



# IMMIGRANTS DESERVE A SECOND CHANCE

Every year during Second Chances month we reflect on the barriers to re-entry that formerly incarcerated people face. Many people leave jail or prison with significant trauma and few resources to rebuild their lives. Incarceration separates people from their social networks and forces people to start at square one; additionally, federal and local governments often exclude people with criminal convictions from state assistance, and it can be difficult to access basic necessities like safe affordable housing and adequate employment.

In addition to these challenges, immigrants face immigration detention and deportation as soon as their incarceration ends. Every year, the criminal legal system forces thousands of immigrants into the inhumane detention and deportation system. During this month when we think about collateral consequences, we encourage you to think about the consequences that immigrants face not as collateral, but as directly and devastatingly impactful to the lives and well-being of immigrant members of our communities.

## DID YOU KNOW?

- Nearly 70 million Americans - about 1 in 5 people - have a criminal record which can make it difficult to secure a job, housing, public benefits, education, and other important social service supports.
- Even an arrest could result in local law enforcement transferring an immigrant to ICE custody, and in many cases, the person is transferred to ICE custody before their criminal legal process is resolved. ICE rarely permits people in its custody to appear in court and resolve their open criminal legal matter, even if the matter should be dismissed or the charge reduced.
- In some instances, immigrants are subject to mandatory detention, detention without even the possibility of bond based on contact with the criminal legal system. This is true for immigrants who are arrested or convicted for most drug-related conduct.
- Immigrants are not appointed counsel even though they face indefinite exile through deportation. Most immigrants are unable to afford representation and nationwide only 37 percent of immigrants in deportation proceedings can secure counsel to represent them. Immigrants in detention have much lower rates of



representation than those who are fighting their cases from outside detention. Over 70 percent of detained immigrants faced immigration courts without a lawyer this year.

- It is very difficult to find culturally and linguistically appropriate support for immigrants facing incarceration. Programs inside prisons and jails have very limited language access and the same issues exist with re-entry services to support immigrants leaving carceral settings.



In the criminal legal system, the concept of double jeopardy protects people from facing punishment for the same conduct twice. However, the overlap between the criminal legal system and immigration system subjects immigrants to a cruel and inhumane double punishment. Instead of facing detention and deportation, immigrants need their community support and access to culturally and linguistically appropriate services to have a meaningful second chance after interactions with the criminal legal system.

**Want to learn more?** Visit the [Immigrant Justice Network](#) website to learn more about the New Way Forward Campaign

**Want to do more?** Encourage your boss to join the [New Way Forward Act](#) as a co-sponsor. Together we can build a safer future for all of our communities