



**HOUSTONIANS
FOR
MIGRANT JUSTICE**

A note from Houston Youth Activists

Our team members have spent hours researching and speaking with experts on issues related to migrant justice. Below is a fact sheet containing key points that we felt highlighted the situation we face as a nation today and our reasons for starting this campaign for migrant justice. The sheet is split into different subsections regarding different topics related to both immigration and the agencies/organizations responsible for immigration. You will find that we merely state the facts, and as a non-partisan organization, we invite you to draw your own conclusions from the material presented. For more information, questions or concerns, please email houstonyouthactivists@gmail.com.



Paolo Martinez
Director of Logistics



Chloe Evered
Research Coordinator



Ella Bernstein
Research Team Member



Maha Rahman
Research Team Member

Houston immigration policy

- ICE raid in [Houston](#), July 2019
 - The City of Houston's Mayor claimed it is "[not working or cooperating with ICE on such raids.](#)"
- Over [53,000](#) immigration cases backlogged in Houston, with an average wait time up to [173 days](#) from 120 days.
- SB-4:
 - Texas cities and counties can direct their officers not to serve in the role of immigration officers;
 - Local jails are not required to hold individuals based only on a request by ICE;
 - Local officials and employees can criticize SB4 and speak in favor of changes in immigration enforcement without fear of punishment under SB4
 - Although local police officers can ask an individual about immigration status, the individual does not have to answer, the police officer cannot arrest the individual for being undocumented, and the police officer cannot serve as an immigration officer.
 - Sources:
 - <https://www.americanimmigrationcouncil.org/research/sanctuary-policies-overview>
 - <https://www.houstonimmigration.org/immigration-policy/#principles>
 - <https://www.americanimmigrationcouncil.org/research/primer-expedited-removal>
 - <https://www.texastribune.org/2017/04/14/white-house-green-lights-new-immigration-detention-center-texas/>

ICE

ICE Operations

- Although ICE's purpose is "the arrest and removal of unlawfully present aliens who pose a threat to national security, public safety, and border security", as of March 2019 "[36.5 percent of the arrests were simply undocumented with no criminal history](#)"
 - *"As always, ICE prioritizes the arrest and removal of unlawfully present aliens who pose a threat to national security, public safety, and border security," according to the statement. "In fact, 90 percent of aliens arrested by ICE's Enforcement and Removal Operations component in FY2018 had either a criminal conviction(s), pending criminal charge(s), were an ICE fugitive, or illegally reentered the country after previously being removed. However, all of those in violation of the immigration laws may be subject to immigration arrest, detention and - if found removable by final order - removal from the United States."*
<https://patch.com/texas/houston/houstons-undocumented-immigrants-hide-ahead-planned-ice-raid>
- ICE held a US citizen for [1,273 days](#) in California
 - *"In the seven and a half years ending in February, ICE reviewed 8,043 citizenship claims of people in custody, according to figures provided by the Department of Homeland Security. In 1,488 — nearly a fifth of those cases — ICE lawyers concluded the evidence 'tended to show that the individual may, in fact, be a U.S. citizen,' a DHS spokeswoman said."*
- A March 2019 [Supreme Court decision](#) made it easier to detain undocumented persons with criminal charges dating months or years back:
 - *"The justices reversed a lower-court decision that permitted such detention only if federal agents picked up the noncitizen immediately after being released from custody, rather than months or years later. Immigration rights advocates had argued that such detentions must occur within 24 hours."*
- *"Trump campaigned on a promise to target "bad hombres" – including murderers, violent criminals and gang members – but after assuming office he ordered ICE to arrest all undocumented immigrants it encountered, no matter their criminal background. That has led to a consistent drop in the percentage of people arrested by ICE who have a criminal record."*
<https://www.usatoday.com/story/news/politics/2019/03/21/ice-sets-record-arrests-undocumented-immigrants-no-criminal-record/3232476002/>

ICE History

- ICE was created in the wake of 9/11 when the national government underwent one of its largest reorganizations, and all movement in and out of the country became closely monitored out of unprecedented fear for national security
- Before the existence of ICE, immigration was federally supervised under the Immigration and Naturalization Service (INS)
- Established on March 1, 2003, ICE is only 16 years old
- Immigration and Customs Enforcement (ICE) is one of three federal agencies that supervise immigration:
 - Customs and Border Protection (CBP) monitors ports of entry
 - Citizenship and Immigration Services (CIS) monitors visas
 - ICE handles the detention and removal of undocumented immigrants
- The above three agencies are under the Department of Homeland Security (DHS)
- According to [data from the Detention Watch Network](#), the “average daily population of detained immigrants increased from approximately 5,000 in 1994, to 19,000 in 2001, to over 39,000 in 2017.”

About Southwest Key Programs/Casa Sunzal:

Background

- Casa Sunzal, located at 419 Emancipation Ave in Downtown Houston, houses [207](#) boys and girls ages 16 to 17 and is one of 17 centers in Texas run by Southwest Key Programs, a Texas-based nonprofit and “the country’s largest operator of immigrant youth shelters, housing more than 5,000 children” across the southwest.
- As of 2017, SWK Programs, through a holding company, Southwest Key Enterprises, Inc. owns and operates [eight for-profit businesses](#), from a construction company to a florist.
- In addition to running reunification/detention centers, Southwest Key owns a network of smaller for-profit companies. As of 2017, SWK Programs, through a holding company, Southwest Key Enterprises, Inc. owns and operates eight for-profit businesses, from a construction company to a florist. “Southwest Key Enterprises, Inc. owns all the shares in the [for-profit businesses](#) formed for the benefit of Southwest Key Programs, Inc. They currently include: 1) Southwest Key Maintenance, LLC; 2) Southwest Key Green Energy & Construction, LLC; 3) Southwest Key Café del Sol, LLC; 4) Southwest Key Properties, LLC; 5) The Blooming Florist, LLC; 6) Southwest Key Workforce Development; 7) Southwest Key Youth, Family & Transportation Services, LLC; and 8) Southwest Key Data & Evaluation, LLC”

Funding

- Former SWK CEO Juan Sanchez resigned earlier this year amidst controversy over his salary. Sanchez was reportedly compensated [\\$1.5 million](#) in 2016 and, in 2018, more than twice that amount: [\\$3.6 million](#).
- SWK received a [\\$458 million](#) grant from the federal government in 2018, and over [\\$200 million](#) in federal funding so far this year.
- According to [TAGGS](#), in 2018 SWK received \$626 million in federal funding from the ACF (Administration for Children and Families), a division of the HHS

Controversy

- In 2016, there were reportedly “[at least 20 violations](#)” involving completing or renewing employee background checks at several of SWK’s Texas facilities.
- SWK facilities across the southwest have been under scrutiny from federal and state agencies; for example, in 2018 the state of [Arizona threatened to shut down Southwest Key’s 13 children’s shelters](#) in response to abuse resulting from the organization’s negligence.

- Most of SWK's funding comes from a contract with federal as well as state governments: "Funding is provided primarily by the federal government and the states of Texas, Florida, and Georgia, with additional funds provided by county programs, local government agencies and private contributions."
- Additional Articles:
 - <https://www.propublica.org/article/southwest-key-arizona-threatens-to-revoke-immigrant-children-shelter-licenses>
 - <https://www.austinchronicle.com/news/2018-08-03/allegations-of-mistreatment-at-a-southwest-key-shelter/>

Unaccompanied minors facts:

Background

- Undocumented persons are detained either through Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP)
- https://en.wikipedia.org/wiki/Immigration_detention_in_the_United_States:
 - *“During Fiscal Year 2018, 396,448 people were booked into ICE custody: 242,778 of whom were detained by CBP and 153,670 by ICE's own enforcement operations.^[1] A daily average of 42,188 immigrants (40,075 adult and 2,113 in families) were held by ICE in that year.^[2]”*
 - *“In addition, over twelve thousand immigrant children are housed by facilities under the supervision of the [Office of Refugee Resettlement's](#) program for [Unaccompanied Alien Children](#).^[3] Prior to referral to these other agencies, the CBP holds immigrants at processing centers; between mid-May and mid-June 2019, it held between 14,000 and 18,000 immigrants.^[4]”*
- In 2019 alone there have been 72,873 unaccompanied minors [apprehended](#) with an unknown total population

Flores settlement, 1997

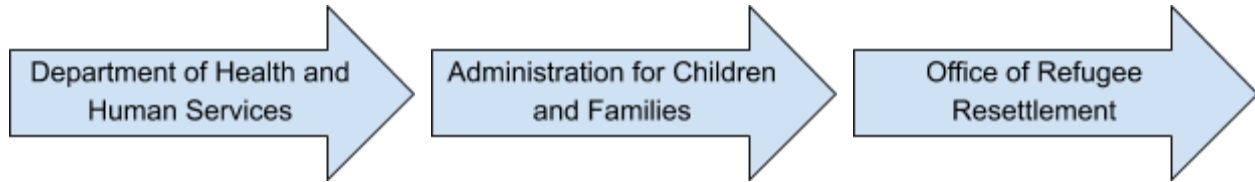
- Jenny Flores, an undocumented teenager, was held in Immigration and Naturalization Services (INS) custody after attempting to cross the Mexico-U.S. border. Her mother, also undocumented and living in Los Angeles, couldn't pick her up from detention from fear of being detained herself. INS refused to release Flores to her cousins, since they weren't her legal guardians. Flores claimed she was mistreated in the facility, including being strip searched and forced to share bathrooms and living quarters with adult men
- In 1985, several human rights groups sued on behalf of Flores to establish better conditions for minors in immigration. In 1993, the Supreme Court ruled on the side of the federal government, denying higher standards for detention facilities
- However, in 1997, the federal government settled the suit with considerable concessions to the human rights groups, granting higher treatment to undocumented minors. The Flores agreement has, for more than 20 years, been interpreted as forbidding the detainment of any minor in a detention facility for more than 20 days
- In 2017, a US district court judge cited the Flores agreement to sue over reports of detention centers denying children access to basic hygiene, such as toothbrushes and soap. An attorney from the federal government attempted to argue that toothbrushes and soap exceeded the requirements of the Flores agreement, causing nationwide controversy, and they lost their appeal in 2019.

- Sources

- <https://www.humanrightsfirst.org/resource/flores-settlement-brief-history-and-next-steps>
- <https://cis.org/Report/History-Flores-Settlement>
- <https://time.com/5325492/abolish-ice-history/>
- <https://splinternews.com/a-short-brutal-history-of-ice-1822641556>
- <https://www.ice.gov/features/history>

Immigration System

Immigration Administration



- Federal funding for Southwest Key Programs comes through ACF, and all unaccompanied undocumented children detained are in jurisdiction of the ORR.
 - “The Office of Refugee Resettlement (ORR) provides new populations with the opportunity to achieve their full potential in the United States. Our programs provide people in need with critical resources to assist them in becoming integrated members of American society.” The children detained in SWK centers are among those “new populations”
- Although the ORR provides services to refugees, victims of human trafficking entering the US, survivors of torture, over 60% of their budget goes to their unaccompanied children program: “In Fiscal Year 2019, Refugee and Resettlement Assistance comprised a discretionary budget of \$1.905 billion. The largest share of that, \$1.303 billion, was designated for the Unaccompanied Alien Children program housing child migrants.”
- Source:
 - https://en.wikipedia.org/wiki/Office_of_Refugee_Resettlement

Immigration Court System

- The immigration court system in the United States is held administered by the [Executive Office of Immigration Review \(EOIR\)](#). This office falls under the jurisdiction of the Department of Justice.
- The Executive Office of Immigration Review currently has [430 judges](#).
- [Immigration court backlog](#) has significantly risen over the past decade despite the [dip in illegal immigration](#). See charts below.
- Funding
 - Funding for the EOIR is [proposed](#) to go up to 500 **million** for FY 2020.
 - The Department of Homeland Security (DHS) is also [proposing an increase](#) in budgets for its immigration enforcement agencies.
 - CBP \$20.8 **billion**, up from \$16 billion in 2018.
 - ICE \$9.3 **billion**, up from \$8 billion in 2018.

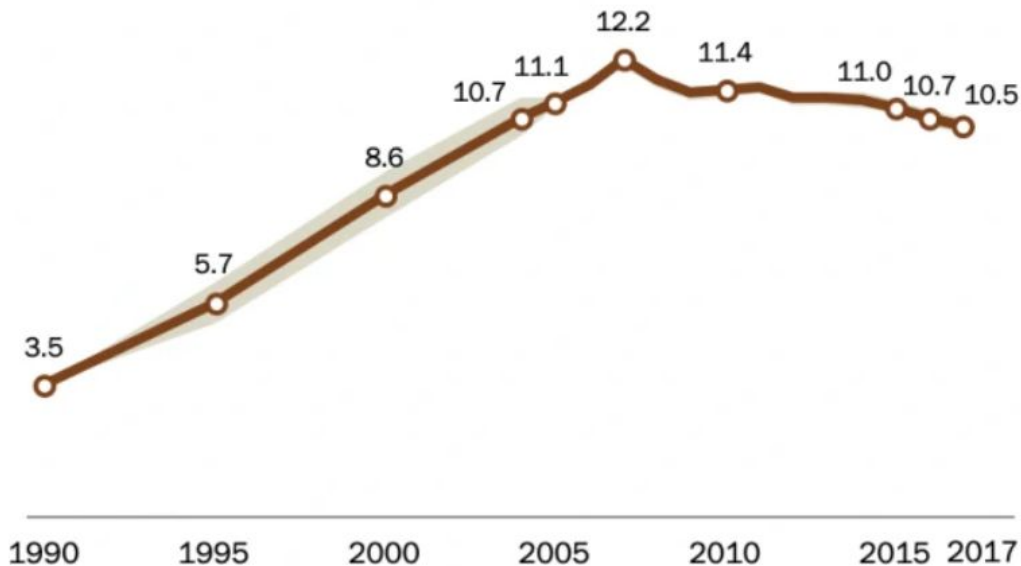
Immigration Court Backlog Tool

Pending Cases and Length of Wait by Nationality, State, Court, and Hearing Location



U.S. unauthorized immigrant total rises, then falls

In millions



Note: Shading shows range of estimated 90% confidence interval.
 Source: Pew Research Center estimates based on augmented U.S. Census Bureau data.