



## Prosecuting Migrants for Coming to the United States

Over the last two decades, the federal government increasingly has utilized the criminal courts to punish people for immigration violations. Particularly on the Southwest border, federal officials are vigorously prosecuting migrants either for entering the United States without permission or for reentering the country without permission after a prior deportation or removal order (commonly referred to, respectively, as “illegal entry” and “illegal re-entry,” or collectively as “entry-related offenses”). Tens of thousands of migrants are subjected to criminal prosecution for these crimes every year.<sup>1</sup>

The government’s approach to charging these entry-related offenses imposes heavy costs on migrants and the federal government alike. With high conviction rates for these federal offenses, many migrants are subjected to mandatory incarceration in federal prison for months or longer.

For these individuals, a conviction can impede current and future attempts to migrate lawfully or obtain asylum. For the federal government, such prosecutions are an extremely costly use of finite law-enforcement resources and have no demonstrated deterrent effect on future migration.<sup>2</sup>

This overview provides basic information about entry-related offenses, including the significant costs incurred by the government conducting these prosecutions, the individuals who are subjected to them, and how the government’s rationale for carrying them out is not supported by the data.

### Crimes for Which Migrants are Prosecuted

Physical presence in the United States without proper authorization is a civil, rather than criminal, offense.<sup>3</sup> This means that the Department of Homeland Security (DHS) can place a person in removal (deportation) proceedings and can require payment of a fine,<sup>4</sup> but the federal government cannot charge the person with a criminal offense. Likewise, a migrant who enters the United States on a valid visa but who stays longer than permitted may be put in removal proceedings, but cannot face federal criminal charges.<sup>5</sup> Those who enter or reenter the United States without permission, however, can face criminal charges.

Title 8 of the U.S. Code identifies federal criminal offenses pertaining to immigration and nationality, including the following two entry-related offenses:

- **“Illegal Entry”/8 U.S.C. 1325** makes it a crime *to unlawfully enter* the United States. It applies to migrants who do not enter with proper inspection at a port of entry, such as those who enter between ports of entry, avoid examination or inspection, or who make false statements while entering or attempting to enter. A first offense is a misdemeanor punishable by a fine, up to six months in prison, or both.<sup>6</sup>

- “Illegal Re-Entry”/8 U.S.C. 1326 makes it a crime *to unlawfully reenter*, attempt to unlawfully reenter, or to be found in the United States after having been deported, ordered removed, or denied admission. This crime is punishable as a felony with a maximum sentence of two years.<sup>7</sup> Higher penalties apply if the migrant has a criminal record: up to 10 years for a migrant with misdemeanors and simple felonies, and up to 20 years for more serious crimes.<sup>8</sup>

Combined, violations of 8 U.S.C. 1325 and 1326 have become the most federally prosecuted offenses.<sup>9</sup> Indeed, in 2016, they constituted almost half of *all* prosecutions in federal court.<sup>10</sup> If a migrant is charged with “illegal reentry” (a felony), the prosecutor often will add a charge of “illegal entry” (a misdemeanor) to the indictment. The prosecutor can then pressure the migrant to plead guilty to the lesser offense (“illegal entry”) in exchange for a shorter sentence—perhaps even time served.<sup>11</sup> This practice, known as a “flip flop” plea, poses serious due-process concerns. Prosecutors who propose this type of plea deal often offer it only if the migrant agrees to waive certain rights, including the right to a trial and the right to challenge the conviction.<sup>12</sup> In addition, the process moves so quickly that, in many cases, charged migrants accept a plea agreement, plead guilty, and are sentenced in a matter of hours.<sup>13</sup>

## Operation Streamline

Most entry-related prosecutions flow from a partnership between the Department of Justice (DOJ) and DHS called “Operation Streamline.”<sup>14</sup> DHS and DOJ initiated Operation Streamline in the Del Rio Sector (in and near El Paso, Texas) in 2005. It is now in place in different forms in jurisdictions along the Southwest border such as in Tucson, Arizona and the Rio Grande Valley in Texas.<sup>15</sup>

The initiative was designed to reflect a “zero tolerance” philosophy and was intended to deter future border crossers.<sup>16</sup> In years past, the federal government would not have subjected these individuals to prosecution. But under this initiative, the government charges first-time entrants for illegal entry, including those with no criminal histories. It also conducts group prosecutions, sometimes prosecuting as many as 80 people at once in the same hearing. Individuals can be charged, tried, convicted, and sentenced in a matter of hours with little time to speak to a public defender, particularly if there are language barriers.<sup>17</sup> This so-called “streamlined” process deprives migrants of an individualized hearing and raises serious due-process concerns.

Individuals criminally prosecuted for entry-related offenses are entitled to a lawyer, which is provided by the U.S. government if the individual does not retain private counsel. However, an attorney’s ability to provide quality representation in a mass prosecution setting is significantly compromised by the rushed nature of the proceedings. Attorneys may meet their clients for the first time on the day of the court hearing and have only minutes in a public setting to discuss their case.<sup>18</sup> Translation services are limited, particularly for those who speak languages other than Spanish.<sup>19</sup> Frequently, accommodations are not made for indigenous language speakers to receive needed interpretation to communicate with a public defender or to meaningfully participate in a court hearing, resulting in a lack of understanding of the proceedings or the implications of a criminal conviction.<sup>20</sup>

## Soaring Numbers and Costs

The number of individuals criminally prosecuted for entry-related offenses has soared. On the Southwest border, entry-related prosecutions in federal courts jumped nearly 500 percent from 15,392 cases in Fiscal Year (FY) 1997 to 90,067 cases in FY 2013—even as immigration officials apprehended fewer border crossers.<sup>21</sup> Federal courts handled more than a million such prosecutions between FY 1997 and FY 2013.<sup>22</sup> Immigration prosecutions dipped slightly in subsequent years, but continued to dwarf the pre-FY 2005 levels (prior to the initiation of Operation Streamline) (Table 1).<sup>23</sup>

Entry-related prosecutions continued to decrease somewhat in the early months of the Trump administration,<sup>24</sup> but in April 2017, Attorney General Jeff Sessions instructed federal prosecutors to make entry-related prosecutions a high priority nationwide, including charging first-time offenders.<sup>25</sup> By the summer of 2017, immigration prosecutions exceeded summer FY 2016 levels and continued to rise through the close of the year. Prosecutors charged 4,857 individuals with entry-related offenses in December 2017 alone, a 10 percent increase over the previous year.<sup>26</sup> In April 2018, the Attorney General doubled down by issuing a “zero-tolerance policy” that required each U.S. Attorney’s Office to prosecute all DHS referrals of illegal entry violations.<sup>27</sup> During the first six months of FY 2018, there were 35,787 federal criminal prosecutions (Table 1).<sup>28</sup> If prosecutions continue at this pace for the rest of the year, it will result in a 19.5 percent increase in prosecutions compared to FY 2017.<sup>29</sup>

**Table 1: Number of Federal Criminal Prosecutions, FY 2006-2018**

Fiscal Year	Federal Criminal Prosecutions
2006	37,529
2007	39,458
2008	79,431
2009	91,899
2010	87,375
2011	82,250
2012	91,941
2013	97,384
2014	86,574
2015	74,791
2016	69,636
2017	59,910
2018*	35,787

\*Data provided for FY 2018 covers the period October 1, 2017, through March 31, 2018.

Source: TRAC, "Criminal Immigration Prosecutions Down 14% in FY 2017," December 6, 2017; "Immigration Criminal Prosecutions Jump in March 2018," April 27, 2018.

The expansion of criminal enforcement against migrants comes at great financial expense to the U.S. taxpayer. There is no clear accounting of the costs—which include time expended by prosecutors, judicial resources, public defenders, and expenses associated with incarceration—but they are undoubtedly massive. One conservative estimate for the incarceration of defendants charged with or convicted of entry-related offenses totaled \$7 billion over the decade of 2005-2015.<sup>30</sup> Estimates of other court-related costs include appointed public defenders, judicial resources, and administrative court costs, running millions of dollars each month.<sup>31</sup>

Judges and attorneys along the border maintain that the heavy emphasis on prosecuting entry-related offenses expends precious resources that otherwise would be devoted to prosecuting more serious crimes, such as drug smuggling and human trafficking.<sup>32</sup>

### **The Human Consequences of Entry-Related Prosecutions**

Not surprisingly, given the practical obstacles and due-process concerns associated with group hearings, conviction rates for Operation Streamline prosecutions are extremely high, steadily increasing the population of already crowded federal prisons.<sup>33</sup> For example in FY 2016, 88.5 percent of individuals convicted of entry-related offenses pled guilty.<sup>34</sup> Sentences vary from as little as time served or several days, to multiple years. Sentencing guidelines can magnify the impact of prior minor offenses, pushing sentences higher.<sup>35</sup>

Migrants plead guilty to entry-related offenses for a variety of reasons. These can include a lack of understanding of potential defenses against a charge (and lack of time to discuss such defenses with counsel prior to a group hearing); the prospect of shorter sentences; or misunderstanding the terms or consequences of a plea agreement.<sup>36</sup> Yet plea agreements carry serious consequences beyond incarceration.<sup>37</sup>

By accepting a plea agreement, individuals forego the right to assert defenses to the charges, to go to trial, and to appeal their criminal conviction.<sup>38</sup> A conviction based on a plea agreement also can form the basis for placement in removal proceedings.<sup>39</sup> Some plea agreements contain so-called “immigration waivers,” which require the defendant to forego claims for asylum or other immigration protections.<sup>40</sup>

In addition, once convicted of an entry-related offense, migrants often become a higher priority for future criminal prosecution or deportation if they are subsequently apprehended by DHS.<sup>41</sup> It also may prohibit them from legally immigrating in the future.<sup>42</sup>

### **The Impact of Entry-Related Prosecutions on Persons Fleeing Persecution and Torture**

Despite domestic and international legal obligations to protect migrants fleeing persecution and torture, the U.S. government regularly subjects individuals seeking asylum or other forms of protection in the United States<sup>43</sup> to criminal prosecution and incarceration.<sup>44</sup>

Migrants who arrive at the U.S. border without proper documentation can be, and often are, subjected to fast-track deportation processes called “expedited removal”<sup>45</sup> or “reinstatement of removal.”<sup>46</sup> In each instance,

however, the law requires that these individuals receive a preliminary screening interview with an asylum officer if they express a fear of persecution in their country of origin.

Yet along the Southwest border, the government nonetheless subjects individuals fleeing persecution and torture to criminal proceedings under Operation Streamline.<sup>47</sup> This practice violates international law.<sup>48</sup> The United States is a party to the 1951 Refugee Convention,<sup>49</sup> which precludes nations from penalizing individuals requesting protection from persecution or torture in their country of origin.<sup>50</sup> In 2015, the DHS Inspector General noted that the prosecution of those “who express fear of persecution or return to their home countries” under Operation Streamline was “inconsistent with and may violate U.S. treaty obligations.”<sup>51</sup>

DHS, however, claims that these individuals are free to pursue protection-based claims while they serve their criminal sentences or after their release.<sup>52</sup> Despite these claims, individuals and advocacy groups continue to report instances of DHS officials denying individuals their right to pursue asylum or protection-based relief and pressuring them to waive their fear-based claims in exchange for plea agreements.<sup>53</sup>

The prosecution of individuals fleeing persecution or torture further harms family members with whom the individual traveled and was apprehended. Spouses are often separated, as are parents from their minor children.<sup>54</sup> These families could be released on bond or placed in other alternatives to detention while their removal process continues. Instead, criminal defense lawyers increasingly have observed federal prosecutions of adult family members for entry-related offenses which result in those family members being sent to a federal prison away from their children.<sup>55</sup> The children are then placed with federal authorities at shelters for unaccompanied minors or in foster homes, while parents receive little or no information about their location and condition.<sup>56</sup>

## **Criminalizing Migrants is Not an Effective Deterrent**

Research strongly suggests entry-related prosecutions do not deter future migration; rather, migration to the United States is driven primarily by factors such as economic conditions and the security situation in their home country or having family in the United States.<sup>57</sup> This is the case with recent migration from Central American countries, which was driven in large part by high levels of violence in El Salvador and Honduras.<sup>58</sup> Shifts in the economies of the United States and Mexico play a large role in migration trends as well.<sup>59</sup> For example, although undocumented migration decreased in 2008 when criminal prosecutions began to rise significantly, many experts viewed the decrease in arrivals as a result of the “great recession”—the lack of economic opportunity in the United States and growing opportunities in Mexico.<sup>60</sup>

Although DHS has long stated that the goal of Operation Streamline is to deter migrants from attempting to enter the United States,<sup>61</sup> the DHS Inspector General has identified shortcomings with the data DHS gathers to assess the initiative, noting that DHS is “not fully and accurately measuring Streamline’s effect.”<sup>62</sup> For instance, government data only reflects an individual’s attempt to cross the U.S.-Mexico border a second time after being prosecuted earlier in the same fiscal year.<sup>63</sup> The data does not reflect attempts to cross the next year or in future years, even when an individual was prosecuted near the end of a fiscal year. Therefore, it is less likely that DHS data will capture migrants who spend time in prison for entry-related convictions.

## Endnotes

1. Transactional Records Access Clearinghouse, “Immigration Prosecutions for February 2018,” March 26, 2018, <http://trac.syr.edu/tracreports/bulletins/immigration/monthlyfeb18/fil/>.
2. Rebecca Gambler, *Border Patrol: Actions Needed to Improve Oversight of Post-Apprehension Consequences*, U.S. Government Accountability Office, January 2017, 36, <https://www.gao.gov/assets/690/682074.pdf>; U.S. Department of Homeland Security, Office of Inspector General, *Streamline: Measuring Its Effect on Illegal Border Crossing*, OIG-15-95, May 15, 2015, [https://www.oig.dhs.gov/assets/Mgmt/2015/OIG\\_15-95\\_May15.pdf](https://www.oig.dhs.gov/assets/Mgmt/2015/OIG_15-95_May15.pdf).
3. <sup>3</sup> *Arizona v. United States*, 567 U.S. 387 (2012).
4. 8 U.S.C. § 1324d; 8 C.F.R. § 280.53(b)(14).
5. *Arizona v. United States*, 567 U.S. 387 (2012).
6. 8 U.S.C. § 1325.
7. 8 U.S.C. § 1326.
8. Technically, a migrant who reenters unlawfully has violated both 1325 and 1326. However, a court has ruled that, in such cases, a foreigner can only serve a single sentence as punishment. See *United States v. Ortiz-Martinez*, 557 D.2d 214 (9th Cir. 1977).
9. Transactional Records Access Clearinghouse, “Immigration Prosecutions for February 2018”; American Civil Liberties Union, *Reform U.S. Approach to Border Prosecutions* (Washington, DC: 2018), <https://www.aclu.org/other/operation-streamline-issue-brief>. Immigrants may also be charged with fraud or misuse of official documents, such as passports or visas (8 USC § 1546).
10. Another immigration-related crime frequently prosecuted in federal courts is bringing in or harboring migrants (8 U.S.C. § §1324). This charge can apply to someone who helps an undocumented immigrant enter the United States, or helps the immigrant remain here—such as by providing shelter or employment. It is punishable by up to five years in prison, potentially more if done for financial gain. There is no exception for family members who aid a relative.
11. David Martin and James F. Metcalf, “Pretrial Service along the Border: A District of Arizona Perspective,” *Federal Probation Journal* 76, no. 2, September 2012, <http://www.uscourts.gov/federal-probation-journal/2012/09/pretrial-services-along-border-district-arizona-perspective>. Flip flops are a type of prosecution that appears to be unique to the District of Arizona. They are also referred to as “mixed complaints,” where a defendant is charged with a felony and misdemeanor. If the defendant rejects the plea offer, he is prosecuted for the felony. If the defendant pleads guilty to the misdemeanor, the felony is dismissed, and the magistrate judge sentences the defendant without a presentence report either at the initial appearance or some 5 days (Tucson) or 10 days (Yuma) later, during the detention/change of plea/sentencing hearing.
12. David Martin and James F. Metcalf, “Pretrial Service along the Border”; James M. Cole, Deputy Attorney General, *Memorandum for All United States Attorneys, Department Policy on Early Disposition or ‘Fast Track’ Programs*, U.S. Department of Justice, January 31, 2012, <https://www.justice.gov/sites/default/files/dag/legacy/2012/01/31/fast-track-program.pdf>.
13. Judith Greene, Bethany Carson, Andrea Black, *Indefensible: A Decade of Mass Incarceration of Migrants Prosecuted for Crossing the Border* (Austin, TX: Grassroots Leadership/Justice Strategies, July 2016), 38, [https://www.prisonpolicy.org/scans/indefensible\\_book\\_web.pdf](https://www.prisonpolicy.org/scans/indefensible_book_web.pdf).
14. Transactional Records Access Clearinghouse, “Criminal Immigration Prosecutions Down 14% in FY 2017,” December 6, 2017, <http://trac.syr.edu/tracreports/crim/494/>. Although immigrants theoretically can be prosecuted for “illegal entry” anywhere in the United States, prosecutors are usually reluctant to bring these cases far from the border where it is more difficult to establish precisely how and when the migrant entered. This is less true for reentry cases, because once a migrant has been deported or ordered removed it does not matter how they reentered—their presence in the United States is enough to convict under Section 1326 along with the deportation order. Most of the criminal reentry cases are also filed along the Southwest border, but a significant number are filed elsewhere—including Florida and Tennessee.
15. U.S. Department of Homeland Security Office of Inspector General, *Streamline*.
16. *Ibid.*
17. Joanna Lydgate, *Assembly-Line Justice: A Review of Operation Streamline* (Berkeley, CA: University of California, Berkeley Law School, January 2010), [https://www.law.berkeley.edu/files/Operation\\_Streamline\\_Policy\\_Brief.pdf](https://www.law.berkeley.edu/files/Operation_Streamline_Policy_Brief.pdf).
18. *Ibid.*, 4.
19. Chad Doobay, “Operation Streamline—A Failure of Due Process,” National Immigrant Justice Center, December 11, 2015, <https://www.immigrantjustice.org/staff/blog/operation-streamline-failure-due-process>; “The Immigration Prosecution Factory,” KINO Border Initiative, November 14, 2017, <https://www.kinoborderinitiative.org/immigration-prosecution-factory/>.

20. KINO Border Initiative, "The Immigration Prosecution Factory," November 14, 2017.
21. Marc R. Rosenblum and Doris Meissner, *The Deportation Dilemma: Reconciling Tough and Humane Enforcement* (Washington, DC: Migration Policy Institute, 2014), 28, <https://www.migrationpolicy.org/research/deportation-dilemma-reconciling-tough-humane-enforcement>
22. *Ibid.*, 51.
23. Transactional Records Access Clearinghouse, "Criminal Immigration Prosecutions Down 14% in FY 2017."
24. *Ibid.* While the precise cause is unclear, the significant surge of unaccompanied children and asylum-seeking families from Central America in 2014, along with the Obama administration's prioritization of immigration enforcement against noncitizens who presented a public safety risk, could have both contributed to a decline in prosecutions at the border.
25. The Attorney General also urged prosecution of other immigration violations that were not entry-related. See *Attorney General Memorandum for All Federal Prosecutors, "Renewed Commitment to Criminal Immigration Enforcement,"* April 11, 2017, <https://www.justice.gov/opa/press-release/file/956841/download>.
26. Transactional Records Access Clearinghouse, "Immigration Prosecutions for February 2018." More than 4,000 of these cases were filed in magistrate courts, and the remainder in U.S. district court. The overwhelming majority of charges were for "illegal entry" or reentry.
27. U.S. Department of Justice, "Attorney General Announces Zero-Tolerance Policy for Criminal Illegal Entry," April 6, 2018, <https://www.justice.gov/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry>.
28. Transactional Records Access Clearinghouse, "Immigration Criminal Prosecutions Jump in March 2018," April 27, 2018, <http://trac.syr.edu/immigration/reports/510/>.
29. *Ibid.*
30. Judith A. Greene, *et al.*, *Indefensible*, 153.
31. National Immigration Forum, "Operation Streamline: Unproven Benefits, Outweighed by Cost to Taxpayers," September 2012, <https://immigrationforum.org/blog/operation-streamline-unproven-benefits-outweighed-by-cost-to-taxpayers/>.
32. *Ibid.*; *Assembly-Line Justice*, 7; Alistar Graham Robertson, *et al.*, "Operation Streamline: Costs and Consequences," Grassroots Leadership, September 2012, 7, [https://grassrootsleadership.org/sites/default/files/uploads/GRL\\_Sept2012\\_Report-final.pdf](https://grassrootsleadership.org/sites/default/files/uploads/GRL_Sept2012_Report-final.pdf).
33. Donald Kerwin and Kristen McCabe, "Arrested on Entry: Operation Streamline and the Prosecution of Immigration Crimes" (Washington, DC: Migration Policy Institute, January 2010), <https://www.migrationpolicy.org/article/arrested-entry-operation-streamline-and-prosecution-immigration-crimes>.
34. U.S. Sentencing Commission, "Quick Facts: Illegal Reentry Offenses," 2017, [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Illegal\\_Reentry\\_FY16.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Illegal_Reentry_FY16.pdf)
35. Judith Greene, *et al.*, *Indefensible*, 85-92.
36. Joanna Lydgate, *Assembly-Line Justice*, 7.
37. *Ibid.*; Donald Kerwin and Kristen McCabe, "Arrested on Entry."
38. Judith Greene, *et al.*, *Indefensible*, 42-44.
39. *Ibid.*
40. Human Rights First, *Punishing Refugees and Migrants: The Trump Administration's Misuse of Criminal Prosecutions* (January 2018), 20, <https://www.humanrightsfirst.org/resource/punishing-refugees-and-migrants-trump-administrations-misuse-criminal-prosecutions>
41. U.S. Government Accountability Office, *Border Patrol: Actions Needed to Improve Oversight of Post-Apprehension Consequences*, GAO-17-66, January 2017.
42. Joanna Lydgate, *Assembly-Line Justice*, 13; INA §212(a)(2)(B).
43. 8 C.F.R. § 2018.17; INA § 240a.
44. Human Rights First, *Punishing Refugees and Migrants*.
45. American Immigration Council, "A Primer on Expedited Removal," February 2017, <https://www.americanimmigrationcouncil.org/research/primer-expedited-removal>. During the expedited removal process, if an individual expresses a fear of return, an asylum officer determines whether the person has a "credible fear" of persecution in his or her country of origin. If the asylum officer makes a positive "credible fear" finding, the individual is placed in removal proceedings where he or she can apply for asylum or any other form of relief from removal in a hearing before an immigration judge. If the asylum officer does not find a credible fear, the individual's ability to seek further review is extremely limited. These claims proceed exclusively before the asylum officer and the immigration courts.
46. If a person has been deported under a prior removal order and has unlawfully returned to the United States, he or she may be subjected to "reinstatement of removal." In that process, if a fear is expressed, an asylum officer determines whether the person has a "reasonable fear"

(a higher standard than demonstrating “credible fear”) of persecution or torture in his or her country of origin. If the officer finds that a person has a reasonable fear, the person receives a hearing before an immigration judge to assess eligibility for withholding of removal or protection under the U.N. Convention Against Torture—more limited forms of protection than asylum that do not lead to permanent residence and do not permit petitioning for family members. Whether or not the officer finds a reasonable fear, individuals subject to reinstatement orders may seek further review of those orders and/or reasonable fear determinations in the appropriate court of appeals.

47. Human Rights First, *Punishing Refugees and Migrants*. Some observers even report that immigrants who request asylum at a port of entry are pushed back and essentially forced to try to cross between the ports of entry, at which point they can be charged with the criminal offense of “illegal entry.”
48. *Ibid.*
49. “Convention and Protocol Related to the Status of Refugees,” United Nations, Article 31 (1951), 29, <http://www.unhcr.org/3b66c2aa10.pdf>
50. *Ibid.*
51. U.S. Department of Homeland Security Office of Inspector General, *Streamline*.
52. *Ibid.*, 17.
53. Human Rights First, *Punishing Refugees and Migrants*, 20.
54. Immigrant Justice Campaign, *et al.*, “The Separation of Family Members Apprehended by or Found inadmissible while in U.S. Customs and Border Protection (CBP) Custody at the U.S.-Mexico Border,” DHS Civil Rights and Civil Liberties Complaint (December 11, 2017), [https://www.americanimmigrationcouncil.org/sites/default/files/general\\_litigation/family\\_separation\\_complaint.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/general_litigation/family_separation_complaint.pdf).
55. Human Rights First, *Punishing Refugees and Migrants*, 5.
56. *Ibid.*, 21.
57. Joanna Lydgate, *Assembly-Line Justice*, 7; Jonathan T. Hiskey, Abby Córdova, Diana Orcés, and Mary Fran Malone, *Understanding the Central American Refugee Crisis: Why They Are Fleeing and How U.S. Policies are Failing to Deter Them* (Washington, DC: American Immigration Council, February 2016), <https://www.americanimmigrationcouncil.org/research/understanding-central-american-refugee-crisis>.
58. Jonathan T. Hiskey, *Understanding the Central American Refugee Crisis*.
59. Joanna Lydgate, *Assembly-Line Justice*, 5-6.
60. Francisco Alba, “Mexico: The New Migration Narrative,” Migration Policy Institute, April 2013, <https://www.migrationpolicy.org/article/mexico-new-migration-narrative>.
61. See *Hearing on Declining Deportations and Increasing Criminal Alien Releases—The Lawless Immigration Policies of the Obama Administration Before the Senate Committee on the Judiciary, Subcommittee on Immigration and the National Interest*, 109<sup>th</sup> Congress (May 19, 2016) (written testimony of Border Patrol Acting Chief Ronald Vitiello), <https://www.dhs.gov/news/2016/05/19/written-testimony-cbp-senate-judiciary-subcommittee-immigration-and-national>.
62. U.S. Department of Homeland Security Office of Inspector General, *Streamline*.
63. *Ibid.*