



What is Operation Streamline?

Operation Streamline is key to U.S. 'zero tolerance immigration strategy

Launched in 2005, Operation Streamline is a joint initiative of the Department of Homeland Security and the Department of Justice to deter unauthorized border crossings by making them a “criminal offense” rather than a “civil or administrative violation”.

Contrary to this rhetoric, border experts say there is little evidence that Streamline has had any impact on the numbers of unauthorized immigrants crossing the U.S.-Mexico border. Border crossings have actually been declining annually since 2000. The real impact of Operation Streamline has been on extending the *criminalization of immigration* and ramping up incarceration rates: today almost half of all federal prosecutions and imprisonment stem from Operation Streamline’s unlawful immigration entry and re-entry prosecutions, which are heard in a criminal court rather than a civil immigration court.

In FY2017, almost 55,000 migrants were criminally prosecuted for unlawful entry or re-entry violations.¹ In the first eight months of FY2018, there were 49,827 criminal immigration prosecutions, mainly for unlawful entry violations, and a significantly higher number than previous periods.¹ If the rest of the year follows this trend, there will be a 30% increase from last year.

These prosecutions have overwhelmed the southwestern federal courts, which conduct “mass prosecutions” where cases will be heard and processed in large groups, rather than given any individual consideration. Under Operation Streamline, anyone who crosses the border without immigration documents will be arrested, detained while they await trial, face federal criminal charges, incarcerated within the federal justice system and, finally, deported.

Those prosecuted face serious consequences: first-time violators, with a misdemeanor offense, can face up to six months in prison. Those caught re-entering the country after an initial entry violation can receive up to twenty years in prison.

Mass processing undermines due process

Those charged receive minimal or no individual legal counseling from their court-appointed public defenders, and most plead guilty in hopes of avoiding extensive prison sentences. Within this system, migrants are denied due process and prosecuted en masse in accelerated trials in which judges are stripped of prosecutorial



discretion because federal sentencing laws largely define the trial outcomes. The trials can involve anywhere from a dozen to over one-hundred defendants being rapidly prosecuted within an overburdened system.

These accelerated trials are made possible by procedural short cuts in the form of “fast-track” plea deals that encourage offenders to trade their rights for more lenient sentences. Virtually every defendant then pleads guilty and gets the same treatment regardless of other factors: imprisonment and deportation.¹

Operation Streamline blocks family reunification and violates fundamental international laws regarding the treatment of refugees and asylum seekers.

California recently joined Arizona and Texas in conducting Operation Streamline mass prosecutions in San Diego for border crossing violations, beginning in July 2018.

Often, those who re-enter the country after an initial prosecution and violation do so because they have left their family members behind in the U.S. They may be the family's main breadwinner, so in addition to the trauma of incarceration and separation, the entire family faces even greater economic instability.

According to the research and records of many humanitarian border groups, many of those deported through this program have familial ties to U.S. citizens or permanent residents, and are former long-term residents seeking to return to lives they have already built.¹ Many say they will continue to return to the U.S. regardless of the penalties they face if apprehended to be with family or to escape persecution and violence.¹

The DHS Office of Inspector General already reported that Streamline's rapid pace and mass prosecutions undermined due process as well as the rights of asylum seekers, by swiftly processing and convicting the vast majority of cases, even dismissing those with a "credible fear" and in need of asylum.¹ Attorney General Jeff Sessions has reaffirmed this practice, announcing that as part of the U.S. "zero tolerance" strategy, even asylum seekers will be prosecuted and returned to countries they had fled in fear, a violation of both U.S. laws and international treaty obligations. This often returns people to dangerous situations of gender-based, religious and political persecution.

The separation of children from their parents at the border has been another horrific consequence of these policies--a process that had been occurring for some months, even before blanket separation policies were imposed in mid-2018.

The rate of migrant border deaths has increased dramatically since Streamline began, even with the decline in overall border crossings. The threat of prosecution and incarceration has pushed migrants into even harsher terrain, raising the likelihood of difficulty and death.

Operation Streamline has also escalated incarceration costs. In the 2015 report, *Indefensible*, Grassroots Leadership and Justice Strategies estimated that incarceration costs from Streamline since its inception was more than \$7 billion, and the figures continue to rise.

According to Detention Watch Network, the private prison industry, (an active lobbyist for stricter immigration enforcement policies and higher enforcement budgets) has also significantly profited from punitive enforcement policies. Private prison facilities currently house nearly 73% of the more than 30,000 immigrants detained by ICE at any given time.¹

Successive administrations have supported Operation Streamline since its inception, just as immigrant rights advocates have argued for its ending.¹ ***Key to ending this program will be a legislative initiative to repeal the laws that have criminalized unlawful entry and re-entry--provisions of the criminal code, 8 USC 1325 and 8 USC 1326.*** In the meantime, cuts in funding for the massive immigration enforcement machinery at the border and in the interior can diminish the threat and severe consequences of punitive arrests, detentions and deportations.

1 <http://www.texasobserver.org/its-time-to-decriminalize-immigration/>

2 <http://trac.syr.edu/immigration/aboutLaw/>

3 <https://www.hrw.org/report/2013/05/22/turning-migrants-criminals/harmful-impact-us-border-prosecutions>

4 [ibid.](#)

5 [ibid.](#)

6 <http://poverty.ucdavis.edu/policy-brief/deportees-will-risk-harsh-penalties-return-families-us>; <http://immigrationimpact.com/2015/04/03/effectiveness-of-dhs-consequences-delivery-system-questioned/>

7 https://www.oig.dhs.gov/assets/Mgmt/2015/OIG_15-95_May15.pdf

8 <https://www.detentionwatchnetwork.org/issues/financial-incentives>

9 http://www.nnir.org/~nnirorg/drupal/sites/default/files/operation_streamline_sign_on_letter_7.28.15.pdf