

Two Systems of Justice: How the Immigration System Falls Short of American Ideals of Justice

There is a growing consensus that our immigration system is broken. Severe visa backlogs hurt U.S. businesses, undocumented workers are frequently exploited, and record levels of deportations tear families apart. While much energy is now focused on addressing these problems, one issue that is frequently overlooked is the structure and quality of justice accorded immigrants who are caught in the enforcement net. In reforming our immigration system, we must not forget that the immigration removal system—from arrest to hearing to deportation and beyond—does not reflect American values of due process and fundamental fairness.

The failure to provide a fair process to those facing expulsion from the United States is all the more disturbing given the increasing “criminalization” of the immigration enforcement system. Although immigration law is formally termed “civil,” Congress has progressively expanded the number of crimes that may render an individual deportable, and immigration law violations often lead to criminal prosecutions. Further, local police now play an increasingly active role in immigration enforcement. Consequently, even relatively minor offenses can result in a person being detained in immigration custody and deported, often with no hope of ever returning to the United States.

This special report is a product of the Immigration Policy Center and the Legal Action Center of the American Immigration Council. It lays out the the incongruity of America's criminal justice system and its immigration justice system, and provides recommendations for how these problems could be fixed.

Read the [report here](#). [1]

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