

"Justice" After an Immigration Arrest

A journey strewn with the tattered remains of due process.

The Obama administration detained

429,246

immigrants in fiscal year 2011 and deported

391,953.



Only about

35%

of people deported in 2011 had judges review their cases.

But having the right to judicial review does not, on its own, guarantee due process.

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RIGOBERTO'S STORY

Rigoberto came to the U.S. when he was two years old. At age 18 he was put in deportation proceedings based on false allegations that he was a gang member. He was detained at Krome Service Processing Center in Florida.

1. NO LAWYERS

84%

of immigrants in detention have no lawyers

Rigoberto was one of them.

2. STIPULATED REMOVALS

Rigoberto signed a stipulated order of removal, waiving his right to see a judge, because he was told it was the fastest route out of detention. He did not realize he might be eligible to remain in the U.S. Immigration judges are required to sign off on stipulated orders, but Rigoberto was deported before a judge reviewed his.

22.5%

of deportation orders reviewed by judges in FY 2010 were stipulated orders of removal

3. CRIMINAL PROSECUTIONS

Two years later, Rigoberto returned to the U.S. to be with his daughter. He was stopped for a traffic violation, turned over to immigration, incarcerated in a federal prison, and criminally charged with illegal reentry.

63,343

people faced federal criminal prosecution in FY 2011 for illegal entry and reentry

Taxpayers paid more than

\$1 billion

in FY 2011 for their incarceration in federal prisons

27%

had no prior convictions

4. SUMMARY REMOVALS

The Department of Homeland Security also reinstated Rigoberto's previous removal order, and he was deported a second time without a trial.

Nearly

65%

of deportations in FY 2011 occurred under procedures in which individuals had no right to see a judge