – the school paid for his family's rent and food to make sure he stayed in school.²⁰⁷ Unfortunately, not all students have such strong support systems.

Studies show that when communities increase collaboration with federal immigration enforcement, there is a chilling effect for the children of immigrants in that area.²⁰⁸ A study analyzing police and ICE agreements on public school enrollment found that local communities with new agreements saw a nearly 10 percent decrease in Latinx students within two years.²⁰⁹ In a recent survey, 84 percent of educators said that students from immigrant families expressed concerns about enforcement at school.²¹⁰ The same survey reported student absences and decreased academic performance related to immigration enforcement.²¹¹ In Harris County, 67 percent of Latinx high school students surveyed – both immigrant and US-born – worried about the deportation of a family member or friend; 62 percent of them knew someone who had been deported.²¹²

Harris County students who knew someone who was deported had higher levels of anxiety, PTSD, depression, and reported lower school engagement.²¹³ Despite these many challenges, Houston's Latinx students are resilient, with 90 percent of students in one survey saying they are very determined to meet their goals.²¹⁴ Even so, the detention or deportation of family members and friends has a lasting negative effect on the academic involvement and participation of Harris County students.

SAFETY

Black and Brown immigrant communities contend with structural racism in policing, with immigration enforcement bringing another layer of danger from interactions with police – even when reporting crime. The fear that contact with law enforcement will result in deportation is exacerbated through local law enforcement cooperation with ICE, enforcement of harmful laws like SB4, and the deliberately harmful presence of ICE in places where immigrant survivors may seek justice, including courthouses.²¹⁵ These tactics contribute to why immigrant communities under-report crimes as compared to native-born communities.²¹⁶ For many, staying silent is the safer option than reporting to police.

One study found that 76 percent of advocates report that immigrant survivors of domestic violence and sexual abuse have concerns about contacting police due to fear of deportation, separation from their children, or retaliation from their abuser if they report crime.²¹⁷ In 2017, ICE arrests increased by a staggering 30 percent over the previous year.²¹⁸ As a result, police officers surveyed by the ACLU said domestic violence, human trafficking and sexual assault were now harder to investigate because immigrants, witnesses and survivors, were afraid.²¹⁹ In Houston, law enforcement reported a dramatic drop in crime reporting by Latinx people over the course of one year: a 43 percent drop in rape and sexual assault reports, and a 12 percent decline in reports of aggravated assault and robbery.²²⁰ This drop is because of fear of deportation, not because fewer crimes are being committed.²²¹ Prosecutors and judges also report that court cases are interrupted due to an immigrant crime survivor's fear of coming to court.²²²

Harris County is one of the highest deporting counties in the country. Trust is already eroded between law enforcement and Black and Brown communities, native and foreign born. Continuing to support the harmful practices of agencies like ICE will further alienate immigrants and immigrant communities from engaging with law enforcement, with ripple effects into the wider community.

ECONOMIC IMPACT

The detention or deportation of a family member may result in the loss of crucial income and could jeopardize access to quality food and housing. Losing a breadwinner through detention or deportation is devastating not only to families, it negatively impacts local businesses and the region's economy. This impact manifests as lost tax revenue, lost spending, loss of skilled employees, loss of homeowners, loss of small businesses and stagnated community growth and revival.

COSTS OF DEPORTATION ON LOCAL ECONOMY

\$133 MILLION IN LOST SPENDING POWER

\$24.8 MILLION IN TURNOVER COSTS

\$7.8 MILLION IN LOST TAXES

Families of people who are deported may experience up to a 90 percent drop in income.²²³ Loss of employment also means that children who were beneficiaries on their parent's private health insurance no longer have that benefit. For noncitizen children, this means they have less access to healthcare. For US citizen children, this means they may have to turn to public health insurance programs like SNAP or CHIP for support – programs which are not available to children that are undocumented or have temporary, non-immigrant status. Detaining and deporting adults has an impact not only

in Maryland about \$571,100, and about \$600,700 in Virginia.²²⁶

The deportation of a parent may mean that a child is left without a caregiver. It is unknown how many children are left with relatives, become homeless, or are placed in foster care after a parent is deported. A 2011 study estimated that, 1.25 percent of children in foster care in the US have been placed there because of the detention or deportation of a parent.²²⁷ If this trend holds true, then approximately 68 of the 5,457 children from Harris County who are in foster care are there because they were forcibly separated from a parent through detention or deportation.²²⁸ Foster care costs are borne by the local government. The costs vary greatly, depending on the needs of the child – anywhere from \$27 dollars a day for a basic foster family placement to over \$400 dollars a day for an intense residential treatment center.²²⁹

Deportations are harmful not only to families left without a breadwinner, children left without a caretaker, but to the entire local economy. Removing all undocumented immigrants working in Texas would result in \$60 billion in annual losses, or 3.9 percent of the state's GDP.²³⁰ We estimate that Harris County lost approximately \$133 million in spending power in FY2018 as a result of deportations.²³¹ Spending power is household income after taxes – this money typically goes back into the local economy through rent payments, school supply purchases, or public transit fees. Immigrants in Houston account for \$38.2 billion in spending power.²³² Immigrants account for nearly \$90 billion in

Families of people who are deported may lose up to 90% of their income and access to health insurance. This can mean children go without healthcare or that US citizen children must turn to public health insurance.

on children's access to healthcare, but also on the costs of health insurance to the state.²²⁴ For example, detention and deportations cost New York's State Child Health Insurance Program (SCHIP) an estimated \$685,000 each year.²²⁵ New Jersey costs are around \$732,000 per year,

Texas spending power, about 17 percent of the state's total.²³³

Harris County immigrant community members also account for billions of dollars in federal, state, and local taxes every year.²³⁴ Immigrants

IMMIGRANT SPENDING POWER

\$90 BILLION IN TEXAS
\$32.2 BILLION IN HOUSTON

\$133 MILLION
LOST DUE TO DEPORTATIONS IN HOUSTON

in the Houston metro area contributed \$5 billion and \$1.4 billion to Social Security and Medicare, respectively, in 2016.²³⁵ Undocumented immigrants alone account for millions of dollars of those taxes despite not having access to the benefits and resources their taxes support. Prolonged detention, which may lead to loss of employment and income, impacts the ability to contribute to the tax base. Deportation removes the potential tax revenue from that individual entirely. Deporting thousands of immigrants every year therefore has a very real economic impact on local, state, and federal tax revenue. We estimate that deporting Houston residents results in at least \$7.8 million in lost state and local taxes per year.²³⁶ This lost potential tax revenue will accumulate every subsequent year because if not for deportation, that Houstonian would continue to contribute to the economy.

Deportation-related employee turnover places a huge financial burden on Houston employers. Employers pay tens of millions of dollars in turnover-related costs annually as they must replace detained or deported employees.²³⁷ Turnover costs are estimated based on a percentage of the worker's wages. We estimate that deporting 6,612 people, a large percentage of them in the workforce, resulted in an estimated cost of \$24.8 million in 2018 (see *Appendix I*). This calculation does not account for jobs lost to detention. Many who are detained, even for a few days or weeks, may lose jobs. Even if they are ultimately released, prolonged detention can create turnover costs for their employers. Deportations also produce severe labor shortages, especially in the hospitality and construction industries.²³⁸

The income loss that results from deportation may lead to foreclosed homes and small businesses.²³⁹ Researchers have found, for example, a strong association between immigration enforcement and foreclosure rates among the Latinx community.²⁴⁰ Results from statistical analysis documented a pattern of foreclosures of Latinx homes and businesses in counties that had implemented agreements between local law enforcement and federal immigration enforcement.²⁴¹ The magnitude of that impact was found to be nearly twice as large in counties with greater amounts of deportations.²⁴² Again, Harris County has one of the nation's highest number of annual deportations.

The presence of immigrants in Harris County and their participation in the economy help increase home values and revitalize neighborhoods.²⁴³ For every 1,000 immigrants that reside in a given county, research has shown that 250 US born individuals will move to that county.²⁴⁴ Because of immigrants, the value of Harris County homes increased an average of more than \$26,000 over the course of a decade.²⁴⁵ Houston area neighborhoods are made better by immigrant homeowners and would bear part of the economic loss from deportation.

Income loss that results from deportation may lead to foreclosed homes and small businesses.

Not every cost to Houston families and to our community is calculable. It is hard to put a dollar amount on children losing access to a quality education because of the fear and trauma of losing a parent to detention or deportation. It is impossible to quantify the value of a neighborhood made stronger by an immigrant family that creates a home there. Simply put, the emotional, psychological, and social costs affiliated with each detention or deportation do not quantify. However, protecting our neighbors from the injustice of detention or deportation can ensure millions of dollars are reinvested in Harris County through spending, tax revenue, small business income, and employer savings.

RECOMMENDATIONS: SUPPORTING IMMIGRANT COMMUNITIES IN HOUSTON

Policy-makers must work to keep families together and reduce the numbers of Houstonians who are deported each year. Houston and Harris County should work to reduce deportation by increasing access to justice and ending the arrest-to-deportation pipeline.

Legal Services Fund to provide free legal representation to indigent immigrants facing deportation in Houston.

Tens of thousands of Houston residents are currently in removal proceedings, facing the threat of deportation and permanent separation from their families. The majority of them do not have lawyers to represent them in court because there is no right to appointed counsel in immigration proceedings. Yet people with lawyers are ten times more likely to win their case than those without attorneys.

Other major cities in Texas, including Dallas, San Antonio, and Austin, have already established public funding for deportation defense. Cities with similar immigrant populations, like Chicago, Los Angeles, and Washington DC, support these programs with multi-million dollar funds.

It is critical that Houston and Harris County support a multi-million dollar, immigration legal services fund to keep Houston families together.

The City and County must prioritize meaningful solutions to minimize the harm resulting from contact with law enforcement, along with reducing the number of people incarcerated in Houston.

Criminal justice and immigration advocates have [specific, actionable recommendations](#) on how the City of Houston and Harris County can reduce arrest, reduce collaboration with ICE, and reduce convictions.²⁴⁶

Eliminating discretionary arrests for citation-eligible offenses and investing in community-led pre-arrest diversion programs are opportunities to prioritize people above policing. Diversion and citation in lieu of full custody arrest can cut costs, lower jail populations, and keeps peoples' lives and families intact. The City and County should also be transparent about the resources provided to federal immigration enforcement agencies, and decrease interactions with ICE.

To build community safety, we need to move away from failed, overly harsh policing. We need policies that honor values of transformation, restoration, and healing. It is incumbent upon every public official to take appropriate actions to create inclusive and just environments for all, including immigrant communities.

APPENDIX I: METHODOLOGY FOR FIGURES

Number of Houston Area Residents Deported (6,612)

We used data provided by the Syracuse University's Transactional Records Access Clearinghouse (TRAC), which makes public data it receives from the Executive Office of Immigration Review (EOIR) and the Department of Homeland Security (DHS) through many Freedom of Information Act requests.

This report uses the number of people who were physically deported per year. We did not use the number of people ordered removed by a judge because it does not reflect the number of people who leave the country after receiving such an order. Many people are ordered removed *in absentia*, meaning they did not show up to one of their court appearances - often because they never received notice of their court appointment.²⁴⁷

We used TRAC data to determine the number of people deported by ICE from each point of exit. In this regard, the TRAC data is more specific than publicly available ICE data (which reports all deportations from its Houston Area of Responsibility, a much larger area).²⁴⁸ In FY2018 there were 9,398 people removed from Houston points of exit (Houston, Bush Airport, Hobby Airport). This number includes people who are deported under expedited removal. Once the expedited removals are excluded, we estimate there were 6,612 people deported from Houston in FY2018.

Note: TRAC data are regularly updated as more information becomes available. Data used for this report were pulled between June 1, 2020 and August 31, 2020 but as TRAC is updated, data may change

FY2018 Detained Outcomes (3.6% Granted Relief)

Outcomes were analyzed for all cases that were filed in Houston area detention centers in FY 2018: Houston Processing Center, Livingston, Joe Corley, and Montgomery Processing Center. The total percentage of detained immigrants "ordered removed" (95.3%) includes those given a removal order (82.1%) and those who were removed under "voluntary departure" (13.2%). Voluntary departure is a remedy that allows a person to be deported from the US without imposing bars to return. This means that individuals with voluntary departure may apply to return to the US under a qualifying relative petition, for instance. People who choose voluntary departure still must leave the US, however. All pending cases were excluded from the calculations since they have not been decided.

Tax Costs (7.8 million in FY2018)

In Houston in FY2018, there were 6,612 Houston area residents deported - 5,588 men and 722 women. Of these, we estimate 5,564 were in the workforce. We estimate 5,181 men were in the labor force (applying an 88% workrate for undocumented men).²⁴⁹ We estimate 383 women were in the labor force (applying an 53% workrate for undocumented women).²⁵⁰ We do not have a breakdown of last known status before deportation, so we use the workforce rates and income for undocumented immigrants, as we decide to err on the conservative side of the estimate. Though we recognize many immigrants with status are deported every year.²⁵¹ In 2016, undocumented immigrants in Houston paid about \$448.4 million in state and local taxes.²⁵² With an estimated 318,000 undocumented workers in Houston, each paid approximately \$1,410 in taxes that year.²⁵³

We thus calculate the figure for a conservative estimate, using the taxes paid per undocumented immigrant. This comes to \$7.8 million in taxes lost in one year. The taxes lost from a deportation would continue to add up for every year the deported immigrant could have been in the US.

Turnover Costs (\$24.8 million in FY2018)

We calculated turnover costs for jobs based on the estimated median income for non-citizen immigrant men in FY 2018, of \$28,801.²⁵⁴ The estimated median income for non-citizen immigrant women that same year was \$20,684. In order to get the average across gender, we looked at the percentage of men deported in FY 2018 (89%) and the percentage of women deported in FY 2018 (11%) to arrive at an estimated median income of \$27,914 for non-expedited deportations from Houston in FY2018.²⁵⁵ For workers earning \$30,000 or less, the turnover costs to employers are approximately 16 percent of their salary.²⁵⁶ Applying the median income for non-citizen immigrants of \$27,914, we estimate an employer must pay \$4,466 to replace an employee who was deported. This is multiplied by 5,564 - the estimated number of deported Houstonians in the workforce. Our estimated turnover costs of \$24.8 million is a conservative estimate because it does not account for those who lost employment while in ICE detention - only those who were actually deported

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