

**DEPORTEES IN LATIN AMERICA AND
THE CARIBBEAN**

HEARING AND BRIEFING
BEFORE THE
SUBCOMMITTEE ON
THE WESTERN HEMISPHERE
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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DEPORTEES IN LATIN AMERICA AND THE CARIBBEAN

TUESDAY, JULY 24, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 3:10 p.m. in room 2172 Rayburn House Office Building, Hon. Eliot L. Engel (chairman of the subcommittee) presiding.

Mr. ENGEL. Good afternoon. The Subcommittee on the Western Hemisphere will come to order.

Since becoming chair of this subcommittee earlier this year, I have traveled to several nations in the Western Hemisphere and met with leaders of many more. Each country has its own distinct issues and particular concerns. Some hope for more aid from the United States and some want better trade relationships. Some want us to join their fight against illicit narcotics, and others just want to be treated with greater respect.

However, one theme runs consistently through virtually all of my conversations with leaders in the region: United States deportations of illegal and criminal aliens to their home countries.

Since 1997, U.S. immigration officials have deported more than 670,000 immigrants because of criminal convictions. According to Human Rights Watch, our deportation policies have separated an estimated 1.6 million families. Displacement of this many people, regardless of whether it is legal or in our national interest, is bound to have repercussions that must be dealt with.

Before going any further, I would like to be clear on one point. The United States has the absolute right to deport any criminal or illegal immigrants. There is no serious debate about this point. The issues before this panel today are not whether we can remove these people or even, in general, whether we should. I think most if not all members of this panel will agree that America should not be absorbing criminal immigrants. Moreover, today's hearing on deportation is not an examination of our immigration policies. Members disagree in good faith about how to reform our immigration laws. But that is not what we are considering today. That is a debate for another day and another forum.

Our laws requiring deportation of criminal and illegal immigrants changed substantially in the last decade. We expanded the range of crimes for which one could be deported to lesser violations. We vastly scaled back judicial review of deportees' individual circumstances, and we set the bar so high, in my opinion, that we

prevented consideration of a deportation's excessively harsh impact on individual families.

We also expanded expedited removals, further eliminating the possibility to consider fully the possibility of severe family disruption.

What was the result of these changes to our laws?

Early last decade, deportations were running at about 40,000 per year. Today, we are removing more than 200,000 people per year. Mexico presents a particularly striking case. In fiscal year 2005, almost 145,000 Mexicans were deported from the United States.

So, again, I want to be clear. I am not saying that we should stop deporting criminals or illegal aliens. That is not the point. I am saying the laws we changed are having major consequences which Congress has not fully considered.

This hearing, I hope, is the beginning of long overdue congressional oversight into the policy and implications of our country's deportation program.

At this point, however, I have only discussed half of the issue—the deportation process and how our revised laws expanded the numbers of deportations.

The other half is equally important in my opinion, and that is, in fact, why we are here today: The impact of the recipient countries in Latin America and the Caribbean. Recently, I met with the President of Honduras, Manuel Zelaya. He told me in no uncertain terms that the thousands of deportees returning to his country were imposing a very difficult burden.

Likewise, the Foreign Affairs Committee held a meeting with the Presidents, Prime Ministers and Foreign Ministers of 14 Caribbean nations during the historic conference on the Caribbean here in Washington. Not surprisingly, the thousands of deportees returning to Caribbean nations each year lead the list of irritants in our bilateral relations.

When I first learned I would become chairman of the committee, we took a trip, the committee did, to Haiti and the Dominican Republic. And first and foremost of all questions that officials had for us were questions about our immigration policy involving deportees.

I am aware that many in Latin America and the Caribbean believe the deportees are likely to get involved in criminal activity once they return to their home countries, and they have contributed to high crime rates. I think it is important, however, to dispel this notion. According to a recent report by the World Bank and the U.N. Office on Drugs and Crime, the average criminal deportee, at least from the Caribbean region, is not involved in criminal activity; and a study by the U.S. Ambassador in Trinidad and Tobago found similar results.

I and others have told our friends in Latin America and the Caribbean that Congress will not be ending deportations anytime soon. The United States has no obligation to provide a residence for non-citizens who violate our laws.

I find that foreign leaders generally understand that point, albeit reluctantly, but they also ask if there is anything else we can help them to do to help them handle the large number of returnees. The United States has already supported a reintegration program in

Haiti through the International Organization for Migration which is assisting arrival deportees.

Should we support similar programs in other countries? Good question.

Are there other ways we can work with America's friends in the hemisphere, such as improving notice of deportees, expanding the range of information we share with recipient nations about each deportee, or helping reconnect separated families? What are our countries which deport criminal or illegal aliens to the region such as the United Kingdom or Canada doing to help recipient nations with reintegration efforts? That is why we are holding this hearing.

We need to fully understand the deportation process, how it is affecting countries in the region and the impact upon families here and abroad before we can recommend what should be done.

I am pleased to say the witnesses testifying before the subcommittee today will shine a bright spotlight on the U.S. deportation policy and will help us understand the issue better.

On the first panel, Gary Mead, Assistant Director of the Office of Detention and Removal, of the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, will describe the deportation process, explain how and what we communicate with recipient nations, and give us a sense of how many people we are sending back to foreign countries.

Also on the first panel will be Ambassador Charles Shapiro, Principal Deputy Assistant Secretary of State for the Western Hemisphere. He will pick up where Mr. Mead leaves off by sharing his understanding of the impact of our deportation policy on countries in the region, explaining what we are doing now to help our friends in the region manage the deportees, and telling us about whether the State Department thinks we could more aggressively support integration programs throughout the hemisphere.

Our second panel, which will actually be called a briefing because of the presence of foreign government and intergovernmental officials, will begin with Annmarie Barnes, Chief Technical Adviser in the Ministry of National Security of Jamaica. She will speak on behalf of the CARICOM nation and will tell us about the deportation process from the point of view of a recipient nation.

She will share how much notice Jamaica and other countries receive, how they are notified and what notification, and whether such information is adequate. She will also inform us about how nations in the CARICOM region manage the deportees upon arrival, whether they have any programs to reintegrate deportees, what is most effective and what the regional expectations of the United States are.

Ms. Barnes will be followed by Maureen Achieng, the Chief of Mission for Haiti of the International Organization for Migration. She will describe the ongoing integration program IOM is operating in Haiti, and other integration programs IOM has run in El Salvador and other nations.

She will then offer her comments on best practices for deportee integration program.

Next, Dr. Nestor Rodriguez, chairman of the Department of Sociology of the University of Houston, will help the committee understand how the deportation policies have developed over the last

decade and share the results of his extensive research in the field. Dr. Rodriguez currently has an article appearing in the *Journal of Migration* on the topic of deportation.

The subcommittee will then hear from Allison Parker, Senior Researcher for Human Rights Watch. Just last week, Human Rights Watch issued a report written by Ms. Parker entitled “Mandatory Deportation Laws Harm American Families.” This groundbreaking report talks about how our changed deportation laws have vastly increased the number of people we are sending to foreign countries and how they are hurting families here and abroad.

And, finally, Marsha L. Garst, Commonwealth Attorney for Rockingham County, will discuss how a local justice system works with the Department of Homeland Security and with corresponding agencies, our recipient countries, to allow for adequate preparation in dealing with the criminal deportees in their recipient countries.

Again, I have taken no position in the matter. I want to hear what everyone has to say. It is obviously a problem. It obviously places hardships on recipient countries and is something that the United States, I believe, needs to be more thoughtful about.

I welcome our guests, and I will now ask my good friend, the ranking member of the subcommittee, Mr. Burton, if he would like to offer an opening statement.

[The prepared statement of Mr. Engel follows:]

PREPARED STATEMENT OF THE HONORABLE ELIOT L. ENGEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK, AND CHAIRMAN, SUBCOMMITTEE ON THE WESTERN HEMISPHERE

A quorum being present, the Subcommittee on the Western Hemisphere will come to order.

Since becoming Chair of this Subcommittee earlier this year, I have traveled to several nations in the Western Hemisphere and met with leaders of many more. Each country has its own distinct issues and particular concerns. Some hope for more aid from the United States and some want better trade relationships. Some want us to join their fight against illicit narcotics and others just want to be treated with greater respect.

However, one theme has run consistently through virtually all of my conversations with leaders in the region: United States deportations of illegal and criminal aliens to their home countries.

Since 1997, U.S. immigration officials have deported more than 670,000 immigrants because of criminal convictions. According to Human Rights Watch, our deportation policies have separated an estimated 1.6 million families. Displacement of this many people, regardless of whether it is legal or in our national interest, is bound to have repercussions that must be dealt with.

Before going any further, I would like to be clear on one point: The United States has the right to deport any criminal or illegal immigrant. There is no serious debate about this point. The issues before this panel today are not whether we can remove these people or even, in general, whether we should. I think most, if not all members of this panel will agree that America should not be absorbing criminal immigrants.

Moreover, today’s hearing on deportations is not an examination of our immigration policies. Members disagree, in good faith, about how to reform our immigration laws. But, that is not what we are considering today. That is a debate for another day and another forum.

Our laws requiring deportation of criminal and illegal immigrants changed substantially in the last decade. We expanded the range of crimes for which one could be deported to lesser violations, we vastly scaled back judicial review of deportees’ individual circumstances, and we set the bar so high that we prevented consideration of a deportation’s excessively harsh impact on individual families. We also expanded expedited removals, further limiting the possibility to consider fully the possibility of severe family disruption.

What was the result of these changes to our laws? Early last decade, deportations were running at about 40,000 per year. Today, we are removing more than 200,000 people per year. Mexico presents a particularly striking case. In FY 2005, almost 145,000 Mexicans were deported from the United States.

Again, I want to be clear: I'm not saying that we should stop deporting criminal or illegal aliens. That's not the point.

I am saying that the laws we changed are having major consequences which Congress has not fully considered. This hearing is the beginning of long-overdue Congressional oversight over the policy and implications of our country's deportation program.

At this point, however, I have only discussed half of the issue—the deportation process and how our revised laws expanded the number of deportations. The other half is equally important, and, is in fact why we are here today: The impact on the recipient countries in Latin America and the Caribbean.

Recently, I met with the President of Honduras, Manuel Zelaya. He told me in no uncertain terms that the thousands of deportees returning to his country were imposing a very difficult burden.

Likewise, last month, the Foreign Affairs Committee held a meeting with the Presidents, Prime Ministers, and Foreign Ministers of fourteen Caribbean nations during the historic Conference on the Caribbean. Not surprisingly the thousands of deportees returning to Caribbean nations each year led the list of irritants in our bilateral relations.

I am aware that many in Latin America and the Caribbean believe that deportees are likely to get involved in criminal activity once they return to their home countries and that they have contributed to high crime rates. I think it is important to dispel this notion. According to a recent report by the World Bank and the U.N. Office on Drugs and Crime, the average criminal deportee, at least in the Caribbean region, is not involved in criminal activity. And, a study by the U.S. Ambassador in Trinidad and Tobago found similar results.

I and others have told our friends in Latin America and the Caribbean that Congress will not be ending deportations any time soon. The United States has no obligation to provide a residence for non-citizens who violate our laws.

I find that foreign leaders generally understand this point, albeit reluctantly. But, they always ask if there is anything we can do to help them handle the large numbers of returnees. The United States is already supporting a reintegration program in Haiti through the International Organization for Migration which is assisting arriving deportees. Should we support similar programs in other countries? Are there other ways we can work with America's friends in the hemisphere, such as improving notice of deportees, expanding the range of information we share with recipient nations about each deportee, or helping reconnect separated families? What are other countries which deport criminal or illegal aliens to the region, such as the United Kingdom or Canada, doing to help recipient nations with reintegration efforts?

That's why we are holding today's hearing. We need to fully understand the deportation process, how it is affecting countries in the region, and the impact upon families here and abroad before we can recommend what should be done.

I am pleased to say that the witnesses testifying before the Subcommittee today will shine a bright spotlight on the U.S. deportation policy and will help us understand the issue better. On the first panel, Gary Mead, Assistant Director of the Office of Detention and Removal, of the Department of Homeland Security's Bureau of Immigration and Customs Enforcement, will describe the deportation process, explain how and what we communicate with recipient nations, and give us a sense of how many people we are sending back to foreign countries.

Also on the first panel will be Ambassador Charles Shapiro, Principal Deputy Assistant Secretary of State for the Western Hemisphere. He will pick up where Mr. Mead leaves off by sharing his understanding of the impact of our deportation policy on countries in the region, explaining what we are now doing to help our friends in the region manage the deportees, and telling us about whether the State Department thinks we could more aggressively support integration programs throughout the hemisphere.

Our second panel, which will technically be called a briefing because of the presence of foreign government and intergovernmental officials, will begin with Annmarie Barnes, Chief Technical Advisor in the Ministry of National Security of Jamaica. She will speak on behalf of the CARICOM nations and will tell about the deportation process from the point of view of a recipient nation. She will share how much notice Jamaica and other countries receive, how they are notified, and whether such notification and information is adequate. She will also inform us about how nations in the CARICOM region manage the deportees upon arrival, whether they

have any programs to reintegrate deportees, what is most effective, and what are the regional expectations of the United States.

Ms. Barnes will be followed by Maureen Achieng, the Chief of Mission for Haiti of the International Organization for Migration. She will describe the ongoing integration program IOM is operating in Haiti and other integration programs IOM has run in El Salvador and other nations. She will then offer her comments on best practices for a deportee integration program.

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The Subcommittee will next hear from, Allison Parker, Senior Researcher for Human Rights Watch. Just last week, Human Rights Watch issued a report, written by Ms. Parker, entitled "Mandatory Deportation Laws Harm American Families." This groundbreaking report talks about how our changed deportation laws have vastly increased the numbers of people we are sending to foreign countries and how they are hurting families here and abroad.

Finally, Marsha L. Garst, Commonwealth's Attorney from Rockingham County will discuss how the local justice system works with the Department of Homeland Security and with corresponding agencies of recipient countries to allow for adequate preparation in dealing with the criminal deportees in their recipient countries

I welcome our guests and will now ask my good friend, the Ranking Member of the Subcommittee, Mr. Burton, if he would like to offer an opening statement.

Mr. BURTON. Thank you, Mr. Chairman. I would like to submit my full statement for the record and just make a couple of brief comments.

There is Charlie Rangel, one of the great Members of the United States Congress.

Mr. RANGEL. How are you?

Mr. BURTON. Are you going to stay?

Mr. RANGEL. I am trying to improve the insurance for 9 million children, but I could not just allow this to happen without asking the chair and ranking member just for 2 minutes and get out of your way.

Mr. ENGEL. Would you like to come here?

Mr. BURTON. I would gladly yield part of my time to the great Congressman from New York.

Mr. RANGEL. You are so kind.

Mr. ENGEL. I think Mr. Burton is making fun of our New York accents.

So it is my honor to welcome the Ways and Means chairman and the dean of our New York Coalition.

Mr. RANGEL. I can't tell you how much I appreciate this, and the fact that it is on such a sensitive subject that screams for some relief. The fact that you are showing enough compassion at least to recognize the problem means a lot to Americans that are deporting these people, but certainly to the small countries that struggle so hard against overwhelming odds to try to make life a little better.

The whole concept that we would deport from the United States of America people, many of whom have no idea what country they are being sent to, and many of whom only know a criminal career, and the fact that some countries are not given notice and they don't have the resources to stop and to see what they can do about it just screams out for some justice.

And no matter what words I find, it is hard for me to convince my friends in the Caribbean that Americans are not thinking about not sending them. It doesn't mean it shouldn't be on your agenda.

It just means that the politics in America is that we don't like the crooks that are there, and if we can find any political reason to get rid of them, no matter what the social workers say, no matter how much it costs, we gotta get rid of them.

Having said that, I think we are trying to find out what can we do to ease the pain, because as a former Federal prosecutor, even I recognize that the worst among all of us at some point in life may be searching for a way to pick up the pieces and move on.

I know you don't have the resources, but we are going to have to think of ways in working together. I am not asking you to give up your political fight in telling us not to do it. But I am asking as a background, whether we can find out how many are being sent to you, where are they coming from, can we do better in alerting you. Can we give you the background? Is there any sense of rehabilitation? Can they be involved in homeland security? Do they have any special talents at all besides the criminal records they have? And how can we work together?

I know and these members know that sometimes when we try to help those people in jail, we are treating them better than the kids who are struggling every day, and that certainly has got to be a problem in your country.

But the fact that this August, this committee would take a time out while our Nation is at war, while we are screaming out for free trade agreements, to recognize the pain that this is causing you. I think this is a gigantic and historic step forward, and I look forward to seeing whether we can work out something; not to solve the problem, but to ease the pain so that we can work with our partners in this region. And I can't thank you guys enough for giving me this chance.

Mr. ENGEL. Thank you, Mr. Chairman.

It is an honor to have you before our subcommittee.

Mr. BURTON. That was a very nice statement by Charlie Rangel, and the way he congratulated you and me was really extraordinary.

You really deserve the credit, Mr. Chairman, and I think maybe Charlie leaned a little bit more toward you because you are from New York as well.

Mr. ENGEL. And our districts touch one another so we are very close.

Mr. BURTON. Mark Twain once said when he was supposed to be the keynote speaker and the man who preceded him gave such a good speech, Mark Twain just sat up and said, "He said what I wanted to say," and he sat down.

So let me just say that this is a very important and difficult problem to deal with. Many of these countries don't even know when these people are returned to them and they have to deal with them and they, many times, don't have the means to really take care of the problem.

I was interested—it was interesting to me to find out that 5.6 percent of the deportable aliens in the United States were from the Caribbean or Central America, and I was astounded to see 26,500 were from Honduras, 19,000 from El Salvador, 14,000 from Guatemala. So this is a major problem.

And the thing that bothers me about the deportation, in addition to the other things we have talked about, is that, Mr. Chairman, a lot of them come back into the country. They are working with gangs in Central America and the Caribbean, and they are coming back into the country, creating the same problems that they were deported for.

So this is a very important hearing. Our law enforcement agencies have been working on this for a long time. And as Charlie did, I want to congratulate you on having this hearing.

[The prepared statement of Mr. Burton follows:]

PREPARED STATEMENT OF THE HONORABLE DAN BURTON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF INDIANA

US-LATIN AMERICAN DEPORTATION ISSUES

To begin, I would like to thank the Chairman for holding today's hearing on this complex issue. The integration of deportees into their state of origin is important to both the stability of the home country and the safety of U.S. citizens. Immigrants that enter illegally or conduct illegal business within the United States are often associated with gangs or drug activity. It is important to note that these activities are not beneficial to any society; therefore the deportation of criminals must not end at the airport in the criminal's country of origin. Working together to combat the growing trend of unemployed, un-integrated deportees that often find their way right back to the U.S. is the only way to truly impact the unsatisfactory status quo.

First, relationships between the United States and Central American and Caribbean countries rest upon the state of US deportation policy. Central American and Caribbean countries claim that one of their top domestic concerns is the heavy flow of deportation traffic arriving to them from the United States. In fiscal year 2004 alone, 5.6% of deportable aliens within the US were from the Caribbean or Central America, with 26,555 from Honduras, 19,180 from El Salvador, and 14,288 from Guatemala. Since American immigration officials show immediate concern for criminal cases over other deportation cases, many of the deportees have criminal backgrounds; therefore they pose a serious problem for their country's security concerns. Given these immense numbers of Central American deportees, the governments of these countries must increase their coordination with the United States and with established organizations within their countries, such as The Catholic Relief Services in El Salvador, to work with the deportees and track their cases.

Second, we must not lose sight of the important work our law enforcement and immigration organizations do in the United States to keep our citizens and legal immigrants safe. As we discuss this issue in depth, I would like to look at how our current laws are working and how they can be built upon to provide better coordination among nations. Gangs that are present in Central America and the Caribbean also have a large base in the U.S. Since each country is currently working to root out the gang influence in their respective nation, the process of reconciling America's concerns with those of other affected nations becomes a complicated matter. The bottom line is, unless all involved countries collectively take a strong stance against crime and re-entry of deported persons, these threats will not subside.

I hope that the outcome of this hearing will yield productive results in establishing the best method of tracking and accurately punishing criminal aliens through a reliable penal system here and abroad. Thank you for the time Mr. Chairman and I look forward to hearing from our distinguished panelists.

Mr. ENGEL. Thank you very much.

Mr. PAYNE. Thank you very much. Any opening statement?

Mr. PAYNE. Thank you very much. I will be very brief also. But this is certainly, and I think—let me commend you for calling this very important hearing. It is certainly an issue that has been raised continually, and let me commend you and also commend Mr. Burton for his graciousness in letting our deemed Congressman Rangel have words to say. It shows how much respect there is for Congressman Rangel on both sides of the aisle.

I will just be very brief, to say that I co-chair the Congressional Caribbean Caucus and have taken a number of trips to the Carib-

bean in particular. And the question about the deportees always would come up as a major issue.

I haven't seen this report, GAO report, that says it is really not a big problem. I wish I saw it so that I could really speak more clearly about it.

But I know that on my visits when we talk about what are some of the major issues pertaining to the Caribbean as it relates to the United States, it is about these returnees. Many of them have come to this country as young children, in some instances. Everything they know and learned on their criminal behavior was here. Many of them have gone to some of the toughest prisons in the world. So when they got out, when they get out, they certainly are accomplished, hardened criminals who are then sent back to Caribbean countries where, in some instances, police officers don't even carry firearms.

And so it is a problem. I am not saying I couldn't go back to my district and campaign about keeping the criminals here. We are having a tough time already staying in office. So that is certainly not an issue that would go over big in any congressional district.

However, we do believe that there needs to be some kind of accommodation of—perhaps assistance to those countries, as Mr. Rangel mentioned. Perhaps there could be programs that we could help the countries prepare themselves for these returnees.

I would like to hear from the witnesses, but I really appreciate you calling this very important hearing because it definitely is a major, major issue in the Caribbean.

Thank you.

Mr. ENGEL. Thank you, Mr. Payne.

Mr. Delahunt.

Mr. DELAHUNT. I would just simply echo what others have said and congratulate you, Mr. Chairman, and the ranking member for bringing our attention to this issue.

Like Mr. Payne, I have traveled extensively throughout Central America and the Caribbean, and this has consistently been an issue that has been brought up in our conversations.

I think it is somewhat ironic that oftentimes when we have hearings about individual countries or about individual reasons, the focus is on drugs, violence, gangs, instability. The potential for terrorism is what we hear now. And yet, given the numbers that we are deporting back to that region—and I don't have a ready answer—I wonder if in no small measure we are exacerbating or contributing to those problems that these, in most cases, Third World countries are experiencing.

So as you and others have said, just simply discussing it and then making an effort to try to develop a consensus, multilateral approach, is just good policy. It is good common sense, and I think we have arrived at that time.

So, Mr. Chairman, congratulations. I think that you—you are the right person at the right moment in time, working with our neighbors to the south, as well as the administration, to address this problem.

Mr. ENGEL. Thank you, Mr. Delahunt.

Let me, before I call on your witnesses, acknowledge—I know we have many, many Ambassadors and diplomats here from the Carib-

bean and Western Hemisphere nations. We welcome everyone who came, and by the turnout we see how important this issue is.

Let me now call on our first panel.

Let me remind our witnesses, both this panel and the other panel, that due to the fact that we have a large number of witnesses, I am going to ask you to summarize your remarks. Everything that you have written, submitted, will be put into the official record. And I am going to hold everyone rigidly to the 5-minute rule because we want to try to move it along.

So let me first call on Gary Mead, who is the Assistant Director at the Office of Detention and Removal of the Department of Homeland Security's Bureau of Immigration and Customs Enforcement.

Welcome, Mr. Mead.

STATEMENT OF MR. GARY MEAD, ASSISTANT DIRECTOR FOR MANAGEMENT, OFFICE OF DETENTION AND REMOVAL OPERATIONS, BUREAU OF U.S. IMMIGRATION AND CUSTOMS MANAGEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. MEAD. Good afternoon, Chairman Engel and distinguished members of the subcommittee. It is my privilege to appear before you to discuss the enforcement mission of DRO as well as the removal process.

DRO is responsible for promoting public safety and national security by ensuring the safe and efficient departure from the United States of all removable aliens through the fair enforcement of the Nation's immigration laws.

As such, DRO's core mission is the apprehension, detention, and removal of inadmissible and deportable aliens, the management of non-detained aliens as the case has progressed through the immigration proceedings, and the enforcement of orders of removal.

I would like to now share with you some benchmark numbers showing the direction in which DRO is moving, and describe how we work with foreign governments in coordinating the removal of their nationals from the United States.

DRO has consistently increased the number of removals each year. In 2004 there were a total of 149,000 removals; in 2005, a total of 173,000. Fiscal year 2006 was a record year with a 196,000 individuals removed from the U.S. Fiscal year 2007 is currently on pace to exceed the fiscal year 2006 total by 10 percent.

As of July 16, 2007, DRO has removed 66,000 criminals and 103,000 non-criminals, for a total of 170,000 individuals.

Combined removals to Mexico, El Salvador, Guatemala, and Honduras has accounted for approximately 83 percent of total removals in the previous years. In fiscal year 2007, so far removals to these four countries has accounted for 88 percent of the total removals.

Once an illegal alien or criminal alien has been issued a final order of removal, and if no valid passport is immediately available, our field office requests travel documents from the appropriate foreign consulate. Many countries, including El Salvador, Guatemala, Honduras, and Nicaragua require a personal interview of their nationals by a consular official prior to issuing a document. There are several ways this interview process may occur.

DRO field office can transport the detainee to the local consulate. The consular official can proceed to the local jail or to the DRO field office or conduct the interview via video conferencing.

ICE has installed video conferencing in El Salvador, Guatemala, and Honduras. This allows DRO to provide remote interviews of detainees, thereby reducing the need for in-person interviews.

Once a travel document is received from the foreign government and no impediments to removal exists, the actual removal is scheduled by a commercial aircraft, chartered aircraft or JPATS, or ground transportation in the case of Mexico and Canadian nationals.

In 1997, the United States Government entered into an agreement with 24 countries within Central America and the Caribbean, stating that the United States would provide the receiving countries with at least 3 days' notification of the intended removal of criminal aliens and escorted non-criminal aliens.

In keeping with this agreement, once the removal is scheduled, a cable notification is prepared, indicating the name, date of birth, alien registration number, reason for removal, and any special notes regarding the deportee and the itinerary.

The cable is sent through the Department of State to the U.S. Embassy in the receiving country. If there is an ICE attaché at that location, the attaché informs local law enforcement authorities of the impending arrival.

In the case of JPATS flights, the names are included in a manifest and transmitted in the same fashion. If there is no ICE attaché, the cable is routed to the regional security office in the U.S. Embassy and they follow the same notification procedures.

In the case of persons requiring medical treatment during transport and revival in their home country, DRO conducts significant coordination with consular officials and the U.S. Public Health Service to ensure that proper medical assistance is provided.

DRO uses several tools in order to maximize efficiencies in the removal process in order to manage the detention capacity to the fullest extent possible. One of these tools is electronic travel documents. This allows DRO to work with foreign governments to process and obtain travel documents electronically, avoiding the need for the slower, less efficient mail-based process.

This system has reduced processing times from weeks to days and, in some cases, just a few hours. In addition, the electronic travel document system provides foreign countries with additional valuable biometric information about deportees.

Currently, El Salvador, Guatemala, and Honduras are considerably involved in this program, and we are in discussion to expand this opportunity to other countries in the Western Hemisphere.

Mr. Chairman, these are just a few of ICE's accomplishments and initiatives. The integrity of our immigration system requires fair and effective enforcement of our Nation's immigration laws. By aggressively enforcing these laws, we seek to deter criminal and terrorist organizations who threaten our way of life, and we seek to strengthen the legal immigration process for worthy applicants.

I would like to thank you, Mr. Chairman, and members of the subcommittee, for the opportunity to testify on behalf of the men

and women of DRO and the Immigration and Custom Enforcement. And I look forward to answering any questions you may have.

Mr. ENGEL. Thank you very much, Director Mead.
[The prepared statement of Mr. Mead follows:]

PREPARED STATEMENT OF MR. GARY MEAD, ASSISTANT DIRECTOR FOR MANAGEMENT, OFFICE OF DETENTION AND REMOVAL OPERATIONS, BUREAU OF U.S. IMMIGRATION AND CUSTOMS MANAGEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

INTRODUCTION

Good afternoon, Chairman Lantos, and distinguished Members of the Subcommittee. My name is Gary Mead, and I am the Assistant Director for Management in the Office of Detention and Removal Operations (DRO) at U.S. Immigration and Customs Enforcement (ICE). It is my privilege to appear before you to discuss the enforcement mission of DRO as well as the removal process.

DRO is responsible for promoting public safety and national security by ensuring the safe and efficient departure from the United States of all removable aliens through the fair enforcement of the Nation's immigration laws. As such, DRO's core mission is the apprehension, detention, and removal of inadmissible and deportable aliens, the management of non-detained aliens as their cases progress through immigration proceedings, and the enforcement of orders of removal.

DRO effects the removal of illegal and criminal aliens to all countries of the world in essentially the same manner. The differences are in the notification processes, timeframes, and means of removal used, such as commercial airlines, chartered aircraft, the Justice Prisoner and Alien Transportation System (JPATS), or ground transportation in the case of Mexican and Canadian nationals. The differences are based upon volume or individual agreements with different countries.

REMOVAL PROCESS

Once an illegal or criminal alien has been issued a final order of removal and if no valid travel document or passport is otherwise immediately available, our field offices request travel documents from the appropriate foreign consulate. Travel document requests will typically include:

- The charging document, which states the reason the detainee is removable from the United States
- The removal order
- Photos
- Form I-217 (Information for Travel Document or Passport), which contains biographical and personal data, including addresses of family or associates abroad, whether there are identifying marks such as scars or tattoos
- Warrant of Deportation
- Fingerprint records and, if required, copies of identity documents and any applicable passport applications
- For cases involving criminal aliens, a copy of the conviction document.

Many countries, including El Salvador, Guatemala, Honduras and Nicaragua, require a personal interview of their nationals by a consular official prior to issuing a travel document. The interviews assist in the determination of nationality. There are several ways that the interview process may occur: DRO field offices can transport the detainee to the local consulate, the consular official can go to the detention facility or field office to conduct the interviews, or the interviews can be conducted through video teleconferencing (VTC). ICE has installed VTC equipment in the consulates of El Salvador, Guatemala, and Honduras to facilitate the interviews of nationals of these countries. The need to transport detainees to and from consular or field offices has decreased, or in some cases been eliminated, due to VTC usage. Once a travel document is received from the foreign government and no impediments to removal exist, the actual removal is scheduled via commercial aircraft, chartered aircraft, or JPATS, or by ground transportation.

REMOVAL VIA JPATS

JPATS is a joint ICE—U.S. Marshals venture through which criminals and illegal aliens are securely transported throughout the United States and abroad. JPATS operates regular flights to the following countries:

- Colombia—on a monthly basis with approximately 70 criminal deportees per flight.
- Dominican Republic—every two weeks with approximately 70 deportees per flight, the majority being criminal deportees.
- El Salvador—one daily flight, Monday through Friday, with one flight per week dedicated to criminal deportees only, and up to 120 deportees per flight.
- Guatemala—daily flights, including Saturdays, if needed, and sometimes more than one each day depending upon volume. Removals are augmented by utilizing chartered aircraft.
- Haiti—every two weeks with approximately 50 deportees per flight, both criminal and non-criminal.
- Honduras—daily flights, including Saturdays, if needed; as with Guatemala, chartered aircraft are used to augment removals if the need exists.
- Jamaica—monthly flights with 45 criminal deportees on each flight.

NOTIFICATION PROCESS

In 1997, the U.S. Government entered into an agreement with 24 countries within Central America and the Caribbean stating that the U.S. would provide the receiving countries at least three days notification of the intended removal of criminal aliens and escorted non-criminal aliens. In keeping with this agreement, DRO notifies the receiving country of all aliens being removed. Once the removal is scheduled via commercial or charter aircraft or JPATS, a cable notification is prepared indicating the name, date of birth, alien registration number, reason for removal, any special notes regarding the deportee, and the itinerary. The cable is sent through the Department of State cabling system to the U.S. Embassy in the receiving country. If there is an ICE Attaché in the country, the Attaché informs the local immigration and/or law enforcement authorities of the impending arrival. In the case of JPATS flights, the names are included in a manifest and transmitted in the same fashion. If there is no Attaché, the cable is routed to the Regional Security Office in the U.S. Embassy, which informs the receiving country of the impending arrival of the flight.

In the case of juveniles, each DRO field office has an officer assigned as a juvenile coordinator. The juvenile coordinator works with consular officials and known family members to ensure that there will be family or government officials waiting for the juvenile upon arrival in his or her home country. Pursuant to ICE policy, unaccompanied juveniles are always escorted to their home country, usually by a DRO officer.

In cases of persons requiring medical attention during transport and/or upon arrival in their home country, DRO conducts significant coordination with consular officials and the U.S. Public Health Service to ensure that proper medical assistance is provided.

ACCOMPLISHMENTS

Fiscal year (FY) 2006 was a record year for DRO, with 196,707 individuals removed from the U.S. FY 2007 is currently on pace to exceed the FY 2006 total of removals by ten percent.

DRO has consistently increased the total number of removals during the last four years. To illustrate, in FY 2003, there were a total of 151,941 removals from the United States; in FY 2004, a total of 169,733; and in FY 2005, a total of 173,651. Combined, removals to Mexico, El Salvador, Guatemala, and Honduras have accounted for approximately 83 percent of the total removals from the United States in previous years. In FY 2007, through June 18, 2007, removals to these four countries have accounted for 88 percent of total removals.

Below are FY 2006 statistics for removals to the top ten countries in the Western Hemisphere, including criminal and non-criminal:

- Mexico—Total 114,640, criminal 64,306, non-criminal 50,334 (*these totals do not include Mexican nationals removed by CBP or returned to Mexico at the border*)
- Honduras—Total 26,526, criminal 5,559, non-criminal 20,967
- Guatemala—Total 18,386, criminal 3,589, non-criminal 14,797
- El Salvador—Total 10,312, criminal 3,679, non-criminal 6,633
- Brazil—Total 2,996, criminal 555, non-criminal 2,441
- Dominican Republic—Total 2,805, criminal 2,241, non-criminal 564
- Colombia—Total 2,290, criminal 1,306, non-criminal 984

- Nicaragua—Total 2,241, criminal 585, non-criminal 1,656
- Ecuador—Total 1,542, criminal 432, non-criminal 1,110
- Jamaica—Total 1,426, criminal 1,249, non-criminal 177

TECHNOLOGICAL ENHANCEMENTS

DRO has maximized efficiencies in the removal process to improve the management of detention capacity. In doing so, DRO has used key technological tools such as VTC capability and the Electronic Travel Document System.

As I mentioned previously, VTC capability allows for the remote interviews of detainees by foreign consular officials, thereby reducing the need for in-person interviews during the travel document issuance process.

The Electronic Travel Document System allows DRO to work with cooperating foreign governments to process and obtain travel documents required for removal electronically, avoiding the need for slower, less efficient, mail-based correspondence. This system has reduced the processing times for travel document issuance from weeks to days and in some cases to just a few hours. In addition, the Electronic Travel Document System will provide foreign governments with valuable biometric information about deportees. In addition to their Ministry of Foreign Affairs obtaining information on deportees through the travel document issuance process, foreign law enforcement agencies will have immediate access to information through the Electronic Travel Document System on each deportee. Currently, the governments of El Salvador, Guatemala and Honduras are participating in the Electronic Travel Document System. ICE DRO plans for all countries to participate in the program, particularly those in the Western Hemisphere.

CONCLUSION

The integrity of our immigration system requires fair and effective enforcement of our Nation's immigration laws. By aggressively enforcing these laws, we seek to deter criminal and terrorist organizations who threaten our way of life, and we seek to strengthen the legal immigration process for worthy applicants.

I would like to thank you, Mr. Chairman and Members of the Subcommittee, for the opportunity to testify today on behalf of the men and women of DRO, and I look forward to answering any questions you may have.

Mr. ENGEL. Our next witness is Ambassador Charles Shapiro, Principal Deputy Assistant Secretary of State for the Western Hemisphere.

Ambassador Shapiro.

STATEMENT OF THE HONORABLE CHARLES SHAPIRO, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF WESTERN HEMISPHERE AFFAIRS, U.S. DEPARTMENT OF STATE

Ambassador SHAPIRO. Thank you for holding this hearing, and thank you for the opportunity to testify. As you noted, this is a key issue that has relations with Central America and the Caribbean.

Just in case there is any doubt, we, along with you, support enforcing U.S. law. Aliens who commit crimes or violate immigration laws in the United States run the risk of being deported. The Governments of Central America and the Caribbean recognize that it is their obligation to receive their own citizens.

That doesn't mean that the process for accomplishing deportations cannot be improved.

More than 95 percent of the aliens deported in fiscal year 2007 were sent to Western Hemisphere countries. As Mr. Mead noted, 115,000 to Mexico alone. This, as you know, puts a burden on those societies and the social systems of those countries.

Governments tell us they want more information on the criminal records of the deportees and assistance in reintegrating deportees into their home countries. The State Department is working closely

with DHS and foreign governments to help improve and facilitate communication flows.

In Central America, we have worked to implement the electronic travel document system in the countries that received the most deportees. Electronic travel documents have been operational in Guatemala since January of this year. We concluded agreements with both Honduras and El Salvador to extend it there. It provides information on the individuals being deported from the United States, making it readily available to their counsels in the U.S. and to their law enforcement officials in the home countries.

We believe this is an important step in ensuring that our partner nations have accurate and timely information which they need to identify deportees. It also minimizes the time individuals spend waiting in detention facilities.

Ensuring that deportees remain at home in the first place requires making that home more attractive. We are working with our Central American neighbors to address the push factors that immigrants cite as the reasons that they depart for the United States.

Economic situations, job opportunities are key. Crime and insecurity are other factors that help people make that decision to leave their countries. We are working with the Governments of Central America and the Caribbean to address those concerns.

Last week, my boss, Assistant Secretary Tom Shannon, participated in a vice ministerial meeting in Guatemala with representatives from all seven Central American countries. We dealt with our shared concerns on gangs and narcotic trafficking and arms trafficking. On July 18th, Assistant Secretary Shannon announced our strategy to combat criminal gangs from Central America and Mexico. The United States will work with partner countries to combat these gangs that commit these crimes in Central America, Mexico and in the United States through prevention and enforcement.

In Mexico, we are working very closely with the Calderon administration on a variety of security matters including immigration. We are pleased that ICE, Immigration Customs Enforcement, announced on July 9th that the Governments of Mexico and the United States have resumed the interior repatriation program this summer. The program will last until September 30th. This voluntary program ensures safe, effective, and humanitarian return of Mexican nationals apprehended along the border to their places of origin in interior Mexico.

As you noted, deportation is a key issue for the countries of the Caribbean. In the June 18–21 conference in the Caribbean here in Washington, where you had the opportunity, Mr. Chairman, to meet with the Prime Ministers and Presidents of those countries, they raised their concerns with President Bush and with Secretary Rice. They want to receive more information on deportees, including more detailed criminal records.

In response, ICE has offered to provide CARICOM members the computer software and hardware of the electronic travel document system. We hope to have the first agreement in place to help implement this in a CARICOM country within the next 2 months.

They have also requested our assistance with resettlement and reintegration. The United Nations Development Program funds a \$1 million program with international organizations for migration

in Haiti, which provides deportee reintegration services, including counseling, vocational training, skills development, microcredit lending. We hope to use this as a model for reintegration programs in other CARICOM nations.

We are currently in discussions with CARICOM members on the next steps in what adaptations may be needed to the model program so it will be useful for them.

Thank you very much. I look forward to answering your questions.

[The prepared statement of Mr. Shapiro follows:]

PREPARED STATEMENT OF THE HONORABLE CHARLES SHAPIRO, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF WESTERN HEMISPHERE AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. Chairman and Members of the Committee:

It is a pleasure to appear before you today to discuss how the issue of deportation affects our bilateral relations with countries in Latin America and the Caribbean.

Deportation is a top priority issue for many countries in Latin America, particularly in Central America and the Caribbean. First, just in case there is any doubt, the Administration supports and adheres firmly to U.S. law. Aliens who commit crimes or violate immigration law in the United States run the risk of being deported. The governments of Central America and the Caribbean recognize that it is their obligation to receive their own citizens.

That doesn't mean the process for accomplishing deportations cannot be improved. More than 95 percent of the almost 197,000 aliens deported in FY 2006 were sent to Western Hemisphere countries, 115,000 to Mexico alone. Clearly, this puts a burden on the societies and the social systems of those countries. Governments tell us that they would like more information on the criminal records of deportees, if any, and assistance in reintegrating deportees into their home countries. The Department of State has worked in close coordination with the Department of Homeland Security (DHS) and foreign governments to help improve and facilitate communication flows and to address concerns that receiving countries raise on process and assistance requests. We have also improved U.S. government cooperation on deportation issues through an interagency working group on deportations. This group coordinates action on deportation cases of political or national security significance, ensuring a unified U.S. Government effort with foreign governments to resolve these often urgent cases.

CENTRAL AMERICA

In close coordination with DHS, we have worked to implement the electronic travel document (eTD) system in the countries that receive the most deportees. The eTD system has been operational with Guatemala since January of this year, and since then we have successfully concluded agreements to extend the system to both Honduras and El Salvador. The eTD system provides biometric and biographic information on persons being deported from the United States, making that information available to those consuls here in the U.S. who are responsible for issuing travel documents and also to law enforcement officials in the receiving countries. The Department of State believes that this is an important step in ensuring that our partner nations have the accurate and timely information that they have asked for and which is needed to identify deportees who are returned home. The eTD system also minimizes the time individuals spend in detention facilities awaiting deportation, thus making deportation operations more efficient, cost effective, and humane.

Ensuring that deportees remain at home following their return requires making "home" more attractive. Recognizing this, the U.S. Government is working with our Central American neighbors to address the "push" factors that many migrants cite as the reasons they decided to undertake the difficult and dangerous journey to enter the United States illegally, such as the economic situation and job opportunities in their home countries. The U.S. Government and the governments of Central America are working together to address the growing concerns of crime and insecurity that affect the region. Increasingly, this is another of the "push" factors that leads to undocumented and illegal migration. Just last week, Assistant Secretary for Western Hemisphere Affairs Thomas Shannon traveled to Guatemala to participate in a Vice-Ministerial meeting with representatives from all seven Central American countries about our shared concerns on gangs, narcotics trafficking, and arms traf-

ficking. On July 18, Assistant Secretary Shannon announced the Strategy to Combat Criminal Gangs from Central America and Mexico. Under this comprehensive strategy, the United States will work with partner countries to combat gangs that commit crimes in Central America, Mexico, and the United States through both prevention and enforcement. It will help prevent youth from entering gangs and strengthen the fight against gang-related violence and other crimes.

The strategy to combat criminal gangs from Central America and Mexico will increase communication and information sharing at all levels of government and between governments. Implementing this strategy will involve numerous U.S. agencies, including the Department of State, Department of Justice, Department of Homeland Security, and the U.S. Agency for International Development as well as partner governments in the region. Implementing this strategy will further enhance U.S. interagency and international cooperation, increase coordination, and systematically improve linkages between foreign governments and U.S. federal, state, and local law enforcement agencies.

Deportees frequently are accused of being responsible for crime in their home countries, but we do not believe these accusations are supported by the facts. While it is clear that deportees play a major role in the gang culture in Central America, it is less clear whether they are responsible for increases in crime rates.

According to DHS 2005 deportation figures, of all the aliens deported for criminal activity, the percentage deported for violent crimes is actually very low. Of those deported in 2005, over 50 percent were convicted for drug and immigration offenses. Of those with drug convictions (37 percent of the total criminal deportees), approximately half were possession charges, not sales. Approximately ten percent of criminal deportees were charged with assault, including convictions ranging from domestic violence to resisting arrest. Four percent had burglary convictions while three percent had larceny convictions. Murder did not make the top 10 list of offenses committed by those deported for criminal activity in 2005.

MEXICO

With regard to Mexico, we work very closely with the Calderon Administration on a variety of security and law enforcement matters including deportation. We were pleased that Immigration and Customs Enforcement (ICE) announced on July 9 that the governments of Mexico and the United States have resumed the Interior Repatriation Program this summer and the program will last until September 30. This voluntary program ensures the safe, effective and humanitarian return of those Mexican nationals apprehended along the border to their places of origin in the interior of Mexico.

CARIBBEAN

Deportation is also a key issue for countries in the Caribbean. At the June 18-21 Conference on the Caribbean held in Washington, DC, leaders of the CARICOM countries raised the topic of deportation in their meetings with both President Bush and Secretary Rice. One of their consistent concerns is the need to receive more information on deportees, including more detailed criminal records.

In response, ICE offered to provide to CARICOM members the computer hardware and software of the eTD system which has already been shown to be successful in Central America. With the support of the Department of State, DHS has begun to brief individual governments on the system. We hope to have the first agreement in place to implement the system in a CARICOM nation within the next two months.

CARICOM also has requested our assistance with resettlement and reintegration. The United Nations Development Program (UNDP) funds a \$1 million International Organization for Migration (IOM) project in Haiti to provide deportee reintegration services, including counseling, vocational training, skills development, and micro-credit lending. We hope to use this program as a model for reintegration programs in other CARICOM countries in the future. We are currently in discussions with CARICOM members on the next steps and what adaptations may be needed to the model program so that it is useful to other nations.

I would be happy to answer any of your questions.

Mr. ENGEL. Thank you.

Before we ask the questions, I am going to restrict myself and members of the subcommittee to 5 minutes for questions.

I know that Mr. Meeks had a unanimous request to make a statement which, without objection, I will allow him to make now.

Mr. MEEKS. Thank you.

I just wanted to make sure, and I will submit my statement for the record—I want to thank the witnesses who are coming here, but this is such an important issue for me and my district. I support reintegration vehemently, and I want to make sure—I have got to run out, but I want to make sure my voice is clear on the record.

I think the people who talk about the—especially the Caribbean Islands, you know, we look at them oftentimes as vacation resorts, but we don't think about the people and the impact of returning individuals, many of whom don't have any relatives there. And it is of prime importance that we have reintegration. It also becomes to our benefit because when we—if we have reintegration programs, we will probably have reduced illegal immigration, reduced drug trade, reduced the spread of AIDS, increased market for our goods, a number of other things.

So I want to thank you, and I know you want to get to questions. I apologize, Mr. Chair, that I have to run, but this is such an important issue for me. And I ran out of another meeting to make sure that I was here, and wanted to add my voice on the record on this matter. And I thank you for the opportunity to do that, and I submit my entire statement for the record.

Mr. ENGEL. Without objection.

[The prepared statement of Mr. Meeks follows:]

PREPARED STATEMENT OF THE HONORABLE GREGORY W. MEEKS, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW YORK

Deportation from the United States to Latin American and the Caribbean is an important issue for my district. According to the Census Bureau's estimates, almost half of my district's residents were born outside the United States. With over 238,000 residents hailing from Latin America and the Caribbean, I am very sensitive to the developments in the region. And I am always working to find new ways to significantly advance peace and human development in Latin America and the Caribbean.

I am concerned that our current, hands-off deportation policy will have grave consequences for the region, and ultimately for the United States. Currently, there is a flood of deportees surging from the United States toward Latin America and the Caribbean—in 2005 and 2006, 95% of the deportees from our country were sent to the region. Deportees are overwhelming the social service and law enforcement agencies in these countries. Many of the deportees left their countries when they were small children, long before they were old enough to establish any social ties within their country. Now we deport them back to their homeland, where often poverty and unemployment rates are high, and where they face economic persecution because business owners view them as criminals. Barred from legal employment, these deportees turn to organized crime, which hurts the region, and often hurts us by increasing the flow of drugs to our cities.

We can end this vicious cycle by supporting reintegration programs within these countries. We should support programs that are similar to the pilot project in Haiti, which involves "counseling, HIV/AIDS testing, drug rehabilitation program, skills training, and micro-enterprise support."

Considering the cost of criminality, spending our resources on reintegration is a cheap and effective means of:

- *Reducing illegal immigration*—by improving the living conditions within their own country, we eliminate their need to come to our country illegally.
- *Reducing drug trade*—by providing the deportees legal means of obtaining income, we eliminate their need to turn to organized crime.
- *Reducing the spread of the AIDS epidemic*—by providing HIV/AIDS testing, we will slow down the spread of this epidemic.

- *Increasing the market for our goods*—by increasing their economic development, we help them become wealthier; thereby, allowing them to buy more of our goods and services.
- *Increasing those nations' support for our future international policy*—by helping them increase social cohesion and reduce crime in their country, we will be creating goodwill. This goodwill will help us implement our future policy within the region.

On June 20th 2007, in section 15 of the joint statements from the Caribbean leaders and President Bush, we have already committed to “jointly work toward the expansion of the pilot reintegration program for deportees in Haiti to include other CARICOM member states.” This must not be empty rhetoric: we must do this for the security of the region, and for the security of the United States.

Mr. ENGEL. Let me start with a question, unless anyone else who came in would like to make a statement. Why don't we just ask the questions, perhaps?

Okay. Let me start with you, Mr. Mead.

I heard you say that we give countries 3 days' notice before we deport someone. Did I hear correctly?

Mr. MEAD. Yes. That is once everything has been put in place to actually send the person home. We give them at least 3 days notice of their pending arrival.

Mr. ENGEL. That seems to me to be a very short period of time. Do we give more notice of the deportation of a violent criminal vis-à-vis someone who is a nonviolent offender, perhaps a migrant worker who has violated an immigration law? Because if we don't, then it would seem to me if we are sending back a convicted rapist, let us say, and we are only giving 3 days notice. That seems to me to be not enough time.

Mr. MEAD. Yes, Congressman. That is actually the last step in the process. Prior to that, we would have been in touch with the consular officials of that country, in most cases, to request a travel document, and that could occur weeks and sometimes months prior to the actual removal. And during that process where we are requesting a travel document, we are providing the foreign country with a number of very important pieces of information. We are telling them why this person is being removed from the country. We provide a copy of the actual charging document as to what reason this person is being returned. We provide photos and fingerprints at that time. If it involves a criminal alien, we provide a copy of the conviction document and we also provide any personal information we might have about that individual, not only last known address in their country. We also provide any names that we have of their associates; any names and addresses of family members; and something that is particularly important in terms of potential or real gang members, if we have any identifying information in terms of unique scars or tattoos, we provide that information as well.

And as I mentioned in my statement, there are a number of countries who, in all cases, then request to interview each person, and during that process they have the opportunity to request additional information from us.

So there is actually a lot of information provided that this person is eventually on their way home. The 3-day notice, the minimum 3-day notice, is just the last step in that process.

Mr. ENGEL. Let me ask you this. Among the critiques of our deportation policy, one is that they are overly harsh and unnecessarily divide families. For instance, some deportees who have lived in the United States for decades have young children in the United States or are U.S. citizens, and others have worked at the same job legally for many years, perhaps were born in another country and came here when they were 1 or 2.

The recent Human Rights Watch report cites several compelling cases, including the 52-year-old man who has lived in the U.S. as a lawful permanent resident for 40 years and served in the U.S. military, has four U.S. citizen sons and was convicted of possession and sale of a small amount of drugs.

What type of information do you collect about each deportee's personal circumstances such as his or her family, U.S. military record, payment of U.S. taxes, years of residence in the U.S., work in the U.S.? Does the Department of Homeland Security take any of that information into account when deciding whether a person is worthy of deportation? And should DHS take extreme personal hardship or particularly strong connection to the United States, such as through honorable military service into account, before deciding to deport? It seems to me that they should.

So I am asking you, are these things taken into account or is it just blanket, you break the law, you go?

Mr. MEAD. That is a very fair question, Congressman. Ultimately, it is not Immigration and Customs Enforcement who determines who gets to stay and who goes. That is decided by an immigration judge within the Department of Justice, and all of the information that you have mentioned is applicable during that process. Individuals before the immigration judge have the opportunity to place before the judge all of the reasons why they believe they should be allowed to stay.

We do use some of that information when making a determination on whether or not a person should be placed in custody or not. But as far as making the ultimate decision on who is deported and who is not, we do not make that determination. That is an immigration court matter.

Mr. ENGEL. Let me ask you, as you mentioned in your testimony, the International Organization for Migration has an integration program in Haiti operating now. The subcommittee will hear about that program in detail during our second panel.

Let me ask you, is the United States supporting with funding any programs in foreign countries to help reintegrate deportees? Are other countries, such as the United Kingdom or Canada, which are deporting large numbers as well, helping other countries reintegrate their deportees? And what about financial institutions, international financial institutions and the intergovernmental organizations like the World Bank and the Organization of American States? Do any of the recipient countries have their own programs to help reintegrate deportees? And, finally, are sufficient resources available to aid in the reintegration of these individuals?

Ambassador SHAPIRO. Mr. Chairman, Guatemala, Honduras, and El Salvador have programs that, if I understand correctly, were at one time run by the International Organization for Migration, now have been taken over by the governments of those countries. And

they are running them themselves. And in fact, we think that is ideal that a country itself would receive and work on the reintegration of these people.

The program in Haiti, obviously, you are going to hear more about in the next panel. But we think that it very well can serve as a model for other countries in the Caribbean.

As to your questions of U.K, Canada, and international financial institutions, I simply do not know the answer to that, sir.

Mr. ENGEL. Thank you.

Mr. BURTON.

Mr. BURTON. Thank you, Mr. Chairman.

You know, when they send these people back to their home country, do we have any records on how many come back to the United States? Some of these people are members of gangs and hardened criminals, and they are sent back. Do we have any record of how many or percentage that comes back or would we have any way of knowing that?

Mr. MEAD. Congressman, we do keep records on recidivism. If a person was formally returned to their country and they were re-apprehended in the United States, we do know that they were here previously.

I don't have those statistics off the top of my head, but we could certainly provide them for the record, and we do collect those.

Mr. BURTON. If somebody comes back a second time—and our borders are very porous; we are having a terrible time with the Mexican border, as you know—what do you do with them? Are they incarcerated here? Do we send them back again and keep the process going over and over again?

Mr. MEAD. Some are prosecuted as a Federal crime versus an immigration violation. Depends on the circumstances of why they left and why they returned.

But we are presently enforcing a policy that we are referring to as “catch and return.” Anyone apprehended illegally in the United States right now is being detained, initially, until their immigration process can be completed. So if they are apprehended, they are detained presently.

Mr. BURTON. You know, that is a tremendous number of people. You said there are 66,000 criminals that you were alluding to in your testimony. Where do they put all of those people?

Mr. MEAD. Right now, my office, Detention and Removal Operations, has approximately 31,000 illegal aliens in our custody. We house them in a combination of detention facilities. Some we own and operate. Some are privately owned and operated. Approximately half of those individuals in our custody, maybe a little more than half, are actually detained in State and local facilities, county jails. This year, more than 300,000 people will pass through our custody.

So you are right, sir. It is a large number.

Mr. BURTON. I know we have been building an awful lot of prisons. I was curious to find out how you took care of them.

One of the things that kind of troubled me a little bit during the testimony was that, when you send somebody back, you indicate you give the receiving country, you give them information on the person and their criminal background. But you indicated that,

many times, you give them additional information. Do we withhold some information regarding the records of some of these people that are sent back from the country that receives them back?

Mr. MEAD. We don't intentionally withhold any information. There could be other information in the United States that is not available to us.

Mr. BURTON. But we give them all the information we have regarding the background of a criminal that is going back?

Mr. MEAD. ICE gives them all the information that was relied on in the process, like I said, what the criminal charges were. And if we, in preparing them for removal, find out that they are wanted in their own country as a result of an Interpol alert, we coordinate with the country to share that information that we have this individual in custody and make special arrangements to return them to the proper authorities.

Mr. BURTON. You said you give them all the information that you relied upon to send them back. Are there cases where there is additional information that is retained by us that is not given to the receiving country?

Mr. MEAD. Not—not routinely sir. Not that I am aware of. There could be State or local criminal information we were never party to that we wouldn't even know existed. To say that we give them all the information, that would not be accurate, because there is a lot of databases and sources of information that we just don't have access or control of.

Mr. BURTON. Well, one last question as a follow-up to the first one. The offenders that are sent back that come back into the country, do we have any records on what you do with them? I mean, you say you try some and they are convicted. Some go to jail and some go back. Do you have records that are available that we could look at that would show how many that come back into the country that you caught are detained or convicted and kept here or how many are sent back?

I would just like to know from a statistical standpoint what percentage is going back and what percentage is staying when they come back the second time. Because we have an awful lot of gangs that are throughout not only the southern part of the United States, in fact, the whole United States, but also into Central and South America.

Thank you, Mr. Chairman.

Mr. ENGEL. Thank you, Mr. Burton.

Mr. Sires.

Mr. SIRES. Thank you, Mr. Chairman.

Assistant Secretary Shapiro, Assistant Director Mead, thank you very much for joining us today.

I have a couple of questions, and one has to do with—we had a hearing last month on violence in Central America and what can we do to combat the problems. And during that testimony Ambassador Flores of Honduras, he said to me—I mentioned to him about people that are sent from this country into his country, and he said one of the biggest problems that he has in combating crime is the fact that the people who are deported, the U.S. does not tell them whether they are gang members or not. I mean, I asked him a cou-

ple of times; and he seemed to assure me that we do not tell them whether somebody is a gang member or not.

Is that accurate? Who is wrong? Did I misinterpret what he said? Because you keep insisting that you give them all these records that you have and you tell them everything, and here we have an ambassador telling us that one of the problems that they have is that they don't get a full disclosure.

Mr. MEAD. Yes, Congressman. Most of the people that we remove to Honduras are sent back on the Justice Prisoner Alien Transportation System, and we provide those manifests as part of the advance notification process. That manifest indicates whether or not the person a gang member. If we don't know they are a gang member, obviously, we can't report it, but, if we do, we do indicate on that manifest that they are a gang member.

Also, as I said, if they are criminal aliens, they are known to be criminal aliens to us, we provide the criminal information to the foreign country. And if there was a gang-related charge involved, that would certainly be provided.

As I said, there are countries that require a personal interview before they issue a travel document. If they suspected that this person was a gang member, we would work with them on that as well.

Mr. SIRES. Why would he say that in front of this committee?

Mr. MEAD. I am sorry. I wasn't here, sir. I don't know.

Mr. SIRES. Obviously, you were not here, but I was. Is there miscommunication somewhere?

Mr. MEAD. It could be that the information is going to a part of his government that for some reason is not sharing it with him. As I said, on our plane manifests, if we know that a person is a gang member, we indicate that.

Mr. SIRES. And I just have a question regarding these detention centers. Obviously, you have 32,000 people, you said, on here?

Mr. MEAD. Approximately 31,000.

Mr. SIRES. Thirty-one thousand. And everybody is put together, hardened criminals and people who just come to this country, as far as trying to take advantage of the opportunities this country offers that came illegally? How do you put these people together? Do how do you detain them?

Mr. MEAD. We have a classification system that groups them into one of three categories. Category 1 are people that have no known criminal history, no history of violence. They are kept as one group. Category 3 are those that have obvious criminal histories, histories of violence. And Category 2 may be criminals but don't have a history of violence. In some cases, 1s and 2s can be together. But 1s and 3s would never be together.

Mr. SIRES. Are the detaining centers for 1s different than the detention centers for the hardened criminals?

Mr. MEAD. All the facilities have the ability to segregate these people by the classification. In some of the facilities, they actually have different living conditions. 1s, for example, might be in a dormitory setting; the 3s would be in individual cells.

Mr. SIRES. I remember a few years ago there was an issue in Elizabeth, New Jersey—you have a detention facility there?

Mr. MEAD. Yes, sir.

Mr. SIRES. And there was a big issue regarding everybody being put together. Has that been resolved, to the best of your knowledge?

Mr. MEAD. Yes, sir. We have taken very aggressive steps to make sure that the classification process is followed.

Mr. SIRES. Thank you.

Mr. ENGEL. Mr. Sires, would you yield to Mr. Burton for a follow-up on your question?

Mr. SIRES. Sure.

Mr. BURTON. I thank the gentleman for yielding.

I just want to be clear on one thing. I was talking to the chairman during that questioning, and the Honduran Ambassador, Mr. Chairman, I think the last time he was here indicated he is not getting almost any information on these people being returned. So as a follow-up question, quickly, when you deport somebody, there is an offense that triggered the deportation; right?

Mr. MEAD. Yes, sir.

Mr. BURTON. What about the FBI rap sheet where these people may have been arrested or convicted for another crime? Do you get that from the FBI or law enforcement officials and make sure that goes along with your deportation information?

Mr. MEAD. As I said earlier, we provide the criminal conviction document that contributed to their deportation. We don't usually provide the complete NCIC record, if that is the one that you are referring to.

Mr. BURTON. Here is the thing. It seems like with the computerization of the records that they have at the FBI and that you have, it seems there could be some coordination so that you could give the receiving country everything. Because they may get just a little bit on why they were deported back then, and they may have committed some crime, maybe a small one. But they may have been arrested for a major crime, and if they don't get that information they won't know how to deal with those people. I don't know if there is any way to coordinate those things, but I want to know if that is possible.

Mr. MEAD. We could certainly explore that. We don't control, as you mentioned, the NCIC system. So we don't necessarily have the authority to release those documents, and we don't have any ability to guarantee the validity of those documents. They are not necessarily comprehensive.

Mr. BURTON. Real quickly, that is for law enforcement's use, and it seems to me—

Mr. DELAHUNT. Will the gentleman yield to me for a minute?

Mr. BURTON. Sure. I don't have the time.

Mr. DELAHUNT. You say you don't have control of the documents, but, I mean, the Border Patrol is within the Department of Homeland Security. There are other law enforcement agencies within the Department of Homeland Security. They ought to have access to NCIC information. I mean, am I correct on that statement?

Mr. MEAD. Yes, sir.

Mr. DELAHUNT. But you just testified in response to Mr. Burton that you did not have access, or maybe I misunderstood you. It should be available to the Department of Homeland Security or

agencies within the ambit of DHS. So I think your response to his question is inaccurate.

Mr. MEAD. If I said we do not have access, I did not mean that. What I thought I said was we don't have control over that system. We don't control what information goes in it, and we don't necessarily have the authority to distribute that information to others.

Mr. DELAHUNT. Are you sure you don't have the authority to distribute it to others? Could you point out to Mr. Burton or the chair if there are any Federal—if there exists today within Federal law impediments to the Department of Homeland Security providing that information to those countries as implicit in the question by Mr. Burton?

Mr. MEAD. I would have to find that out and supply it for the record.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MR. GARY MEAD TO QUESTION ASKED DURING
THE HEARING BY THE HONORABLE BILL DELAHUNT

DHS is not the owner of NCIC. The FBI owns and operates NCIC for official criminal justice purposes. Criminal justice information is information needed for the performance of a criminal justice agency's legally authorized, required function. Data stored in NCIC is DOJ Sensitive. NCIC is governed by the Advisory Policy Board. Any further information about the relationship between ICE and NCIC information should be deferred to OI/LESC.

Mr. ENGEL. I am going to go back to Mr. Sires.

Mr. SIRES. From what I gathered from my colleagues' questioning, there are cases where you could possibly not submit a record of somebody you deport.

Mr. MEAD. Well, I did say earlier there are many different criminal information systems that we don't control and may not even know exist. So we cannot provide all of the criminal information on every person because we don't necessarily have access to it.

Mr. SIRES. So the Ambassador could have been accurate in saying that one of their problems is the fact that they don't get a complete sheet from when you deport these individuals?

Mr. MEAD. He is correct that he may not receive the entire criminal history of a person. Because, as I said earlier, if we know that a person is a gang member, we let them know. If a person was being deported because of a criminal act in this country, we provide that document. And if there is—

Mr. SIRES. I just think that is such an important issue. Is there anything that we can do as Congress to make sure that you get the information to turn over to these countries? Because it seems to me that what we are doing is just sending these people over there and if they are hardened criminals, we are not giving them a heads-up. What can we do?

Mr. MEAD. I think the short answer, Congressman, is if there was a way for us to have access to all of the criminal information available within the United States and we had the authority to provide that to a foreign country, we would have no objection to doing that.

Mr. ENGEL. Mr. Mead, let me just ask you, and then I will call on Ms. Giffords. If someone is deported for a relatively minor offense, we find out about that and we deport them, do I hear you correctly saying that if that person, if we checked their record and

we see that there were previous much greater offenses, can it be that we then only tell the recipient country of the last offense or the offense that actually triggered the deportation and don't inform them of a more serious charge or charges, either State, local, or Federal, that a deportee was charged with 2 years ago, 3 years ago, 8 years ago?

Mr. MEAD. Yes, sir, that is correct. We provide the information on the criminal charges that lead to their deportation.

Mr. ENGEL. So, therefore, it seems to me—and I think we have all zeroed in on it—that when a recipient country complains to us that they are not aware of the totality of convictions or the severity of the person's crime, that they are correct in what they are telling us.

Mr. MEAD. Yes, they could be. There could be other convictions out there, other arrests out there that we do not report.

Mr. ENGEL. Thank you. I think this is a serious problem that needs to be addressed.

Ms. Giffords.

Ms. GIFFORDS. Thank you, Mr. Chairman. I appreciate you having a hearing on this topic.

I represent Arizona's 8th Congressional District, which is one of the 10 United States-Mexico border districts. We also have the highest number of illegal immigrants apprehended on a daily basis and the highest number of drugs coming through my district.

A couple of questions that I have are specific to the removals. How much are the removals to Latin America costing the United States at the moment?

Mr. MEAD. I would have to supply an answer specific to Latin America for the record. I don't have that number off the top of my head.

Ms. GIFFORDS. Any ballpark? I am just curious in terms of from airfare to costs to gather documentation; we don't know how much removals to Latin America are costing us?

Mr. MEAD. I could find that information. I just don't have it off the top of my head.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MR. GARY MEAD TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE GABRIELLE GIFFORDS

During Fiscal Year 2007, the government utilized the aviation services of the Justice Prisoner Alien Transport System (JPATS) along with chartered air transport companies to move aliens from the United States into Central and South America. Both contracted entities operate on hourly costs that include the use of the B-737 aircraft, aircrews, security and medical crews, maintenance, fuel, and landing fees and services. At an average operating cost of \$9,000 per hour with a four-hour out-bound flight to remove 120 aliens with a return four-hour flight to the United States, the government paid \$72,000 per flight or \$600 per seat.

For FY07, the Office of Detention and Removal Operations removed via JPATS and chartered aircraft 52,563 Mexicans, 68,158 Central Americans (El Salvador, Honduras, Guatemala, and Nicaragua) and 1,010 South Americans for 121,731 removals with a \$73,038,600 government cost. The FY07 commercial flight costs by country are presented below:

Countries	Cost of removals
Mexico	\$717,385.51
Belize	\$165,547.81
Honduras	\$1,175,762.95
Guatemala	\$1,017,655.83
Costa Rica	\$220,113.44
Panama	\$130,007.52
Nicaragua	\$1,395,039.69
El Salvador	\$1,640,367.26
Ecuador	\$974,719.18
Colombia	\$4,768,540.21

Ms. GIFFORDS. Okay. I am also curious as to whether any of the other foreign governments are contributing to some of the costs that we are incurring. Do they help reimburse us, reimburse the United States?

Mr. MEAD. No, they do not. We pay the full cost of deportation.

Ms. GIFFORDS. Has there been any discussions about other countries picking up some of those costs?

Mr. MEAD. Not to my knowledge, no.

Ms. GIFFORDS. In terms of looking at Mexico, if 60 percent of their GDP, which I believe is about \$50 billion, is coming from the United States in terms of remittances, is it at all possible when you think about why someone would leave their family, would risk their lives, come to the United States here, not be documented, and the money that they return back to their family cannot be used in the form of securing a student loan, of buying a car, of paying for a house, anything in terms of using that money officially that could allow that individual to come back to their home country and to have the resources in order to establish a better livelihood? Has anybody ever attempted to look at those dollars to better understand how the remittances can be better used?

Mr. MEAD. Congresswoman, I wouldn't know the answer to that. I am sorry.

Ambassador SHAPIRO. If I may answer that, the remittances of all Latin America and the Caribbean are about \$60 billion a year. The lion's share, of course, goes to Mexico.

What we are trying to do—this money is money that is sent from people here directly to their family members, by and large. What we are trying to do is reduce the cost of sending that money. That is, to work with banks, with companies here that transmit money to be sure that what is being charged to get the money to the family members is reduced so that the family members receive a greater percentage of it. In fact, we have been successful in reducing the costs to under 10 percent since 1995.

But as to what the family members do with the money, obviously, that is up to them.

Ms. GIFFORDS. My question, Mr. Chairman, is that we are talking about a lot of money, obviously, and money that is not necessarily being used to the best of its ability. And the goal on both of our behalfs, whether it is us or Mexico or other Latin America countries, is to reduce the amount of illegal immigration and people to be able to support their families and have good livelihoods in their nation.

And I look at that money that is being sent back, it seems there would be ways to work with some of these governments to have that money put to better use or to be able to put that money into—some ability for the money to work better for them. As it is right now, the money comes back on a regular basis, but it is not something that can be taken into account when you want to go for a loan, for example, by a bank.

And my final questions are specifically dealing with Mexican border communities. To what extent is the cooperation working—I know it has been off and on, but in terms of deportation, how is that working with our counterparts in Mexico? Any problems there that we need to be aware of or is there any areas that we need to improve upon?

Mr. MEAD. No, the cooperation with Mexico in terms of deportation is excellent. In fact, the cooperation with the countries in the entire Western Hemisphere is good. None refuse to take their people back. All work with us on issuing travel documents. Some are more efficient than others in terms of how quickly they can produce travel documents, but all the Western Hemisphere countries work with us.

Ms. GIFFORDS. One final question, Mr. Chairman, if I may. In terms of hiring contractors to do the deportation on behalf of the Border Patrol or other agencies, can you please address this? This has recently been brought to my attention that in southern Arizona we have contractors that are actually providing the transportation, and I am curious to what extent the information in terms of who we are paying and how much we are paying them and to what degree of accountability we have over their countries may be available.

Mr. MEAD. I think you would have to talk to the Border Patrol about the specifics of the contract, but there is a contract in place with a private company that picks up people apprehended from the Border Patrol agent at the scene and takes them to the Border Patrol stations for processing. This allows the Border Patrol agent to return immediately to patrolling the border, rather than spending time transporting someone; and they do, like I said, have a private contract to do that. The specifics of it in terms of qualifications and oversight you would be better off speaking to the Border Patrol.

Mr. ENGEL. Thank you.

Mr. Payne.

Mr. PAYNE. Thank you very much.

I mentioned before the Caribbean, quotas on products that they could sell to the United States, sugar and other things impact on what Caribbean countries can do. The WTO suit against Chiquita Banana that overturned the Lome treaty that allowed some of the

banana producing, several of the countries took away the market, and then we turn around and we really don't give the assistance as relates to a serious problem like this.

Also, as I mentioned before, no one wants to campaign to keep hardened criminals in our country. But, before 1996, some judgment could be used in these cases. For example, 1.6 million children and spouses affected by people being sent out of the country, those families, some might have been in prison for a short amount of time, but now these families are without even the potential breadwinner.

Let me mention one or two cases. A 52-year-old man lived in the United States as a lawful permanent resident for 40 years, served in the United States military, has four U.S. citizen sons. He was convicted of possession and the sale of a small amount of drugs. Deported.

Father of three U.S. citizen children convicted of breaking into a car and stealing a \$10 bottle of eye drops from a drugstore. Deported.

A young man who had lived in the United States legally as a refugee from Laos since he was 4 committed a minor crime. Deported.

You know, that is the other side of this question. Not the hardened criminals, that is one thing. But it does not make sense for us to take the time and the effort and the expense, the broken families, to put everybody in the same boat and ship them right back out.

The other thing that is disturbing, though, is that there has been—as I mentioned, as the co-chair of the Caribbean Caucus, this has been an issue that has continually been brought up by representatives of the CARICOM countries. And let me just specifically ask, you mentioned in passing, but what assistance, if any, does the United States provide for Caribbean countries to help? Do we have any programs that might help them?

I am not talking about giving them information about who is coming back, but are there any suggestions, any programs, any grants we have made available, any kind of cooperation that we have done with the countries that could help ease the problems since we are not going to change it?

Ambassador SHAPIRO. Mr. Payne, this was a key issue in the Conference on the Caribbean in June that we talked about; and in the statement that was issued at the conclusion of that meeting what we and the Caribbean heads agreed was that “we need to work very closely on immigration security issues in a manner respectful of national laws and government services capacity and to be more sensitive to the effects of human displacement. We will work toward the expansion of the pilot reintegration program for deportees in Haiti to include other CARICOM member states. We will develop new ways to facilitate, coordinate and communicate between our immigration services.”

The program—you have got a witness who is going to talk more about the program in Haiti. We see this as a model that could be copied elsewhere in the Caribbean to make it easier for small societies to reintegrate people who are being deported from the United States.

Mr. PAYNE. That is great. I will look forward to hearing what they are doing in Haiti to see how it can be expanded.

But I also wonder, especially in the Caribbean region where interregional migration is very common, islands are close to each other, some have called on the United States to create a deportee database to provide information to countries throughout the Caribbean. Is this a part of the Haiti study or mini program?

Ambassador SHAPIRO. No, sir. That is a different issue. What we are coming up against is, if an individual is a citizen of Country A, we give information on that individual to Country A. We don't give it to Countries B, C, and D. If the Caribbean countries among themselves wish to share that information among one another, we encourage them to do so so that they will have a database.

Mr. PAYNE. It might be easier for us if we could sort of look at a design where, since we have all the information, rather than 15 CARICOM countries trying to contact each other to see if there was a central database where we controlled it, that they could plug into.

Ambassador SHAPIRO. Mr. Payne, I asked that question yesterday in preparation for these hearings, and I intend to find the answer to that.

Mr. PAYNE. They did not give that to you yesterday?

Ambassador SHAPIRO. They did not. When I get that answer, I will share it with you.

To switch to Central America, what we agreed to in Guatemala last week was to set up a database of gang members and have digital fingerprints and share information with one another of known gang members between Central American countries, Mexico, and the United States; and that might serve as something that we could look at doing also with the Caribbean.

Mr. PAYNE. My time is up. Let me ask quickly, they say there is a perception that there is increased crime. Caribbean countries, when I visit them, say it is no perception. They have seen increase. I guess what you are saying is that you can't quantify whether these are actually as a result of our deportation. Is there any information that can verify or not? Solidify?

Ambassador SHAPIRO. The information is spotty; and everybody has anecdotes about a particular individual who did this, that, or the other. Our Ambassador, Dr. Roy Austin in Trinidad, has written a paper which I believe the chairman referred to and I think is going to be entered in the record, if I am not mistaken.

What we have been able to find out, and we have studies from the World Bank and from the United Nations Office on Drug Control, is that the people who are deported for having committed crimes in the United States are people who came illegally to the United States as adults—I am talking in general statistical terms; obviously, there are exceptions—and who are deported. I think the average age is over 30 when, demographically, in fact, the propensity to commit crimes is lower, as we all know.

The people doing these studies are unable to show a cause-and-effect relationship between deportations from the United States and increased crime, which is indeed a fact, is that there are increased crime rates in the Caribbean countries.

Mr. PAYNE. We do find that recidivism in the United States—that people who commit crimes tend to commit them again when they get out. I don't know if when they get back to the Caribbean if they decide that they are not going to commit crime anymore. It almost will follow that you are going to have a criminal person—not all, many of them are reformed—but especially if there is no job and no opportunity and they are stuck.

Ambassador SHAPIRO. I have got some data here, but what it shows is that, of the people who are being deported, those who have committed violent crime is actually a fairly small percentage.

Mr. PAYNE. My time is up. I don't want to wear out my welcome from the chairman.

Mr. ENGEL. Thank you, Mr. Payne.

Let me ask a couple of questions. Mr. Delahunt has returned, so I am going to give it to him, but let me ask one quick question.

There were approximately 179,000 aliens deported to Latin America and the Caribbean in fiscal year 2006, and some 45 percent were removed based on a criminal charge or conviction. Mr. Mead, of these 45 percent, how many were illegal immigrants?

Mr. MEAD. They were all determined to be illegal. That was the reason for their deportation.

Mr. ENGEL. So there were no legal immigrants who were deported? All illegal?

Mr. MEAD. Yes. I mean, at the point they were determined eligible to be deported, they were no longer legally permitted to stay here. There could have been some people—in fact, you may have mentioned one in your example—who were legal permanent residents at one time but because of a criminal conviction were no longer eligible to stay.

Mr. ENGEL. How many were deported for crimes which would not have warranted deportation before the law changed in 1996?

Mr. MEAD. I would have to supply that for the record. I don't know the answer to that.

Mr. ENGEL. Would you have a gut on that? I won't hold to you to it.

Mr. MEAD. No, sir.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MR. GARY MEAD TO QUESTION ASKED DURING
THE HEARING BY THE HONORABLE ELIOT L. ENGEL

Neither DRO nor ICE is equipped to validate the above statement as it relates to deported criminal aliens.

DRO systems do not organize cases based on gang affiliation. However, the chart below represents information on both criminal and non-criminal reinstatement* cases removed.

FY 2005

* CATEGORY CODE 16 CASES	28,435
CRIMINAL CHRГ CODE CASES	3,051
CONVICTED CASES	14,433
TOTAL CRIMINAL CASES	17,484
TOTAL NON-CRIMINAL CASES	10,951

FY 2006

CATEGORY CODE 16 CASES	32,784
CRIMINAL CHRГ CODE CASES	1,787
CONVICTED CASES	17,325
TOTAL CRIMINAL CASES	19,112
TOTAL NON-CRIMINAL CASES	13,672

FY 2007

CATEGORY CODE 16 CASES	30,905
CRIMINAL CHRГ CODE CASES	1,262
CONVICTED CASES	14,146
TOTAL CRIMINAL CASES	15,408
TOTAL NON-CRIMINAL CASES	15,497

* Category 16 cases are *Reinstated Final Order Removals*: The removal of an alien whose previously executed final order (of whatever kind) has been reinstated after an unlawful reentry.

Mr. ENGEL. Do the numbers differ for Mexico in comparison to other countries receiving deportees, given the large number of illegal migrant workers?

Mr. MEAD. Mexico has a higher percentage of criminal deportees than many other countries. If that is what you mean.

Mr. ENGEL. Thank you.

Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman.

I was going to pursue the same line of questioning, because, Mr. Mead, did you indicate before that we—I think I heard you use the term 650,000. How many people do we deport annually?

Mr. MEAD. Last year, the ICE deported approximately 197,000 people.

Mr. DELAHUNT. One hundred and ninety-seven thousand people. And out of that 197,000 people, there were about 135,000 to Mexico and Central America, according to a CIS report.

Mr. MEAD. The number I have off the top of my head was approximately 83 percent were sent to central, south and Caribbean nations.

Mr. DELAHUNT. I am not going to quibble on that, but there were 52,000 criminal individual criminal aliens that would have presumably been convicted of a crime committed within the United States either at the State, local or Federal level?

Mr. MEAD. Yes, sir, if that is the right number.

Mr. DELAHUNT. And there were 81,000 known criminal, which presumably would include status deportees.

Mr. MEAD. Violations of immigration law.

Mr. DELAHUNT. Violations of immigration law. That 52,000 that were criminal, is there any estimate of how many criminal aliens there are currently within the United States that are incarcerated?

Mr. MEAD. I believe we have an estimate of that, and I would like to provide that for the record.

Mr. DELAHUNT. You have not estimated that?

Mr. MEAD. I don't have it off the top of my head.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MR. GARY MEAD TO QUESTION ASKED DURING
THE HEARING BY THE HONORABLE BILL DELAHUNT

At this time DRO is unable to provide an estimate of how many criminal aliens are incarcerated in the United States. However, DRO has conducted a risk assessment of all Federal, State and local jails in order to ensure the most appropriate deployment of resources as they become available. The risk assessment shows that there are over 4,200 Federal, state, and local jails and prisons in the United States. The assessment of all U.S. jails and prisons consider factors such as facility type, security level, foreign-born or total intake where available and ICE coverage. An overall score was provided to each facility and they were broken into four thresholds based on risk. Based on this assessment, DRO was able to focus its resources to ensure 100% screening at all threshold I facilities and DRO is working diligently to extend coverage to threshold II. DRO is also working to determine the foreign-born population of all threshold II facilities.

Mr. DELAHUNT. With all due respect, I think that is information that should have been developed years ago, I am sure, prior to your becoming part of the Department of Homeland Security. Because I think it is very important that we are able to define with some certitude and clarity the number of criminal aliens in the United States. So that is a population that we all have a concern about, within the criminal alien population, a breakdown between violent and nonviolent offenders. I think that is extremely important from the perspective of public safety, whether it be here in the United States or whether it be in the countries to which, upon release, we send them.

Do we have data that determines how many criminal aliens who, upon serving their sentence, are deported?

Mr. MEAD. Yes, sir, we can tell you how many criminal aliens we deport; and we can give you an estimate of how many criminal aliens or how many aliens are currently serving sentences in Federal, State or local facilities. That number is getting better in terms of accuracy all the time.

We have what is called the Criminal Alien Program, a program that Congress has funded whereby we are doing exactly what you say we should be doing, which is identifying people currently serving sentences who would be eligible for deportation.

Mr. DELAHUNT. Presumably everyone who is an alien who commits a crime becomes deportable upon release?

Mr. MEAD. Yes, sir.

Mr. DELAHUNT. That is 100 percent of that population.

Mr. MEAD. Yes, sir, that is the population we are in the process of identifying specifically and beginning their immigration process while they are serving that sentence so that when they are completed—have completed their sentence, the time it takes to actually deport them would not only be short but they would go directly into our custody, rather than being released to the street; and that is a program that is ongoing.

Mr. DELAHUNT. Fine.

Ambassador Shapiro, this is a difficult issue. We don't have, I believe, the data to make sound policy decisions and yet I think we keep coming back to the issue of information sharing and particularly as it relates to criminal aliens who are deported returning back to their home countries. Because, in many cases, these are small countries with weak infrastructure, a lack of capacity to deal in a way that is protective of their populations, their civilian populations.

I don't know what the answer is. How many illegal—how many criminal aliens, Mr. Mead, do we have currently incarcerated in the United States?

Mr. MEAD. As I said, Congressman, I don't have an exact number for that. I would have to provide our estimate—

Mr. DELAHUNT. That is right. That is the one that I said we should have known a long time ago and be able to build, particularly those who have been incarcerated, who assuredly have learned—have gone to the graduate school of crime while incarcerated in our own penal institutions. And who undoubtedly in most cases will return and find themselves in situations where they will be prime targets of recruitment for gangs and, without having the kind of skills that are necessary, fall into a pattern of criminal behavior back in their own country.

I mean, this is something that we have got to do. We are sending billions of dollars of assistance, I think specifically to Colombia and elsewhere all over the world, not just this hemisphere, in terms of police training, judicial assistance, et cetera; and, simultaneously, we are feeding back into those societies probably the most serious problems that those countries with insufficient resources have to deal with.

Ambassador, do you have any observations?

Ambassador SHAPIRO. Mr. Delahunt, as usual, I think you have hit right on the head of the issue. It is just that. We are at the intersection of foreign policy and domestic policy where, for very good reasons, we, like other countries, deport aliens who commit crimes in our country; and then, obviously, again those people being returned to their home country stresses the justice system and social networks and the fabric of the country to which they are returned. The numbers being returned in the Caribbean are relatively small, but those are very small countries, and, obviously, it makes a big difference there.

Mr. DELAHUNT. Out of proportion.

Ambassador SHAPIRO. That is why we want to work more closely with our Central American and Caribbean partners in trying to find ways to deal with this particular issue, but also we want to help them get economies growing so that fewer of their aliens will come to the United States, will feel they have to come to the United States to be successful.

Mr. ENGEL. Thank you, Mr. Delahunt.

Before I call on Ms. Jackson Lee, let me just ask, in line with what has been discussed, some have suggested that one way to help a country about to receive a deportee is to allow the deportee to complete a prison sentence in a recipient country. The argument that I have heard is that this would permit the recipient country to start reintegrating their citizen while the criminal still serves the full sentence. Is this possible? Is this pie in the sky? Are there any circumstances where this might be possible? And have any countries requested it or spoken with us about it?

Ambassador SHAPIRO. Mr. Chairman, I don't have the exact data, but we have prisoner exchange treaties with a number of countries in Latin America and the Caribbean where nationals of the United States who are in their prisons can serve sentences in the United States and vice versa.

For each country, there are requirements. They have to have already served a certain percentage of their sentence, and they have to ask to be repatriated to their own country. In fact, we do. I don't have any figures on the number of aliens in U.S. prisons who are being returned to their home countries to complete their sentences.

Mr. ENGEL. Ms. Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, thank you very much, and the ranking member, for being true to your vision and commitment, having experienced firsthand the heads of government who have spoken to this committee, spoken to you, spoken to members of this committee, and it is a true tribute to you to be able to be responsive in a balanced manner.

I think a point was made that we are not ignoring extinguishing the right of the United States to deport individuals.

And let me apologize, I was chairing a subcommittee on homeland security, but I wanted to get here and simply pose one or two questions because I know that we are at the end of these two witnesses.

Let me for the record indicate that we are in this dilemma because we have a broken immigration system and a system that, one, has not been subjected to comprehensive repair which we should have done, and we obviously have temporarily failed in that process, and we are seeing that the 1996 legislation really is not working. It was thought to be a panacea and that is to haul people out of the environment, criminalize juvenile offenses and minor offenses and put them in a context of a criminal system and making them deported.

Now, it is certainly reasonable to think that we don't have all the jails in the United States, but I think you gentleman are dealing with this broken system by having to deport any number of people that have been convicted of really minor offenses. They have turned them into felony through the last immigration bill in the last decade.

I agree with the chairman. I think that there are solutions. One, alternative sites. And I think having listened a number of heads of state from the Caribbean, resources, if you will, facilities, transitional facilities on the soil. And I would ask whether or not, Mr. Mead, you come from the actual operational aspect, detention and removal, but out of the Department of State.

Let me go to Mr. Shapiro first to ask, Mr. Ambassador, whether or not there will be the inclination to provide the second step before they have to go into society in the Caribbean and elsewhere to provide these facilities, these transitional facilities for these deportees, as a diplomatic extension of recognizing the negative economic impact and crime impact that these deportees, some of these, are having.

Ambassador SHAPIRO. What we are looking at in the Caribbean as a model is a program that is being run by the International Organization for Migration, and someone from that organization is actually—is on the next panel.

Ms. JACKSON LEE. Why don't you answer me in terms of making that particular project larger, funding it.

Ambassador SHAPIRO. That is exactly what we want to do.

Ms. JACKSON LEE. That is your decision, not the International—

Ambassador SHAPIRO. No, what I was about to say is we are looking at that as a model to replicate in other Caribbean countries.

Ms. JACKSON LEE. What kind of funding would you be looking for in order to assist you in doing that?

Ambassador SHAPIRO. I can't give you an answer to that, because I don't have the numbers. The program in Haiti costs \$1 million a year. It comes from the United Nations Development Program.

Ms. JACKSON LEE. My time is short. I want to yield back to the chairman.

Does this take review by the Secretary of State? Does this take review by the White House? We are in a crisis. We visited a number of countries that have declared this as not only a crisis but a schism between the United States and these countries.

My question is, we could look at a pilot, but how long is it going to take? That is one of the options we have. How long would it take to move forward? I think it is a legitimate response. I don't see why we have to take such a long period of time and look at a pilot when it is an appropriate vehicle.

Ambassador SHAPIRO. We like that pilot, and I will get back to you on how we are going to move forward and a time line for that. That is one of the issues we talked about during the Conference on the Caribbean last month, and you had an opportunity to meet with a number of Prime Ministers and Presidents. We have agreed to work more closely. We are looking toward expansion of that reintegration program that is working well in Haiti to other countries in the Caribbean, and I will get back to you with a time line.

Ms. JACKSON LEE. With a sense of urgency.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE CHARLES SHAPIRO TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE SHEILA JACKSON LEE

We raised the possibility of this sort of project with CARICOM leaders in June at the Conference on the Caribbean. We are moving forward with a pilot project and intend to obligate \$2.8 million by the end of this fiscal year.

We are working with the International Organization for Migration (IOM) on a project proposal that will focus first on the CARICOM nations with the highest number of deportees. IOM has advised that it will take about three months to get the project up and running, once details have been completed and the funding obligated. The first project launch will probably take place in Jamaica, as it receives the largest number of deportees from the United States of any CARICOM country and because IOM already has staff there.

The project's main aim is to help deportees become productive members of their societies. The planned components include: (1) an awareness raising campaign, (2) arrival orientation for the returnees, (3) psycho-social support, (4) professional, vocational, and business management training, (5) substance abuse rehabilitation, (6) and capacity building so that the host governments will be able to take over the programs after we launch them.

Ms. JACKSON LEE. My last question to Mr. Mead is: Would legislation in terms of the types of individuals you deport obviously help in weeding out those persons that I think come to your attention who have had offenses as juveniles or had minor offenses that subsequently the law has changed to felonies?

Mr. MEAD. Congresswoman, obviously, we enforce the law as it was written; and so if it was changed to create different categories we would aggressively enforce those new provisions.

Ms. JACKSON LEE. Have you seen the increase based upon the law making new elements of felonies? I mean, that is how you have seen your numbers go up; is that correct?

Mr. MEAD. We have seen the numbers go up for many reasons, whether it is the criminal alien program or the fugitive program. There are many programs at play that are increasing our numbers.

Ms. JACKSON LEE. And some of these persons have committed minor offenses?

Mr. MEAD. Some have been apprehended as a result of an immigration violation.

Ms. JACKSON LEE. Thank you, Mr. Chairman. We have defined the problems, and now we have to work on a solution.

Mr. ENGEL. Thank you very much; and I, too, would like to thank both Director Mead and Ambassador Shapiro for very enlightened testimony. I think Mr. Burton and I were talking about some ideas for legislation directly related to some of the testimony, and I thank you very much both for your very thorough testimony and very important testimony. Thank you.

Ambassador SHAPIRO. Thank you very much, Mr. Chairman.

Mr. ENGEL. We are now going to move to the second panel. We will take about a 30-second or 45-second break while we put the names down. Thank you.

I am now pleased to call up our distinguished panelists for the briefing portion of today's session. It is an honor for me to welcome to the subcommittee such an impressive group of individuals.

Annamarie Barnes is the Chief Technical Director of the Jamaican Ministry of National Security. Maureen Achieng is the chief of mission for Haiti at the International Organization for Immigration. Mr. Nestor Rodriguez is the chairman of the Department of Sociology at the University of Houston. Allison Parker is a senior researcher at Human Rights Watch. And, finally, Marsha Garst is a Commonwealth attorney in Rockingham County, Virginia.

Since I already introduced you more extensively in my opening statement, I will be quiet now and turn to the floor to each of you for 5 minutes; and we look forward to hearing your remarks. But before I do that, Congresswoman Sheila Jackson Lee would make to make some special remarks about one of her constituents on the panel.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman; and, again, let me thank you for your insight in this very special problem.

I would like to welcome my distinguished friend, Dr. Rodriguez, from the University of Houston. He is a native of Corpus Christi and a graduate of Texas A&I in Kingsville and of the University of Texas. He is a professor and chair in the Department of Sociology in the University of Houston, where he directs the Center for Immigration Research. His research interests and publications are in the areas of international migration, political sociology, urban development, race and ethnic relations, migrant mortality and bureaucratic ethics.

He certainly is welcomed here on the question of bureaucratic ethics. His most recent publication, co-authored with Karl Eschbach and Jacqueline Hagan, is "U.S. Deportation Policy, Family Separation and Circular Migration" in the *International Migration Review*.

I know him as an ever-giving public servant, and he uses his academics to provide counsel and support for many of the causes that we have in Houston. And I might simply hope that he agrees with one of the points that I made, is our failure to do comprehensive immigration reform winds up, Mr. Chairman, resulting in this hearing in your committee and avoiding fixing some of the severe problems.

I welcome you, Dr. Rodriguez, and thank you for your service not only to our constituency in Houston but certainly to the Nation.

Mr. Chairman, with that, and to the ranking member, Mr. Burton, let me thank you; and I yield back.

Mr. ENGEL. Thank you, Ms. Jackson Lee. We appreciate your testimony and your introduction and your questions.

Let me start with Dr. Barnes. Let me again say to everybody, please summarize in 5 minutes. I will be banging the gavel after 5 minutes. If you want to submit your testimony for the record, everything will go in. If you want to summarize, that would be most welcome.

Dr. Barnes.

STATEMENT OF ANNMARIE BARNES, PH.D., CHIEF TECHNICAL DIRECTOR, MINISTRY OF NATIONAL SECURITY, JAMAICA

Ms. BARNES. Thank you, Mr. Chair; and I want to express our appreciation from the Caribbean and Latin American states for this hearing and to commend you for the level of engagement that the members of the committee have shown so far.

The mass deportation of criminal offenders to the Caribbean and Latin America constitutes one of the greatest threats to security in the region. Each year, thousands of convicted felons are returned from the United States; and while the vast majority may have been stripped of their material possessions, for many, their propensity to criminality remains intact.

While deportation may solve a few problems within the deporting country, the removal of criminal offenders to another geographical location does not protect the United States from further criminal actions by those persons.

Recent experience shows that in a global world, problems of insecurity cannot be constrained by borders, particularly in nation-states that are less able to keep pace with globalized threats.

The mass relocation of criminal offenders from relatively high-security environments to less secure societies that are, by definition, more criminogenic has nearly shifted the responsibility from managing those persons to their country of birth. By expanding the locals' call for criminal enterprise, deportation poses serious challenges not only to national security interests, but also to the management and secure globally.

You have referenced, Mr. Chair, reports from Ambassador Austin and the World Bank, but we want to talk about studies that we have done from CARACOM that have been conducted in associa-

tion with the University of the West Indies, the University of Toronto and the University of Florida. And in data that we undertook, we found that almost 30,000 criminal offenders have been deported to three countries—Jamaica, Trinidad and Tobago—in the last 15 years.

Similar studies will, in fact, be conducted in the eastern Caribbean countries. We found that over 17,000 persons had been deported for drug offenses, almost 1,800 for possession of illegal firearms and more than 600 for murder. The United States is responsible for more than 75 percent of all criminal deportations to the region with a combined population of less than 5 million people in the countries studied.

The impact of this relocation of these criminal offenders would be roughly equivalent in the United States to the influx of more than 1 million convicted drug offenders and close to 40,000 convicted murderers. In one of the countries, the deportation of criminal offenders actually rivals the number of convicted persons released from local penal institutions annually, practically doubling the number of criminal offenders released into that society each year.

The study also found that many deported persons continued to engage in crimes subsequent to their deportation. In Trinidad, for example, deported persons were more than three times more likely to be arrested than the average for the general population; while in Jamaica, deported persons were just as likely to be convicted of a crime. In addition, data on self-reported offending patterns among deported persons reveal that more than 50 percent had engaged in criminal activities that may have gone undetected by local law enforcement authorities.

Interviews with deported persons also reveal that deportation has caused devastating sociopsychological effects not only for these persons, but for other family members and, in particular, their children, the vast majority of whom have been left behind in the United States.

Of 345 persons deported, the majority were parents whose children are in the U.S. and who face extreme hardships, emotionally and financially. Ninety-six percent of the parents we interviewed had left their children when they were deported and less than 20 percent provide any support or these children who have become dependent on other relatives and welfare programs for their primary means of support.

In its deliberations concerning the impact of criminal deportation on countries in the Caribbean and Latin America, the Congress of the United States is respectfully asked to consider the recommendations: (1) the establishment of procedural guidelines that would help to streamline the deportation process with due regard for the interest of both departing and receiving countries; (2) a review of the legislative framework that governs the deportation of long-term residents with a view to more appropriately balance, in the interest of the departing country, the individual being deported, the best interest of children and the long-term impact on receiving countries; (3) the allocation of technical and financial resources to support social reintegration; (4) a law enforcement program in receiving states, including support for the reintegration of deported persons; (5) financial support for the establishment of transitional

facilities; and (6) increased support for law enforcement in the receiving countries.

To conclude, we want to say that the massive relocation of criminal offenders from developing nations is a counter-security measure in a global world. If global concerns about security are to be universally respected, then the United States, the Nation at the forefront of the charge that creates a safer global community, should ensure that it does not engage in action that shifts the burden of maintaining security to countries least equipped to do so.

The nation-states of the Caribbean are relying upon this Congress of the United States to recognize a criminal deportation, constitutes a real threat to the security of the region and to take actions that remain true to this Nation's idea of enhancing global security and creating a just society for all kind.

Thank you.

[The prepared statement of Ms. Barnes follows:]

PREPARED STATEMENT OF ANNMARIE BARNES, PH.D., CHIEF TECHNICAL DIRECTOR,
MINISTRY OF NATIONAL SECURITY, JAMAICA

The mass deportation of criminal offenders to the Caribbean and Latin America constitutes one of the greatest threats to security in the region. Each year, thousands of convicted felons are returned from the United States, and while the vast majority may have been stripped of their material possessions, for many, their propensity to criminality remains intact.

While deportation may solve a few problems within the deporting country, the removal of criminal offenders to another geographical location does not protect the United States from further criminal actions by those persons. Recent experience shows that in a global world, problems of in-security cannot be constrained by borders, particularly in nation-states that are less able to keep pace with globalized threats.

Indeed, the mass relocation of criminal offenders from relatively high security environments to less secure societies that are by definition more criminogenic, has merely shifted the responsibility for managing such persons to their country of birth. By expanding the locale for criminal enterprise, deportation poses serious challenges not only to national security interests in receiving countries, but also to the management and control of security globally.

SCALE OF DEPORTATION TO THE REGION

In an analysis of deportation data for Guyana, Jamaica, and Trinidad and Tobago, a recent CARICOM study found that almost 30,000 criminal offenders had been deported to those countries between 1990 and 2005. Over 17,000 had been deported for drug offences; almost 1800 for possession of illegal firearms, and more than 600 for murder. The United States is responsible for more than seventy-five percent of all criminal deportations to the region.

With a combined population of less than 5 million people in the countries studied, the impact of this relocation of criminal offenders would be roughly equivalent to the influx, into the United States, of more than one million convicted drug offenders, and close to 40,000 convicted murderers.

In one of the countries studied, the deportation of criminal offenders rivals the number of convicted persons released from local penal institutions annually, practically doubling the number of criminal offenders released into that society each year.

The study also found that many deported persons continue to engage in crime subsequent to their deportation. For example, deported persons in Trinidad and Tobago were over three times more likely to be arrested than the average for the general population, while in Jamaica, deported persons were just as likely to be convicted of a crime, with one in every 18 deported persons, compared to 1 in 17 in the general population, having been convicted of committing a crime.

In addition, data on self-reported offending patterns among deported persons also reveal that more than fifty percent had engaged in criminal activities that may have gone undetected by local law enforcement authorities.

SOCIAL EFFECTS

Interviews with deported persons revealed that deportation has caused devastating socio-psychological effects, not only for deported persons, but for other family members, and in particular their children, the vast majority of whom have been left behind in the United States, and who have little or no contact with the deported parent.

Of 345 deported persons interviewed, the majority were parents whose children in the United States face extreme hardships, both emotionally and financially. Overall, 96% of parents had left their children when they were deported, and less than 20% provide any support for those children, who have become dependent on other relatives and welfare programmes for their primary means of support.

CURRENT PROCEDURES

Procedural guidelines for deportation vary by country, but in general, receiving countries are beset by the following problems:

- Inadequate period of notification prior to removal;
- Incomplete information, such as the absence of criminal antecedents;
- Insufficient time for the settlement of affairs; and
- Pressure to issue an emergency travel document, which compromises the process of identity verification.

RECOMMENDATIONS

In its deliberations concerning the impact of criminal deportation on countries in the Caribbean and Latin America, the Congress of the United States is respectfully asked to consider the following recommendations:

- The establishment of procedural guidelines that would help to streamline the deportation process, with due regard for the interests of both deporting and receiving countries;
- A Review of the legislative framework that governs the deportation of long term residents, with a view to more appropriately balancing the interests of the deporting country, the individual being deported, the best interests of children, and the long-term impact on receiving countries;
- The allocation of technical and financial resources to support social reintegration and law enforcement programmes in receiving countries, including, *inter alia*:
 - Support for the re-integration of deported persons, including training and access to rehabilitative programming;
 - Financial support for establishment of Transitional facilities; and
 - Increased support for law enforcement services in the receiving countries.

CONCLUSION

The massive relocation of criminal offenders from developed to developing nations, is a counter-security measure in a global world. If global concerns about security are to be universally respected, then the United States, the nation at the forefront of the charge to create a safer global community, should ensure that it does not engage in action that shifts the burden of maintaining security to countries least equipped to do so.

The nation-states of the Caribbean are relying upon this Congress of the United States of America to recognize that criminal deportation constitutes a real threat to the security of the region, and to take actions that remain true to this nation's ideal of enhancing global security, and creating a just society for all mankind.

Mr. ENGEL. Thank you.
Ms. Achieng.

**STATEMENT OF MS. MAUREEN ACHIENG, CHIEF OF MISSION
FOR HAITI, INTERNATIONAL ORGANIZATION FOR MIGRATION**

Ms. ACHIENG. Mr. Chairman, members of the subcommittee, on behalf of the International Organization for Migration, IOM, let me express my appreciation for the invitation extended to brief you on

migrants returning to the country of origin. My oral remarks are summarized in the prepared statement.

IOM's programs to assist returning and returned migrants are sometimes carried out in the framework of a contribution to development, and at other times they seek to assist those who no longer have the option to remain in the country that is hosting them and who then return voluntarily or involuntarily.

Although, under its constitution, IOM cannot assist in the process of deportation, assistance can be provided once the migrant has returned to his or her country of citizenship. In the Western Hemisphere, IOM assists migrants returning from the United States to Haiti, El Salvador, Honduras and Guatemala.

Although I will mention briefly programs in Central America, I will focus on the program in Haiti, as this is the one where the beneficiaries are all deportees.

At the request of the Government of Haiti and of the United States aid mission in Haiti, IOM developed a pilot program that provides for integration assistance to this target group as well as sensitizes the Haitian public with the view to reducing the stigma attached to being deported. The program has four key components which, from IOM's global experience, are critical to success and reintegration.

The first component is a nationwide information campaign to reduce the stigma associated with deportees who are widely perceived as violent. The program does this through radio announcements which asks the society at large to welcome their returning nationals, providing background information to the media to help them prepare reports that provide a more balanced view of deportees, sensitizing civil society and religious leaders; a documentary on Haitians deported from the United States to educate the Haitian public on the problems deportees encounter, as well as the contributions that they can make; and a series of workshops bringing together government and civil society to deliberate on the problems deportees face as they seek to be reintegrated into Haitian society.

The second component aims to provide psychosocial support for those who need it as a result of the trauma suffered from the deportation to a society that, for the most part, rejects them. Individual sessions develop career options and reorient deportees that have lived outside of Haiti for many years to the cultural milieu.

The third component, vocational training, is provided for those that need it, need additional skills in order to secure jobs or to set up in self-employment. Additionally, orientation sessions and language training opportunities are made available to those who need it.

Finally, in the fourth component, deportees receive more training in small and microenterprises. Each deportee develops a project proposal for which they receive a small financial outlay, 70 percent as a grant and 30 percent as a low-interest loan not exceeding \$2,000 per capita.

This program has been funded through an arrangement with the United Nations Development Program that provided \$1 million in May 2006 for this initial pilot phase. UNDP was able to do so

thanks to funds made available to them by USAID for the Haiti Poverty Reduction program.

For the 650 deportees that have returned since the program's commencement in October 2006, the project counted on the following achievements: 350 have registered into the program; 94 have received psychosocial counseling and benefited from orientation sessions with social workers and psychologists; 37 have completed trainings and have established individually or in groups a total of 14 microenterprises; 57 have completed trainings and await funding for 37 group and/or individual microenterprises.

Three major radio stations are airing public service announcements encouraging the public to welcome their compatriots; six journalists have received detailed background briefings on the program; eight institutions with an interest in the question of deportees have similarly received detailed briefings.

On the other hand, from our experience to date, IOM would observe that there are a number of needs that have yet to be met. These include ID documents, as the lack of these are an obstacle to the deportees' ability to access services, including those that the program offers: Premises suitable for dignified welcome for deportees; temporary housing for the small number that lack family ties; a clear policy on incarceration and liberation of deportees upon arrival in order not to deter them from registering with the program; the contribution of a broad range of actors to the destigmatization campaign; predeparture support to allow deportees to be able to contact family in Haiti prior to their return; ability to refer deportees to a range of medical services, including psychiatric care and drug rehabilitation as some 30 percent deported since the program's commencement have been deported on drug-related offenses; and finally, funding to enable the program to fully take root and be transferred to the relevant Government of Haiti entity which is the National Office for Migration.

Turning briefly to the programs in Honduras, El Salvador and Guatemala, most of the components highlighted for Haiti are also present. These have also planned for medium-term assistance programs and immediate term support for successful economic cultural and social reintegration.

Mr. ENGEL. May I ask you to summarize? You can submit the rest of that.

Ms. ACHIENG. Although these three countries of origin have provided funding for the immediate assistance elements, they look to the international community for support for medium-term programs for obtaining enduring integration. From experience with these types of programs, IOM has learned that the initial arrangements for reception are important, including a warm and dignified welcome. A briefing on the situation in the country is vital for integration, including information on education and employment options. Assistance to procure identity documents is also necessary.

To the extent that returnees are seen by the general population as deportees, it limits their reentry into societies. The deportees are stereotyped as criminals. As the returnees return to the country of origin, it can discourage them from entering the workforce leading to renewed attempts at irregular outward migration. They

need to be assisted with programs that can guarantee a successful economic reintegration.

And finally returnees who have families that were left behind immediately look for ways to reunite with them, which translates into yet another attempt at irregular migration.

Thank you very much.

[The prepared statement of Ms. Achieng follows:]

PREPARED STATEMENT OF MS. MAUREEN ACHIENG, CHIEF OF MISSION FOR HAITI,
INTERNATIONAL ORGANIZATION FOR MIGRATION

ASSISTANCE TO MIGRANTS RETURNING FROM THE US

The International Organization for Migration (IOM), is an intergovernmental organization headquartered in Geneva, Switzerland. Currently IOM has 120 members of which the United States is a founding member.

As part of its programming and assuming that funding is available, IOM can provide assistance to migrants returning to their countries of origin, either in the framework of contributing to development, or to assist those who no longer have the option to remain in the country that is hosting them. Although under its constitution IOM cannot assist in the process of deportation, assistance can be provided once the migrant has been returned.

To assist migrants returning from the United States, IOM has at present four programs in the Western Hemisphere—Haiti, El Salvador, Honduras, and Guatemala. Details of these programs follow, including some observations of those program elements that have been found to work, and those where further development is needed.

HAITI

Program's Objective

At the request of interested entities, notably the Government of Haiti and USAID, IOM was requested to look into the plight of returning Haitian migrants deported from various countries, notably the United States.

In close coordination with the Haitian authorities, IOM developed a pilot program that seeks to provide reintegration assistance to this target group, as well as to sensitize the Haitian public with a view to reducing the stigma attached to being deported.

The program has four key components, which in IOM's experience in other countries, are critical to the success of such programs:

Component One: One of the greatest obstacles to the reintegration of Haitian deportees has to do with the stigma in Haitian society attached to bearing the label 'deportee'. This pilot project therefore seeks to work with the Government of Haiti to carry out a nationwide campaign to reduce, if not eliminate, the stigma associated with deportees who are widely perceived as fueling violence. In so doing, the program places emphasis on successful reintegration stories, of which, sadly, there are few to date. The project does this through various means, such as:

(a) radio announcements urging society at large to welcome their returning nationals in the interest of the country given the myriad skills that they could offer the country if given a chance to contribute;

(b) providing background information to the media to help them prepare radio, TV and press reports that provide a more balanced view of deportees to the general public;

(c) sensitizing civil society and religious leaders (such as: the Council of Catholic Bishops, the Episcopal Commission on Migrants, the Federation of Protestants and the Haitian Association of Entrepreneurs);

(d) providing support for the production of a documentary on the lives of Haitians deported from the US for purposes of educating the Haitian public on the reality of the conditions of life and the problems deportees encounter, as well as the contributions they can and have made. The documentary will also eventually be used to sensitize Haitian youth in the US on the additional risks they run in engaging in criminal activities, and, lastly;

(e) A workshop bringing together government and civil society to deliberate on the problems deportees face as they seek to reintegrate into Haitian society.

Component Two: Provision of psychosocial support for those that appear to need it as a result of the trauma suffered from their deportation to a society that for the most part rejects them. Individual orientation sessions are given by social workers

to enable them to begin to reflect on what career they might pursue. Equally importantly, these sessions focus on culturally orienting those deportees that have lived outside of Haiti for many years and may no longer be attuned to the cultural milieu.

Component Three: Vocational training is provided to those that need additional skills in order to secure jobs (of which there remains a serious dearth) or to set up in self-employment, along with training on how to manage a micro-enterprise. Additionally, orientation sessions and life skills training (e.g. in Creole and French) opportunities are made available to those that need it.

Component Four: More specific training in the establishment of small and micro-enterprises is provided over a three-week period, following which each deportee is tasked with developing a project proposal, for which they receive technical support, and, eventually, financial support (70% as a grant, and 30% as a low-interest loan) not exceeding \$2,000 per capita. In light of the small financial outlay, the deportees are encouraged to team up to establish joint enterprises. Poultry, beer brewing, cyber cafes, bakeries, restaurants, plumbing services, are some examples of projects that have thus far been supported through this pilot project.

Funding

Through an arrangement with UNDP, the program received \$1 million in May 2006 for this initial pilot phase. UNDP was able to finance the pilot program thanks to funds made available to them by USAID for initiatives in response to their Poverty Reduction Strategy.

Achievements

Of the 650 deportees that have returned since the program's commencement in October 2006:

- 350 registered into the program;
- 94 have received psychosocial counseling and benefited from orientation sessions with social workers;
- 37 have completed trainings and have established, individually, or in groups, a total of 14 micro-enterprises;
- 57 completed trainings and await funding for 37 group and individual micro-enterprises;
- 240 await entry into the training programs prior to receiving funding for the establishment of micro-enterprises;
- 3 major radio stations are airing public service announcements 12 times a day encouraging the public to welcome their compatriots as they all have something to offer if given a chance to contribute;
- Journalists from 3 important Haitian dailies and 3 journalists belonging to three key radio stations have received detailed background briefings on the program;
- 8 institutions (both church-based and non-governmental organizations) with an interest in the question of deportees have received detailed briefings;

Needs

- Many of the deportees have no ID documents (neither Haitian nor US) and this remains an obstacle to their ability to access services, including some of those that the program offers;
- Premises in which to welcome deportees;
- An ability to provide temporary housing to a small group that need it due to an absence of family ties in the country;
- Clear policy on incarceration or liberation of deportees upon arrival in order not to deter them from registering for the program;
- The contribution of a broad array of actors to the de-stigmatization campaign;
- Pre-departure support to allow deportees to contact their families in Haiti prior to their return;
- Ability to refer deportees to a range of medical services, including psychiatric care and drug rehabilitation, as some 30% have been deported for drug-related offences;
- Funding to enable the program fully take root and eventually be transferred to the relevant Haitian government entity—the National Office for Migration/Ministry of Social Affairs.

HONDURAS

Program's Objective

The Center for Assistance to Returning Migrants (*Centro de Atención al Migrante Retornado CAMR*) was created at the request of the Government of Honduras in the framework of the Regional Conference on Migration (also known as the Puebla Process). The seven-year-old program provides immediate and medium to long term assistance to Honduran migrants returning from the United States.

Phase I: Provide immediate assistance upon arrival—information, medical support if needed, food, shelter, clothing, psychosocial support, help in obtaining identification documents, assistance to contact family members and rehabilitation centers, and transport to the final destination.

Phase II: Medium-term assistance to migrants which includes programs for successful economic, cultural and social reintegration.

Number of Migrants Assisted:

From March 2000 to December 2006, 76,458 Honduran migrants were assisted. In 2007, as of the end of June, more than 16,000 migrants have returned from the US.

According to official government estimates, the return of migrants from the US in 2007 will increase by 12 percent, with a total for the year estimated at more than 29,000.

Funding

Initial funding for the rehabilitation and furnishing of the building housing the center was provided by the Department of State's Bureau for Population Refugees and Migration (PRM). The program is currently funded by the Government of Honduras.

The *Asociación Hermanas Misioneras de San Carlos de Borromeo (Scalabrinas)*, also provide funding for the center.

Achievements/Needs

Due to the increased number of returnees, the premises that were initially rehabilitated for the project are no longer able to accommodate the increased number of returnees.

The government's migration directorates have not included in their annual planning the budget needed for the upkeep and enlargement of the facilities used to receive and process the returning migrants.

In Honduras, migration has become part and parcel of the country's economic and social life. In response the government is creating a political framework to deal with migration and its many aspects. The government national policy on migration, currently being drafted, includes a component to provide support to the returning migrants.

Since the program began, returning migrants have received basic assistance upon arrival, but much remains to be done in order to achieve a full and successful economic and social reintegration of this population. The government of Honduras requires continued financial support from donor governments in order to fully integrate the returning population.

EL SALVADOR

Program's Objective

In November 1998, IOM, Catholic Relief Services, and the Government of El Salvador with the support of the United States Government and different civil society organizations (churches, NGOs, private enterprise and academic institutions), formed a technical Commission to implement a pilot project.

The Welcome Home Program (*Bienvenido a Casa*) in El Salvador got underway in February of 1999.

Until 2001 the program was managed by IOM and implemented by Catholic Relief Services. The Government of El Salvador later took over the management of the program, and IOM remains an implementing partner.

The program was created to provide assistance and facilitate the successful reintegration of Salvadorians returning to their country of origin.

Welcome Home provides support to all returning migrants, including those deported by the US Government for criminal offenses.

Program's Components

Immediate humanitarian assistance upon arrival in the country, including information, emergency medical attention, advice and support to obtain identity documents, and support with obtaining recognition of studies completed abroad.

Number of Migrants Assisted:

1999	3,516
2000	3,631
2001	3,064
2002	3,560
2003	5,170
2004	6,174
2005	7,032
2006	14,326
2007	11,500 as of mid-July

Funding

Initial funding for the rehabilitation and furnishing of the building housing the center was provided by the US Department of State's Bureau for Population Refugees and Migration (PRM). The program is currently funded by the Government of El Salvador.

Achievements/Needs

A new component was added to assist the returnees in the difficult process of re-adjustment to the life in a country that the majority left as children; this is vital for the successful reintegration of the beneficiaries.

The program strongly promotes strengthening the returnees' skills in order to make the return and integration sustainable. This component aims to decrease the incidence of another attempt at irregular migration.

Since its inception, the assistance program in El Salvador has provided basic immediate assistance to the returnees upon arrival, but much remains to be done in order to achieve a full and successful economic and social reintegration of this population.

The government of El Salvador requires continued financial support from donor governments in order to fully integrate the returning population.

GUATEMALA

Program's Objectives and Components

IOM's program to assist irregular migrants returning home to Guatemala from the United States is part of a cooperation agreement signed in February 2007 between IOM and the Government of Guatemala.

IOM staff meet the returnees at the airport and provide immediate humanitarian assistance which includes transport to their places of origin. They also receive food rations, medical assistance, if needed, and are provided with free telephone access so they can contact their relatives upon arrival.

Working with the Ministry of Labor, IOM has created a database to collect information on the returnees in order to match their job skills with employment opportunities in the public and private sectors.

IOM will also provides skills training for a successful reintegration into the job market; and is ready to work with other partners in the design of micro enterprise projects so they can open small businesses and become self sufficient.

IOM also will partner with Guatemalan universities to find employment for returning professionals and to provide support to those wishing to continue their university education.

Realities that hinder the successful reintegration of the returnees

Due to lack of funds, IOM is providing only immediate assistance upon arrival and transport to their final destination. A vital component of the program, the economic reintegration of the returnees, has yet to be implemented due to lack of funding.

Funding

The assistance being provided to the returnees is funded by the Government of Guatemala. The Ministry of Foreign Relations and the Office of Economic Planning are seeking financial support from international cooperation mechanisms in order to implement the other components of the program.

Number of Migrants Assisted:

2005	11,512
2006	14,921
2007	12,084 at 18 July

This year has seen a marked increase in the number of returns. In May, a total of 1,620 persons were returned; in the first nine days of June, 1,068 returns were recorded.

According to estimates provided by the Government of Guatemala, some 25,000 Guatemalans in the United States will be returned in 2007. At this rate, some 2,000 persons will need humanitarian support every month.

Lessons learned

The following points are derived largely from the programs in El Salvador and Honduras, which are the longest-running. Lessons from these programs informed the design of the program in Haiti.

Components that work

All returnees are met at the airport where they receive a warm and dignified welcome.

All returnees have expressed their satisfaction and gratitude that faith-based groups, IOM and government officials are present upon arrival.

Returnees receive a briefing on the situation in the country; vital for their re-integration.

Returnees receive medical assistance upon arrival; this also benefits the general population.

Returnees are assisted to procure identity documents.

Returnees receive information on education and employment options.

Returnees are registered in the national employment database managed by the Ministry of Labor.

Realities that hinder the successful reintegration of the returnees

The fact that the returnees are seen by the general population as deportees limits their reentry into society.

The process of deportation stereotypes the returnees as criminals.

The returnees worked in the service industry and other sectors where they were earning much higher wages than those they will earn once back to their country of origin. This discourages the returnees from entering the work force and leads them to renewed attempts at irregular migration.

Those returnees who had families that were left behind immediately look for ways to reunite with their families, which translate into yet another attempt at irregular migration.

Most returnees find that it is not easy to adapt to the societies and way of life in their countries of origin.

For the most part, the returnees cannot identify programs that can guarantee a successful economic and social reintegration.

Mr. ENGEL. Chairman Rodriguez.

**STATEMENT OF NESTOR RODRIGUEZ, PH.D., CHAIRMAN,
DEPARTMENT OF SOCIOLOGY, UNIVERSITY OF HOUSTON**

Mr. RODRIGUEZ. Chairman Engel, Ranking Member Burton and other distinguished members of the subcommittee, I am Nestor Rodriguez, professor and chair of in the Department of Sociology at the University of Houston where I also direct the Center for Immigration Research. Thank you for the opportunity to present a briefing this afternoon on the impacts of U.S. deportations to other countries.

I have been studying impacts of U.S. immigration policy with my co-researcher, Professor Jack Hagen, since the mid-1990s. I have co-published four papers about deportations in peer-reviewed journals. These publications are based primarily on a random survey of 300 deportees interviewed in the country of El Salvador in the year 2002.

This evening, I will briefly summarize some of the findings from our Salvadoran survey.

Very briefly, some of the individual characteristics of our Salvadoran sample of 300 has the following: The mean age of the sample is 31.3 years old; the mean time spent living in the United States before being arrested and deported was 9.1 years. About 65 percent of the sample reported being employed when they were arrested and later deported.

In response to the survey question regarding their household living arrangements in El Salvador after being deported, the deportees answered as follows: 13 percent lived with a spouse or girlfriend; 10 percent lived with parents or siblings; 44 percent lived with other relatives; 24 percent lived with friends; and 5 percent lived alone.

In response to the survey question regarding crimes committed in El Salvador after being deported, 5 percent said they had committed crimes. Information provided by a social service agency that works closely with deportees indicates that the percent who commit crimes after being deported is closer to 13 percent.

Concerning problems experienced in the integration of deportees into Salvadoran society, the study found three problems. One condition was deportees, especially the younger ones, have a very hard time finding jobs, not only because jobs are scarce, but also because of stereotypes that exist of deportees as criminals and gang members.

Another issue is that families complain about and feel uncomfortable with their deported family members when they see them returning with problematic behaviors.

The third issue is a situation that a large number of deportees went from being family providers before their deportation to being family dependents after their deportation.

The Salvadoran study found two organizations assisting deportees integrating into Salvadoran society. One organization was a consortium of 12 NGOs that ran a program called Bienvenido Casa, which means "welcome home." The program provided several types of assistance. It provided receptions at the airport for arriving deportees, transportation assistance from the airport to the deportees' homes, who need it, social service referrals, counseling, job placement services and follow-up contacts.

Bienvenido Casa was set up by the original conference on migration with U.S. financial support given through the International Office of Migration. The program is now operated by the Salvadoran Government, and it is my understanding that they have added the service of taking fingerprints and getting more information from deportees.

Another organization that assists deportees in El Salvador is called Homies Unidos, or United Homeboys, and work with deportees who want to get out of gangs or get out of the drug cultures. Homies Unido also operates community programs and projects in Los Angeles, California.

Regarding the survey question of plans to migrate again to the United States, 38 percent said they were planning to migrate again, 34 percent said they were not planning to respond, and 28 percent did not respond. In our sample, 23 percent had been de-

ported once—at least once before. The ones planning to migrate again were more likely to be younger, have left a spouse or children behind in the United States, or had been deported before.

Finally, regarding the question of whether their families in the United States would join them in El Salvador if they did not migrate again to the United States, 19 percent said their families would join them in El Salvador, 23 percent said their families would not join them, and 58 percent gave no response.

Thank you for the opportunity to present findings before this committee.

[The prepared statement of Mr. Rodriguez follows:]

PREPARED STATEMENT OF NESTOR RODRIGUEZ, PH.D., CHAIRMAN, DEPARTMENT OF SOCIOLOGY, UNIVERSITY OF HOUSTON

Chairman Eliot Engel, Ranking Member Dan Burton, and other members of the Subcommittee: I am Nestor Rodriguez, Professor and Chair in the Department of Sociology at the University of Houston, where I also direct the Center for Immigration Research. Thank you for the opportunity to present testimony this afternoon and to share research findings on impacts of U.S. deportations to other countries. I have been studying deportations and other impacts of U.S. immigration policy with my co-researcher Professor Jacqueline Hagan since 1997. I have co-authored papers about this research in four, peer-reviewed, journal publications. The basis of these publications is primarily a random survey of 300 deportees interviewed in the country of El Salvador in 2002 with the assistance of Catholic Relief Services in that country. Some of my findings are also based on trips I have made to the Mexican border town of Nuevo Laredo on the Texas-Mexico border. I will concentrate this afternoon on six deportation-related findings obtained from analyses of our data. These findings concern social and demographic characteristics of the deportees, their household living arrangements, rate of crimes deportees committed after returning to their country of origin, difficulties in the process of their integration in the country of origin, types of integration assistance provided by organizations, and deportee plans to re-migrate to the United States.

DEPORTEES AND DEPORTATION IMPACTS

Deportee Individual Characteristics

The U.S. deportation program is basically a removal of Latin American immigrants to their home countries. According to the most recently published report of the Department of Homeland Security, in 2005 the United States formally removed 96% of 208,521 deportees to the Latin American regions of Mexico, Central America, South America, and the Caribbean (U.S. Department of Homeland Security 2006, table 41). Only six countries in the world received more than 1% of all U.S. deportees in 2005. These countries were Mexico (144,840; 69.5%), Honduras (14,556; 7%), Guatemala (12,529; 6%), El Salvador (7,235; 3.5%), Brazil (5,938; 2.8%), and the Dominican Republic (2,929; 1.4%). Two countries, Colombia and Jamaica, accounted for .9% each of the total number of formal removals in 2005.

In our Salvadoran study, men composed 95% of the random sample of 300 deportees (Eschbach, Hagan and Rodriguez 2008). The median age of the sample was 31.3 years, and the mean time spent in the United States before being arrested and deported was 9.1 years. Thirty-three percent of the sample reported being in the United States from 5 to 15 years. Sixty-five percent reported being employed when they were arrested, and 18.7% reported being unemployed (16% did not respond to the employment question). The average monthly earning in the United States of the deportees who had been employed was about \$1,831.

Household Living Arrangements in the United States and El Salvador

The majority of the Salvadoran sample of 300 respondents lived in family-related households before their arrest and deportation. Twenty-five percent lived with both parents or one parent or with an aunt or uncle. Twenty-one percent lived with siblings or cousins or relatives-in law, and 22.7% percent lived in households with a spouse and/or with their children. Twenty three percent did not live with a family relative or with no one, and these were mainly migrants apprehended soon after entering the United States (8% of the sample did not respond to the household question).

Of the 287 deportees who responded to the question of their living arrangements after being deported to El Salvador, the largest categories were 12.9% who lived with a spouse or girlfriend, 10.4% who lived with siblings or parents, 43.9% who lived with other relatives, and 24.4% who lived with friends. Only 4.5% reported living alone.

Crimes Committed After Returning to the Country of Origin

When we asked the question of whether they had experienced problems with the law after returning to El Salvador, 294 of the sample answered the question. Of these, 94.9% stated that they had not had any problems with the law, and 5.1% stated that they had experienced problems with the law. However, in comparing these statistics with a long-term director of a social program that works with deportees, he reported that based on his own data the proportion of deportees that commit crimes after returning to El Salvador is 13%. It is important to understand that some behavior that is considered criminal in the United States may not be considered criminal in El Salvador, such as fighting to protect the honor of one's family.

Difficulties in the Process of Deportee Integration

The study of deportees in El Salvador found several problems experienced by deportees, families, and communities in the process of integration of the deportees. A focus group meeting with a small group of deportees (all young men in their twenties) found that a major problem was the trouble they had in finding jobs. The deportees reported that employers were very hesitant to offer jobs to deportees, who were seen as criminals. According to this group of deportees, employers asked potential employees if they had tattoos and would not hire anyone found to have a tattoo (all the young men in the interview meeting had tattoos).

In a pilot study we conducted in 1998 in El Salvador, and which included family interviews, we found that some families complained that their deported family members had returned with problematic behaviors (Rodriguez and Hagan 2004). Some families stated that their deported family members had left El Salvador as good boys or good young men and had returned with drug problems or other problems. Sixteen percent of the families interviewed in the pilot study saw the returning deportee family member as a burden. Some families worried for their safety because their deported family members had committed serious crimes in the United States. While many families were happy to see their deported family members return safely back to them, other families were less certain what the return of their deported family members would bring.

Finally another problem that was reported concerning the integration of deportees into Salvadoran society was that their deportation had brought an end to their family remittances. Before their arrest and deportation, many of the deportees had been family providers, but after their deportation they had become family dependents in households with usually little income. Seventy-two percent of the migrants who were employed when they were arrested reported sending money regularly to El Salvador. Two thirds of these sent money to parents and one-fourth sent money to a spouse or a spouse and parents. The average monthly remittance reported by the deportees was \$200.

In another setting, in the Mexican border town of Nuevo Laredo, across the border from Laredo, Texas, for many deportees who are unloaded at the international bridge there is no integration problem because many of the deportees there do not try to integrate (Rodriguez and Hagan 2004). The only thought in their minds is to return to their families in the United States. These deportees create large floating populations, which local officials blame for local unemployment and crime. At one point, local government officials in Nuevo Laredo detained the deportees, made them work for a day on a cleaning project and then gave them bus tickets to leave the city to the Mexican interior. State representatives from Mexican Border States have complained about the problems created when U.S. agencies release large numbers of deportees in border town of their states.

Assistance for Deportee Integration

Community organizations of civil society have played an important role in providing assistance for the integration of deportees back into their countries of origin. In El Salvador a collection of 12 non-governmental organizations came together to develop an assistance programs for deportees. The program is called "Bienvenido a Casa" (Welcome Home). It was created in 1999 as a project of the Regional Conference on Migration, which consists of members and observers from the Organization of American States. The program received financial support from the United States through the International Office of Migration, and was arranged through a consortium of community organizations in El Salvador with Catholic Relief Services

(CRS) in El Salvador playing a central coordinating role, until the program was taken over by the Salvadoran government a few years ago.

Under the coordination of CRS, the Bienvenido a Casa program received the deportees from the United States at the Salvadoran International Airport when they arrive and deplaned the chartered flights, which usually occurred twice weekly. In a large room at the airport, the program offered a welcome back orientation for the deportees and provided assistance to help deportees integrate into Salvadoran society. The assistance included the following: money and information to help deportees find transportation to return home, information about social service agencies, counseling sessions to help immigrants who were traumatized by the detention and deportation process, and job information and job training workshops to give deportees resources to find jobs. Bienvenido a Casa also conducted follow-up contacts to see how the deportees were faring months after their return and to see what problems they were facing.

The Salvadoran government runs the Bienvenido a Casa program now. I do not know if the new arrangement is still providing all the services that had been provided originally. I have learned that the program now also includes taking information for the police, which includes taking fingerprints of the arriving deportees.

Another important function that Bienvenido a Casa performed under the coordination of CRS was to educate the public concerning the true characteristics of the deportee population. When the United States started systematically deporting large numbers of migrants to El Salvador after the passage of the Illegal Immigration Reform and Responsibility Act in 1996, Salvadoran newspapers raised public alarm when they reported that planeloads of criminals were returning to El Salvador. This media effect, and the growth of criminal gangs of deportees, created fear and a negative stereotype of deportees among many Salvadorans. While the majority of deportees to El Salvador (and deportees in general) are non-criminal deportees, in the minds of many Salvadoran the deportee is a returning criminal. One approach that CRS took to combat this negative stereotype was to promote of the replacement of the word "deportee" with the word "returnee."

Another community organization working to assist deportee integrate into Salvadoran society is an organization named "Homies Unidos" (United Homeboys). This organization has members who were deported and works with youth, and particularly with young men that want to get out of gangs and the drug culture (Homies Unidos 2007). The organization develops projects to promote education, leadership development, self-esteem and health maintenance. The organization also attempted to promote a positive image of deportees by involving them in community art projects. Homies Unidos is actually an international organization with an office in Los Angeles, California, where it works with Los Angeles schools to introduce leadership-training workshops. In Los Angeles, the organization also conducts GED classes and tattoo removals for persons who want to get rid of highly visible tattoos. In return for having their tattoos removed, persons have to attend a 10-week workshop or conduct an equivalent amount of community service. Homies Unidos also is involved in housing and health projects to benefit the large numbers of Latino immigrants in the Los Angeles area.

In Mexico, in the border town of Nuevo Laredo, a Catholic religious group prepares and hands out food to homeless deportees and Central American migrants at a church close to an international bridge where many migrants are deported from the United States. A couple of other groups also provide food for the homeless deportees but they are running out of resources because the number of deportees is greater than their capacity to help them. Many of the homeless deportees are desperate men who are penniless and looking for a way to cross the border back into the United States to return to their families in U.S. cities. Sometimes the deported men ask for money to pay for telephone service to call their wives or other family members in the United States.

Deportee Plans to Re-Migrate to the United States

In the Salvadoran survey of 300 deportees, the deportees were asked if they planned to return to the United States. Of the 300 deportees in the sample 38% answered "yes," 34% answered "no," and 28% did not give any answer. Since 23% of the sample had been deported before, we think that many of the deportees who gave a "yes" response will indeed attempt to migrate again to the United States.

We conducted a statistical analysis across individual and social variables in the survey data to see which deportees were more likely to plan to migrate again to the United States. Our analysis found that the deportees who were more likely to plan to migrate again to the United States were deportees who were younger, had been deported before, or who had left a spouse or children behind in the United States when they were deported (Eschbach, Hagan and Rodriguez 2008).

When we asked the deportees if their families in the United States would join them in El Salvador if they did not migrate again to the United States, 23% said “no,” 19% said “yes,” and 58% did not respond, which I take to mean they did not know if their families would join them in El Salvador or not.

U.S. Laws and Deportations

I think that changes to U.S. laws have impacted the deportations of foreigners from the United States in at least two ways. One way is obvious, and it is how the Illegal Immigration Reform and Immigrant Responsibility Act in 1996 made it easier to deport large numbers of migrants by expanding the categories and retroactive conditions under which immigrants who are not U.S. citizens can be deported. The number of deportations increased dramatically after the implementation of IIRIRA in 1997 as a function of this change. A second way has to do with how U.S. laws and procedures give U.S. authorities greater access to foreign-born populations from which to search for deportable migrants. Across many U.S. cities, for example, Immigration and Customs Enforcement (ICE) agents regularly check for deportable migrants in city and county jails. Also in the U.S. interior, ICE has the special function of searching for and apprehending migrants who are not in authorized status to be in the country.

These two factors combined with the fact that in the 1990s the United States experienced a record-setting volume of immigration creates the condition that larger numbers of migrants are at risk of being deported. In El Salvador, the number of deportees reached 14,395 in 2006, which was approximately twice the number deported in 2005. By April of this year, 6,248 migrants had been deported to El Salvador. If this trend continues, El Salvador will receive another record number of deportees.

I want to thank you again for giving me an opportunity to present our research findings before this Subcommittee.

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Mr. ENGEL. Thank you.

Ms. Parker.

STATEMENT OF ALLISON PARKER, ESQ., SENIOR RESEARCHER, UNITED STATES PROGRAM, HUMAN RIGHTS WATCH

Ms. PARKER. Thank you, Mr. Chairman, members of the committee. Thank you for holding this briefing and for inviting me to testify on the subject of immigrants deported from the United States because of criminal convictions.

As we all know, today’s briefing focuses mostly on the effects that these deportations have had on the receiving countries in Latin America and the Caribbean. However, my testimony will shed light on the effects felt inside the United States.

My report on this subject, *Forced Apart*, was publicly released last week and is available on the Human Rights Watch Web site at <http://www.hrw.org>.

Mr. Chairman, some 672,593 immigrants in the United States, many of whom are lawful permanent residents, have been deported from the country under 1996 legislation that requires mandatory

deportation of noncitizens convicted of a crime after they have served their sentence.

Contrary to remarks made earlier to this subcommittee, immigration judges cannot weigh the positive contributions made by these immigrants to the United States or their family ties against the seriousness of their criminal records. It does not matter whether the noncitizen has lived here legally for decades, built a home and family, run a business, served in the U.S. military or paid taxes.

And these laws do not apply only to serious crimes, but they also apply to minor offenses.

Human Rights Watch estimates that 1.6 million adults and children, including U.S. citizens, have been separated from their spouses and parents because of this legislation. Families have been torn apart because of a single, even minor, misstep, such as shoplifting and drug possession. Certain immigrants, for example, immigrants convicted of selling drugs with a 5-year sentence are subject to deportation without consideration of the fact that they would be returned to persecution. This is the case under U.S. law despite the fact that under the Refugee Convention, which is a treaty binding on the United States, only refugees who have been convicted of a particularly serious crime and who constitute a danger to the community of the United States, may be returned to places where they fear persecution.

As I noted, the 1996 legislation prevents judges from considering whether there are compelling reasons for immigrants to remain in the U.S. even though they broke the law. It prevents judges from striking a balance between the reasons for deportation, the seriousness of the crime, and the length and breadth of an immigrant's ties to the United States.

While it may be fair, for example, to deport an immigrant who commits murder within 6 months of arrival in the United States, it may be grossly unfair to deport the parent of young children who has legally lived in the United States for 30 years and who was convicted of passing a forged check.

Based on the U.S. Census, Human Rights Watch estimates that out of the 1.6 million family members left behind by criminal deportees, 540,000 were U.S. citizens by birth or naturalization. We have found no way of reliably estimating the numbers of lawful permanent residents who are in the families of deported immigrants.

For reasons that are unclear, regular press updates by Immigration and Customs Enforcement often tout the deportations of violent criminals, but keep vague the other categories of immigrants deported. Despite the fact that the relevant laws were passed 10 years ago, data on the underlying convictions for deportations were released for the first time by ICE at the end of 2006 for the fiscal year 2005.

These data show that 64 percent of immigrants were deported for nonviolent offenses, including nonviolent theft offenses; 20.9 percent were deported for offenses involving violence against people; and 14.7 percent were deported for unspecified—by ICE—unspecified other crimes.

Noncitizens deported for criminal offenses come from the same countries and regions of the world as all immigrants living in the U.S. Therefore, the bulk of those deported, or 93 percent, are sent to countries in North and Central America and the Caribbean.

Deportation is clearly a necessary part of every country's enforcement of immigration laws. But the exercise of the power to deport should be governed by fair laws, tailored to protect legitimate national interests.

Human rights law recognizes that the privilege of living in any country as a noncitizen may be conditional upon obeying that country's laws. However, a country like the United States cannot withdraw that privilege without protecting the human rights of the immigrants it previously allowed to enter. Human rights law simply requires a fair hearing in which family ties and other connections to an immigrant's host country are weighed against that country's interest in deporting him. Unfortunately, as I have noted, that is precisely what U.S. immigration law fails to do.

In this respect, the United States is out of step with international human rights standards and the practices of other nations, particularly those that it considers to be its peers. Many other constitutional democracies require deportation hearings to weigh such defenses to deportation in their domestic laws. In fact, in contrast to the United States, all of the governments in Western Europe, with the exception of Luxembourg, offer noncitizens an opportunity to raise family unity concerns, proportionality, ties to their host country and other human rights standards, such as fear of persecution.

Human Rights Watch calls on Congress to reinstate the hearings that existed before 1996. We recommend they should be reinstated to allow immigrants facing deportation to ask a judge to remain in the U.S. when their crimes are relatively minor and their connections, especially their family ties or their U.S. military service to the United States, are strong.

We ask Congress to take a second look at the kinds of crimes that render people deportable in order to prevent permanent and mandatory banishment from the U.S. for relatively minor crimes like theft or drug possession. Providing for proportionality in deportation and protecting family unity are essential to a just and fair immigration policy, and this cannot be accomplished without amending U.S. immigration law to allow for relatively simple balancing hearings.

Thank you again for giving me the opportunity to testify, and I look forward to answering any questions.

[The prepared statement of Ms. Parker follows:]

PREPARED STATEMENT OF ALLISON PARKER, ESQ., SENIOR RESEARCHER, UNITED STATES PROGRAM, HUMAN RIGHTS WATCH

Mr. Chairman, members of the Committee, thank you for holding this briefing and for inviting me to testify on the subject of immigrants deported from the United States because of criminal convictions.

Today's briefing focuses mostly on the effects that these deportations have had on receiving countries in Latin America and the Caribbean. However, my testimony will shed light on the effects felt inside the United States. My report on this subject, *Forced Apart*, was publicly released last week and is available on Human Rights Watch's website.

I would like to begin my remarks with an example.

Joe Desiré, originally from Haiti, signed up for the US military in 1970. At that time, no-one asked Joe if he was an immigrant. A lawful permanent resident, or green card holder, Joe served his adopted country for 4 years. Now a 52-year-old veteran with four US citizen sons, two of whom are in the military themselves, Joe faces mandatory deportation because he was convicted of possession and sale of small amounts of crack cocaine in the mid-90s, for which he spent 16 months in prison.

Some 672,593 immigrants in the US—many of whom, like Joe, were legal residents—have been deported from the country under 1996 legislation that requires mandatory deportation of non-citizens convicted of a crime after they have served their sentence. It does not matter whether the non-citizen has lived here legally for decades, built a home and family, ran a business, or paid taxes. And these laws do not apply only to serious crimes, but also to minor offenses.

Human Rights Watch estimates that 1.6 million adults and children, including US citizens—have been separated from their spouses and parents because of this legislation. Families have been torn apart because of a single, even minor misstep, such as shoplifting or drug possession.

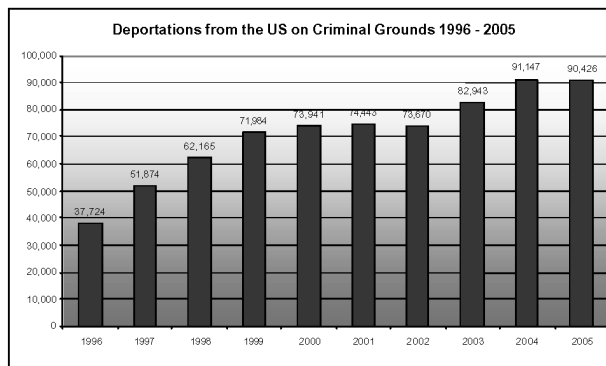
Certain immigrants, for example, immigrants convicted of selling drugs with a 5-year sentence, are subject to deportation without consideration of the fact that they would be returned to persecution. This is the case under US law despite the fact that under the Refugee Convention (a treaty binding on the United States), only refugees who have been convicted of a “particularly serious crime” and who “constitute a danger to the community” of the United States may be returned to places where they fear persecution.

The 1996 legislation prevents judges from considering whether there are compelling reasons for immigrants to remain in the US even though they broke the law. It prevents judges from striking a balance between the reasons for deportation—i.e. the seriousness of the crime—and the length and breadth of an immigrant’s ties to the United States. While it may be fair, for example, to deport an immigrant who commits murder within six months of his arrival in the US, it may be grossly unfair to deport a parent of young children who has legally lived in the US for 30 years and who was convicted of passing a forged check.

WHO IS DEPORTED FOR WHICH CRIMES AND TO WHERE?

Based on the US Census, Human Rights Watch estimates that out of the 1.6 million family members left behind by criminal deportees, 540,000 were US citizens by birth or naturalization. We have found no way of reliably estimating the numbers of lawful permanent residents within the families of deported immigrants.

FIGURE 1¹

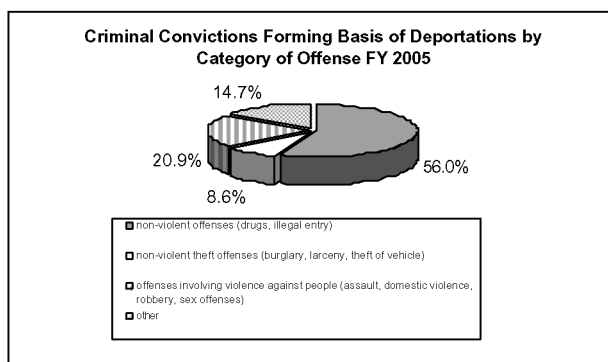


¹ Source: For FY 1996 and FY 1997, Immigration and Naturalization Service, “Enforcement Operations, Aliens Removed by Criminal Status and Region and Selected Country of Nationality,” Statistical Yearbook 1997, Table 65, p. 185. For all subsequent years, Department of Homeland Security, *Yearbook of Immigration Statistics 2005*, Table 41 and Table 42 <http://www.dhs.gov/ximgrn/statistics/publications/YrBk05En.shtm>. According to ICE, tables 41 and 42 should be added to calculate the total number of non-citizens removed on criminal grounds.

For reasons that are unclear, regular press updates by Immigration and Customs Enforcement (ICE) always tout the deportations of violent criminals, but keep vague the other categories of immigrants deported.²

Despite the fact that the relevant laws were passed ten years ago, data on the underlying convictions for deportations were released for the first time by ICE at the end of 2006 for fiscal year 2005. These data show that 64.6 percent of immigrants were deported for non-violent offenses, including nonviolent theft offenses; 20.9 percent were deported for offenses involving violence against people; and 14.7 percent were deported for unspecified “other” crimes.

FIGURE 2³



Applying these percentages from 2005 to the aggregate number of persons deported allows us to estimate that 434,495, or nearly a half million people, were non-violent offenders deported from the United States in the 10 years since the 1996 laws went into effect. In addition, we can estimate that 140,572 people were deported during that same decade for violent offenses.

Non-citizens deported for criminal offenses come from the same countries and regions of the world as all immigrants living in the United States. Therefore, the bulk of those deported—or 93 percent—are sent to countries in North and Central America and the Caribbean. Mexico receives by far the largest number of immigrants deported for criminal convictions, followed by the Dominican Republic, El Salvador, Honduras, Colombia, Jamaica, Guatemala, Canada, Haiti and Brazil.

STRIKING THE RIGHT BALANCE IN DEPORTATION POLICY

Deportation is a necessary part of every country’s enforcement of its immigration laws. But the exercise of the power to deport should be governed by fair laws tailored to protect legitimate national interests.

Human rights law recognizes that the privilege of living in any country as a non-citizen may be conditional upon obeying that country’s laws. However, a country like the United States cannot withdraw that privilege without protecting the human rights of the immigrants it previously allowed to enter. Human rights law requires a fair hearing in which family ties and other connections to an immigrant’s host country are weighed against that country’s interest in deporting him. Unfortunately, that is precisely what US immigration law fails to do.

Human Rights Watch telephone interview with Elizabeth M. Grieco, Ph.D., Office of Immigration Statistics, Department of Homeland Security, Washington, D.C., March 1, 2007

²For example, one ICE press release highlights the deportations of two men: a Brazilian who was convicted for assault with a deadly weapon, domestic assault and unlawful possession of a firearm; and a Jamaican who was deported for “unnatural acts upon a child; providing obscene materials to minors; assault and battery; breaking and entering, larceny and possession of a controlled substance.” But the agency failed to describe the crimes of the 756 other immigrants deported during the same ICE operation. “ICE Removes 758 Criminal Aliens from 5-State Area During July,” Office of the Press Secretary, Immigration and Customs Enforcement Public Affairs, August 15, 2006, www.ice.gov/pi/news/newsreleases/articles/060815neworleans.htm (accessed May 30, 2007).

³Source: Mary Dougherty, Denise Wilson, and Amy Wu, Department of Homeland Security, Office of Immigration Statistics, *Immigration Enforcement Actions: 2005*, table 4, November 2006, p. 5.

In this respect, the United States is far out of step with international human rights standards and the practices of other nations, particularly nations that it considers to be its peers. Many other constitutional democracies require deportation hearings to weigh such defenses to deportation in their domestic practices. In fact, in contrast to the United States, all of the governments in western Europe (except Luxembourg) offer non-citizens an opportunity to raise family unity concerns, proportionality, ties to a particular country, and/or other human rights standards prior to deportation.

Human Rights Watch calls on Congress to reinstate hearings that would allow immigrants facing deportation the chance to ask a judge to allow them to remain in the United States when their crimes are relatively minor and their connections (especially their family ties) to the United States are strong. We ask Congress to take a second look at the kinds of crimes that render people deportable in order to prevent permanent and mandatory banishment from the United States for relatively minor non-violent crimes like theft or drug possession. Providing for proportionality in deportation and protecting family unity are essential to a just and fair immigration policy, and this cannot be accomplished without amending US immigration law to allow for relatively simple balancing hearings.

We recommended Congress amend the immigration laws to:

- Provide a hearing before an impartial adjudicator in which an individual non-citizen's interest in remaining in the United States is weighed against the US interest in deporting the individual; ensuring that the following are counted in favor of the immigrant in the hearings: family relationships in the United States; the best interests of any children in the family; lengthy legal presence in the United States; evidence of rehabilitation; investment in the US community through business, military service, property ownership, and/or tax payments.
- Protect from deportation individuals whose lives or freedom would be threatened if returned unless they have been convicted of a particularly serious crime and are dangerous to the community of the United States within the meaning of the 1951 Refugee Convention.
- Ensure that only non-citizens who have committed serious and/or violent crimes (not misdemeanor crimes), for which they have served an actual prison term (not probation or drug treatment sentences) are subject to deportation.
- Ensure that offenses that did not trigger deportation at the time they were committed are not used to deport immigrants now.
- Using its oversight role, Congress should require the Department of Homeland Security to publish annual statistics on the convictions forming the basis for all removals from the United States on criminal grounds, the immigration status (i.e. lawful permanent resident, undocumented, etc.) of all persons removed on criminal grounds, and whether non-citizens removed have family relationships with US citizens or lawful permanent residents.

Thank you again for giving me the opportunity to testify. I look forward to answering any questions the members of the Committee might have.

Mr. ENGEL. Thank you.

Ms. Garst.

**STATEMENT OF MARSHA L. GARST, ESQ., COMMONWEALTH'S
ATTORNEY, ROCKINGHAM COUNTY, VIRGINIA**

Ms. GARST. Good evening, Mr. Chairman and honored members of the subcommittee.

I am Marsha Garst, Commonwealth Attorney in the small town of Rockingham County in the city of Harrisonburg. With the exception of attending college and law school and working here in the Nation's Capital, I lived my whole life in the beautiful Shenandoah Valley; and of course, with all communities that face growth, change also follows that.

As the population of our community has grown, the deportation of illegal aliens has increased. Sadly, these criminal aliens are re-entering our community and reoffending. I am here today to discuss my experience with the deportation process and the need for

better communication processes to assure that our communities are safe from the illegal-alien serial offenders.

Many immigrants from Latin America have come to Rockingham County just to seek employment in our poultry industry and agricultural economy there. Some of these immigrants are here legally and, of course, others are here illegally. Many have family members and friends that share criminal proclivities. Once these individuals run afoul of the law, then an arrest follows.

We have an excellent relationship with our local ICE office, and these agents assist us at our jail as the first step in determining whether these suspects are illegal aliens. That information is immediately passed on to the prosecution, and then we consider that to assure that we have appropriate bond conditions in these cases. After our criminal process is complete, then we assume that the deportation process will assure that these offenders will not reenter the United States or the Shenandoah Valley.

I am here to address the consequences of deportation of these dangerous felons that then reenter our community and present safety concerns when they reoffend.

One particularly tragic case involved the death of a local school teacher. His name is Jason Morris. An illegal alien had been convicted of drunk driving and then he was released several months later. That same illegal alien drove at over 100 miles an hour with a blood alcohol level of over three times the local limit. Mr. Morris died in the crash. Now that we have a local ICE officer and a cooperation pretrial, I feel strongly that this tragedy may have been averted.

One issue that is facing our community is that once dangerous criminals are deported, we must assure they do not reenter our community. We have seen particular problems in our community in the areas of gang crime and drug crime. When I began prosecution in 1994, organized gangs were an anomaly and methamphetamine was still not the rural drug of choice. Currently, the city of Harrisonburg and the county of Rockingham has a joint drug task force. This task force has a coordinator, with whom I have worked, whose name is Chris Rush; and he has provided these following statistics.

When I testified before this honored body in 2005, we thought we had a problem when our community had 10 gangs and over 100 members. As of June 2007, the City of Harrisonburg now has 25 active gangs with over 450 known members. About 25 percent of these gangs are suspected illegal aliens. We have had two recent cases this year where gang members were arrested, deported, and then reentered the United States and our community to reoffend. I am sure their home country would like to prohibit this activity as well.

Even more so, we see on reentry, dangerous criminals in the drug trade. Approximately 40 percent of all of the methamphetamine seized in the State of Virginia was seized in Rockingham County in the city of Harrisonburg. We have had five recent cases of methamphetamine dealers being convicted, deported and reentering to sell more methamphetamine in our community. At the beginning of July of this year, over 4 pounds of methamphetamine was sold, just hand to hand, by an illegal alien in our community.

Once deported, I hope that he will not reenter and bring his poison with him.

Since 1994, more particularly since 2005, I have seen great improvement between the Federal Government and local government communication in identifying and deporting these dangerous criminals. I hope that efforts will now focus on working with alien home countries to ensure that reentry is neither commonplace nor accepted.

I thank you for your attention to these issues, and I thank you for your time, sir.

[The prepared statement of Ms. Garst follows:]

PREPARED STATEMENT OF MARSHA L. GARST, ESQ., COMMONWEALTH'S ATTORNEY,
ROCKINGHAM COUNTY, VIRGINIA

DEPORTATION CONSEQUENCES FOR RURAL COMMUNITIES

Good afternoon honored members of the House of Representatives Subcommittee on the Western Hemisphere and guests. My name is Marsha Garst and I am the Commonwealth's Attorney of Rockingham County and the City of Harrisonburg, Virginia. With the exception of college and law school and working here in the Nation's Capitol, I lived my entire life the beautiful Shenandoah Valley of Virginia. As with all communities that face growth, change also follows. As the population of our community grows, deportation of criminal illegal aliens has increased. Sadly, criminal aliens are re-entering our community and committing new crimes. I am here today to discuss my experience with the deportation process and the need for better communication processes to assure that our communities are safe from illegal alien serial offenders.

Many immigrants from Latin America have come to Rockingham County and the City of Harrisonburg to seek employment in our poultry industry and agricultural economy. Some of the immigrants are here legally. However, others are here illegally and have family members and friends with criminal proclivities. Once these individuals run afoul of the law, then arrests follow. We have an excellent relationship with our local ICE office. The agents assist with determining at our jail whether suspects are illegal aliens and that information is passed on to the prosecution to assure that this is considered to assure appropriate bond conditions. After our criminal process is complete, then we assume that the deportation process will assure that will no reenter the United States, especially the Shenandoah Valley. I am here to address the consequences of deportation of dangerous felons that re-enter our community and present safety concerns and reoffend.

One particularly tragic case involved the death of a local school teacher, Jason Morris. An illegal alien had been convicted of drunk driving and released. Several months later, that same illegal alien drove at over 100 miles per hour with a blood alcohol level over three (3) times the legal limit. Mr. Morris died in the crash. Now that we have a local ICE office and cooperation pre-trial, I feel that the tragedy above may have been averted.

One issue we are facing is assuring that once dangerous criminals are deported that they do not re-enter our community. We have seen particular problems with re-entry in gang and drug cases. When I began prosecution in 1994, organized gangs were an anomaly and methamphetamine was just becoming the rural drug of choice. Currently, the City of Harrisonburg and County of Rockingham has a Gang Task Force. This task force has a coordinator with whom I have worked for a decade, Sgt. Chris Rush. He kindly provided the following statistics. When I previously testified before this honored body in 2005, our community had only ten (10) known gangs and one-hundred (100) known members. As of June 2007, the City of Harrisonburg and Rockingham County has twenty-five(25) active gangs with over four-hundred and fifty (450) known members. About twenty-five (25) percent of the gang members are suspected illegal aliens. We have had two(2) recent cases where gang members were arrested and deported and re-entered the United States and our community to reoffend. I am sure that their home country would have liked to prohibit such activity as well.

Even more so, we see re-entry of dangerous criminals in the drug trade. Approximately forty (40) percent of methamphetamine seized in the State of Virginia was seized in Rockingham County and the City of Harrisonburg. We have had five (5) recent cases of methamphetamine dealers being convicted, deported, and reentered to sell more methamphetamine in our community. In the beginning of July of this

year over four (4) pounds of methamphetamine was sold hand to hand by an illegal alien. Once deported, I hope that he will not re-enter and bring his poison with him.

Since 1994, and more particularly since 2005, I have seen great improvement between Federal Government and local government communication in identifying and deporting dangerous criminals. I hope that efforts will now focus on working with alien home countries to assure that re-entry is neither commonplace nor accepted.

Thank you for your attention to these issues and thank you for your time.

Mr. ENGEL. As you may have heard, we have votes that are occurring right now, so Mr. Burton and I are going to quickly ask questions so we don't keep all of you around longer.

Let me quickly ask Ms. Parker, in the recently released Human Rights Watch report, you note the negative effects of changes in U.S. deportation policy especially on U.S. families whose relatives have been deported and you note that failure of U.S. immigration policy, and I am quoting from you, does not allow individuals "a fair hearing in which family ties and other connections to an immigrant's host country are weighed against a country's interest in deporting him." And you said that in your testimony.

What is your estimation if current policy were changed that an individual could appeal his or her case to an immigration judge who could determine if their deportation creates an excessive hardship for a family. What are you estimating in the percentage of those currently being deported that would change if such a change in policy were put into effect?

Ms. PARKER. Thank you, Mr. Chairman. It is an excellent question. It is one that I would be better equipped to answer had Immigration and Customs Enforcement responded to a FOIA request that we submitted a year and a half ago in which we asked for the number of legal permanent residents who make up—that is, what proportion of legal residents are in the total number of individuals deported from this country for criminal convictions.

If we knew that number, then I might be better able to answer your question because we can assume that legal permanent residents who have established ties to the United States might have family connections, might have other economic interests in this country and might prevail in a balancing hearing like the one that I just described.

Unfortunately, Members of Congress and, of course, members of the public don't know, of these large numbers of criminal aliens being deported, what percentage are legal residents. If we knew that, I think I could answer your question better.

Mr. ENGEL. Thank you.

Ms. Garst, I take it you disagree, but I would like to hear what you think of Ms. Parker's suggestion to change the 1996 law to provide greater judicial balancing of deportees' personal circumstances.

Ms. GARST. I do not disagree with that. I have probably a more interesting approach than that because I deal with victims of crime as well.

Many of the victims in domestic violence cases whose breadwinner is an illegal alien and then, more serious, child molestation cases where the father is deported, leave behind families that have been devastated; and in many cases, it is not serious crimes, it is forgery of checks and other cases like that.

And I am not completely against hardship cases or balancing. I recently was involved with a case involving a Ukrainian witness in a capital murder case in which he did prevail upon a hardship exception, and it was denied. So I am not in disagreement with Ms. Parker that there aren't individual cases.

What I am dealing with are people who are dealing 7.6 pounds of cocaine and reentering, and then we have just arrested him May 16th on six new counts of methamphetamine.

And I am all for fairness, but certainly something needs to be done to protect our rural communities from these people that come back and savage those communities.

Mr. ENGEL. What is your gut feeling—I asked Ms. Parker if we were able to balance it, how much of that do you think would change percentage-wise, our deporting policies?

Ms. BARNES. I can say, Mr. Chair, in the study that we did in the Caribbean, more than two-thirds of the persons who were deported for criminal offenses were, in fact, legal, permanent residents of the United States prior to their deportation. We also found that the mean age that people had lived in the United States was more than 16 years that they had spent before deportation and also that a number of persons, the vast majority for Jamaica, more than 50 percent for Trinidad and Tobago, more than 68 percent had actually migrated from their country of birth when they were young children or teenagers.

Mr. ENGEL. Let me ask you this. You heard the first panel. We heard differing information about what type of notice the recipient countries receive from the U.S. Government and how much information you receive about each deportee.

Could you inform the subcommittee how you are notified by the United States Government of deportations and how long in advance? Is there a way we can improve the notification process? And, finally, do we provide all of the relevant information about each deportee that governments in your region need, especially about previous convictions of criminal records.

Ms. BARNES. Currently, we do get 3 days' notice prior to the final deportation of an individual.

In terms of advanced notice, while the witness—earlier witness was correct that there may be contact with the Embassies before the person is deported, that is not usually done when a final decision has been made. The 3-day notification period is what we get.

With regard to your second question, we currently receive information from the United States on the conviction for which the person has been deported. We do not receive information on the rap sheet. There are no details on criminal antecedents, and so that is not adequate information to allow us to process an individual who may be deemed a serious risk to our public.

Mr. ENGEL. Mr. Burton.

Mr. BURTON. I just have one real quick comment.

If you are a permanent resident or an illegal alien, you still have to abide by the laws. And if you break the law as a permanent resident, you can still be deported, because one of the privileges of being a permanent resident is obeying the laws. So when you say, well, two-thirds of the people were permanent residents, that doesn't make any difference. If they are breaking the law and they

are here as a guest of this country, they are subject to the same laws as everybody else.

And with that, let me just say, thank you all for being here. And can I submit some questions for the record because we don't have much time on the clock?

Mr. ENGEL. I am going to call on Ms. Jackson Lee to finish.

Ambassador Shapiro said he is looking at your Haiti program for a model. Do you think your program can be replicated in other countries receiving deportees and would changes have to be made?

Ms. ACHIENG. I certainly think the Haiti program can and should be replicated in other countries in the Caribbean that face the same challenges that Haiti faces with regard to providing integration assessments to deportees.

In terms of changes that would need to be effected, based on our experience to date, I would point out that there need to be facilities in place to provide something in the way of a halfway house to deportees, as many of them oftentimes do not have family with whom to live once they return; and this is a serious problem we are confronting.

Given that a lot of the deportees to Haiti are deported on drug-related offenses, there is need to ensure that there is drug rehabilitation.

Mr. ENGEL. Thank you.

The last word to Ms. Jackson Lee because we have about 5 minutes to vote.

Ms. JACKSON LEE. Let me thank you very much. And let me ask the distinguished representative from Jamaica just a quick question.

Does the influx, the huge numbers of these individuals over the years, have an impact between the relationships between the United States and Jamaica? Does it cost—is it burdensome and therefore impacts our relationship?

Ms. BARNES. No question, it is burdensome, but it has not impacted our relationship in a very negative way. We have very close, collaborative working relationships with the United States in areas of security and law enforcement. However, we do find that there are cases; for instance, we have one pending where someone who was wrongfully deported is now filing a lawsuit against the Government of Jamaica.

Ms. JACKSON LEE. So it would improve relationships if we were able to find a solution to this concern?

Ms. BARNES. Absolutely.

Ms. JACKSON LEE. Dr. Rodriguez, would you consider the immigration complexity and confusion here in the United States contributing to some of the statistics that you have just determined the fact that we changed this in the 1996 law, the fact that we are deporting people who have been here?

Just a quick response and thank you for your testimony. Sorry for the rush.

Mr. RODRIGUEZ. I think especially in the case of deportees who have left spouses and children behind. Their families are here. They are physically over there and they have great urgency to come back to their families.

Ms. JACKSON LEE. Let me commit to working with you on this issue. And I might mention—I am not sure if she was able to come—Congresswoman Donna Christensen, who has been working on this issue, and I know they are very appreciative, and Congresswoman Yvette Clarke.

I would like to work with you on this hearing issue and these alternative facilities to the—I think it is scars—we want people who have committed crimes incarcerated, no doubt. We just want to make sure those who are on small offenses don't leave their families here.

I yield back.

Mr. ENGEL. And with those words, I will adjourn the hearing and the briefing.

I want to thank all of the witnesses for their very enlightened testimony.

The hearing and briefing are adjourned.

[Whereupon, at 5:40 p.m., the subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

STATEMENT OF THE HONORABLE YVETTE D. CLARKE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman:

Last month, as heads-of-state from the Caribbean converged on Washington, D.C. to meet at the Conference on the Caribbean (CARICOM), among the foremost thoughts on everyone's mind was the issue of deportation. In fact, one result of the conference was the issuing of a joint statement from President Bush and CARICOM leaders declaring, "We recognize the need to work more closely on immigration security issues in a manner respectful of national laws and government services capacity and sensitive to the effects of human displacement."

Each year, thousands of people are deported from the United States to points throughout the Caribbean. The vast majority of these individuals are deported for overstaying visas and other non-violent offenses, and do not participate in any criminal activity upon arrival in their home country. However, a small, but significant, percentage of deportees are removed from the U.S. for having committed violent crimes. Although small in number, these individuals can often represent a substantial portion of the criminal element in countries with populations significantly smaller than the U.S.

For example, according to a report by the United Nations and the World Bank, from 2001 through 2004, the U.S. sent 224 convicted murderers to Jamaica. While this is a small number of people for a country of millions, it represents a very high influx for a country that, before 2002, had less than 500 murders throughout the entire nation each year.

Further, some of the most commonly deported serious criminal offenders are deported for drug-related violations. Reports have found that after arriving in the Caribbean, a portion of these individuals use their American contacts and skills learned in the U.S. to broaden the illicit drug trade to the U.S. Rather than keeping crime outside the U.S., our government's deportation policies are actually putting skilled criminals into a better position to send drugs back into our country. This leads to more drugs being made available on American streets and higher levels of crime in the Caribbean. Meanwhile, the U.S. currently provides very little coordination with recipient countries in returning the deportees to the Caribbean and grants no financial assistance of any kind.

In deporting people convicted of criminal violations while providing little support or coordination with the recipient countries, the U.S. is shifting the entire burden of dealing with criminal deportees onto the shoulders of the individual country of origin—despite the fact that the violator more-likely-than-not learned the skills of the trade in the States and their crime was committed in the U.S.—placing the country in a very difficult and expensive position to cope with an influx of offenders. In recent years, this has driven an unnecessary wedge between the U.S. and the Caribbean nations, which are among our closest allies.

Finally, U.S. deportation policy has also taken a heavy toll on families. According to the government of Guyana, the average Guyanese immigrant to the U.S. lives in this country for 18 years. Other CARICOM states demonstrate similar statistics. In that time, many people come to think of the U.S. as home and begin families. Deportation of these individuals often has a devastating socio-economic impact on the entire family. When one or both parents are taken from their American children, the deported family members usually find it very difficult to provide any financial support—the Jamaican government found that only 20% of parents returned to their country are able to continue supporting their children. Even when financial

support exists, it can be trivial compared to the destructive psychological impact associated with the tearing apart of a family.

Over recent months, I have been working closely with Chairman Engle and will soon be introducing a bill which will address this issue. My resolution calls attention to a recent UN and World Bank report which found that the Caribbean region has recently witnessed an increase in crime levels, and that much can be done by the global community, in particular the U.S., to alleviate this problem. Among the report's recommendations is a call for the U.S. to actively work with its Caribbean partners to develop an improved deportation system. It proposes that there be strong reintegration programs for deportees and that we share the costs of these programs.

The resolution I have proposed calls on the U.S. to work with our Caribbean neighbors from a homeland security perspective. By helping share the costs of reintegration, America will be ensuring that there will be less recidivism, helping to reduce the crime rate of our closest neighbors, and demonstrating that the U.S. does care about its allies and that we want to work with them collaboratively.

Thank you, Mr. Chairman.

STATEMENT SUBMITTED FOR THE RECORD BY THE EMBASSY OF ANTIGUA AND
BARBUDA

The Embassy of Antigua and Barbuda welcomes the opportunity to present this submission to the Subcommittee of the Western Hemisphere of the United States House of Representatives Committee on Foreign Affairs, for inclusion in the official record of the Hearing on "Deportees in Latin America and the Caribbean." The CARICOM position as articulated by Annmarie Barnes PhD, Chief Technical Director Ministry of National Security of Jamaica is further bolstered by the Joint Statement issued at the conclusion of the historic Conference on the Caribbean: A 20/20 Vision, held from June 19th to 21st, 2007. In particular, paragraph 15 that asserts ". . . *the need to work more closely on immigration security issues in a manner respectful of national laws and government services capacity and sensitive to the effects of human displacement.*"

In reference to the phrase "*government services capacity,*" Antigua and Barbuda reiterates the request made by CARICOM during the Hearing to have the members of the Subcommittee respectfully consider the recommendations outlined in the said submission. In support of the third bullet, raised under this section, Antigua and Barbuda is seeking rehabilitation for persons removed involuntarily from the United States. The anticipated programme under the auspices of the Ministry of Social Transformation, will establish/refurbish a physical space with the intention of creating a rehabilitation center for deportees, especially for those deportees that have no relatives in Antigua and Barbuda. The Government will also seek to provide adequate training aimed at endowing these deportees with marketable job skills.

At this point a note of caution must be sounded. A one size fits all approach must be eschewed. In other words, the Haiti programme ought not to be considered the proto-type but instead the Governments of the CARICOM region ought to be consulted in the design of the programme anticipated.

Having outlined the observations made above, the Embassy of Antigua and Barbuda is pleased to have had the opportunity to have made a submission to the Hearing.

STATEMENT SUBMITTED FOR THE RECORD BY DR. ROY L. AUSTIN, U.S. AMBASSADOR
TO TRINIDAD & TOBAGO

MUCH ADO ABOUT CRIMINAL DEPORTEES' CRIME CONTRIBUTION

Discussions of criminal deportees' contribution to increasing crime rates in Trinidad and Tobago abound; but rarely is there any concern for the reliability of the sources that form the foundation of statements. Nor is there any mention of any positive effects to Trinidad and Tobago from emigration to the U.S. Indeed, commentators whose conclusions question the alarming claim that criminal deportees are responsible for burgeoning crime rates are ignored, although their approach and evidence are scientifically more acceptable than others'.

I use some of the most reliable evidence available to show that Trinidadian criminals deported from the United States do not fit the picture of hardened criminals who now commit most of the serious crimes in Trinidad. Most of the deportees did not enter the U.S. as young children; and were not socialized to sophisticated criminality in the United States. Furthermore, the United States provides the oppor-

tunity for most Trinidadian immigrants to improve their life circumstances as well as that of many whom they left at home. The majority of these immigrants turn their dreams into reality.

Since I arrived in Trinidad and Tobago in November of 2001, I have been besieged by many versions of the enduring theme of extensive local criminal participation by Trinidadians deported from the U.S. for crimes. The United National Congress (UNC) was in power when I arrived; and on my only official visit to one of their ministers, he complained to me about the supposed major involvement in crime of deportees from the U.S. Government ministers in the People's National Movement (PNM), the party which succeeded the UNC, have made similar complaints; and ministers of government of CARICOM countries have raised the issue with Secretary of State Colin Powell and other State Department officials at multilateral and bilateral meetings. Moreover, between the recent dates of September 25th, 2003 and October 28th, 2003, several statements about this matter have been made by members of both parties in Trinidad and Tobago. The statements include the characterization of the deportees as having been "the most violent criminals in the United States" and the opinion that they might "pose a threat to the security of the country."

Many of the commentators on deportee criminality in Trinidad attribute their statements to sources such as "the authorities," "my street people," and "a perception," but it is unlikely that many members of the audience who hear or read the statements realize that the commentators are really admitting that they lack credible supportive evidence. Therefore, Express reporter Andy Johnson (June 17, 2003) must be applauded for recognizing this weakness and probing the televised claim of a security provider that "the deportees were behind the bewildering spate of kidnappings in the country." He drew out the admission that this person "was speaking mainly from suspicion and inferences." Johnson also noted the conclusion by the Caricom Task Force on Crime and Security that the case against deportees "may have been overstated."

Another Express reporter, Camini Marajh (October 5, 2003), has also written that criminal deportees may not be playing the major role in Trinidad's crime that authorities attribute to them. She mentioned some findings from police figures to support her conclusion; but the statements that continue to be made by others indicate that her article and Johnson's, despite their strengths, are ignored.

I am not, however, surprised that responsible people continue to show disregard for Johnson's and Marajh's views. I experienced great difficulty convincing even two consultants on crime to a regional body that systematic research should precede dogmatic pronouncements on the deportee and crime issue. They insisted that the widespread perception of exceptional involvement in crime by deportees is likely to reflect reality. I summarize now some signal features of U.S. legislation of interest and follow with the reality about deportees and crime reflected by empirical evidence.

On September 30, 1996, the U.S. Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This Act became effective on April 1, 1997, and included "comprehensive reorganization of the process of removal of inadmissible and deportable aliens." The act, also, eliminated judicial review of decisions on aliens subject to removal for most criminal offenses and made the definition of "aggravated felony" more inclusive.

From January 1, 1997 to September 30, 2002, the U.S. deported 1,122 Trinidadians convicted for crimes and 967 who had immigration violations. Based on the most serious offense committed, the type of offender occurring most frequently (50%) among the criminal deportees is a drug law violator, an FBI non-index offender.

Those Trinidadian criminal aliens convicted in the U.S. of the most serious offense in the FBI's index offenses, murder and non-negligent manslaughter, comprised only three percent of the criminal deportees. The percentages reported for other offenses deemed to be serious by the FBI are forcible rape (5%), robbery (6%), aggravated assault (8%), burglary (6%), larceny/theft (7%), auto theft (0.9%), and arson (0.2%). These figures question the characterization of U.S. criminal deportees to Trinidad as "the most violent criminals in the United States."

The frequent assertion that most criminal deportees entered the United States as young children and developed their criminal tendencies there is also false. Criminal deportees' average age of entry into the U.S. ranged from 18.45 years in 1997 to 22.42 years in 2002. Only minor percentages of the criminal deportees entered the U.S. earlier than age 12. These percentages are 20, 21, 21, 24, 25 and 15 in 1997, 1998, 1999, 2000, 2001 and 2002, respectively; but the poor socialization that increases the propensity to engage in crime occurs before age 12, early intervention being advocated because "a large body of research indicates that risk for aggressive

behavior begins in early childhood.” It is worthy of note, therefore, that percentages of criminal deportees who entered the U.S. before age eight range from 4 in 2002 to 13 in 1998.

The information above on crimes committed in the U.S. by criminal deportees to Trinidad and their age of entry into the U.S. is of much less interest to Trinidadians than the crimes these deportees supposedly commit in Trinidad. Official Trinidad and Tobago data indicate that between an unspecified date in 1997 and December 31, 2002, 107 deportees were charged with criminal offenses in its jurisdiction.

Most deportees to Trinidad are from the U.S. (for example, 174 of 185 in 1999); but Canada, the United Kingdom, Colombia, Bermuda and CARICOM countries have deported Trinidadians. Also, Trinidad’s official data show 46 deportees entering the country between 1986 and 1996. This figure greatly underestimates the number of pre-1997 deportees because U.S. data show 47 deportees from October to December of 1996. However, the possible inclusion of some non-U.S. deportees among offenders in Trinidad and the underestimate in arriving deportees should not greatly bias our results. Therefore, we estimate that by the end of 2002, 9.5% (107 of 1,122) of U.S. criminal deportees may have been charged with an offense after returning to Trinidad. This percentage constitutes an approximate recidivism rate for these deportees.

The Trinidad and Tobago data do not indicate that the deportees charged are only criminal deportees. Some may have committed immigration violations in the U.S. Therefore, our divisor for calculating the percentage of deportees charged in Trinidad may more correctly be 2089 (criminal plus immigration law violators). We then estimate that about 5.1% of U.S. deportees may have been charged with an offense in Trinidad and Tobago by the end of 2002; but this percentage is not a recidivism rate because the charge for the immigration law violators is their only known criminal offense, a first rather than repeat offense.

To determine whether the U.S. criminal deportees are an especially serious criminal group, we may compare their recidivism rate of 9.5% with the recidivism rate for other criminals in Trinidad. Findings by the University of the West Indies’ (UWI) Centre for Criminology and Criminal Justice show a high percentage of recidivists in Trinidad’s prison population. Between January and May 2002, 56% of inmates were recidivists; but this measure is not strictly comparable with the deportee rate of recidivism.

However, U.S. data suggest that U.S. criminal deportees to Trinidad revert to crime much less frequently than former inmates released from U.S. prisons in 1994. The former inmates show rearrest rates of 30% within six months, 44% within one year, 59% within two years, and 67% within three years. By comparison, more than 86% of the U.S. criminal deportees to Trinidad included in the present study had left the U.S. for one to four years but had only about a 9.5% recidivism rate.

Casual observation of the relative infrequency with which Trinidad’s daily newspapers characterize arrestees as deportees suggest that their contribution to Trinidad’s crime rate is miniscule. Analysis of official Trinidad data leads to the same conclusion. Based on the number of offenses reported to the police and the number of offenses attributed to deportees in the same year, we provide an approximate percentage of criminal charges for deportees. The data suggest that in 2000, deportees were charged with 0.84% of murders, 0.15% of the robberies, none of the rapes, and 1.71% of the drug offenses. Similarly, in 2001, deportees were charged with none of the murders reported to the police, 0.15% of the robberies, none of the rapes, and 0.84% of the drug offenses. These data further show only one kidnapping attributed to deportees between 1999 and 2002.

There are severe weaknesses in our approximations in the preceding paragraph. For example, offenses reported to the police greatly exceed criminal charges in any year because police fail to apprehend and charge many criminals. Therefore, our percentages underestimate the involvement of deportees. There is also a less serious error which is likely to cause an overestimation of deportee involvement in any particular year. Some charges brought in one year may be for crimes committed the previous year. However, we know that in 2000 the police solved 54% of reported murders, 75% of reported rapes and other sexual offenses, and 19% of robberies. We calculate, therefore, that deportees were charged with only 1.56% of the murders in 2000 and none in 2001, none of the rapes in either year, and 0.80% of the robberies in each year. For drug law violations, reported offenses approximate solved offenses, so the figures of 1.71% and 0.84% for 2000 and 2001, respectively, need no adjustment. Furthermore, 2002 data, discussed next, yield reliable estimates of deportee criminal offending in Trinidad.

The findings for 2002 reject the claim of considerable criminal involvement of deportees in Trinidad and Tobago as convincingly as findings for the two previous years. In that year, 16,690 “serious crimes” were reported to the police, and they

solved 4,009 (about one-quarter); but deportees were charged with only 14 non-traffic offenses, some of which (malicious damage and obscene language) may not be regarded as serious. Still, assuming all 14 offenses to be serious, only 0.35% of serious crimes solved can be attributed to deportees. None of these was a murder or rape. There were only two counts of robbery; and the other offenses are larceny, possession of ammunition (two counts), possession of a firearm (two counts), possession of cocaine, trafficking in cocaine, and fraud (3 counts). Notably, no deportee was charged with a kidnapping in 2002.

Why do criminal deportees engage in so little crime upon return to Trinidad? The answer may lie in the age of deportees when they are returned to Trinidad, and in the U.S. immigrant selection procedures that weed out and reject known criminals. Many studies of the relationship between age and criminal offending show that the highest rate of offending occurs in the later teenage years. The rate diminishes rapidly thereafter. The average ages of criminal deportees upon return to Trinidad from 1997 through 2002 are 33.91 years, 35.73 years, 35.94 years, 35.86 years, 35.63 years and 36.62 years, respectively. The low rate of offending to be expected from people at these ages is suggested in findings from previously mentioned research conducted by UWI's Centre for Criminology and Criminal Justice in Trinidad. The Centre reported that 81% of inmates were between 17 and 41 years old. We assume from other findings on the age-crime relationship that only a small percentage of these inmates were over 35 years old.

Additionally, U.S. Bureau of Citizenship and Immigration Services (BCIS) requires that applicants for immigration must present a police certificate for each jurisdiction where the applicant has lived for more than six months; and all applicants must undergo verification through an FBI database of known criminals before an immigrant visa is issued. Similar procedures have been in place for more than 30 years, and reduces the percentage of a group at high risk for criminal behavior who may gain legal entry into the U.S. as immigrants. Therefore, a group of U.S. immigrants should, also, have a smaller percentage of serious criminals than the population of the sending country. We should not be surprised then by the low rate of offending of criminal deportees.

On June 12, 2000, the Attorney General of the U.S. and the Prime Minister of Trinidad and Tobago signed a Memorandum of Understanding (MOU) intended to standardize and improve the procedure for the return of criminal aliens to Trinidad. Criminal aliens are persons being removed because of a criminal conviction or because of a criminal background. The U.S. BCIS is expected to fax a completed Notification of Alien Removal Form to the Trinidad Embassy at least five business days prior to the alien's travel. The form includes information such as the legal grounds for removal and dates and types of convictions known to the INS. It should not be difficult for readers to judge the value of this agreement to a receiving country.

Perhaps, not unexpectedly, however, Caribbean authorities tend to suggest that the region's migrant relationship with the U.S. yields greater negative than positive consequences to their countries. In addition to claims about the "devastating impact" of criminal deportees on receiving countries, the U.S. is accused of removing valuable workers such as nurses and teachers whose education was financed by Caribbean countries. For instance, one CARICOM Foreign Minister is quoted as complaining that the U.S. is "sending us the dregs of your society, and at the same time you are poaching our teachers" (Tony Best, *Weekend Nation*, October 24, 2003, p. 17). The article which quotes the Minister mentions no gain to countries whose nationals emigrate to the United States.

Certainly, sending countries gain considerably from their migrant relationship with the United States. The most tangible benefit may take the form of remittances, Trinidad and Tobago receiving an estimated U.S. \$59 million in 2002. It also seems reasonable to believe that Trinidad's unemployment rate is reduced by emigration to the United States if 2,165 of the country's emigrants to the U.S. in 1996 claimed occupations below the level of professional or executive/administrative/managerial (Henke 2001, p. 34).

In summary, our scientifically defensible examination of U.S. deportation of criminal aliens to Trinidad and Tobago invalidates frequent claims that the deportees are major contributors to this country's snowballing crime rate. Also, contrary to widespread opinion in Trinidad, the average criminal deportee entered the U.S. in the late teens when criminal tendencies would have already developed. The U.S. immigration procedure of rejecting applicants known to have a criminal background reduces the likelihood that the deportees are serious criminals when they enter the United States as well as when they return to their native land. In any event, the average deportee returns to Trinidad in his/her mid-thirties, an age when criminal involvement has diminished markedly.

It is worthy of note that most U.S. immigrants from Trinidad do not become classified as criminal aliens. Instead, they improve their life circumstances, and help to raise the living standard of relatives and friends who remain in Trinidad through remittances and “barrels” of valuable goods. Their removal from Trinidad’s labor force also opens up employment opportunities for other Trinidadians.

STATEMENT SUBMITTED FOR THE RECORD BY GOODWORKS INTERNATIONAL LLC

Mr. Chairman, and Members of the Subcommittee on the Western Hemisphere, GoodWorks International LLC (GWI) commends you for holding today’s hearing, and appreciates this opportunity to submit for the record this statement regarding the impact of certain policies with respect to deportation of nationals from Latin America and the Caribbean.

GoodWorks International is the leading US global advisory firm offering international market access and political risk analysis in key emerging markets within Africa and the Caribbean. In addition to offices in Atlanta, New York and Washington, D.C., the firm is present in seven countries in Africa and in the Republic of Korea. We combine strong and credible professional experience, strategic business alliances and relationships across the globe to help our clients identify and to develop new business prospects. In particular, our comprehensive knowledge of African and Caribbean investment environments provides clients with world-class entry strategies.

The trend toward liberalization and market reform in the Caribbean and Latin America, the removal of the banana trade protection in European markets and other dynamics have led most nations of the region to diversify their agricultural-based economies and to expand the development of sectors such as tourism, service industry, IT and duty free zones. This in turn has created increased opportunities for infrastructure development, which results in job creation—a critical element of sustained economic growth. GWI has actively supported this progress for over a decade, and remains committed to working with our clients, the region’s governments, private sectors and other stakeholders, to help ensure that more of the Caribbean’s citizens benefit from their countries’ integration into the global economy.

In this increasingly interdependent global community, we in the United States must recognize that our policy prescriptions here at home can have unfortunate unintended consequences in countries that are important to us, and whose cultural and economic interests are inextricably linked to our own.

Today’s hearing is timely, as it encourages an assessment of the impact of current US deportation policy on law enforcement and international cooperation in that regard in the post-9/11 homeland security environment. At the same time, however, GWI believes it important that these considerations also take into account the societal implications of many of these deportations in the United States and in countries throughout the hemisphere. We are particularly concerned about what some would consider the unduly harsh and inflexible treatment of deportees required under current law and the absolute lack of discretion afforded to immigration judges to determine whether the severity of a deportee’s offense warrants his or her actual removal from the US.

A striking number of deportees have lived with their families in the United States for decades. Moreover, Immigration and Customs Enforcement reported at the end of last year that nearly sixty-five percent of immigrants were deported for non-violent offenses, including non-violent theft offenses; almost twenty-one percent were deported for offenses involving violence against people; and approximately fifteen percent were deported for ‘other’ crimes.

The summary deportation of these individuals is carried out with very little if any consultation between US immigration officials and their foreign counterparts. This oftentimes results in their arriving to the surprise of home-country immigration and law enforcement officials, and where the justice systems in many jurisdictions are not prepared to effectively process their reentry into lawful society.

Caribbean heads of government recently visited Washington, and were disappointed to learn that the United States was not prepared to consider their concerns with respect to current deportation policy. GoodWorks International acknowledges and appreciates the enormous strains on US immigration authorities, and the pressing need to ensure the security of the United States and its borders. We submit, however, that a way should be found to improve cooperation and coordination with our Caribbean and Latin America neighbors to support the orderly transfer of deportees to their home countries and to alleviate what is becoming an increasingly dangerous regional law enforcement challenge.

GWI agrees with Jamaica's Prime Minister, Portia Simpson-Miller, who said recently that "in a global environment, crime requires an international response and part of that must include programs for rehabilitation and reintegration of deportees into the societies to which they are sent, as well as mechanisms for effective monitoring." As a nation long engaged in supporting the region's peace, security, prosperity, and democratic governance, the United States should seriously engage our regional partners on these issues. We all have an enormous stake in their being successfully addressed.

GoodWorks International recognizes that deportation remains an important element of each country's law enforcement authority. However, this must be accomplished in an effective and efficient manner, and one that recognizes the implications for home country institutions and their ability to accept deportees from abroad in a fashion that is consistent with their own security interests.

Finally, we believe that the impact of deportation decisions on families and communities here and abroad, restoration of judicial discretion in the deportation decision-making process, and the promotion of US law enforcement cooperation and diplomatic consultation with Caribbean and Latin American governments should be at the core of comprehensive US immigration reform.

Thank you for the courtesy of your attention to our comments.

STATEMENT SUBMITTED FOR THE RECORD BY CARMETA ALBARUS-LINDO, MSW; LCSW

A PLAN FOR THE REINTEGRATION OF DEPORTEES

Family Unification & Resettlement Initiative, (FURI) is a 501-C-3, not-for-profit corporation, founded in 2002 by Carmeta Albarus-Lindo, LCSW; a social worker with almost twenty (20) years experience working within the criminal justice system in the United States. Based on her work on behalf of immigrant clients, Ms. Albarus-Lindo saw the need for services that can help such clients adjust positively to deportation. Given her Jamaican roots, Ms. Albarus-Lindo was concerned primarily about the impact of deportation on Jamaican nationals as well as the impact that these displaced deportees can have on Jamaica's development. For these reasons she was inspired to start FURI, so as to help deportees reintegrate into society.

The deportation of persons, who had lived most of their lives in the deporting countries, presents dire problems for the families and particularly the children who have been left behind. Many deported persons had enjoyed legal full time employment, had paid into social security, and had assets that could have been used to assist in resettlement and provide financial support for their families. However, the limited time frame between being detained by immigration authorities and departure to the home countries leave many persons unable to settle their affairs. This adds to the risk of undue economic hardship encountered by deportees and their families, and oftentimes renders their children at risk for deviant behavior. It would be useful if legislation took into the account the need for individuals to have ample time and necessary legal assistance to settle their affairs prior to deportation.

FURI's objective is to offer alternatives that can foster faith, hope, and confidence that life can be worthwhile. FURI with the help of government agencies and concerned individuals aims to provide reintegration assistance in the following ways:

- Living accommodations and meals
- Employment counseling and training
- Drug and alcohol abuse counseling
- Self-esteem and peer development assistance
- Vocational training
- Assistance in locating and reestablishing family connections
- Liaison between the deportees and family connections In the United States

Solutions That Work—Recent Program Success:

For the five years since its establishment, FURI has seen wherein a structured program of reintegration can greatly benefit, not only deportees who have been helped, but also the country to which they are deported. Since 2002, approximately fifty individuals have benefited directly from the efforts of FURI. The resettlement program lasted for a period of six (6) to nine (9) months. During the resettlement period the deportee was taught a vocational skill in an area such as woodworking, upholstery, printing, electronics, or agriculture. Each of the participants went through counseling, group therapy/shared experience meetings. Budget limitations have interfered with the need to expand the program, but the program continues to show capacity for success.

Below are testimonials from some of the program participants. Fictitious names have been assigned to the program participants' stories, so as to protect their identities.

Testimonials:

Blake Selby describes his deportation experience:

My name is Blake Shelby. I am 48 years old. I was born on July 21, 1958. In 1964, when I was six years old my grandfather took me to America, because my mother couldn't handle four kids. My mother was young and times were hard. I spent a total of forty years in the United States.

While in my early twenties, I started to experiment with drugs. I got caught up in the whole drug experience. Whether it was selling or using, then I began to get locked up. After I came out, I decided to change my whole life. I not only wanted to stop using drugs, but also to change my whole way of thinking. I was deported to Jamaica in 2004 for a crime that happened in 1996 for which I did my time. But after 9-11, immigration laws were amended, and a misdemeanor charge was grounds from deportation.

My last home in the United States was in the Bronx. Now I am living at The Salvation Army center in downtown Kingston. While at the Salvation Army I worked up to supervisor under Capitan Phillips' management. I have been working hard because I have seen all poverty and I want to be in a position where I can reach out and help people that are in the position I was in when I first came to Jamaica with nowhere to go.

Luke Campbell describes his deportation story as follows:

I was on my way to England on February 12, 2001, when I was arrested and charged with smuggling drugs into the country. While on the way to the police station, the vehicle had an accident. I was unconscious. When I awoke, I realized that I was in a police station. I was charged and shipped back to the airport. I was feeling a lot of pain in the back, stomach, and also to the head. At that point I asked if I could see a doctor. The doctor gave me two pain pills, and then they carried me straight to the lockup called Rome Hood Scrub. Four days after, I was taken to court.

I went to court two (2) more times before I got sentenced. My sentence was four and a half (4 1/2) years. During this time in prison, I did six (6) courses. They were cooking, counseling, math, English, drug course, and black history. I received certificates in each of the courses I took. On March 3, 2004, I was deported to Jamaica.

At present, I am working as a Chef. I am trying my best to do right at all times. My aspiration is to have a normal life, and get stronger with the Lord. I want to live happy with my wife. I want to help as many people as possible. I want to be successful in life and have a small business, own my own house and car. I just want to live life the best way I can.

Kenneth Jackson lived in the Bronx, prior to deportation. He lived in the United States for thirty-three (33) years. He was deported for a drug offence in 1995. He has no family in Jamaica. He has a child, mother, father, sister, and brother in the United States. While in the United States he was on disability from an automobile injury. Prior to the injury, Jackson worked as a counselor, and nurse attendant. Jackson's story is as follows:

My drug offense became a probation charge in 1986. In 1995, a sale charge led to four years prison time. Out of those years I was returned to society through a work release program. In 1998, an immigration warrant came down so I had to complete my time. I was taken to the airport in 2000 for deportation. They did not deport me because of the potential citizenship of my father. In 2001, I was released on \$2,500 bond and was still on parole. I had to report to immigration once a month.

I was working and doing everything I was supposed to do to better myself. On May 23, 2004, I reported to my parole and immigration officer he took me in custody. My father filed for the family to come to America in 1973. He petitioned to become a United States citizen in 1975. My father became an American citizen. I was nine years old, and, according to immigration law, I am a citizen through his naturalization. All of my family are citizens of the United States and live there. I even have a son in America. I am now working as a security guard. I have all the necessary paper work to prove citizenship.

Peter Matthews migrated to the United States when he was nine years old. His father, a naturalized American citizen, was the custodial parent. Peter who had held several jobs while living in New York, was convicted for a drug offense and slated for deportation. Given that he was entitled to derivative citizenship, he fought deportation for a number of years but was eventually deported despite the fact that his case was being reviewed. Below is his testimony:

On my return to Jamaica in 2004 I experienced an unfriendly welcome. I had no family or relatives to return to. Because my father was a former member of the police force he was able to contact a police officer and I was allowed to sleep at the station that night. The following day I was taken to a shelter. For a long time I was homeless and without hope. In July of 2006 I saw a program called 'IMPACT' aired on television. A Captain Rueben Phillips was speaking of a program called FURI that was designed to help deportees that have no family, no place to live and was on drugs. For me this was hope in the making. I contacted Captain Phillips and have been involved with the program ever since. Captain Phillips and FURI have been there for me in helping me get my papers together and assisting me in finding a job. In October of 2006 I got a job with a security firm and I have been with that firm now for nine months. Now I have been given a start and opportunity to put my life back on track and to look ahead to the future for brighter days to come. It is very hard and challenging to get your life on track when all your family is away, but Captain Phillips and FURI has given me hope.

Understanding the Situation in the Caribbean:

A recent World Bank study suggest that, aside from the moral obligations, it is in the self-interest of the United States, the United Kingdom, and Canada to avoid returning dangerous convicts to environments where they are highly likely to offend again. The World Bank study raises the following issues: The United States in particular does not benefit from having unstable states just outside its borders. Drug dealers are likely to make use of their connections in both countries to promote further trafficking, and all three countries suffer from cocaine and cannabis imported via the Caribbean or by Caribbean nationals. Exporting criminals could contribute to the building of transnational criminal networks. Establishing a reintegration program that promotes personal growth and development bodes well for these developed nations.

FURI, as a non-government agency, is poised to be a leading organization in the reintegration effort in Jamaica and the rest of the Caribbean. *FURI* has found through interviews with several deportees, that there is an urgent need for deportees to be reintegrated. The efforts of *FURI* will contribute to reducing recidivism by encouraging pro-social choices and opportunities for deported persons. In a recent meeting with Consul Generals of CARICOM countries in New York, the program as outlined by *FURI* was seen as one that could be of benefit to nations affected by deportations.

FURI—Support from Within—Caribbean African Unity:

Inmates who will be deported are also looking at ways in which they can be successfully reintegrated in their home countries. Members of the *Caribbean African Unity (CAU)*, a prison-based not-for-profit organization founded in 1986, have taken an interest in the deportation issue as it relates to deportations of Caribbean nationals from the United States. The group has fostered an advocacy movement and has endorsed *FURI* inside the prison system. They are hopeful that they will be provided with the tools and opportunity to be contributing members of society.

The Permanency of Services:

The *Family Unification and Resettlement Initiative's (FURI)* primary goal is ensuring the permanency of services to deportees. *FURI's* Phase I goal is to expand on the services that we already provide. *FURI* plans to make available full resettlement accommodations, including meals and clothing for up to fifty individuals at any one time. In addition, deportees not requiring living accommodations will have access to the support services provided. In addition *FURI* plans to establish a farming village in conjunction with the Jamaica Agricultural Society (*JAS*). *FURI* will provide a homestead for deportees on the farming village, where they can join in profit sharing plans to provide both cash crops, and sustenance crops to specific markets.

Expanding Operations

The *Family Unification and Resettlement Initiative (FURI)* looks forward to the expansion of its programs to other Caribbean nations. Many nations throughout the

Caribbean lack the fundamental resources to effectively manage the influx of deportees from the United States, the United Kingdom, and Canada.

WRITTEN RESPONSES FROM MR. GARY MEAD, ASSISTANT DIRECTOR FOR MANAGEMENT, OFFICE OF DETENTION AND REMOVAL OPERATIONS, BUREAU OF U.S. IMMIGRATION AND CUSTOMS MANAGEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, TO QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE ELIOT L. ENGEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK, AND CHAIRMAN, SUBCOMMITTEE ON THE WESTERN HEMISPHERE

Question:

The Anti-Terrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Responsibility Act, which both passed in 1996, led to a huge increase in deportees to the Latin America and the Caribbean. When the law passed, we were deporting approximately 50,000 people. Now we are deporting approximately 200,000.

Although the Department of Homeland Security and ICE did not exist, per se, how much did those laws increase your agency's workload?

How much additional staff did you have to hire to manage the large numbers of deportees?

Please provide to the Subcommittee information on how much the Department of Homeland Security spends today to remove these people compared to how much DHS spent annually going back to 1990.

Response:

The Illegal Immigration Reform and Responsibility Act (IIRIRA) had a direct impact on the workload of U.S. Immigration and Customs Enforcement (ICE) (and its legacy agency INS) in a number of ways. IIRIRA augmented border enforcement by increasing the number of U.S. Border Patrol Agents by 5,000, which increased the number of aliens that have been encountered and subsequently ordered for removal. IIRIRA also increased the number of investigators that were assigned to investigate alien smuggling, unlawful employment and visa overstays. That emphasis on interior enforcement increased the number of aliens encountered and subsequently removed.

As of FY 1997, INS/ICE's Office of Detention and Removal Operations (DRO) authorized level for hiring was 2,798 FTE. In FY 2007, we were authorized 6,762 FTE, which is an increase of 3,964.

Detention and Removal Operations
Budget Appropriations
Transportation and Removal Program

FY07 Budget	238,284,000 (2)
FY06 Budget	135,000,000 (2)
FY05 Budget	311,492,000 (1)
FY04 Budget	294,694,000 (1)

(1) Prior to fiscal year 2006 the Transportation and Removal Program budget included related salary costs.

(2) For fiscal year 2006 and later the Transportation and Removal budget includes only related General Expense.

Question:

There is conflicting data as to the amount of notice of an impending deportation and the amount of information about each deportee given to a recipient country.

How much notice do we give countries before we deport someone?

Response:

The amount of notice given regarding the return of deportees varies from country to country, ranging from three to ten business days.

Question:

Do we give more notice of the deportation of a violent criminal than someone who is a non-violent offender, possibly a migrant worker who has violated an immigration law?

Response:

In general there is no difference in notification time between criminal and non-criminal deportees. However, if the receiving country, upon notification, asks for more time to prepare for the arrival of a criminal deportee, ICEDRO will comply. If ICE learns that country has a special interest in a deportee, through an INTERPOL alert, or otherwise, the advance coordination could take longer than normal.

Question:

Do we only notify a recipient country of the offense triggering the deportation, regardless of severity, or do we inform the recipient country of all criminal convictions of a deportee?

Response:

Normal practice is to provide the recipient country with the criminal conviction for the offense that is the cause of the removal. ICE DRO does not have the authority to release criminal history information maintained by other Agencies.

Question:

Do we inform a foreign government if a deportee is a member of a gang? Please describe the process by which we notify a foreign government.

Response:

If a deportee is a known gang member or is known to have an affiliation with a gang, ICE provides this information when notifying a country of the impending removal. If a travel document is not readily available, ICE must request a travel document from the respective embassy or consulate prior to removal. Many countries require a personal interview to assist in determining nationality and are able to assess gang affiliation during the interview process.

Once there is a final order of removal and the removal is scheduled, either via commercial, charter flight or Justice Prisoner and Alien Transportation System (JPATS), a cable is prepared indicating the name, date of birth, alien registration number, reason for removal, any special notes regarding the deportee and itinerary. The cable is sent through the Department of State cabling system and is received at the U.S. Embassy in the receiving country. If there is an ICE attaché in country, the attaché informs the local immigration and/or law enforcement authorities of the impending arrival. In the case of JPATS flights, the names are included in a manifest and transmitted in the same fashion. If there is no attaché, the cable is routed to the Regional Security Office in the U.S. Embassy, which informs the receiving country of the impending arrival.

Question:

How much information do we give recipient countries about each deportee? Do we routinely pass on all public trial records from a convict who has completed a criminal sentence and is being sent back? Are there records we cannot legally pass to a recipient country?

Response:

As mentioned previously, DRO must request a travel document for each deportee not in possession of a passport or travel document. Included in each travel document request is the charging document which states the reason the detainee is removable from the United States; the removal order; photos; Form I-217 (Information for Travel Document or Passport) which contains biographical and personal data of each person, including addresses of family or associates abroad, whether there are identifying marks such as scars or tattoos, etc; Warrant of Deportation; 10-print fingerprint cards, if required; copies of identity documents and any applicable passport applications. For cases involving criminal aliens, a copy of the conviction document is also included. ICE is precluded from releasing information relating to an asylum or credible fear claim.

Question:

In the case of the deportation of criminals, especially violent criminals, I imagine that countries absorbing these people will have to make special arrangements to ensure the safety of their citizens and to track especially violent offenders.

Do you have special procedures in place to ensure that those who have committed a crime in the U.S. are adequately supervised upon deportation to their recipient country? What inter-agency and inter-governmental work has DHS done to help recipient countries prepare for the large influx of deportees?

Response:

ICE DRO works with foreign governments to facilitate an orderly process and provides as much information as legally allowed on their returning nationals. The result of this exchange of information is that a recipient country can more readily verify the identity of a deportee and take any actions it views as reasonable. ICE DRO does not, however, have programs in place to track and monitor foreign citizens while in their native countries and subject to the sovereignty of those countries. ICE DRO is prohibited from providing repatriation assistance to foreign governments. While the U.S. Department of State is not obliged to do so, it is funding pilot projects to help target countries better re-integrate their returned citizens

Question:

Some have suggested that one way to help a country about to receive a deportee is to allow the deportee to complete a prison sentence in a recipient country. The argument is that this would permit the recipient country to start reintegrating their citizen, while the criminal still serves a full sentence.

Is this possible? Are there any circumstances under which this might be possible? Have any countries requested this?

Response:

Yes, under 18 U.S.C. 4100–4115 foreign nationals convicted of a crime in the United States, and United States citizens convicted of a crime in a foreign country, may apply for a prisoner transfer to their country if a treaty providing for such transfer is in force between the United States and the foreign country involved. Once the transfer has been completed, an analysis is made by the recipient government to determine how a comparable crime would be punished and then determine a release date for such an offense.

Transfer pursuant to a bilateral or multilateral prisoner transfer agreement is the only program that allows a criminal alien to serve a sentence in their home country for a crime committed in the United States. Under each of the prisoner transfer treaties, transfer of a prisoner to his or her country of nationality requires the consent of the prisoner, the receiving State, and the transferring State.

The United States has 12 bilateral prisoner transfer treaties in force in Bolivia, Canada, France, Hong Kong S.A.R., Marshall Islands, Mexico, Micronesia, Palau, Panama, Peru, Thailand and Turkey.

In addition, the United States is party to two multilateral prisoner treaties:

1. The Council of Europe Convention on the Transfer of Sentenced Persons (or COE Convention). (Europeans countries refer to it as the Strasbourg Convention. The COE Convention is in force in the following countries: Albania, Andorra, Armenia, Austria, Azerbaijan, Bahamas, Belgium, Bolivia, Bosnia & Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia (Former Yugoslav Republic of), Malta, Mauritius, Moldova, Montenegro, the Netherlands (including Netherlands Antilles and Aruba), Norway, Panama, Poland, Portugal, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Tonga, Trinidad and Tobago, Turkey, Ukraine, the United Kingdom (including Anguilla, Bermuda, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Ducie and Oena Islands, Falkland Islands, Gibraltar, Henderson Island, Isle Of Man, Montserrat, Pitcairn, St. Helena and Dependencies and the Sovereign Base Areas of Akrotiri and Dhekelia on the Island of Cyprus), Venezuela and the United States. Additionally, Mexico and Russia recently acceded to the COE Convnetion.
2. The Inter-American Convention on Serving Criminal Sentences Abroad (or OAS Convention). The OAS multilateral prisoner transfer treaty entered into force for the U.S on June 24, 2001. The OAS Convention is in force in the following countries: Belize, Brazil, Canada, Chile, Costa Rica, Guatemala, Mexico, Nicaragua, Panama, the United States, and Venezuela.

Question:

Among the critiques of the U.S. deportation policies is that they are overly harsh and unnecessarily divide families. For instance, some deportees have lived in the United States for decades, some have young children in the United States who are United States citizens, and others have worked at the same job legally in the United States for many years.

The recent Human Rights Watch report cites several compelling cases, including a 52-year-old man who lived in the US as a lawful permanent resident for 40 years,

served in the U.S. military, has four US citizen sons, and was convicted of possession and sale of small amounts of drugs;

What type of information do you collect about each deportee's personal circumstances, such as his or her family, U.S. military record, payment of U.S. taxes, years of residence in the United States, years of work in the United States? Does the Department of Homeland Security take any of that information into account when deciding to whether a person is worthy of deportation? Should DHS take extreme personal hardship or a particularly strong connection to the United States, such as through honorable military service, before deciding to deport?

Response:

ICE will send an individual's case forward for removal proceedings if it encounters an individual who has been convicted of certain crimes designated by statute as "aggravated felonies." ICE, however, does have limited prosecutorial discretion to decide whether to commence removal proceedings in an individual case and the grounds for removal that are charged.

For those cases presented to the Department of Justice's Executive Office for Immigration Review (EOIR) for removal proceedings, the authority to determine whether an individual is deportable or inadmissible under the existing statutory grounds falls within the jurisdiction of the EOIR. While in immigration proceedings, if the individuals may be eligible for some form of relief or protection from removal (such as asylum, cancellation of removal, adjustment of status, etc.), they have the opportunity to present their personal circumstances to the immigration judge for consideration to remain in the United States.

ICE DRO is charged with the mission of removing all individuals under final orders of removal. ICE has the discretion to determine when and how to execute the removal orders.

Question:

Many have claimed that our deportation policies have created an unusual circle. Foreigners come illegally to the United States, they commit a crime, spend time in our jails, and are then deported to their home countries. Upon return, they often are unable to integrate into society and end up returning to the United States because they lack any options in their home countries.

Is this true? Does DHS have any data which it can provide to the Subcommittee on how many deportees return to the United States and how many of these are gang members or were convicted of violent crimes?

Response:

Neither DRO nor ICE is equipped to validate the above statement as it relates to deported criminal aliens.

DRO systems do not organize cases based on gang affiliation. However, the chart below represents information on both criminal and non-criminal reinstatement* cases removed.

FY 2005

*CATEGORY CODE 16 CASES	28,435
CRIMINAL CHR CODE CASES	3,051
CONVICTED CASES	14,433
TOTAL CRIMINAL CASES	17,484
TOTAL NON-CRIMINAL CASES	10,951

FY 2006

CATEGORY CODE 16 CASES	32,784
CRIMINAL CHR CODE CASES	1,787
CONVICTED CASES	17,325
TOTAL CRIMINAL CASES	19,112
TOTAL NON-CRIMINAL CASES	13,672

FY 2007

CATEGORY CODE 16 CASES	30,905
CRIMINAL CHR CODE CASES	1,262
CONVICTED CASES	14,146
TOTAL CRIMINAL CASES	15,408
TOTAL NON-CRIMINAL CASES	15,497

*Category 16 cases are *Reinstated Final Order Removals*: The removal of an alien whose previously executed final order (of whatever kind) has been reinstated after an unlawful reentry.

Question:

Some have criticized the DHS removal policies, calling it an “out of sight, out of mind” effort. In other words, once we deport someone, we no longer care what happens to that person, to the recipient country, or, for that matter, to the United States if the deportee returns here.

Is this correct? Are we following an “out of sight, out of mind” policy?

Response:

“Out of sight, out of mind” is a mischaracterization of DHS removal policies. ICE takes all steps necessary to notify recipient countries of their nationals’ return and provides as much information as legally possible to recipient countries so that they may take any actions they see as reasonable. ICE does not have authority to track and monitor foreign nationals while in their home country and subject to the sovereignty of those countries.

