



No More Deaths
No Más Muertes

FACT SHEET: OPERATION STREAMLINE

March 2012

What is Operation Streamline?

Operation Streamline is an initiative of the Department of Homeland Security and the Department of Justice begun in 2005 with the intention of establishing “zero-tolerance” immigration enforcement zones along the U.S.-Mexico border. Under Operation Streamline, unauthorized migrants face criminal prosecution and potential prison sentences in addition to formal deportation and removal from the United States. Operation Streamline has drastically increased immigration prosecutions, making ‘Illegal Re-entry’ *the most-commonly filed federal charge*.¹ In Arizona, Operation Streamline annually costs some \$120 million in court proceedings² and over \$50 million for detention and incarceration.³

How Does Operation Streamline Work?

Being in the United States without proper documentation is a violation of immigration law – a civil not a criminal matter. Prior to Operation Streamline, U.S. attorneys were able to exercise prosecutorial discretion, initiating civil deportation proceedings against most undocumented immigrants while reserving criminal charges for repeat entrants or those with criminal records. Under Operation Streamline, unauthorized entrants are charged with criminal violations of federal law, facing prosecution for ‘Illegal Entry’ as well as ‘Illegal Re-entry’ if they have previously been deported. For those facing their first prosecution, a sentence of time-served is common while repeat entrants generally receive sentences between 30 and 180 days but ranging up to 20 years with a criminal record.

Procedural Concerns

Under Operation Streamline, magistrate judges conduct *en masse* hearings during which up to 80 defendants may be tried simultaneously. Defendants are represented by public defenders and court-appointed contract lawyers who may represent dozens of clients at a time (as many as 80 in del Rio, TX), meeting with each one for only a few minutes before their court appearance. Unlike most lengthy federal prosecutions, judges condense the entire criminal proceeding including initial appearance, plea and sentencing into a single day.

The assembly-line nature of Operation Streamline hearings severely hinders attorneys’ ability to effectively represent defendants and legitimate claims to immigration relief – such as eligibility for asylum, withholding of removal, relief under the Convention Against Torture or U-visa eligibility – may be ignored. Furthermore, public defenders report having been appointed to represent Operation

Operation Streamline and the Prison Industry

By leveling criminal charges for violations of civil immigration law, Operation Streamline has funneled hundreds of thousands of unauthorized immigrants directly from Border Patrol custody into the federal prison system. After sentencing, Operation Streamline defendants are placed in the custody of the Federal Bureau of Prisons which increasingly holds immigrant prisoners in for-profit prisons and detention centers run by prison firms like Corrections Corporation of America and GEO Group. Consequently, Operation Streamline has played a key role in the expansion of private prisons, including injecting “more than \$1.2 billion into the largely for-profit detention system in Texas.”⁴ Thus, Operation Streamline has not only forced immigrants into dangerous and utterly unaccountable private prisons, but has helped reinforce an industry with a direct financial stake in driving the criminalization and incarceration of immigrants.

¹ TRAC Immigration. “Illegal Reentry Becomes Top Criminal Charge.” <http://trac.syr.edu/immigration/reports/251/>. Accessed on October 25, 2011.

² Buentello, Tara, Sarah V. Carswell, Nicholas Hudson, and Bob Libal. “Operation Streamline: Drowning Justice and Draining Dollars Along the Rio Grande.” Charlotte, NC: Grassroots Leadership, 2010.

³ Lydgate, Joanna. “Assembly-Line Justice: A Review of Operation Streamline.” Berkeley, CA: The Warren Institute, 2010.

⁴ Buentello, et al. “Operation Streamline,” 2010. p. 2.

Streamline defendants who were legal permanent residents and even U.S. citizens.⁵ Operation Streamline's focus on quickly and efficiently processing dozens of people each day through *en masse* hearings deprives defendants of constitutional due process protections and denies effective assistance of counsel.

What are the Consequences?

Consistent with its other border and immigration enforcement mechanisms, the Department of Homeland Security intends Operation Streamline to serve as a deterrent to would-be unauthorized entrants by increasing the cost, risk and danger of entering the U.S. This strategy, known by DHS as "prevention-through-deterrence" has more accurately been described as "death-as-deterrence."⁶ Researchers have found that this strategy has proved ineffective as a deterrent but successful at drastically increasing the suffering and hardship experienced by unauthorized migrants. The human costs of Operation Streamline include:

- **Reduced circularity of migration:** Like all border enforcement efforts, Operation Streamline has resulted in a decrease in the historically circular pattern of Mexico-U.S. migration. As the risk of prosecution and imprisonment increases, migrants are more likely to settle permanently in the U.S. rather than risk returning periodically to their country of origin.
- **Increased incarceration:** Operation Streamline has resulted in hundreds of thousands of undocumented immigrants sentenced to prison terms for violating immigration law. In Texas, the number of people sentenced to prison terms for illegal entry increased from 7,000 in 2005 to 37,000 by 2010. In 2009 alone, a total of nearly five million nights in detention were handed down for unauthorized entries.⁷
- **Increased migrant deaths:** Zero-tolerance enforcement zones and the threat of criminal prosecution and imprisonment if apprehended compel migrants to attempt crossings in more remote and dangerous terrain, inevitably increasing the risk of suffering and death during their journey. In fact, since Operation Streamline was first introduced in 2005, the border death rate has increased 127 percent from 52 deaths per 100,000 apprehensions to 118 per 100,000 apprehensions in 2010.⁸

What Should be Done?

Operation Streamline has exacted enormous and intolerable human consequences upon the migrant populations it targets for criminal prosecution. The massive project of criminalization at the core of Operation Streamline has increased the desperation and vulnerability of undocumented migrants, efficiently funneling them into the federal prison system and precluding the possibility of achieving regularization of their immigration status. **Operation Streamline and all criminal prosecution of undocumented immigrants should be immediately and permanently abandoned.**

⁵ Lydgate. "Assembly-Line Justice," 2010.

⁶ No More Deaths. "Humanitarian Groups Call on Wildlife Refuge Officials to Join Efforts to Save Lives." <http://www.nomoredeaths.org/Press-Releases/humanitarian-groups-call-on-wildlife-refuge-officials-to-join-efforts-to-save-lives.html>. Accessed on October 25, 2011.

⁷ Buentello, et al. "Operation Streamline." Charlotte, NC: Grassroots Leadership, 2010.

⁸ McCombs, Brady. "Crossing More Dangerous Than Ever for Migrants?" *Arizona Daily Star*, August 4, 2011. http://azstarnet.com/news/blogs/border-boletin/border-bolet-n-crossing-more-dangerous-than-ever-for-migrants/article_29360a06-be31-11e0-95cf-001cc4c002e0.html. Accessed on October 25, 2011.

For more information

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