

THE BORDER IS EVERYWHERE

IMMIGRATION ENFORCEMENT IN THE CONTEMPORARY PNW



**The Border is Everywhere:
Immigration Enforcement in the Contemporary Pacific Northwest**

Cover photos feature locations similar to the ones referenced in this report such as the Tukwila ICE Offices, the Seattle Federal Building which hosts the Seattle immigration courts, and the Blaine border crossing at the US-Canada border.

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INTRODUCTION

As the United States enters the height of the 2024 electoral season, a familiar pattern is at the forefront of campaign rhetoric: Democrats and Republicans alike declare themselves ever tougher on “the border,” making claims about “record” numbers—of arrests, deportations, border crossings—to bolster their arguments. The deep politicization of immigration policy provides incentives for the data to be used misleadingly by both sides. In fact, the reality of how immigration policy is carried out is more complex: against the backdrop of shifting local and national policies, raw numbers do not necessarily capture what is happening on the ground in actual communities, and may in fact obscure our understanding of the human rights implications of immigration enforcement.

This report dives into the question of what shifting trends in immigration enforcement – nationally and locally – mean for communities here in the Pacific Northwest (PNW).¹ Drawing on various collections of data from the Department of Homeland Security (DHS), including some datasets we release here for the first time, as well as on data from immigration courts and insights from immigrant-serving organizations, we examine three central questions:

- How is immigration enforcement happening in the PNW?
- How does our region’s experience compare to national trends?
- What are the implications of these trends for human rights?

We find that recent changes in state and local

¹ In this report, we refer to the “Pacific Northwest” or “PNW” as shorthand for the states of Oregon and Washington. These two states, plus Alaska, make up ICE’s “Seattle Area of Responsibility.” Because there is comparatively little immigration enforcement in Alaska, we do not address the circumstances in that state here.

policy have contributed to important gains for migrant justice here in the PNW, many of which are highlighted in our recent report [“Paths to Compliance: The Effort to Protect Immigrant Rights in Washington State”](#). This is reflected in changing arrest patterns across the PNW: whereas in past years, local and state law enforcement helped channel migrants into the custody of US Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), in the wake of “sanctuary state” legislation in Oregon and Washington, this happens much less frequently. And while ICE officials warned that they would compensate for curtailed collaboration in sanctuary jurisdictions by conducting more “at large” arrests on the streets and in communities, this does not appear to have been the case in recent years.

Instead, Biden administration policies have attempted to alleviate bottlenecks at the US/Mexico border by shifting the processing of new arrivals to the interior of the country and opening up new pathways for some migrants seeking asylum. For the most part, the growing enforcement numbers we have seen in the PNW reflect this, as migrants arriving here from the southern border are arrested at subsequent check-ins while following instructions from CBP and ICE, rather than in community raids.

This is not to suggest that enforcement has been lax. Quite the contrary: recently-arrived migrants, many of them families with small children, and from communities with fewer established support networks in the PNW, face dire conditions and deep challenges defending their rights. And although reports of workplace raids or community-based arrests appear to have waned, such practices could return under a more overtly repressive administration;

thanks to DHS' growing use of public and private databases, tracking technologies, and digital detention, data on migrant communities is readily available to ICE and CBP, here as elsewhere in the country. At the same time, analysis of court data shows that in fact, outcomes of immigration court cases brought in Washington and Oregon are markedly worse than the national average.

This means that although our communities have taken important steps to protect the rights of immigrants, there is no firewall between the "progressive" PNW and national anti-immigrant practices. The border is, in this sense, everywhere: our neighbors continue to be separated from their families in our courts, held under abysmal conditions in ICE detention, and deported through our airports; in some ways, in fact, migrants fare worse here than in other parts of the country. We have a lot of work to be done before the PNW can truly consider itself a "sanctuary" for immigrants.

DATA AND METHODOLOGY

The findings in this report are based on UWCHR analysis of data² from multiple sources:

- Two newly-released datasets obtained by the UW Center for Human Rights through Freedom of Information Act litigation against the Department of Homeland Security (DHS): These include a set of [individual-level ICE detention records for FY 2012-January 2024](#), which track all book-ins and releases from all ICE detention facilities nationwide; and a dataset of [nationwide ICE enforcement events \(encounters, arrests, and removals\) for FY 2012-January 2023](#).

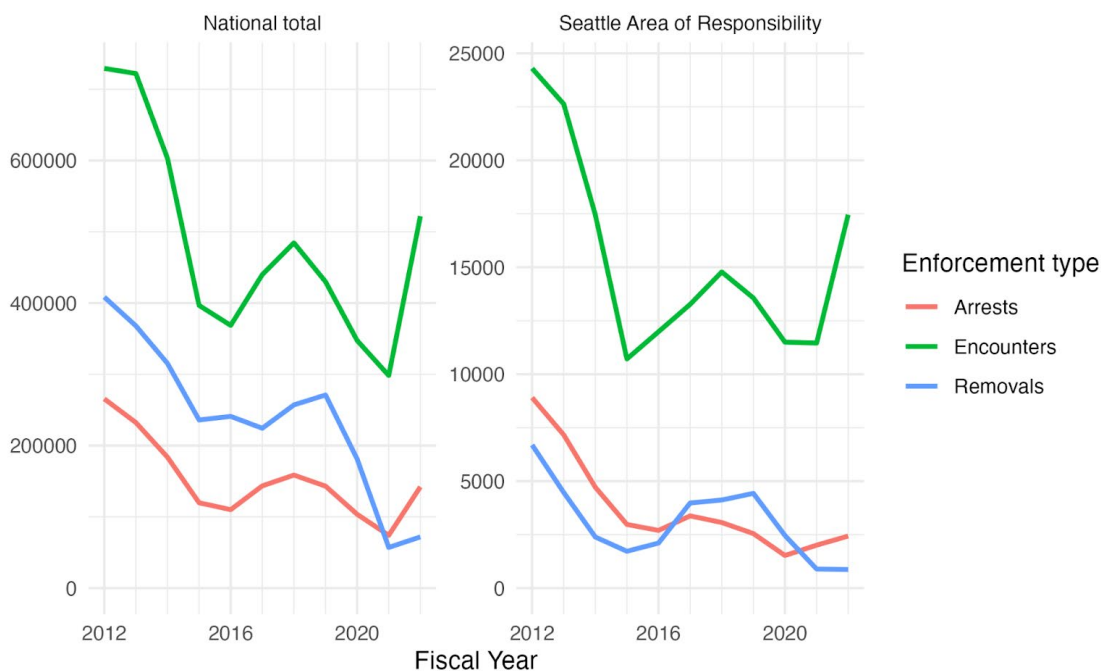
² To access datasets related to this report visit: <https://uwchr.github.io/describe-sea/border-everywhere.html>

- Analysis of a [collection of DHS I-213 "Record of Deportable/Inadmissible Alien" forms](#), obtained by UWCHR through Freedom of Information Act litigation against DHS, which provide detailed narratives of apprehensions in the Seattle Area of Responsibility covering the period from January 1, 2019 to November 30, 2021.
- Publicly available datasets published by Customs and Border Protection (CBP), including two sources of nationwide aggregate data on [US Border Patrol monthly encounters from FY 2000 to FY 2020](#) and [CBP nationwide encounters from FY 2020 to FY 2023](#).
- Immigration court data from the Department of Justice's Executive Office for Immigration Review (EOIR) and ICE "Alternatives to Detention" data published online by [Syracuse University's Transaction Records Access Clearinghouse \(TRAC\)](#).
- Information from local migrant-serving and migrant-led justice organizations, including [La Resistencia](#), [Washington Immigrant Solidarity Network](#), [Northwest Immigrant Rights Project](#), [the ACLU of Washington](#), and others whose work confronts the impacts of enforcement policies as they unfold in our region.



IN FACT, THE REALITY OF HOW IMMIGRATION POLICY IS CARRIED OUT IS MORE COMPLEX: AGAINST THE BACKDROP OF SHIFTING LOCAL AND NATIONAL POLICIES, RAW NUMBERS DO NOT NECESSARILY CAPTURE WHAT IS HAPPENING ON THE GROUND IN ACTUAL COMMUNITIES, AND MAY IN FACT OBSCURE OUR UNDERSTANDING OF THE HUMAN RIGHTS IMPLICATIONS OF IMMIGRATION ENFORCEMENT.

Total ICE Enforcement Events National compared to Seattle Area of Responsibility, FY 2012-22



Source: ICE enforcement data
Figure: University of Washington Center for Human Rights

Figure 1: Total ICE Enforcement Events, National compared to Seattle Area of Responsibility, FY 2012-22. Both nationally and in the Pacific Northwest region, ICE encounters, arrests, and removals have declined from a recent historic high point at the end of Obama’s first term. Enforcement events increased during the Trump administration, with removals outpacing arrests in the Seattle Area of Responsibility. All categories of enforcement events declined with the onset of the COVID-19 pandemic in 2020; by 2022, rates of encounters and arrests had rebounded, but rates of removals remained low.

IMMIGRATION ENFORCEMENT OVERVIEW

In recent years, the number of ICE enforcement actions—encounters, arrests, and removals—have trended upward from the pandemic-related lull of 2020-21, while still remaining far below the historic highs seen during the Obama administration. This is as true here in the Pacific Northwest as it is nationally, as the above charts suggest.

To understand these trends more thoroughly, however, it is necessary to disaggregate the types of enforcement actions carried out by each of the two federal law enforcement agencies charged with immigration enforcement by the Department of Homeland Security (DHS)—Immigration and Customs Enforcement (ICE)

and Customs and Border Protection (CBP)—and to examine where each of these actions is happening, and to whom.

In internal recordkeeping, DHS tracks encounters, arrests, and removals. *Encounters* refer to screenings to determine a person’s citizenship and the degree to which they are lawfully present in the United States³; both ICE

3 One definition of encounters as “the interview, screening, and determination of ...citizenship, nationality, and lawful presence” is available here: Guillermo Cantor, Mark Noferi, and Daniel E. Martinez, “Enforcement Overdrive: A Comprehensive Assessment of ICE’s Criminal Alien Program,” American Immigration Council, November 1, 2015, <https://www.americanimmigrationcouncil.org/research/enforcement-overdrive-comprehensive-assessment-ice%E2%80%99s-criminal-alien-program>; encounters may occur via in-person interviews or virtually via biometric or biographic matches between Federal, state, or local law enforcement databases and immigration records, see: Office of Inspector General, *U.S. Immigration and Customs Enforce-*

and CBP carry these out. Arrests occur when a person is taken into custody, or processed prior to being taken into custody; an arrest may or may not result in an individual's detention by ICE.⁴ CBP also carries out apprehensions, though the agency is only able to hold people for short periods.⁵ Removals are more commonly referred to as deportations.

However, these broad enforcement trends conceal particular developments with important implications for human rights, which merit further discussion. We dig into these in the sections below, addressing the pathways through which people enter the system of ICE enforcement; their experiences while in the system; and the pathways they take out of the system.

PATHWAYS INTO THE SYSTEM

Collaboration with local/state law enforcement agencies

Historically, ICE and CBP have relied on collaboration from local jails and law enforcement to bring migrants into their sights. Since the Obama administration, ICE's Criminal Alien Program (CAP)⁶ has targeted

migrants already in custody in jails or prisons for encounters and arrests; nationally, from FY 2012 to 2021, the number one method through which migrants were encountered by ICE in the interior of the country was through their screening in local jails, a process that typically resulted in ICE issuing a "detainer." The detainer requested the person's transfer to ICE for arrest following the completion of their stay in local custody. This practice raises important human rights concerns, as it leads many migrants to be ensnared in detention and deportation due to minor infractions, or as a result of being arrested or charged, yet not convicted, of a crime; as we explained in [our 2021 report](#), this can encourage profiling based on race, ethnicity, or national origin or citizenship status. A series of court decisions⁷ found the practice of holding migrants beyond the time of their release on local charges for ICE pickup to be unconstitutional, and in many states, including Washington and Oregon⁸, local and state governments passed laws to curtail this and other forms of local collaboration with ICE.

Whether as a result of the local passage of these laws, or due to shifting national trends – likely both – in recent years the means by which migrants wind up arrested here in the Pacific Northwest has changed. ICE data shows that

ment's *Criminal Alien Program Faces Challenges*, February 18, 2020, <https://www.oig.dhs.gov/sites/default/files/assets/2020-02/OIG-20-13-Feb20.pdf>

4 Details regarding how ICE defines and tracks arrests are available in a recent United States Government Accountability Office report, "Immigration Enforcement: Arrests, Removals, and Detentions Varied Over Time and ICE Should Strengthen Data Reporting," *GAO-24-106233*, July 2024, <https://www.gao.gov/assets/gao-24-106233-highlights.pdf>

5 Per CBP, "OFO [CBP's Office of Field Operations] temporarily detains certain individuals until they are transferred to ICE or another agency's custody, or until they are removed from the United States." U.S. Customs and Border Protection, *Short-Term Detention Standards and Oversight*, December 8, 2015, https://www.cbp.gov/sites/default/files/assets/documents/2022-Jan/Short-Term%20Detention%20Standards%20and%20Oversight_1.pdf, p. 4.

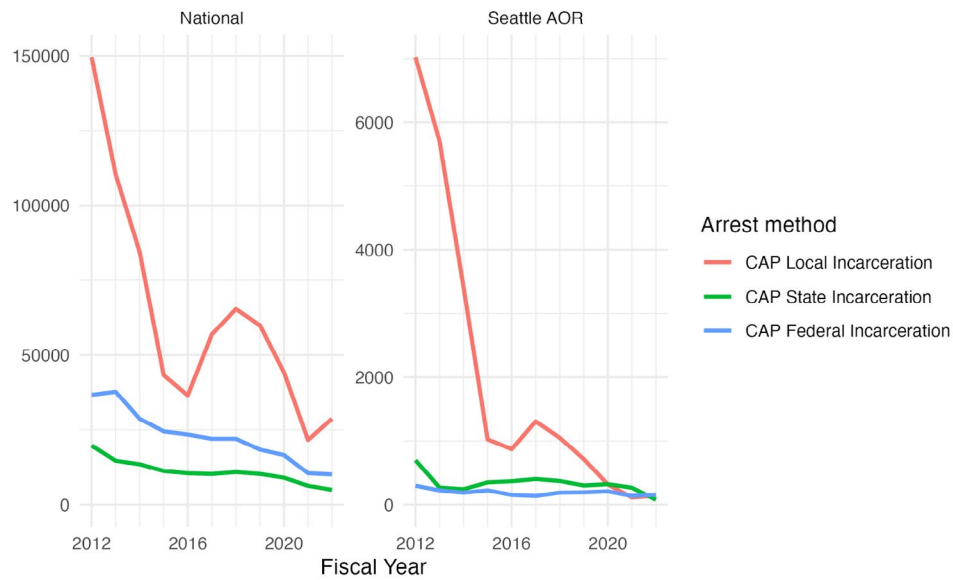
6 As of May 2024, ICE's website gives the name of the program as the "Criminal Apprehension Program": U.S. Immi-

gration and Customs Enforcement, "Criminal Apprehension Program," May 3, 2023, <https://www.ice.gov/identify-and-arrest/criminal-apprehension-program>

7 See for example *Miranda-Olivares v. Clackamas County* 2014, Case No. 3:12-cv-02317-ST (D. Or. Aug. 28, 2015) <https://casetext.com/case/miranda-olivares-v-clackamas-cty-1>; *Gonzalez v. ICE*, Case No. 2:12-cv-09012-AB-FFM (U.S. District Court, Central District of California, Western Division, February 5, 2020) https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2020-02/gonzalez-v-ice_Final-Judgment_Feb-2020.pdf

8 Washington's "sanctuary state" law, Keep Washington Working, took effect in 2019, and Oregon's more extensive Sanctuary Promise Act (SPA) followed in 2021. For more on KWW, see UWCHR's initial 2021 report: UWCHR, *Protecting Immigrant Rights: Is Washington's Law Working?*, August 11, 2021, <https://jsis.washington.edu/humanrights/2021/08/11/protecting-immigrant-rights-is-washingtons-law-working/>; and 2024 update, UWCHR, *Paths to Compliance: The Effort to Protect Immigrant Rights in Washington State*, August 1, 2024, <https://jsis.washington.edu/humanrights/2024/08/01/paths-to-compliance-the-effort-to-protect-immigrant-rights-in-washington-state/>.

Decline in ICE CAP Arrests
National compared to Seattle Area of Responsibility, FY 2012-22



Source: ICE enforcement data
Figure: University of Washington Center for Human Rights

Figure 2: Decline in ICE Criminal Alien Program (CAP) Arrests, National compared to Seattle Area of Responsibility, FY 2012-22. Custodial arrests via the Criminal Alien Program were the primary source of ICE arrests during recent years; arrests involving local and county jails (“CAP Local Incarceration”) have declined from an historic high point at the end of the first Obama administration, increasing during the Trump administration. Arrests involving state and federal prisons (“CAP State Incarceration” and “CAP Federal Incarceration”, respectively) have steadily declined at the national level. In ICE’s Seattle Area of Responsibility, the number of arrests involving local jails increased only slightly during the first year of the Trump administration and remained low through FY 2022.

from FY 2012 to FY 2018, arrests at local jails in the PNW were already declining prior to the introduction of sanctuary state legislation; the number has remained low since, though arrests increased slightly from FY 2021 to FY 2022, and continued to trend up during the first months of FY 2023.

This may indicate that collaboration continues, either in defiance of the laws or through areas not addressed under them; it also likely indicates that due to the automatic sharing of fingerprints with federal authorities anytime a suspect is booked into a local jail, ICE is able to receive notification of the whereabouts of certain individuals they are seeking without the active collaboration of local law enforcement.⁹

9 As the National Immigrant Justice Center explains, “When local police arrest someone, they take the person’s fingerprints and transmit them to the FBI, which automatically

It may also signal an increase in arrests by “at-large CAP teams”, as described in a 2020 DHS Office of Inspector General audit: “CAP has adapted to uncooperative jurisdictions by forming at-large teams to seek released criminal aliens. [...] our survey of CAP officers showed 60 percent of field offices established at-large CAP teams.”¹⁰

On the other hand, regarding arrests of migrants from prisons, the impact of state legislation

forwards the transmission to Department of Homeland Security (DHS) databases.” See: National Immigrant Justice Center, “Policy Brief | Disentangling Local Law Enforcement From Federal Immigration Enforcement,” January 13, 2021, <https://immigrantjustice.org/research-items/policy-brief-disentangling-local-law-enforcement-federal-immigration-enforcement>

10 Office of Inspector General, *U.S. Immigration and Customs Enforcement’s Criminal Alien Program Faces Challenges*, February 18, 2020, <https://www.oig.dhs.gov/sites/default/files/assets/2020-02/OIG-20-13-Feb20.pdf>

Figure 3 (right): ICE Criminal Alien Program (CAP) Arrests Involving Local Jails, CAP Local Incarceration, OR vs. WA, FY 2016-22. ICE arrests involving local jails have declined in both Washington and Oregon since 2017. In Washington state, such arrests increased slightly from FY 2021 to 2022, while in Oregon they declined to near zero in FY 2022. ICE's arrest data does not specify the state where an arrest occurred; arrest state has been inferred from "Apprehension landmark" values cited in ICE data, such as city and county jails or local ICE sub-offices.

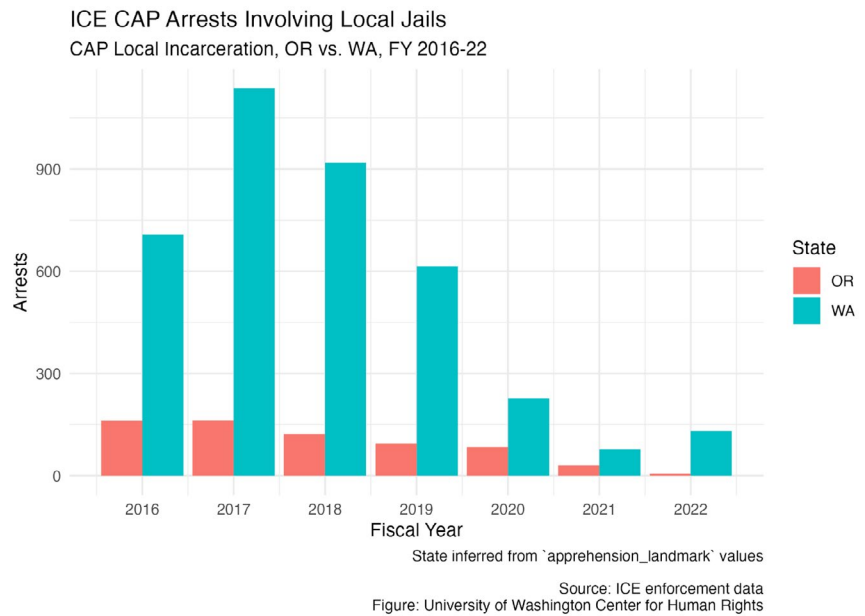
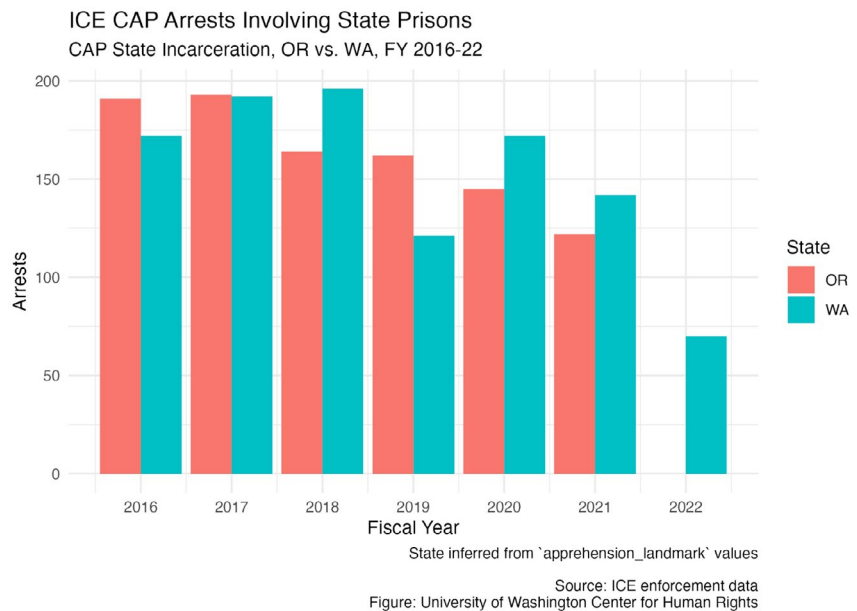


Figure 4 (right): ICE Criminal Alien Program (CAP) Arrests Involving State Prisons, CAP State Incarceration, OR vs. WA, FY 2016-22. ICE arrests involving state prisons fell to zero during fiscal year 2022 in Oregon state following the passage of the Sanctuary Promise Act, which prohibits Oregon Department of Corrections collaboration with ICE. In Washington state, where collaboration is permitted as an exception to Keep Washington Working, ICE arrests involving state prisons have continued.

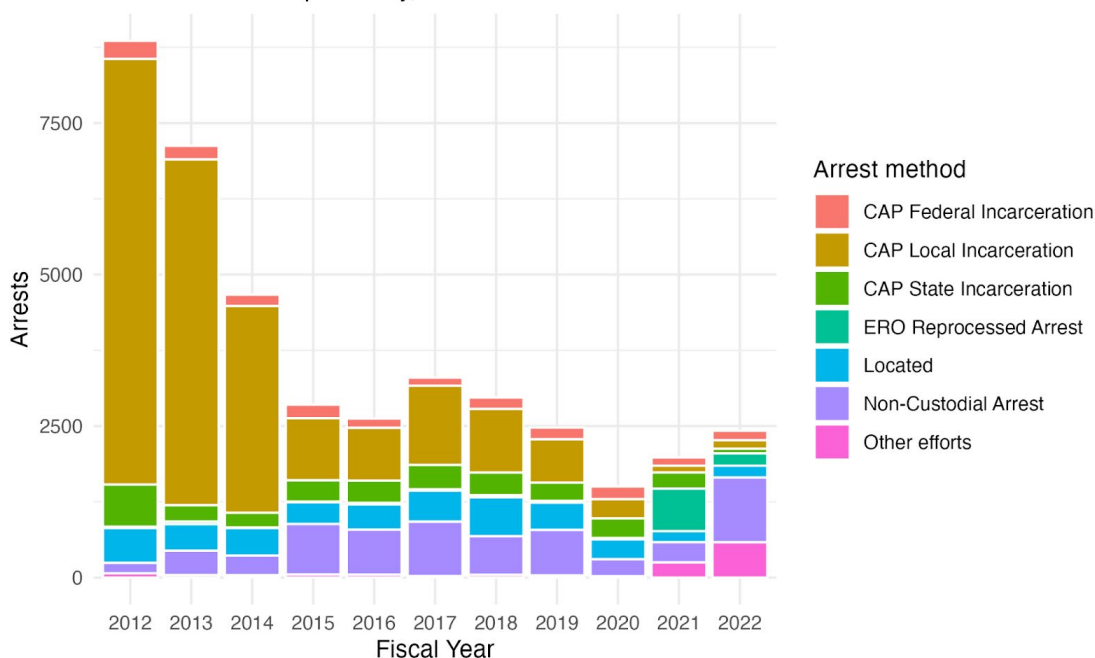


is much clearer. Because of a carveout for the state's Department of Corrections in Keep Washington Working, collaboration continues between Washington state prisons and ICE, a practice that raises concerns about "double jeopardy" since migrants are incarcerated twice for a single crime: once in state prison, and then after that, in ICE custody at the Northwest Detention Center.¹¹ In Oregon, on

the other hand, because the Sanctuary Promise Act bans such transfers, its implementation in 2021 appears to have curtailed this practice in Oregon. This is clearly visible in ICE's data, as seen in the above chart, Figure 4. Trends in CAP arrests involving federal prisons have remained relatively stable in both states, an unsurprising finding given ICE's much more direct access to prisoners in federal custody.

¹¹ In this report, for ease of reference, we refer to the facility as the Northwest Detention Center, or NWDC. In September 2019, ICE renamed the facility "Northwest ICE Processing Center" or NWIPC. Where the facility is referenced in ICE data sources we use the verbatim value.

ICE Arrests by Method
Seattle Area of Responsibility, FY 2012-22



Source: ICE enforcement data
Figure: University of Washington Center for Human Rights

Figure 5: ICE Arrests by Method, Seattle Area of Responsibility, FY 2012-22. Custodial arrests via the Criminal Alien Program (CAP Local Incarceration, CAP State Incarceration, CAP Federal Incarceration) have historically represented the largest category of ICE arrests in the Seattle Area of Responsibility. Since the onset of the COVID-19 pandemic during fiscal year 2020, other categories have become prominent, with arrests designated by ICE as “Non-Custodial Arrest” and “Other efforts” making up more than half of arrests during fiscal year 2022. ICE data do not specify whether these arrests took place at-large in community settings or during check-ins at ICE offices; UWCHR review of other ICE records suggests that the majority of these arrests during 2020-2021 took place at ICE offices. Other methods depicted include “Located”, involving ICE Fugitive Operations arrests; and “ERO Reprocessed Arrest”, involving direct transfers from CBP custody. Arrest methods with fewer than 1000 total occurrences are excluded from this chart.

ARRESTS “AT-LARGE” IN THE COMMUNITY

In public statements, ICE officials have repeatedly indicated that they compensate for the agency’s decreased ability to rely on transfers from local law enforcement by stepping up “at-large” arrests in sanctuary cities. In 2020, for example, Seattle was among the cities ICE claimed to be targeting for at-large enforcement as part of a nationwide effort targeting such jurisdictions.¹² More recently, Acting ICE Director Patrick Lechleitner

announced a similar series of nationwide arrests in March 2024 by stating that, “In some areas, there are laws that affect the ability for state and local law enforcement to cooperate with ICE. So we’re trying to make progress in areas that are a little less ICE friendly.”¹³

Despite these declarations, however, it does not appear that ICE has stepped up street-level enforcement in PNW communities in any consistent way. The agency’s data shows that as apprehensions of those in jail or prison have shrunk in recent years, arrests coded by ICE as “non-custodial” have increased, but

12 Nick Miroff and Devlin Barrett, “ICE preparing targeted arrests in ‘sanctuary cities,’ amplifying president’s campaign theme,” *The Washington Post*, September 29, 2020, https://www.washingtonpost.com/immigration/trump-ice-raids-sanctuary-cities/2020/09/29/99aa17f0-0274-11eb-8879-7663b816bfa5_story.html

13 Quinn Owen, “ICE singles out ‘sanctuary cities’ after Laken Riley’s killing as they announce separate migrant arrests,” *ABC News*, March 28, 2024, <https://abcnews.go.com/Politics/ice-officials-single-sanctuary-cities-after-laken-rileys-story?id=108605668>

Record of Deportable/Excludable Alien:
Record of Deportability / Excludable Alien:

Subject appeared with wife, (b) (6), (b) (7)(C) and daughter, (b) (6), (b) (7)(C) at Seattle, WA ERO on 08/02/2021 as instructed by CBP/BP. Initial encounter was on 07/18/2021 with CBP/BP event # (b) (7)(E) and Subject was in possession of I-385, Alien Booking Record in hand. Subject is being processed, booked and enrolled. I-862, Notice to Appear and I-220A, Order of Recognizance served to subject. Initial alienage determined by CBP/BP.

CBP/BP encounter narrative below.

Subject: Release, Prosecutorial Discretion
Name: (b) (6), (b) (7)(C)
DOB: (b) (6), (b) (7)(C)
COC: VENEZUELA A#: N/A
FINS #: (b) (6), (b) (7)(C)

Figure 6: ICE I-213 “Record of Deportable/Inadmissible Alien” form narrative categorized as a “Non-Custodial Arrest” on August 2, 2021. The narrative describes a Venezuelan national’s appearance with his wife and daughter at a Seattle ICE Enforcement and Removal Operations office, “as instructed by CBP/BP”, following an initial encounter with CBP/BP on July 18, 2021. The form notes that the individual was released under prosecutorial discretion after being served with a Notice to Appear.

this appears to be a result of changes in ICE’s definition of “non-custodial” arrests rather than a stepping up of at-large arrests in local communities.¹⁴

ICE was not arresting people on the streets or in homes or workplaces during this time.

UWCHR researchers’ analysis of detailed ICE records documenting arrests in our region confirm that during 2020–2021, approximately 80 percent of arrests categorized as “non-custodial” and “other efforts” appeared to be occurring during check-ins at ICE field offices; it is likely that this trend continued into at least 2022.¹⁵ This means that *for the most part,*

CUSTODIAL ARRESTS

- ICE arrests of people in custody or recently released from the custody of local or county jails and state or federal prisons

NON-CUSTODIAL ARRESTS

- ICE arrests “at-large” in communities, such as at workplaces, homes, courthouses, in traffic stops, or on the street
- ICE arrests of people upon check-in at Enforcement and Removal Operations (ERO) offices
- ICE arrests of people when case status changes

14 In recent years, ICE has broadened its definition of “non-custodial” or “at-large” arrests to include arrests during check-ins at ICE offices: “At-large arrests take place when [Enforcement and Removal Operations (ERO)] conducts enforcement actions within the community (i.e., outside of prisons and jails). In addition, ERO conducts administrative arrests that fall into the ‘at-large’ category in several other circumstances, such as when noncitizens who were encountered by CBP at the Southwest Border and paroled without charging documents subsequently check in to an ERO field office in the interior for further processing and issuance of charging documents, when a public safety redetermination occurs, or when noncitizens are taken into custody for removal purposes.” See: U.S. Immigration and Customs Enforcement, *ICE Annual Report Fiscal Year 2023*, December 29, 2023, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2023.pdf>, p. 12.

15 This conclusion is based on UWCHR analysis of a collection of DHS I-213 “Record of Deportable/Inadmissible Alien” forms, which provide detailed narratives of apprehensions in the Seattle Area of Responsibility covering the period from January 1, 2019 to November 30, 2021. In parallel with aggregate ICE arrest data for the Seattle Area of Responsibility, these forms show an increase in “non-custodial” arrests during the time period covered by the collection. UWCHR researchers hand coded a sample of I-213 forms for “non-custodial” or “other” arrests based

on whether form narratives described an at-large arrest in the local community, and used a machine-learning model to classify the remaining forms. Results showed that the majority of records for the latter period of the collection describe arrests of individuals self-reporting to ICE field offices to be issued charging documents following a prior encounter by Border Patrol at the southern US border. Individuals arrested in check-ins at ICE field offices were more likely to be females, minors, and from countries other than Mexico. For more detail, see: Andrew Shaw, “I-213 Classification Memo,” UWCHR, May 31, 2024, <https://uwchr.github.io/i-213-analysis/model.html>

Instead, ICE records an “arrest” when it issues charging documents to people when they arrive at the agency’s offices for check-ins, although this does not necessarily mean they are then kept in the agency’s physical custody, as in the example on the previous page, Figure 6. In many cases, individuals eligible for various forms of prosecutorial discretion are released on orders of recognizance or supervision, or enrolled in “Alternatives to Detention”, while they await their immigration court dates; in other cases, they may be detained at the Northwest Detention Center in Tacoma, or transferred to other detention centers nationwide. This trend is especially relevant for recent arrivals to the PNW, as described in the next section.

BORDER PATROL ENCOUNTERS AT THE US-MEXICO BORDER

As noted above, ICE encounters and arrests began a sharp uptick after 2021, a trend which apparently continues through FY 2024.¹⁶ This reflects an important Biden-era shift in enforcement strategy to devote ICE resources to the interior processing of people previously encountered by CBP at the southern US border, and has palpable effects in many Pacific Northwest communities.

In 2021-22, the increasing volume and changing demographics of migrants encountered at the

16 Unfortunately, the data obtained by UWCHR only runs through early 2023. But more recent data analyzed by TRAC shows that rates of issuance of removal orders by immigration judges increased significantly in FY 2023 and are projected to continue to increase through FY 2024: Transactional Records Access Clearinghouse, *Top Places With the Most Immigrants Recently Ordered Deported*, April 23, 2024, <https://trac.syr.edu/reports/740/>. Similar trends are reflected in data posted on DHS’ website, see Office of Homeland Security Statistics, “Immigration Enforcement and Legal Processes Monthly Tables,” <https://ohss.dhs.gov/topics/immigration/enforcement/legal-processes-monthly-tables>, accessed August 29, 2024; and U.S. Immigration and Customs Enforcement, “ICE Enforcement and Removal Operations Statistics,” <https://www.ice.gov/spotlight/statistics>, accessed August 29, 2024.

US-Mexico border reportedly overwhelmed CBP processing capacity.¹⁷ This was not only due to large numbers of people arriving to the US-Mexican border, but a sea change in their demographic makeup: while historically, over 95% of migrants apprehended at the Southern border have hailed from Mexico or the so-called “Northern Triangle” of Central America (Guatemala, Honduras, El Salvador), by FY 2022, those countries represented a much smaller share – 57% – of the total¹⁸. While previous border enforcement strategies had relied upon agreements with Mexico to receive and repatriate its own nationals and those of their Central American neighbors, Mexico did not agree to receive Haitians, Cubans, Venezuelans, or those from other areas – and in some cases, the Biden administration was also unable to rapidly deport recent arrivals due to strained diplomatic relations with their home countries.¹⁹ Further complicating the task of processing these arrivals, many were traveling as family units, rather than single adults.

As a result, from March to November 2021 the Biden administration decided to relieve CBP backlogs by releasing many families arriving at the border into the United States without

17 Maria Sacchetti and Nick Miroff, “U.S. released more than 2.3 million migrants at border since 2021, data show,” *The Washington Post*, January 6, 2024, <https://www.washingtonpost.com/immigration/2024/01/06/biden-migrants-us-mexico-border/>

18 See John Gramlich, “Migrant encounters at the U.S.-Mexico border hit a record high at the end of 2023,” Pew Research Center, February 15, 2024, <https://www.pewresearch.org/short-reads/2024/02/15/migrant-encounters-at-the-us-mexico-border-hit-a-record-high-at-the-end-of-2023/>; also see Congressional Research Service, *U.S. Border Patrol Encounters at the Southwest Border: Fact Sheet*, May 16, 2023, <https://crsreports.congress.gov/product/pdf/R/R47556>, p. 4.

19 The Biden administration also implemented limited programs allowing some populations of refugees and asylum-seekers to apply for temporary humanitarian parole in order to be admitted to or remain in the U.S.; since 2023, these policies have been coupled with increased restrictions on asylum applications at the southern U.S. border. See: American Immigration Council, *The Biden Administration’s Humanitarian Parole Program for Cubans, Haitians, Nicaraguans, and Venezuelans: An Overview*, October 31, 2023, <https://www.americanimmigrationcouncil.org/research/biden-administrations-humanitarian-parole-program-cubans-haitians-nicaraguans-and>

charging documents, issuing them Notices To Report at a range of ICE field offices in the interior of the country for the further processing of their immigration proceedings.²⁰ Beginning in late 2021, some have been placed on “parole plus Alternatives to Detention”, with electronic monitoring systems such as ankle bracelets or telephonic monitoring through SmartLINK.²¹ Individuals processed in this way are added to ICE’s burgeoning “non-detained docket”,²² the category of people with active deportation proceedings or deferral of removal who are not currently detained by ICE.

CBP reports that in this process, its officers allowed those apprehended crossing the border to choose the state where they wanted to check in with ICE to be issued charging documents²³; other sources suggest, though the evidence is unclear, that border-area nonprofits, state governments, or even the federal government itself provided encouragement and even transportation to move migrants into northern cities such as Chicago or New York—and also, in smaller numbers, Seattle.²⁴ Many of these cities were unprepared to receive these migrant populations.

20 United States Government Accountability Office, *SOUTHWEST BORDER Challenges and Efforts Implementing New Processes for Noncitizen Families*, September, 2022, <https://www.gao.gov/assets/gao-22-105456.pdf>; note that these Notices to Report are distinct from Notices to Appear, which constitute a formal initiation of removal proceedings under 8 U.S.C. § 1229; 8 C.F.R. § 239.1.

21 Ibid.

22 Almost 6.2 million on non-detained docket in FY 2023, increase of 30% over FY 2022, “CBP apprehensions of noncitizens at the Southwest Border and the transfer of those cases to ERO for processing are the main drivers of this increase”; see U.S. Immigration and Customs Enforcement, *ICE Annual Report Fiscal Year 2023*, December 29, 2023, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2023.pdf>, pp. 18-22.

23 United States Government Accountability Office, *SOUTHWEST BORDER Challenges and Efforts Implementing New Processes for Noncitizen Families*, September, 2022, <https://www.gao.gov/assets/gao-22-105456.pdf>

24 Gene Johnson, “Hundreds of asylum-seekers are camped out near Seattle. There’s a vacant motel next door,” *The Hill*, June 7, 2024, <https://thehill.com/homenews/ap/ap-u-s-news/ap-hundreds-of-asylum-seekers-are-camped-out-near-seattle-theres-a-vacant-motel-next-door/>; Alisha Ebrahimji, “Texas is sending asylum seekers to major cities by bus with little notice. These mayors want to pump the brakes,” *CNN*, January 3, 2024, <https://www.cnn.com/2023/12/30/us/asylum-seekers-texas-city-mayors/index.html>

Here in the Pacific Northwest, these changes rapidly became apparent as communities witnessed the arrivals of migrants, including many women and children, from countries such as Venezuela, Angola, Cuba, and the Congo.²⁵ Without a local support system, many were forced to seek shelter in encampments, enduring brutal living conditions and limited access to essential social services.²⁶

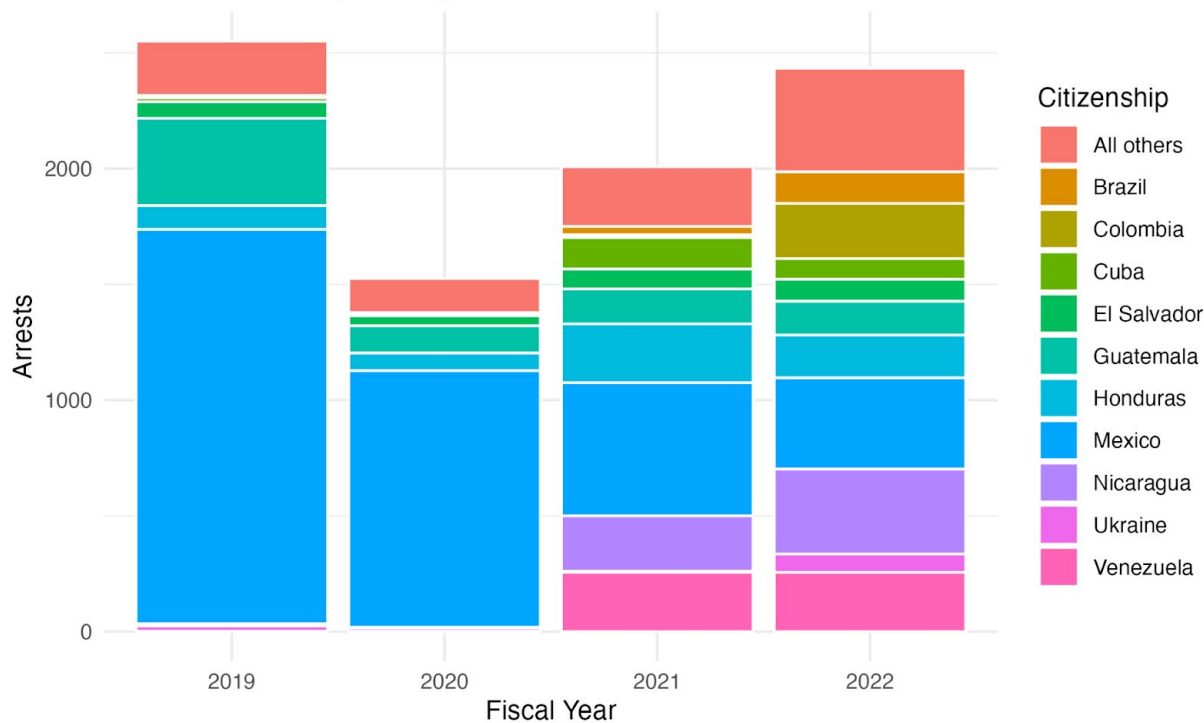
As these newly arrived populations complied with the requirements of their Notices To Report issued in 2021, or received charging documents by mail as part of ICE’s “Operation Horizon,” some were arrested at ICE offices.²⁷ This is reflected in major changes in the distribution of nationalities facing arrest in our region, as seen in Figure 7 on the following page. Throughout the Obama and Trump years, the population of those arrested in our region averaged around 77% Mexican, whereas by 2022 the percentage of arrested migrants hailing from Mexico had fallen to 16%.

25 Nina Shapiro, “Migrants flee suffering, endure jungle to seek asylum in Seattle,” *Seattle Times*, June 23, 2024, <https://www.seattletimes.com/seattle-news/migrants-flee-suffering-endure-jungle-to-seek-asylum-in-seattle/>; see also Daniel Vingo, “Why so many asylum-seekers like me make the journey to Tukwila,” *Seattle Times*, April 26, 2024, <https://www.seattletimes.com/opinion/why-so-many-asylum-seekers-like-me-make-the-journey-to-tukwila/>; and Lilly Ana Fowler, “Venezuelan asylum seekers begin adjusting to new life in the Pacific Northwest,” *KNKX*, February 16, 2024, <https://www.knkx.org/social-justice/2024-02-16/venezuelan-asylum-seekers-seattle-king-county-work-migrants-pacific-northwest>.

26 See Guy Oron, “African asylum-seekers recount ‘humiliating’ conditions at Tukwila encampment; call for adequate housing,” *Real Change*, January 18, 2024, <https://www.realchangenews.org/news/2024/01/18/african-asylum-seekers-recount-humiliating-conditions-tukwila-encampment-call-adequate>; and Gustavo Sagrero Álvarez, “Asylum-seekers living outdoors brace for Seattle-area heat wave,” *KUOW*, July 5, 2024, <https://www.kuow.org/stories/asylum-seekers-living-outdoors-brace-for-seattle-area-heat-wave>; and Guy Oron, “Asylum-Seekers Camp Again After Losing Hotel Shelter,” *South Seattle Emerald*, May 10, 2024, <https://southseattleemerald.com/2024/05/10/asylum-seekers-camp-again-after-losing-hotel-shelter/>.

27 It is impossible to know whether this is the case of all, most, or a minority of these recent arrivals, since it appears CBP compiled such incomplete destination information upon issuing Notices to Report that it is not known how many people may have been sent to the PNW, as opposed to other locations. For more on this lack of tracking, see United States Government Accountability Office, *SOUTHWEST BORDER Challenges and Efforts Implementing New Processes for Noncitizen Families*, September, 2022, <https://www.gao.gov/assets/gao-22-105456.pdf>.

Total ICE Arrests by Country of Citizenship (Top 10)
Seattle Area of Responsibility, FY 2019-22



Source: ICE enforcement data
Figure: University of Washington Center for Human Rights

Figure 7: Total ICE Arrests by Country of Citizenship (Top 10), Seattle Area of Responsibility, FY 2019-22. ICE arrest data reveal changing demographics during fiscal years 2021 and 2022, with a significant decrease in the proportion of Mexican nationals and increasing arrests of people from Brazil, Colombia, Cuba, Nicaragua, Ukraine, and Venezuela.

Relatedly, since 2021, those arrested by ICE in the Pacific Northwest are much more likely to be women and children; a shift that is also observed in national data. In FY2022, for example, almost 40% of those arrested were female, compared to an average of less than 10% of those arrested during FY 2012-2020. While data on age of arrestees is more sparse,

1-213 documents received by UWCHR show significant age differences those apprehended between January 1, 2019 to March 31, 2020 and April 1, 2020, to November 30, 2021, with approximately 15% of the latter 18 years of age or younger, compared to less than 2% in the earlier set.

Figure 8 (right): US Border Patrol (USBP) Blaine/Spokane Sector Encounters, FY 2000-23. Over the last two decades, encounters reported the Blaine and Spokane Sectors of US Border Patrol generally trended down, reaching an historic low during the COVID-19 pandemic. During fiscal years 2022-23, encounters reported by Blaine Sector increased substantially to levels not seen since the mid-2000s. Since March of FY20, CBP “encounters” data include both Title 8 apprehensions and Title 42 expulsions. Title 42 expulsions accounted for approximately 14% of encounters by Blaine and Spokane sectors during FY20, 60% of encounters during FY21, 11% of encounters during FY22, and around 1% of encounters during FY23.

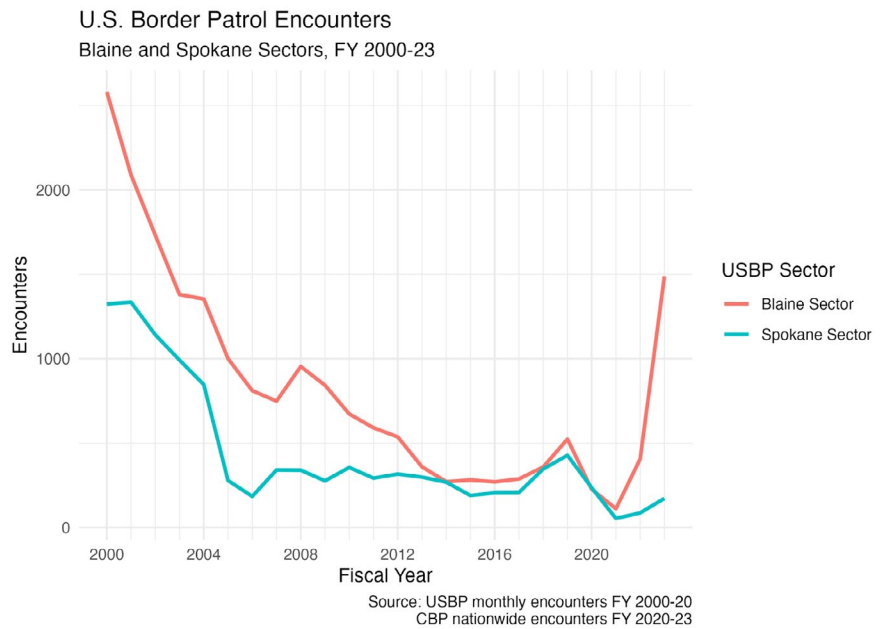
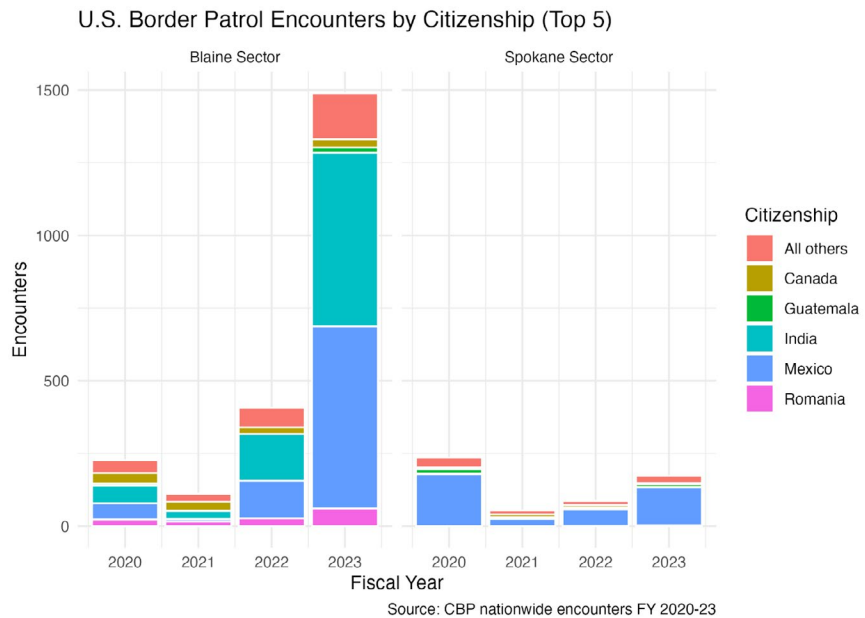


Figure 9 (right): US Border Patrol Encounters by Citizenship (Top 5), FY 2020-23. CBP data reveal demographics of people encountered by Blaine Sector Border Patrol; note increase of Indian nationals during fiscal years 2022 and 2023. Demographics of people encountered by Spokane Sector Border Patrol have remained roughly constant during the same period.

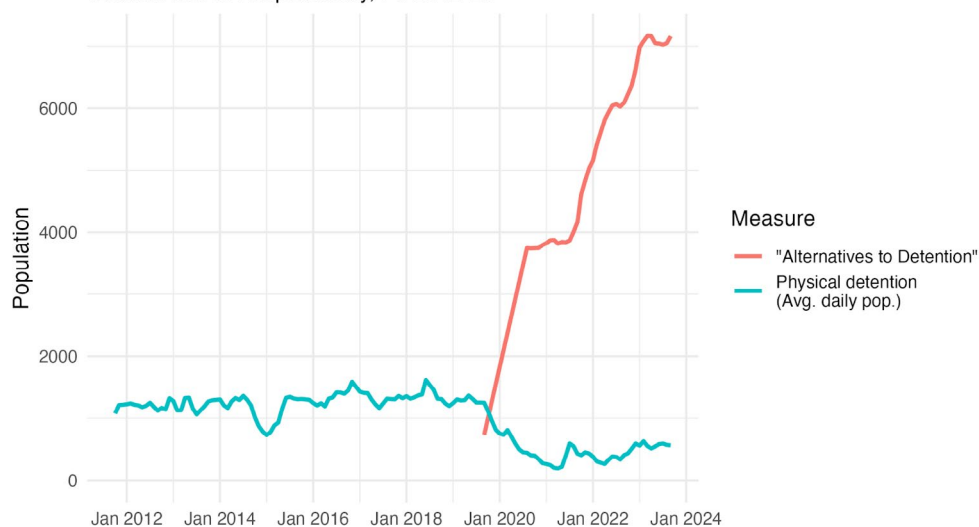


BORDER PATROL ENCOUNTERS AT THE US-CANADA BORDER

Not surprisingly, rates of encounters and expulsions²⁸ on the northern US border are dwarfed by those on the southwest US border. However, CBP data shows that in recent years, while rates of Border Patrol encounters remain relatively low along the border in Eastern Washington (the Border Patrol’s “Spokane sector”), rates have increased rapidly in Western Washington (CBP’s “Blaine sector”), approaching record levels not seen since the early 2000s. It is not clear what is driving this change.

28 Starting in March 2020, the Trump administration implemented the “Title 42” policy permitting CBP to immediately expel undocumented migrants, including those seeking asylum; this policy ended in May 2023. See Adam Isacson, “10 Things to Know About the End of Title 42,” Washington Office on Latin America, May 9, 2023, <https://www.wola.org/analysis/end-title-42/>.

Population in ICE Detention and "Alternatives to Detention"
Seattle Area of Responsibility, FY 2012-23



TRAC cautions that ATD data include errors, outlier datapoints have been removed.

Source: ICE detention data obtained by UWCHR, ATD data obtained by TRAC
Figure: University of Washington Center for Human Rights

Figure 10: Population in ICE Detention and “Alternatives to Detention”, Seattle Area of Responsibility, FY 2012-23. Since 2020, the average daily population subject to physical detention in ICE facilities in the Pacific Northwest has decreased slightly, while the population subject to ICE “Alternatives to Detention” programs has increased steadily. “Alternatives to Detention” data was obtained via FOIA by Syracuse University’s Transactional Records Access Clearinghouse (TRAC); ATD data is not available prior to FY 2019, and TRAC cautions that ATD data includes significant uncorrected errors. Outlier data points have been removed from data used in this chart.

EXPERIENCES IN THE SYSTEM

DETENTION

In another change from past practices, a significant percentage of those arrested at ICE check-ins were not sent to detention in ICE’s Northwest Detention Center.²⁹ Many were placed on, or forced to remain on, what ICE terms Alternatives to Detention (ATD) and many advocates call “digital detention”: constant monitoring through ankle bracelets, cell phone tracking, telephonic reporting, or related technologies. While pitched as a more humane alternative to detention in a brick-and-mortar facility, advocates denounce these practices as deeply invasive forms of control

29 ICE data refers to the facility as “Northwest ICE Processing Center”

that deepen the marginalization of migrant communities.³⁰ What’s more, the national rollout of digital detention has not resulted in a reduction of traditional detention,³¹ suggesting these tactics are not “alternatives” but “add-ons” to traditional detention. Conceptualized this way, we see that many more people are in detention today – digital or physical – in the Pacific Northwest than ever before, as the above chart illustrates.

30 Mijente, *Tracked and Trapped: Experiences from ICE Digital Prisons*, May 2022, https://notechforice.com/wp-content/uploads/2022/05/TrackedTrapped_final.pdf

31 According to Detention Watch Network, “since President Biden took office, the total number of people enrolled in ICE’s ATD program, the Intensive Supervision Appearance Assistance Program (ISAP), has risen exponentially, nearly quadrupling from about 86,000 to over 300,000 people as of October 2022, while the number of people in detention has doubled during that same time.” Detention Watch Network, *The Case Against “Alternatives to Detention,”* December, 2022, https://www.detentionwatchnetwork.org/sites/default/files/DWN_The%20Case%20Against%20ATDs_12.1.22.pdf, p. 4.

Average Daily Population (ADP) by Country of Citizenship
 NW ICE PROCESSING CTR, FY 2016-24

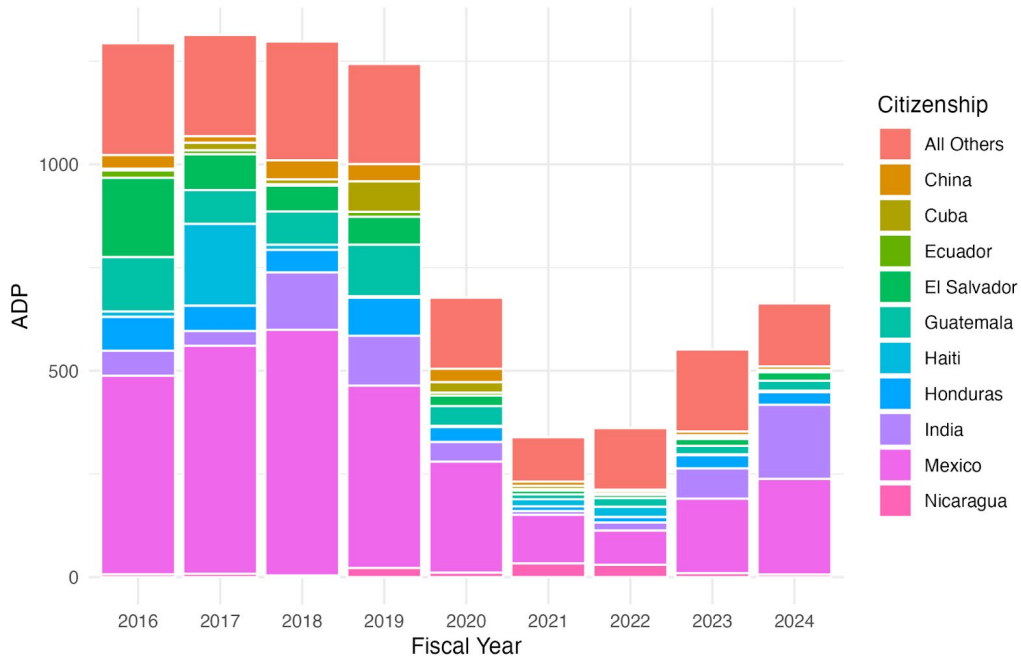


Figure 11: Average Daily Population (ADP) by Country of Citizenship, NW ICE Processing Center, FY 2016-24. ICE detention data reveal changing demographics of the population detained at the Northwest Detention Center in Tacoma, WA (“NW ICE Processing Center” in ICE data). In particular, Indian nationals make up a larger proportion of the detained population than ever before.

And just as the population of migrants facing enforcement in our communities is increasingly reflective of national trends, so too is the population behind bars at Tacoma’s Northwest Detention Center.³² For many years, the facility’s population was predominantly from Mexico, Guatemala, El Salvador, and Honduras; while these countries remain represented among the detained population, since 2021 they are joined by growing numbers from South America and an even more significant block of migrants from India.

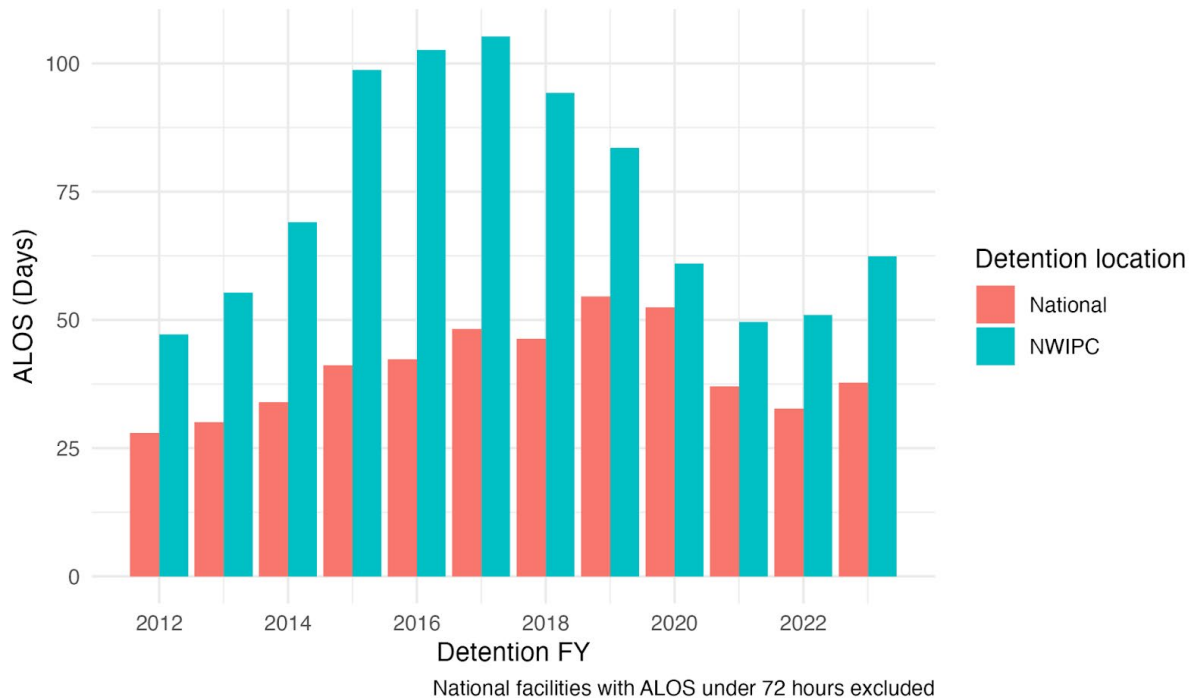
Indeed, Indians constituted almost 30% of the currently detained population as of early

2024. Many appear to enter custody when apprehended by the Border Patrol in the area near Blaine (see Figure 9).

“WHILE PITCHED AS A MORE HUMANE ALTERNATIVE TO DETENTION IN A BRICK-AND-MORTAR FACILITY, ADVOCATES DENOUNCE THESE PRACTICES AS DEEPLY INVASIVE FORMS OF CONTROL THAT DEEPEN THE MARGINALIZATION OF MIGRANT COMMUNITIES.”

³² On ICE’s online dashboard, the agency reports that as of December 2023, those assigned to digital detention in the Seattle Area of Responsibility had somewhat different demographics. The top three countries of origin were Mexico, Guatemala, and Venezuela, with India in tenth place. See U.S. Immigration and Customs Enforcement, “ICE Enforcement and Removal Operations Statistics,” <https://www.ice.gov/spotlight/statistics>

Comparison of Average Length of Stay (ALOS)
National vs. NW ICE PROCESSING CTR, FY 2012-23



Source: ICE individual detention data
Figure: University of Washington Center for Human Rights

Figure 12: Comparison of Average Length of Stay (ALOS), National versus NW ICE Processing Center, FY 2012-23. Individuals detained at the Northwest Detention Center in Tacoma, WA, have consistently experienced longer overall stays in detention, on average, than those detained at other detention facilities nationwide. Detention facilities with ALOS under 72 hours are excluded from comparison.

Migrants continue to spend longer, on average, in detention at the Northwest Detention Center in Tacoma than at comparable facilities nationwide, as the chart above shows.

The length of time spent in detention is particularly important given the widely-acknowledged brutality of conditions at the Tacoma facility. [A nine-part series of UWCHR reports has explored concerns ranging from](#)

[poor hygiene and sanitation](#); lack of access to quality medical care; the overuse of solitary confinement; and many others. Sadly, there is no indication such conditions have improved in recent years. UWCHR continues to conduct research about these conditions and other human rights concerns at the NWDC.

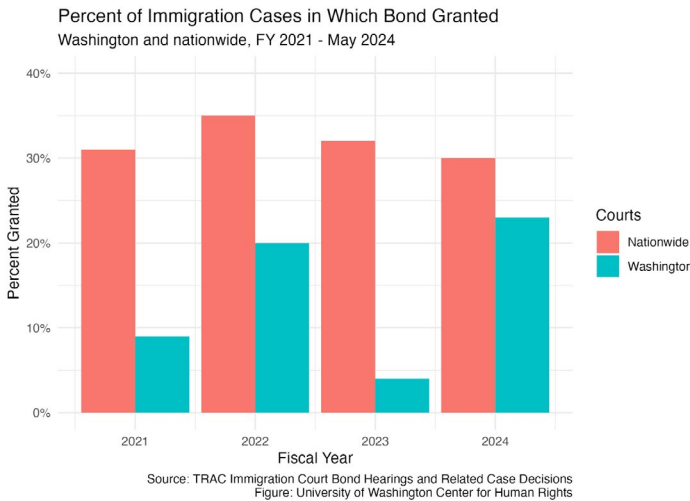


Figure 13: Percent of Immigration Cases in Which Bond Granted, Washington and nationwide, FY 2012 - May 2024. Immigration courts in Washington state granted bond to detained immigrants at a rate significantly below courts nationwide during recent years. Immigration bond hearing data is released by the US Department of Justice Executive Office of Immigration Review (EOIR) and analyzed by TRAC.

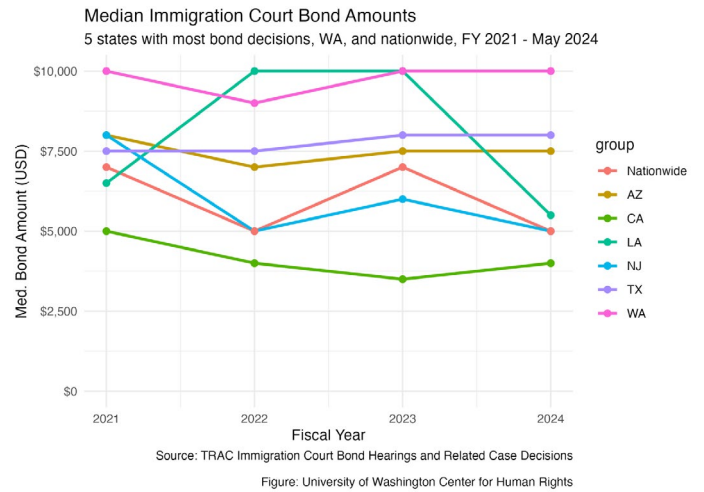


Figure 14: Median Immigration Court Bond Amounts, 5 states with most total bond decisions, WA, and nationwide, FY 2021 - May 2024. When immigration courts in Washington state grant bond to detained immigrants, they tend to set higher bonds than those set by immigration courts in other states; the median bond amount in Washington immigration courts was consistently above the national median from fiscal year 2021 to May 2024. Washington ranks 7th among states by total number of bond hearings. Immigration bond hearing data is released by the US Department of Justice Executive Office of Immigration Review (EOIR) and analyzed by TRAC.

PATHWAYS OUT OF THE SYSTEM

BOND

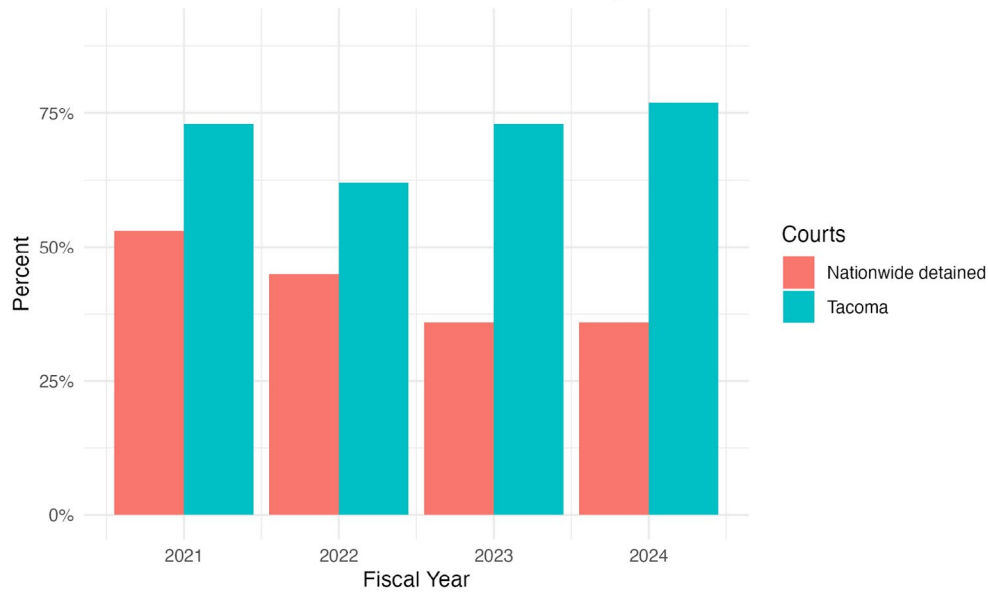
It remains extremely difficult to be granted bond for conditional release from detention in the Pacific Northwest. Since FY 2021, the percentage of cases in which bond is granted at the Northwest Detention Center is significantly lower, and when granted, the amount set is consistently higher, than the national average. The differences are quite large, often exponentially so, as seen in the figures above. (We do not include Oregon in these figures, as there is no ICE detention center in that state; the only ICE detention facility in the PNW is Tacoma’s Northwest Detention Center.)

RELIEF FROM DEPORTATION

In addition to their determinations about bond, the immigration court in Tacoma also refuses migrants relief from deportation more frequently than the national average. As the chart on the following page, Figure 15, illustrates, a greater percentage of cases result in the denial of relief from deportation (whether through a removal order, or “voluntary departure”³³) in Tacoma’s

33 In immigration court proceedings, migrants seek relief from deportation; a range of possible outcomes grant the migrant that relief, from asylum, to withholding under the Convention Against Torture, to an adjustment of status or cancellation of removal; for more on these various categories, see Transactional Records Access Clearinghouse, “Beyond Asylum: Deportation Relief During the Trump Administration,” October 29, 2020, <https://trac.syr.edu/immigration/reports/631/>. On the other hand, in cases where a migrant is not granted relief, there are two possible outcomes: removal (commonly known as deportation), and “voluntary depart-

Percent of Immigration Cases in Which Relief of Deportation Denied
Tacoma and nationwide detained cases, FY 2021 - May 2024



Source: TRAC Outcomes of Immigration Court Proceedings
Figure: University of Washington Center for Human Rights

Figure 15: Percent of Immigration Cases in Which Relief of Deportation Denied, Tacoma and nationwide detained cases, FY 2021 - May 2024. The Tacoma immigration court, which hears cases of detained immigrants in Washington state, issues more decisions resulting in denial of relief of deportation than courts nationwide. “Denial of relief from deportation” is defined as the proportion of cases resulting in removal orders or voluntary departure. [Data regarding immigration court outcomes](#) is released by the US Department of Justice Executive Office of Immigration Review (EOIR) and analyzed by TRAC.

immigration court than in comparable³⁴ cases nationwide.

This is significant, since local commentators have sometimes argued that although conditions are deplorable at Tacoma’s Northwest Detention Center, closing the facility would ultimately harm rather than help migrants, as they would be sent to facilities in areas with fewer migrant-supporting organizations or more hostile legal systems.³⁵ Without negating the importance of

local organizations providing support to those ensnared at the facility, this data shows that in fact, those held at the NWDC are less likely to be released on bond *and* less likely to avoid being ordered deported than the national average. Furthermore, even the Seattle immigration court, which hears non-detained cases, issues decisions less friendly to migrants than the national average, as shown on the following page, Figure 16.

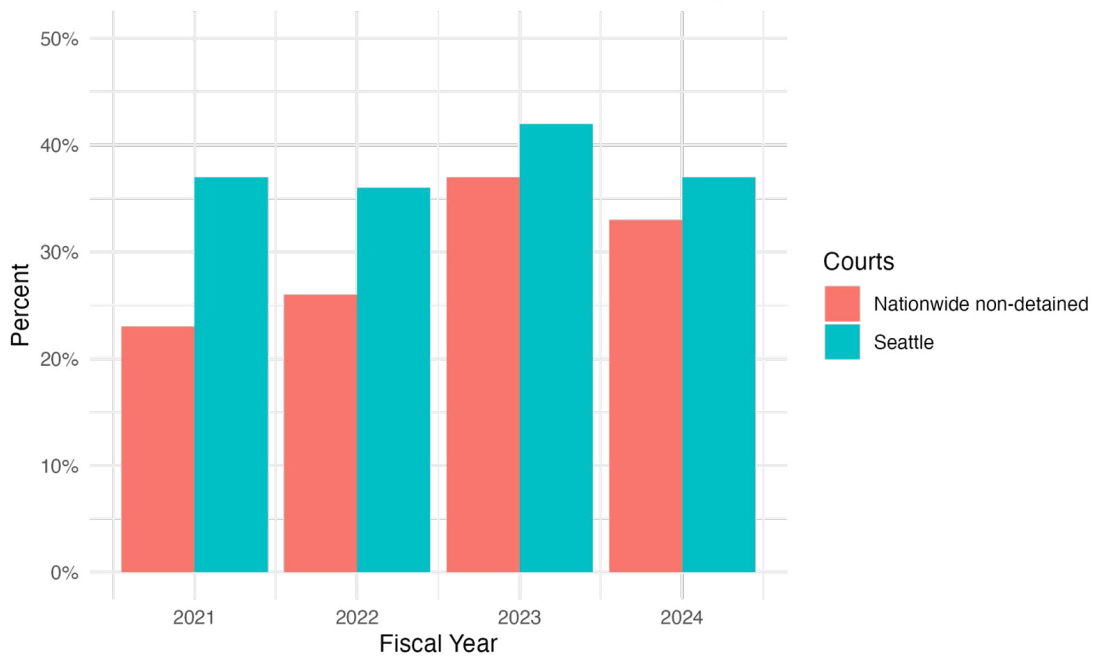
ture.” This latter category requires the migrant to depart at their own expense within a specified time limit; individuals sometimes choose this option over removal because it has fewer punitive consequences in case of future migrations. Both removal and voluntary departure constitute outcomes adverse to the migrant seeking relief from deportation.

34 Immigration court cases are separated into “detained” and “non-detained” dockets. It is well-known that rates of migrant success in immigration court are lower for those in detention than for those pursuing their cases while not detained; for this reason, we only compare outcomes for those in the Tacoma immigration court (which hears detained docket cases) with those of others detained elsewhere.

35 See Matt Driscoll, “Closing the Northwest Detention Center now is not realistic. Or right.” *Tacoma News Tribune*,

June 3, 2017, <https://www.thenewstribune.com/news/local/news-columns-blogs/matt-driscoll/article154153669.html>. Similar arguments have been made in other states as well; for example, the New Jersey Bar Association and members of some community organizations opposed a state bill to stop ICE detention in 2021 for similar reasons. See Mary Ann Koruth, “NJ State Bar Association attorneys want Murphy to veto anti-ICE bill. ACLU disagrees”, *North Jersey Media Group*, August 4, 2021, <https://www.northjersey.com/story/news/new-jersey/2021/08/04/anti-ice-bill-send-immigrants-out-nj-say-attorneys/5467158001/>; and Dierdre Conlon and Nancy Hiemstra, “‘Unpleasant’ but ‘helpful’: Immigration detention and urban entanglements in New Jersey, USA”, *Urban Studies*, 59:11, August 2022, pp. 2179-2198, <https://doi.org/10.1177/00420980211072695>.

Percent of Immigration Cases in Which Relief of Deportation Denied
Seattle and nationwide non-detained cases, FY 2021 - May 2024



Source: TRAC Outcomes of Immigration Court Proceedings
Figure: University of Washington Center for Human Rights

Figure 16: Percent of Immigration Cases in Which Relief of Deportation Denied, Seattle and nationwide non-detained cases, FY 2021 - May 2024. The Seattle immigration court, which hears cases of non-detained immigrants in Washington state, also issues more decisions resulting in denial of relief of deportation than courts nationwide. “Denial of relief from deportation” is defined as the proportion of cases resulting in removal orders or voluntary departure. Data regarding immigration court outcomes is released by the US Department of Justice Executive Office of Immigration Review (EOIR) and analyzed by TRAC.

Again, these findings are not intended to criticize the various legal organizations who strive under difficult circumstances to support migrants in our communities, and in many cases provide excellent services. In fact, the same data shows that, thanks in part to their efforts, migrants whose cases are decided in Washington’s immigration courts are indeed more likely to have legal representation than the national average – but despite this, their cases are less likely to succeed than the national average.³⁶

This may challenge some Northwesterners’ perceptions of our local political climate, but it bears remembering that the immigration courts are not part of the regular court system in our state; they are offices of the federal executive branch and hence neither reflective of nor particularly responsive to local influences.³⁷

³⁶ This is a surprising finding, since studies have shown that having a lawyer generally increases one’s chances of securing a positive outcome before the immigration courts. There is no reason to believe lawyers serving clients in Washington state are doing a poorer job than their counterparts elsewhere, but there is reason to believe that Washington state immigration courts are harsher than their counterparts

elsewhere, given their bond decisions, as mentioned above.

³⁷ Some, but not all, migrants can request that their cases be heard at the Ninth Circuit Court of Appeals, which is a part of the US judicial system.

DEPORTATION

Deportations, or removals, from our region parallel national trends. National data released by ICE show that while deportations slowed dramatically in the first year of the Covid-19 pandemic, they picked up thereafter. Figures for the first 6 months of fiscal year 2024 show that the country is on pace to top 300,000 deportations by October, the highest rate seen since the first year of the Trump administration.³⁸ The most common nationalities represented were Mexico, Guatemala, Honduras, and El Salvador. Unfortunately, ICE data does not break down deportations by region, so we are unable to ascertain the degree to which deportations from Seattle mirror national trends.

ICE resumed its practice of deporting people on private charter flights departing from Seattle's King County International Airport, commonly known as Boeing Field, in May 2023. In 2019, King County Executive Dow Constantine issued an Executive Order expressing an intention to curtail deportation flights from the airport in Seattle, and the private company which had serviced them decided to stop doing so; as a result, deportation flights from our region departed via Yakima. In 2023, a federal judge ordered King County to rescind the 2019 Executive Order, opening the door for the flights to resume. A new company, Signature Aviation, began providing the services required for flights to operate from the county's airport at Boeing Field.

Despite King County's promise of transparency about the airport's involvement in

deportations,³⁹ the number of people deported since the flights resumed is unknown. Local observers⁴⁰ have counted some 1731 people boarded onto ICE flights at the airport, but visibility has occasionally been impaired by the positioning of the plane. Per the county's suggestion, UWCHR researchers have requested this information from ICE; the agency has responded that no such records exist,⁴¹ and following appeal, that the documents related to a "special interest" rather than the interests of the public at large.⁴²



THIS DATA SHOWS THAT IN FACT, THOSE HELD AT THE NWDC ARE LESS LIKELY TO BE RELEASED ON BOND AND LESS LIKELY TO AVOID BEING ORDERED DEPORTED THAN THE NATIONAL AVERAGE.

38 Data drawn from "DHS Removals by Selected Citizenship: Fiscal Years 2014 to 2024 YTD (March 2024)," available at Office of Homeland Security Statistics, "Immigration Enforcement and Legal Processes Monthly Tables," <https://ohss.dhs.gov/topics/immigration/enforcement/legal-processes-monthly-tables#table-data-heading>

39 See Dow Constantine, "King County International Airport - Prohibition on immigrant deportations," King County, March 31, 2023, https://kingcounty.gov/en/legacy/elected/executive/constantine/news/release/2023/march/-/media/elected/executive/constantine/news/documents/2023/PFC-7-1-EO_final.ashx?la=en&hash=91D8AB3045B02050BF2D31F1FC62CAD1

40 See McKenzie Funk, "At Seattle's Boeing Field, Real-Time Video Offers a Rare Glimpse of America's Troubled Deportation Flights," *ProPublica*, March 8, 2024, <https://www.propublica.org/article/seattle-boeing-field-ice-deportation-flights>

41 See ICE FOIA Office, email message to Angelina Godoy, June 27, 2024, <https://jsis.washington.edu/humanrights/wp-content/uploads/sites/22/2024/08/no-records-response-UW-Mail-ICE-FOIA-Case-Number-2024-ICFO-40974.pdf>

42 See Victor Yee, letter to Angelina Godoy, July 3, 2024, <https://jsis.washington.edu/humanrights/wp-content/uploads/sites/22/2024/08/2024-ICAP-0234-2024-ICFO-40974-Draft-Final-Determination-of-Appeal-ICE-FOIA-Fee-Waiver-Denial-Affirmed-afr-revd.pdf>

CONCLUSION

As this report shows, recent years have seen important changes in immigration enforcement. In some ways, the PNW data mirrors national trends: enforcement actions (arrests, detentions, deportations) peaked during the first Obama administration, declined in his second term, and began to climb again under Trump, though they were interrupted by the Covid epidemic, which led to a lull in enforcement. Under Biden, numbers have again trended upwards.

But these national numbers obscure important changes which have palpable on-the-ground effects in the PNW, and broad implications for human rights. First, the demographics of those arrested and detained are different now than they have been historically; this is undoubtedly due to a convergence of factors driving international migration patterns, but it is also due to the Biden administration's decision to relocate the processing of migrants arrivals at the southern US border to locations within the country, including the PNW. As these newer arrivals comply with CBP's instructions that they be "processed" here, many are arrested, typically through encounters at check-ins rather than through jail transfers or street arrests; when compared with data from past periods, these arrestees are younger, more likely to be female, and often hail from countries of origin other than Mexico and Central America.

Not all of those arrested are sent to ICE's Northwest Detention Center in Tacoma, though the population of that facility is rebounding after Covid-era lows. Some others are enrolled in digital surveillance platforms which, while officially termed "Alternatives to Detention"

might be better understood as "additional forms of detention" since their rise has not prompted a reduction in the overall number of people in physical detention sites. The Tacoma facility has been notorious for rights abuses, a trend that does not show any signs of abating in the post-Covid period.

Although many imagine the PNW to be an immigrant-friendly region, the data also reveal ways in which the climate here is *less* welcoming to immigrants than other areas of the country. Those held at Tacoma's Northwest Detention Center are less likely to be granted bond, and more likely to pay higher bonds, than the national average; even states like Louisiana or Texas, states in which large numbers of migrants are detained, offer better outcomes. Perhaps as a result of the inaccessibility of bond, the average length of detention in Tacoma also tops the national average. And whether detained or not, immigrants in our region are less likely to be granted relief from deportation in the immigration courts here when compared to the national average.

This serves as a useful reminder that immigration policies are determined at the federal level, and these continue to be carried out by federal agents and their private business partners, even in the sanctuary cities and states like those of the PNW. The consequences are far-reaching, both for individual migrants denied basic rights in the enforcement dragnet; for their families who suffer the consequence of their prolonged, perhaps permanent, absence; and for the communities in which they live – all of our communities – which cannot flourish when forced to live in fear.

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