



BAUDL STARTER PACK:

IMMIGRATION

Americans encouraged relatively free and open immigration during the 18th and early 19th centuries, and rarely questioned that policy until the late 1800s. After certain states passed immigration laws following the Civil War, the Supreme Court in 1875 declared regulation of immigration a federal responsibility. Thus, as the number of immigrants rose in the 1880s and economic conditions in some areas worsened, Congress began to pass immigration legislation.

The Chinese Exclusion Act of 1882 and Alien Contract Labor laws of 1885 and 1887 prohibited certain laborers from immigrating to the United States. The general Immigration Act of 1882 levied a head tax of fifty cents on each immigrant and blocked (or excluded) the entry of idiots, lunatics, convicts, and persons likely to become a public charge.

These national immigration laws created the need for new federal enforcement authorities. In the 1880s, state boards or commissions enforced immigration law with direction from U.S. Treasury Department officials. At the Federal level, U.S. Customs Collectors at each port of entry collected the head tax from immigrants while "Chinese Inspectors" enforced the Chinese Exclusion Act.



IMMIGRATION POLICY TIMELINE

The 2018-19 National High School policy debate topic is “Resolved: **The United States federal government should substantially reduce its restrictions on legal immigration to the United States**”. This timely topic seeks to center debates about US policy on the controversial issue of immigration. These debates will be about whether the US should change its immigration policies.

This Affirmative focuses on the impact of gang allegations and the lack of legal representation on immigrant children as the basis for the school to deportation pipeline. Gang allegations both increase the chance that an immigrant is either detained, deported or deprived of resources and programs that would lead to a temporary stay or full citizenship. The Affirmative makes the argument that gang allegations should be excluded as a consideration for deportation because they are racially biased and that Immigrant children should be given Legal representation throughout this process. These allegations do not serve to protect people, but instead serve as vital means of criminalizing and deporting immigrants of color. This is an important conversation because we are experiencing an intense deportation effort as a part of the Trump administration that will have a bigger impact on immigrant communities than it has had in the past.

The Negative consists of two arguments. The First responds to the Case by saying that an increase of immigration would bring more exploitation to various low-income workers and because ICE is so well funded and supported by the President the Status Quo is so overwhelming the affirmative can't solve. The 1AC participates in this process by not fully investigating how the destruction of indigenous communities makes immigration possible erasing those stories.

Because you are new to debate, for each side there are some tools in this packet to help to you learn how to insert your own voice into the debate and will help you understand the arguments in the 1AC and 1NC in order to give the 2AC and 2NC use these tools to help shape your rebuttal speeches and you will be victorious!



Welcome and Hot Tips

Welcome to Debate.

Debate is an opportunity for you to build your voice and be heard.

When you debate, you will have the chance to speak your mind on different topics and prove your skills against young people from all over the bay. Debate is a sport: it calls on you to join a team, represent your school and win prizes. If you commit yourself to this sport you will have much fun; most importantly, you will gain the tools to better yourself, earn scholarships, and advocate for your community.

What is policy debate?

Policy debate is a competition between two teams, each with two debaters. One team takes the Affirmative, proposing a plan to change the world and explaining why it is a good idea. The other team is the Negative, who attacks the plan and tries to prove that it will do more harm than good. There are 8 speeches and 4 cross-examinations in a debate round. You and your partner will each take the lead on 2 speeches (1 Constructive and 1 Rebuttal) and 1 cross-examination.

| Speech | Time | General purpose |
|---|-----------|--|
| First Affirmative Constructive (1AC) | 8 minutes | Present affirmative case (harms, inherency, plan, solvency) |
| Cross-examination by Second Negative | 3 | Ask questions, clarify affirmative's arguments |
| First Negative Constructive (1NC) | 8 | Present negative off-case and attack affirmative case |
| Cross-examination by First Affirmative | 3 | Ask questions, clarify negative's arguments |
| Second Affirmative Constructive (2AC) | 8 | Attack negative off-case arguments, rebuild affirmative case |
| Cross-examination by First Negative | 3 | Ask questions, clarify affirmative's arguments |
| Second Negative Constructive (2NC)** | 8 | Respond to some of 2AC arguments, rebuild negative arguments |
| Cross-examination by Second Affirmative | 3 | Ask questions, clarify negative's arguments |
| First Negative Rebuttal (1NR)** | 5 | Respond to rest of 2AC arguments, rebuild negative arguments |
| First Affirmative Rebuttal (1AR) | 5 | Rebuild affirmative arguments, respond to both 2NC and 1NR |
| Second Negative Rebuttal (2NR) | 5 | Explain why the negative team should win |
| Second Affirmative Rebuttal (2AR) | 5 | Explain why the affirmative team should win |



How to Use the Pack

This is debate. Your voice is most important. The Starter Pack is designed for two purposes: to give you the support you need to make solid arguments and to challenge you to make these arguments creative and compelling. There are also several pages that challenge you to find your own evidence or write your own arguments – at all times, fill the debate with your voice and your creativity!

Here are the main parts you will find on every page of the Novice Pack:

The Card: Evidence to support your arguments.

Every page will give one piece of evidence supporting the argument – remember that this is just the start, and it is your job to find more evidence to back up your points.

The tag, at the top, summarizes the argument in the card. The *citation* just below it tells you where the evidence comes from – read at least the last name and the year. The *card* below the citation – just like the evidence you find yourself – is usually worth reading aloud in the debate. Focus on the underlined words, and over time make your own underlines to emphasize the points most important to you.

Your Words: You make the knowledge.

The point of debate is building your own personal intellectual power – not just reading the thoughts of other people but expressing your thoughts.

Whenever any card ends, that is a cue to make your own original points. *How does this card help you win the round? What can you say that drives the argument home?* Make sure to support every point you make with *evidence* – but remember that evidence can come from your own experiences and the experiences of people in your community as well as academic or expert sources.

General Reminders:

1. The job of the affirmative team is to make a case for change, typically one that *affirms* this year's national resolution. Make sure that the benefits of your plan are crystal clear.
2. The goal of the negative team is to show that the affirmative plan (or advocacy) is not desirable. You have many options on the arguments you choose to pursue this goal.
3. You will have to choose the evidence and arguments you will include in your 1AC - your first affirmative speech – so choose wisely! *Make sure you can fit it all into an 8 minute speech!*
4. Write notes and arguments on all these pages – including *underlines or highlights* that show the most important parts you will read in your speech. Use the Your Words and make this pack yours!

The Guardian June 3, 2010

[www.guardian.co.uk/commentisfree/2010/jun/03/afghanistan-british-foreign-policy-editorial]

Barack Obama's promise to time-limit his surge has already been shelved. July 2011 is not now the date when US troops will start to be withdrawn. It has become instead the high water mark of the troop surge. Which is a different thing. Much will be made of the fact that some provinces will be returned to the control of the Afghan national army. Pashtuns from the south still only make up around 3% of this army, so that, in the areas that have become the cockpit of this war, there is no possibility of US and British troops handing over control to local forces, unless they are Taliban ones.



Making your Expando

THE FINISH LINE:

MAKING YOUR EXPANDO

The Expando is a crucial tool for every debater. Once you have finished digesting the Starter Pack you should immediately tear off the staple and assemble the pages into an expando.

Like Batman's utility belt, the Expando is where you reach when you are looking for just the right thing to save the day. Expando pockets hold pages of evidence, and a well-designed Expando gives you the power to quickly answer any argument your opponents can bring against you.

You have creative control over which pockets your Expando contains, but these are a good start:

1. **1AC.** The 1AC is the first speech in the round, and the 1AC Pocket calls for the most powerful evidence and arguments you have. Make sure *you choose* just enough so that you can fill an 8minute speech!
2. **Answers to Neg.** This pocket is for evidence and arguments that directly answer the arguments you are expecting to hear from the Neg. Reach for this pocket before your 2AC or any of your Affirmative Rebuttal speeches.
3. **Aff Extensions.** This pocket is for evidence and arguments that back up – or *extend* –the points you make in the 1AC. Use them if you have extra time, or if you want to make the judge feel the impacts of your case.
4. **1NC.** The 1NC is your front-line attack on the Affirmative case. Fill 1NC Pocket with the cards *you choose* as the most important for the negative – and make sure that there are just enough so that you can fill an 8-minute speech!
5. **2NC.** As you advance past novice, you will want to have a separate pocket for every major negative position. For now, you can lump them all together into a 2NC pocket.
6. **Flows and notes.** After every round, make sure to put your flow paper into your expando. You will use it later with coaches and mentors to train up and get ready for the debates to come.

SO IMPORTANT: After every round, make sure that your Expando is ready to go for the next round. Make sure every card is in the right space and pack your flow and any important notes into the last pocket.



1AC (1/10)

Contention 1 is Inherency- Deportations are on the rise!

1. Gang Allegations are on the rise and influences the decisions immigration officers make that impact the ability of immigrants to access relief programs like Deferred Action for Childhood Arrivals and other pathways to legal residency.

Hlass 18 [Laila Hlass is a Professor of Practice, at Tulane University Law School. March, 2018, “The School to Deportation Pipeline” Georgia State Law Review, online: <https://ssrn.com/abstract=3132754>]

Gang allegations in the immigration context are on the rise. Such allegations have been the subject of congressional hearings, 183 news stories, 184 a prominent research report, 185 a recent practice advisory, 186 and civil rights litigation.¹⁸⁷ Although ICE claimed in August 2016 that the agency arrested more than 40,000 alleged gang members over the past decade, no public records detail how many gang-

related deportations it has executed.¹⁸⁸ **These allegations may influence immigration officers when making arrest and custody decisions and immigration officer adjudicators when making decisions regarding certain relief, such as DACA or asylum; these allegations may also influence immigration judges when deciding whether to grant a bond or to grant a defense to deportation, such as lawful permanent residence, asylum, or other discretionary relief.** In

addition to harms associated with subjective criteria for gang membership association,¹⁸⁹ **gang allegations cast a long shadow on the accused and increase the chance that immigrant youth will be detained for long periods of time, be denied immigration benefits, and be deported.** This section tracks gang criteria and associated harms, how gang accusations infiltrate the immigration system, and how immigration decisions are implicated by such allegations.



1AC (2/10)

2. These allegations participate in the “crimmigration” enforcement regime that sustains the hyper-incarceration of immigrants. Trump administration’s deportation policies only serves broadly extend the idea of criminal aliens to all immigrants’ regardless DACA status to include anyone who entered the United States without permission.

Hlass 18 [Laila Hlass is a Professor of Practice, at Tulane University Law School. March, 2018, “The School to Deportation Pipeline” Georgia State Law Review , online: <https://ssrn.com/abstract=3132754>]

Hyper-incarceration is a hallmark of the crimmigration enforcement regime, 50 and the vast majority of

the detained are Latinx. In the 1980s, the United States held only about thirty people in immigrant detention on a given day, but that number has exploded to up to 45,000 immigrants currently held on any given day. 52 In the past decade, ICE’s detention budget has more than doubled, increasing from

\$864 million in 2005 to more than \$2 billion in 2012.⁵³ In 2015, ICE detained 352,882 people. 54 Because **65% of immigrants are held in private, for-profit jails, detaining immigrants has become a multi-billion-dollar business. Beyond the formal legal changes leading to a massive expansion of deportation and immigrant incarceration, policies regarding informal prosecutorial discretion have also trended towards**

criminalization of immigrants. Prosecutorial discretion is the general authority law enforcement agencies wield in deciding whether to exercise their enforcement powers against an individual.⁵⁷ Prosecutorial discretion influences decisions about which violations and populations to target; which individuals to question and arrest; whether to detain, set a bond, monitor with an ankle bracelet or release a noncitizen; whether to initiate deportation; and whether to administratively close or terminate a case.⁵⁸ During his tenure, President Barack

Obama took two approaches to using discretion, with the concept of the “criminal alien” central to both. First, he created deportation priorities, purportedly focusing enforcement on immigrants with criminal offenses and those who pose a threat to safety. Second, he established a category of individuals who would be temporarily allowed to stay through Deferred Action for Childhood Arrivals (DACA), a program for high

achieving young people who came to the U.S. before age sixteen; however, **the DACA program expressly excluded young people with a significant misdemeanor, three misdemeanors, a felony, or those who pose a safety or security risk. Young people who applied and were approved for DACA received “deferred action,” a category of prosecutorial discretion that may allow grantees to work legally and be temporarily protected from deportation.**⁶¹ When discussing his immigration priorities, President

Obama famously stated he would focus deportation forces on [f]elons, not families. Criminals, not children. Gang members, not a mom who’s working hard to provide for her kids.” President Obama made street gangs a top priority group for deportation,⁶⁴ and the immigration agency began to track the deportation of those with gang convictions in 2015. **The Trump administration’s immigration executive orders and policies are similarly preoccupied with deepening the crimmigration regime.**



1AC (3/10)

regarding crimes committed by immigrants.⁷¹ Breathtaking in scope, the executive orders not only propose further criminalization of immigrants but also attempt to punish pro-immigration people and cities.⁷³ Many have written about how Trump's deportation "priorities" ultimately became universal enforcement because criminal aliens are broadly defined to include anyone who entered the United States without permission, and anyone who has overstayed a visa may be viewed as a potential threat to public safety and national security.⁷⁴ Furthermore, the Trump administration has made news with detention of DACA grantees because of the administration's expanding definition of criminality,⁷⁵ including allegations of gang association.⁷⁶ Meanwhile, legislators have begun working on a set of immigration bills to "turn millions of Americans into criminals overnight.



1AC (4/10)

Contention 2 is the School to Deportation Pipeline.

3. The overlap between the criminal justice system with deportation efforts in status quo immigration policy serves to maintain the school to deportation pipeline allowing even the most minor infractions to become justification for detention and deportation.

Verma et al 17 SaunJuhi Verma, Duke Austin & Patricia Maloney, The School to Deportation Pipeline: The Perspectives of Immigrant Students and Their Teachers on Profiling and Surveillance Within the School System

The school to deportation pipeline is an artifact of the reformulation of contemporary immigration enforcement policies and practices. The post-9/11 consolidation of national security and immigration agencies into the Department of Homeland Security was accompanied by linkages to state and municipal-level policing. **The intertwining of the local criminal justice system with national deportation efforts represents a significant shift in the enforcement of immigration policies. In the past, enforcement of immigration policy was primarily under the jurisdiction of the federal government,** with minimal involvement of local police authorities. **Now, however, violations of municipal or state laws can warrant the initiation of deportation procedures.** For instance, California's Three Strike Rule (which has since been curtailed) put into effect deportation practices for noncitizens who were found guilty of violating three separate municipal and state laws. **In addition to criminal violations, these laws included civil and nonviolent offenses such as parking infractions, public intoxication, jaywalking, littering, or loitering** (Zimring, Hawkins, and Kamin 2001). Linking **the enforcement of national immigration policy with civil and criminal law violations allows authorities to determine the defendant's guilt as well as his or her right to remain in the country.** City and state police do not have the authority to ascertain rights to residence; immigration officials must assess the documentation of suspected noncitizens. **The coupling of the criminal justice system with national immigration enforcement has led to a substantial growth in immigration detention centers** (Welch 2002; Romero 2003; Harris 2006; M. Coleman and Kocher 2011; Golash-Boza 2016). These facilities **include both government-run and private prisons in which noncitizens suspected of lacking documentation are held for the duration of their trials. The broader immigration enforcement infrastructure serves as the confining framework by which school safety and security policies initiate deportation procedures for immigrant students of color.** In our study, **a significant number of immigrant students were in the midst of deportation hearings, which included families seeking political asylum or amnesty from undocumented status. Some students had filed for the Deferred Action for Childhood Arrivals (DACA) program.** This initiative allows children 16 years of age or younger **to receive a renewable exemption from deportation. All immigration enforcement hearings involve assessment of school enrollment and attendance, police record, or history of violent offences as criteria for determining documentation status.** Therefore, **remaining in school and out of the criminal justice system has a significant impact on many immigrant students' ability to remain in the United States.**



1AC (5/10)

4. Gang Allegations Uniquely effect immigrant children of color the characterization of kids as “super predators” is constructed through a racial lens that paints Black and Latinx youth as violent criminals and justifies a larger school to deportation pipeline devaluing those children.

Hlass 18 [Laila Hlass is a Professor of Practice, at Tulane University Law School. March 15, 2018, “The School to Deportation Pipeline” Georgia State Law Review , online: <https://ssrn.com/abstract=3132754>]

Immigrant children of color are not only subject to mythologizing as potential criminal aliens due to their race and immigration status, but they also confront another layer of oppression because of their age. Pathologizing of normal youth behavior has been widely documented in the criminal and juvenile context, with less written in the immigrant youth context. In his infamous and widely debunked article The Coming of the Super-Predators, John J. Dilulio Jr. attempted to strip youth of color of their childhood by imagining young, “morally impoverished” African-American boys as “natural” dangers, innately violent and deviant.¹⁷⁵ In this same article, Dilulio also refers to an emerging danger of “youth street gangs,” claiming there are 200 Latinx gangs in Los Angeles.¹⁷⁶ As Mary Romero writes, “[c]haracterization of this population as superpredators is socially constructed through a racial lens—the lens that reflects the images of White middle class youth as ‘our’ children and Latino adolescent males as violent, inherently dangerous[,] and endangering.” During the 1990s, much attention and policy-making were focused on this fabricated super predator youth, with President Clinton claiming, “[W]e cantake the streets back of our country from juvenile violence and crime, from murder, from lost lives Our anti-gang and youth violence strategy essentially rests on . . . targeting violent gangs and juveniles with more prosecutors and tougher laws. **Many continue to strip immigrant children of color of their youth and provide justification for not protecting them. According to one Border Patrol officer at the Texas–Mexico border, “these are not our children.”** Similarly, Proposition 187 drafter Barbara Coe purported: You get illegal alien children, Third World children, out of our schools, and you will reduce the violence. That is a fact You’ re not dealing with a lot of shiny face, little kiddies You’ re dealing with Third World cultures who come in, they shoot, they beat, they stab[,] and they spread their drugs around in our school system. And we’re paying them to do it. **Violence and gang imagery is particularly prescient to American construction of black and Latinx youth identity.** As Mary Romero documents, **the “most widely distributed representation of Latinx youth today is as a gang member.”**¹⁸¹ **This stereotype follows youth of color in every setting they inhabit, from schools to neighborhoods to the immigration system, making them more vulnerable to being pathologized.** After conducting **a recent multicity, qualitative study of secondary-level recent immigrant students and their teachers,** scholars Saunjuhi Verma, Duke Austin, and Patricia Maloney **concluded that “state and school policing practices are integral for forming and reproducing processes of racialization for immigrant students of color and that such practices are key mechanisms in immigrant students entering the school to deportation pipeline in U.S. schools.”**



1AC (6/10) IMPACT:

5. Deportation efforts spin out of control – causes widespread conflict and genocide

Allen 16 (Danielle Allen and Richard Ashby Wilson, “Mass deportation isn’t just impractical. It’s very, very dangerous,” 9-23-16, https://www.washingtonpost.com/opinions/mass-deportation-isnt-just-impractical-its-very-very-dangerous/2016/09/23/c6d3b4ee-7b7711e6-ac8e-cf8e0dd91dc7_story.html?utm_term=.e4deabe64545)

We’ve hit the home stretch of the election. The time has come to get serious, really serious, about understanding what’s at stake with Donald Trump’s proposal to deport 5 million to 11 million undocumented immigrants and his promise that 2 million will be deported in “a matter of months” if he is elected. In May, former homeland security secretary Michael Chertoff told the New York Times: “I can’t even begin to picture how we would deport 11 million people in a few years where we don’t have a police state, where the police can’t break down your door at will and take you away without a warrant.” He also said, “Unless you suspend the Constitution and instruct the police to behave as if we live in North Korea, it ain’t happening.” Trump’s specific policy involves adding 5,000 Border Patrol agents, tripling the number of Immigration and Customs Enforcement deportation agents, creating a special deportation force that he has described as a military unit and deporting not merely people who have been convicted of crimes but also immigrants on visa overstays and undocumented immigrants who have been arrested, even if not convicted. He has proposed expedited procedures that would, to ensure speed, presumably require setting aside the due process protections meant to safeguard rights and minimize error. One of the last times the world saw such a major effort at mass deportations in a developed country was in the 1990s in the former Yugoslavia. That experience is instructive. In 1989, after the fall of the Berlin Wall and four decades of peaceful ethnic and religious relations in Yugoslavia, post-communist politicians of all three communities in Bosnia and Herzegovina (Croat, Muslim and Serb) came to power on a surge of ethno-nationalist rhetoric. Starting in 1992, they promulgated official policies such as the “Six Strategic Objectives for the Bosnian Serb People” that included the forcible removal of other groups from towns and villages, using new “crisis staffs” made up of police and civilian paramilitaries. The process spun out of control and, in many communities, neighbors turned against neighbors, driving them out of their homes and seizing their assets. It started with a small number of activists, fewer than a few thousand people who were extreme nationalists and members of fringe parties. But as the propaganda and fear spread, the wider citizenry participated in the campaign of persecution. With the cover of official policy, civilians took it upon themselves to hasten the expulsion of members of other ethnic or religious groups. The fratricidal conflict claimed 100,000 lives. The majority of fatalities were civilians murdered in the context of mass deportations. The Bosnian deportations grew into a systematic policy termed “ethnic cleansing.” The U.N. Security Council declared forcible removal based on ethnicity a crime against humanity in 1994. And eventually there was also accountability for political leaders who enacted deportation policies and incited their followers to hatred and violence. In March 2016, the International Criminal Tribunal for the Former Yugoslavia found former Bosnian Serb president Radovan Karadzic guilty of genocide, war crimes and crimes against humanity. The tribunal ruled that his speeches and official propaganda made a significant contribution to an overarching joint criminal enterprise to create an ethnically homogenous state of Bosnian Serbs. The United States, of course, has its own history of mass deportations. There is the 19th-century Trail of Tears, when the U.S. government forcibly relocated members of Southeastern Native American tribes to land west of the Mississippi River. And in the 1930s and 1940s, under the pressure of the Great Depression, about 2 million Mexicans and Mexican Americans were deported; many lost their property. This was also the backdrop to the famous Zoot Suit Riots in Los Angeles in 1943, when U.S. sailors and Marines attacked Latino youths.



1AC (7/10)

IMPACT: Violence Spillover

Allen 16 (Danielle Allen and Richard Ashby Wilson, “Mass deportation isn’t just impractical. It’s very, very dangerous,” 9-23-16, https://www.washingtonpost.com/opinions/mass-deportation-isnt-just-impractical-its-very-very-dangerous/2016/09/23/c6d3b4ee-7b7711e6-ac8e-cf8e0dd91dc7_story.html?utm_term=.e4deabe64545)

The violence spread to San Diego and Oakland, and developed into broader racial violence that summer in Chicago, Philadelphia, Detroit, New York and Evansville, Ind. In the 1950s, the deportation of millions was attempted again with Operation Wetback; again people lost their property. Some died in the desert heat of Mexicali. The notion that governments have learned how to conduct mass deportations in “humane and efficient” ways is ludicrous. The ^{summary} removal of millions of ^{members of} a minority ^{ethnic or religious} group ^{from a territory} has been accompanied, in nearly every historical instance, by assault, murder, crimes against humanity and, occasionally, genocide. It has involved armed roadblocks to check papers, the smashing down of doors in the night to drag people out of their homes. It has also involved unrestrained popular violence against a target population. We might like to think that we’re above all that sort of thing, that with the right kind of training a special deportation force and beefed-up ICE units would carry out an orderly removal. But we ^{do} have in our midst the elements that ^{have historically} made mass deportations so dangerous: heated rhetoric ^{that slurs whole minority groups (“they’re not sending their best . . . they’re rapists”);} an activist minority of white nationalists; an armed minority of militiamen; and the ongoing militarization of our police forces.



**School to Deportation Pipeline
Pack 2018-19**



BAUDL Novice

1AC (8/10)

6. Plan: The USFG should exclude Gang Allegations in considering eligibility for deportation and admissibility for lawful permanent residence, asylum, or other discretionary relief programs and provide legal representation for youth in immigration court proceedings.



1AC (9/10) Contention

3 is Solvency.

Excluding Gang Allegations Solves—Courts have the discretion to exclude evidence that is untrustworthy and violates due process concerns. Gang Allegations are prejudicial and often unreliable due to lack of oversight, are subjective and have a disparate racial impact violating the fundamental fairness test.

Hlass 18 [Laila Hlass is a Professor of Practice, at Tulane University Law School. March 15, 2018, “The School to Deportation Pipeline” Georgia State Law Review,online: <https://ssrn.com/abstract=3132754>]

Gang allegations have no place in immigration proceedings because their disproportionate racial effects are compounded at every stage of identification, allegation, and adjudication.

Because of these layers of racial bias and the unreliability of gang allegation evidence, **the use of gang allegations in immigration proceedings raises questions of fundamental fairness.** Generally, evidence in immigration proceedings must be probative and fundamentally fair.³²⁹ The strict rules of evidence do not apply. **Immigration judges have broad authority to accept almost any evidence in the record as long as it is relevant to an issue in the case and consistent with a fair hearing.** ³³¹ Despite this expansive standard, documents and statements must be examined for indicators of reliability.³³² **Evidence lacking trustworthiness may raise due process concerns and violate the fundamental fairness test.** ³³³ Judges use a fact-intensive, case-by-case inquiry to determine reliability and admissibility; using this approach, immigration judges often admit evidence, over questions of reliability, although perhaps affording it less weight.³³⁴ However, **some immigration courts have found certain types of evidence should be excluded, such as unreliable internet sources, evidence obtained as a result of certain due process violations, and affidavits from persons not available for cross-examination** when no reasonable efforts were made to secure their presence.³³⁷ Although regulations make clear evidence that reasonably indicates the existence of a criminal conviction is admissible,³³⁸ some courts have excluded police or arrest reports where the officer or other corroborating evidence is not available.³³⁹ **Gang allegations and related evidence implicate critical issues of admissibility because the accusations are highly prejudicial and may be uncorroborated or based on an untrustworthy source.** For example, **gang allegation evidence may include social media photographs, without foundation for how the photographs were obtained or what actually can be divined from them. Other times,** the evidence may simply **be an ICE police report referencing gang allegations generated by a gang database or other unknown source. Because there is little oversight for gang databases and no consistent or clear boundaries defining gang membership or association, this evidence is inherently unreliable.** In fact, **many law enforcement offices,** including ICE, may **make a determination of gang affiliation based solely on one source or on subjective, racially charged criteria, such as where the individual lives, with whom the individual associates, and what clothing the individual wears. Due to these reliability issues as well as the disproportionate racial impact, gang allegations should be excluded from immigration proceedings.**



1AC (10/10)

8. Access to Legal Representation is the most critical safeguard against deportation for youth in Gang Allegation Cases- Representation significantly increase defense against deportation — gives youth the tools to engage the complexity of immigration courts.

Hlass 18 [Laila Hlass is a Professor of Practice, at Tulane University Law School. March 15, 2018, "The School to Deportation Pipeline" Georgia State Law Review , online: <https://ssrn.com/abstract=3132754>]

Perhaps **the most critical safeguard for children is access to representation in immigration proceedings.**³⁸⁶ There is no statutory right to appointed counsel in immigration proceedings.³⁸⁷ Most **children in deportation proceedings do not have attorneys,** ³⁸⁸ **and most unrepresented children—about 80%—are deported.** ³⁸⁹ However, **a vast majority of represented children are allowed to stay in the United States.** ³⁹⁰ This disparity in outcomes for represented and pro se children is in keeping with findings regarding national trends for immigration representation.³⁹¹ According to Ingrid Eagly and Steven Shafer's leading study on access to **counsel in immigration court, immigrants in removal proceedings with attorneys were 15 times more likely to pursue a defense to deportation as compared to those without and 5.5 times more likely to obtain relief from removal.**³⁹² Likewise, findings specific to asylum adjudications have found **represented asylum seekers 3 times more likely to win their cases than their unrepresented counterparts.**³⁹³ As I have written before, **unrepresented children are simply unable to navigate the labyrinth of courts and agencies required to succeed in immigration adjudications.**³⁹⁴ **Representation may be particularly significant in gang allegation cases** for a few reasons. First, **the youth may need to file public records requests to obtain copies of the purported evidence against him or her.** ³⁹⁵ Secondly, **due to the novelty of these claims, immigration judges may not be aware of the significant documentation regarding the unreliability and racially disproportionate results of gang identification protocols and database procedures.** Therefore, filing extensive reports with this background information, as well as using an expert witness regarding gang identification, may be necessary. Lastly, **once a judge substantiates a gang allegation, the youth will likely need to provide substantial evidence of positive discretionary factors and rehabilitation.**



Private Prisons Add-On AFF

CAR Prisons are on the rise now. Reducing the amount of immigrants detained will lead to a decrease in Privatized Prisons.

Meyersohn 17 [Nathaniel, Writer, CNN, May 19, 2017, "Justice Department seeks increase in private prison beds, <https://www.cnn.com/2017/05/19/politics/private-prisons/index.html>]

The Obama administration planned to reduce the number of non-US offenders housed in federal private prisons. President Donald Trump's administration is seeking to undo

those cuts -- and could add more than 1,500 on top. The potential increases are laid out by the US Bureau of Prisons in a notice for beds in **Criminal Alien Requirement (CAR) facilities, privately-managed prisons primarily for non-US citizens convicted of low-level drug and immigration offenses.** The

notice of bids from the Bureau of Prisons was posted on April 21 and signals an increase of 1,607 beds to the system. That could bring the total population in private prisons to 22,894. The Obama administration's prior goal: Eliminate 7,200 beds by May 1. That would have brought the inmate population in private prisons to under 14,200. There are 11 CAR prisons across the country run by three companies: GEO Group, CoreCivic, and Management & Training Corp. These prisons hold 21,287 inmates, 96% of whom are non-US citizens, according

to a Bureau of Prisons spokesman. **More than half of all non-US citizens in bureau custody are held**

at CAR facilities, while non-citizens deemed higher security risks are held at one of 122 other federal prisons. CAR prisons only hold a segment of the country's private prison population. **There were more than 90,000 inmates in private**

state facilities in 2015 and other federal agencies, including the Department of Homeland Security and the US Marshals

Service, also use private prisons. Last August, **former Deputy Attorney General Sally Yates announced** a plan to wind down the bureau's reliance on private prisons after an inspector general report found that they posed higher security risks than public prisons. **"Private prisons served an important role during a difficult period, but time**

has shown that they compare poorly to our own [bureau] facilities," Yates wrote in a memo. **"They simply do not provide the same level of correctional services, programs, and resources; they do not save substantially on costs; and as noted in a recent report by the Department's Office of Inspector General, they do not maintain the same level of safety and security."** Shortly after taking office, Trump's Attorney General Jeff Sessions **rescinded Yates' directive.**



Private prisons are a business. In order to make more money, they target immigrants, don't report prisoner abuse, prevent lawyers from accessing facilities. They must be checked and reduced.

Eisen 17 [Lauren, Senior Counsel in the Brennan Center's Justice Program at the Brennan Center for Justice at NYU School of Law, Time.com, "Private Prisons Lock up Thousands. They Need More Oversight"]

America's for-profit prison industry controls 126,000 Americans' lives. It's a \$5 billion sector — one that encompasses the operation of 65% of the nation's immigration

detention beds. And at the same time, it is largely opaque, often unaccountable to the public or the government. Donald

Trump's presidency has quickly been a boon to its business. Within months of taking office, Trump

ramped up the private sector's role in building more immigrant detention centers. In a one-paragraph memo, Attorney General **Jeff**

Sessions reversed the Obama Administration's policy to reduce the use of private

prisons at the federal level. And just a few weeks ago, both the Administration and Immigration and Customs Enforcement

(ICE) started a preliminary bidding process for contractors who have immigrant

detention capacity in South Texas, Chicago, Detroit, St. Paul and Salt Lake City. The

private sector profiteering from punishment raises moral questions about the very

existence of these centers. But the political reality is that private prisons aren't going away any time soon. If that's the case,

then how can we reform them to improve life now for the thousands of prisoners behind their bars? While there are abuses in public correctional facilities as well, a public prison has very little reason to hide its wrongdoings — no matter how horrible the scandal — because

they very rarely lose a contract. The opposite is true for private prisons. **In 2010, an Associated Press video**

revealed that prison guards at Idaho's largest prison, an Idaho State Correctional Institution operated by

CoreCivic, **allegedly failed to halt an attack on a prisoner whose head was stomped several**

times, leaving him permanently disabled. CoreCivic — one of the two largest private prison firms in the nation —

lost its contract, and the state of Idaho **took control** of the prison after a decade and a half of private operation. Even attorneys can

struggle to gain access. **In** the summer of **2015**, for instance, **two lawyers who represented clients at the**

immigrant detention centers in Texas — one operated by CoreCivic and one operated by GEO Group, the two largest

private prison corporations — **said they were barred from the facilities after they pointed out that**

officials forced detainees who they represented to sign documents without legal

counsel. Without this access, it is impossible to know what other injustices are being

done in these detention centers.



Private prisons are bad: they profit from mass incarceration, are not checked by federal government, little evidence they save money compared to federal prisons.

ACLU 2017 [ACLU, retrieved July 17, 2018. "Private Prisons",
<https://www.aclu.org/issues/smartjustice/mass-incarceration/private-prisons>]

While the nation's unprecedented rate of imprisonment deprives individuals of freedom, wrests loved ones from their families, and drains the resources of governments, communities, and taxpayers, the private prison industry reaps lucrative rewards. **As the public good suffers from mass incarceration, private prison companies obtain more and more government dollars, and private prison executives at the leading companies rake in enormous compensation packages. Private prison companies essentially admit that their business model depends on locking up more and more people. The American economy should not include locking people in cages for profit.**

According to the Bureau of Justice Statistics, for-profit companies were responsible for approximately 7 percent of state prisoners and 18 percent of federal prisoners in 2015 (the most recent numbers currently available). U.S. Immigration and Customs Enforcement reported that in 2016, private prisons held nearly three-quarters of federal immigration detainees. **Private prisons also hold an unknown percentage of people held in local jails in Texas, Louisiana, and a handful of other states. While supporters of private prisons tout the idea that governments can save money through privatization, the evidence is mixed at best—in fact, private prisons may in some instances cost more than governmental ones. These private prisons have also been linked to numerous cases of violence and atrocious conditions.**



1NC Case Debate Immigration Turn (1/2)

1. Immigration without regulation creates economic imbalance.

Thomas B. Edsall. September 29, 2016. "What Does Immigration Actually Cost Us?". New York Times. www.nytimes.com/2016/09/29/opinion/campaign-stops/what-does-immigration-actually-cost-us.html

Steven Camarota, director of research at the center, said that the report demonstrated that immigration lowers the wages of American workers, to the benefit of immigrants themselves and of corporations:

Immigration is primarily a redistributive policy, transferring income from workers to owners of capital and from taxpayers to low-income immigrant families.

These opposing views demonstrate the complexity of the core findings in the academy's report, which is multifaceted enough to allow for competing interpretations. The report suggests that immigration is not a clear-cut issue in which one side is right and the other wrong, but that there are both costs and benefits.

The frequent harshness of these trade-offs in real life is masked by the academic language of the report, which points out that native-born workers who are substitutes for immigrants "will experience negative wage effects" — in other words, lower wages.



1NC Case Debate Immigration Turn (2/2)

the hotel industry as well, with immigrant workers displacing native black workers en masse.¹³ In Los Angeles, unionized black janitors had been earning \$12 an hour, with benefits. . . . But with the advent of subcontractors who compose roaming crews of Mexican and El Salvadoran laborers, the pay dropped to the then minimum wage of \$3.35 an hour.

Within two years, the unionized crews had all been displaced by the foreign ones, and without any other skills, most of the native workforce did not find new work.¹⁴ Many politicians and some citizens do not concern themselves with such displacement since it affects primarily low-skilled Americans, who tend to lack political clout. As a result, immigration has been responsible for 40 to 50 percent of the wage depression for workers without a high school degree in recent decades.¹⁵



1NC Case Debate No Solvency (1/2)

No Solvency: Under Trump’s new executive order ICE is granted seemingly bottomless funding—with little oversight of how the agency uses it. Without checking ICE, the AFF is unable to change ICE’s ways without restraint – increasing detentions, deportations, and due process violations.

Vasquez 18 [Tina Vasquez is the immigration reporter at Rewire.News, a journalism nonprofit that specializes in reporting on reproductive rights and social justice issues. Formerly, she was an associate editor at Black Girl Dangerous and has contributed to The Guardian, Jezebel, Bitch Magazine, and Al Jazeera. (May 2018) Follow Tina Vasquez on Twitter: @TheTinaVasquez May 02, 2018, “**The New ICE Age: An Agency Unleashed**” NYR Daily , online: <http://www.nybooks.com/daily/2018/05/02/the-new-ice-age-an-agency-unleashed/>]

As the American Immigration Council explains, “the enforcement of US immigration laws has historically been guided by policies that emphasize prioritization”: **an undocumented immigrant who committed a violent crime or an immigrant believed to be a threat to national security was prioritized for enforcement and, eventually, deportation. Trump’s executive orders**—starting on the fifth day of his presidency with 13767, which called for the construction of a wall on the Mexican border and the swift repatriation of those living in the United States without authorization—**have done away with this system, making** enforcement priorities a thing of the past. Now **every undocumented immigrant is deportable. After Trump signed that first order, the labor unions for ICE** and Border Patrol, representing some 25,600 agents and staff at the two agencies, released a joint statement: **“Morale amongst our agents and officers has increased exponentially** since the signing of the orders.” After multiple requests for an interview, I finally received in response to my questions an email statement from **ICE’s acting director, Thomas Homan**. He told me that he, too, **attributed the agency’s boost in morale to Trump’s executive orders**: “Having the complete support of the president of the United States goes a long way.” **Despite this support,** on April 30, some two weeks after I received his email, **Homan announced his intention to stand down from his leadership position**—for reasons that, though as yet unstated, are fully apparent. Despite his embrace of Trump’s tough new enforcement regime, Homan never enjoyed the backing of ICE’s field officers. You could even say that ICE iced Homan. Because, newly empowered, ICE is newly emboldened. Despite the many failings of **Trump’s** White House, the **administration has delivered on one of the president’s primary goals: mass deportations. Trump is giving ICE the tools, financial resources, and presidential backing to go after immigrant communities as never before.** The agency still claims to focus primarily on those with criminal records, which, often, can mean nothing more than an old DUI conviction—and raids have been based on that. Yet the fastest-growing category of arrests under Trump are of people with no criminal charges. **Last year, the agency arrested more than 28,000 “non-criminal immigration violators.” “Under the executive orders, ICE no longer exempts any class, or group, of aliens from possible enforcement action,”** Homan told me. **“Anyone in the country illegally may be subject to arrest and removal.”** In the first year of the Trump administration, the number of ICE arrests was the highest they had been in three years. According to Homan, “Contrary to misreporting, ICE does not conduct indiscriminate raids or sweeps. Our operations are targeted and based on intelligence-driven leads.” But many of those 28,000 were “collateral arrests,” as ICE calls them, of undocumented immigrants who found themselves in the wrong place at the wrong time by encountering ICE agents during an enforcement operation. The raid may have had a specific target, but from the point of view of a collateral arrestee, it was, of course, indiscriminate. “They can’t acquire the resources to expel every undocumented immigrant in the US, but for ICE and the Trump administration, that appears to be the goal,” said a former senior Department of Homeland Security (DHS) official, who spoke to me on condition of anonymity. And behind ICE’s empowerment is seemingly bottomless funding—with little oversight of how the agency uses it. **In May 2017,** for example, **Congress passed**



1NC Case Debate No Solvency (2/2)

No Solvency – DHS requests to increase funding for ICE, which leads to increase potential for human rights violations

Vasquez 18 [Tina Vasquez is the immigration reporter at Rewire.News, a journalism nonprofit that specializes in reporting on reproductive rights and social justice issues. Formerly, she was an associate editor at Black Girl Dangerous and has contributed to The Guardian, Jezebel, Bitch Magazine, and Al Jazeera. (May 2018) Follow Tina Vasquez on Twitter: @TheTinaVasquez May 02, 2018, “**The New ICE Age: An Agency Unleashed**” NYR Daily , online: <http://www.nybooks.com/daily/2018/05/02/the-new-ice-age-an-agency-unleashed/>]

a supplemental appropriations bill providing ICE with \$2.6 billion to increase its

detention capacity. A bipartisan report accompanying the bill criticized ICE for its “lack of fiscal discipline and cavalier management of funding for detention operations,” but the appropriation went through regardless. Congress did issue a warning to ICE that the agency was not “funded by an indefinite appropriation,” and it must “manage-to-budget and [not] operate under the false perception that Congress will provide a bail out if financial controls fail or are simply ignored.” But less than three months later, ICE returned to Congress to request an additional \$91 million for detention beds. The request was granted. According to Mary Small, policy director of Detention Watch Network, an immigrant rights organization that has reported extensively on the abuses of ICE and at detention centers, this is a pattern: Congress keeps giving ICE exorbitant amounts of money based on “misrepresentations of so-called operational needs,” despite periodic

public chidings for the agency’s “chronic fiscal mismanagement.” **For the fiscal year 2018, DHS requested an overall increase in funding for ICE of about 30 percent. This included an additional \$1.2 billion for detention operations, and an extra \$186 million to create 1,600 new jobs at the agency. The justification for these requests is based only on estimated or projected needs to accommodate greater numbers of detainees. But** as Small points out, **The actual language of the executive order actually doesn’t direct ICE to detain more people**... it’s not appropriate for ICE to go beyond the bounds of what they’ve actually been given the funds to do by Congress.” Her point is echoed by the former senior DHS official:

“Congress loves to throw money at ICE, and the funds don’t get used properly, but it keeps happening. The funds are misused because there’s too much of them and what’s purchased isn’t really needed or used.” **With these funds comes more power, more ICE agents, and more potential for abuse and violation of immigrants’ due process rights. “People** are so fearful right now,” said the official, who worked for DHS during the Obama administration. **They have more reason to fear ICE now than during the last three years of the Obama administration. If you know your history and remember what that was like for undocumented communities, you know that’s saying a lot.”**



1NC: National Security DA Neg

Gang membership and gang-related violence is on the rise, even while overall crime rates drop. Removing gang allegations as part of citizenship eligibility puts everyone in the US at risk.

Axelrod 15 [Tal, Contributor, US News, "Gang Violence is on the Rise, Even as Overall Violence declines", March 16, 2015,

<https://www.usnews.com/news/articles/2015/03/06/gangviolence-is-on-the-rise-even-as-overall-violence-declines>]

The number of gangs in the U.S. is on the rise across the country, as is gang-related violence, with no sign that it will let up anytime soon, according to a leading expert.

"We don't see a drop in the key gang magnitude indicators," James Howell of **the National Gang Center** said. **"In the past five years we've seen an 8 percent increase in number of gangs, an 11 percent increase in members and a 23 percent increase in gang-related homicides."** Howell, a senior

research associate at the center, said this is a significant contrast to the overall decline of violence nationwide. He believes **the increase in gang violence may be symptomatic of larger gangs breaking up into warring factions. This violence is especially seen in large cities.**

"A serious threat when you're talking about homicides and the proportion, overall gangs are responsible for 16 percent of all homicides, but 25 percent in cities with a population of over 100,000," Howell said. "About 85 percent of serious gang activity is concentrated in metropolitan areas in the United States." The entrenchment of gangs in larger areas is a trend that stretches back roughly 150 years, when European immigrants began overwhelming big cities in the search for jobs. This resulted in a "social disorganization" that plagues some cities to this day. "You have rapid population movements, you have rapid or sharp increase in poverty, and with that the breakdown of the family unit and decreased social control over all," Howell said. "So it's the turning of those large urban areas with groups moving in and out and those demographic changes can create a situation of social disorganization." Howell said **these conditions frequently lead**

second-generation immigrants to enter gangs, seeking a support system for a

fragile family structure. Washington, D.C., a city of approximately 650,000 people, represents a microcosm of the national gang situation.

"Neighborhood-based street gangs or street crews in Washington, D.C. are involved in criminal activity ranging from narcotics trafficking to

street robberies," said Michael McGarrity, assistant special agent in charge of the Washington Field Office of the FBI. **"They are known to use violence and intimidation to ensure respect, protect their crew and support illegal activity.**

While the district deals with multiple neighborhood-based street crews that could span just three blocks, surrounding suburbs are homes to chapters of national gangs, such as Bloods and MS-13. In the Virginia suburbs, "every town, every city, every county is at risk," said Robert Vilchez, Arlington County Regional Gang Task Force coordinator. "Nobody is immune from this gang problem."



1NC: T Violation (definitions)

“Gang affiliation” is already a very loose legal term and allows for many crimes to go unpunished. Removing this criteria altogether poses serious risks from both new immigrants and people currently in the US.

SCLG [SHouse California Law Group, “California’s Gang Sentencing Enhancement Law Penal Code, explained by California Criminal Defense Lawyers”, <https://www.shouselaw.com/street-gang.html>]

Here are some examples of situations in which the California street gang

sentencing enhancement law might apply: Charles is a member of a street gang that engages in drug trafficking. He is arrested and charged with possession of a controlled substance for sale. And he is also charged with Penal Code 186.22(a)

PC -- the California crime of participation in a gang -- which increases his total potential sentence. **Nicole is not a gang member, but her boyfriend Raul is. One day she helps Raul threaten someone who owes money to the gang -- thus committing the California crime of extortion.**

Because she acted for the benefit of a gang -- even though she is not a gang member -- Nicole may face an additional sentence of up to ten (10) years on top

of her sentence for committing extortion.⁴ **But just because the prosecution**

charges you with a street gang sentencing enhancement doesn't mean it will stick. A good California criminal defense attorney knows this and may be able to

help make sure that it doesn't. Potentially helpful legal defenses against a Penal Code 186.22 PC

charge **include: You didn't commit the underlying felony; You are not an "active**

participant" in a gang; You weren't acting for the benefit of a gang; The prosecutor is seeking to apply the gang sentencing enhancement in an illegal way; and/or imposing the gang sentencing enhancement would go against "the interests of justice."



2AC Case Summary/Overview (1/3)

This is where you explain your Affirmative Case! Use the 1AC to fill in the missing pieces with your own words so that the AFF is easy for you to argue and understand!

First: Extend our Inherency Deportations are up and Gang Allegations are on the rise as our (#1) _____ Evidence says:

And these allegations are part of a larger move to criminalize all immigrants our (#2) _____ Evidence says:



2AC Case Summary/Overview (2/3)

Next, Extend our School to Deportation pipeline contention- The overlap between the criminal justice system with deportation efforts in current immigration policy serves to maintain the school to deportation pipeline Our (#3) _____ Evidence argues:

And This Uniquely Effects Children of Color Our (#4) Evidence isolates:

The Impact or Harm to not doing the plan is _____ Our Evidence says (#5):



2AC Case Summary/Overview (3/3)

Our Plan, for the United States Federal Government to exclude Gang Allegations in considering eligibility for deportation and admissibility for lawful permanent residence, asylum, or other discretionary relief programs and provide legal representation for youth in immigration court proceedings solves the impact.

Our Last _____ Pieces of _____ Evidence (#6 & #7) says



2AC Answer to: Case Debate Immigration Turn (1/2)

There's no evidence to suggest that immigration is directly responsible for declining wages. A significant body of research concludes immigration causes no negative wage impact.

Ferris 18 (Susan Ferris & the Center for Public Integrity a prize-winning Latin America correspondent for Cox Newspapers, her reports included stories on child labor, child migration and transnational gangs. She also covered California state government, politics and immigration at the Sacramento Bee. 'No One Knows How Immigration Affects Wages and Jobs. Especially Donald Trump.' 4/30/2018 <https://www.motherjones.com/politics/2018/04/no-one-knows-how-immigration-affects-wages-and-jobs-especially-donald-trump/>)

In April of 2015, **the nonpartisan Congressional Research Service responded to a confidential request from the U.S. Senate Judiciary Committee. The memo** was short, but it **ignited a fiery outcry about the perceived threat of immigration from Jeff Sessions,** then a Republican senator from Alabama. **Sessions seized on charts in the CRS memo featuring a six-decade timeline estimating average incomes—mostly flat after 1970—and another showing a rise in the foreign-born population.** Exhorting GOP presidential candidates to take these “forbidden facts” seriously, **Sessions called on Republicans to fight to slash immigration—legal or illegal. “It is not caring, but callous, to bring in so many workers that there are not enough jobs for them or those already living here,” Sessions,** a Judiciary Committee member, **co-wrote in a column published by Roll Call, a congressionally focused news outlet. Far-right media also sprang into action.** The *Breitbart* website, led by future Trump aide Stephen K. Bannon, **blasted out posts about the memo,** along with *TheBlaze* and the *Washington Examiner*. Mark Levin, who hosts the nation’s fourth-most-consumed talk-radio show, read from a *Daily Caller* story. **“Wages and share of income for the bottom 90 percent of American wage earners declined over the last 40 years, as the foreign-born population increased dramatically,”** Levin read with disgust. “Ask the phony economists who play around with the numbers, who try to persuade you that this is a good thing for the economy. These are *facts*. These are *statistics*.” **Only they weren’t facts. They were estimates. And they didn’t add up to Levin’s or others’ hyperbolic assumptions.** What **Sessions and eager media failed to disclose was that CRS researchers took pains to warn against drawing any conclusions from those two lines of data.** “It bears noting,” **the researchers cautioned, “that a causal relationship between two variables...cannot be determined through a simple graphic representation.”** But for Sessions, that caveat didn’t seem to matter. The timelines were a simple, powerful tool to support his view that immigration had been suppressing Americans’ wages for decades. For others, though, Sessions’ use of the memo betrayed a penchant for casting immigration in the most negative light possible—even though the preponderance of economists who research this subject don’t agree with his claims. **“When measured over a period of more than 10 years, the impact of immigration on the wages of natives overall is very small,”** said a 2016 report by the **National Academy of Sciences. “To the extent that negative wage effects are found,”** the report explains, **“prior immigrants...are most likely to experience**



2AC Answer to: Case Debate Immigration Turn (2/2)

them, followed by native-born high school dropouts.” The survey also notes that a significant body of research has found that immigration causes no negative wage impact, even among lesser-skilled natives—with some research also finding wage gains. “There’s a very big ‘if,’ if it [immigration]

does in fact lower wages,” said Francine Blau, a Cornell University economist chaired the National Academy of Sciences’ 14-person panel. The debate is not just intellectual. Today, Sessions is the attorney general of the United States, and his boss Donald Trump is president, and they’re both crusading to dramatically slash immigration based in part on the jobs and wages argument. Sessions’ spin shows how years of strategic dissemination of cherry-picked and misleading information has helped set the tone for a polarizing, bruising battle over immigration that is splitting the country. And it illuminates how the work of a small group of researchers can become the fulcrum around which policy changes are developed.



2AC AT: National Security

“Gang affiliation” is a label used by biased law enforcement officers to target minorities and share their information with ICE. Legally, anyone can be detained and deported without even being told they are “Gang affiliated”.

Garcia-Leys et al 16 [Sean Garcia-Leys, Meigan Thomson, Christyn Richardson, UC Irvine School of Law, “Mislabeled”, <https://www.law.uci.edu/academics/real-life-learning/clinics/ucilaw-ircMislabeledReport.pdf>]

Gang allegations made by law enforcement agents frequently prevent undocumented immigrants from gaining legal status for which they would be otherwise eligible. These allegations, made without any of the hallmarks of due process, also increase the likelihood an undocumented immigrant will be prioritized for deportation or held in immigration detention. Policy makers, elected officials, and even the law enforcement agents who make these gang allegations are often unaware of the immigration effects of these allegations. This report documents the findings of the UC Irvine School of Law Immigrant Rights Clinic (IRC) based on the IRC’s legal representation of affected immigrants, collaboration with community organizations and other legal service providers, interviews with law enforcement agents, and review of scholarly literature. First, the IRC found that **gang allegations have a high risk of error as they are primarily made based on the subjective beliefs of law enforcement agents in the field and are usually made without any connection to a specific crime. This high risk of error is corroborated by the fact that these allegations are overwhelmingly made against African-Americans and Latinos.** Second, the IRC learned that **these allegations are stored in computer databases that are networked to other agencies, including** Immigrations and Customs Enforcement (ICE) and the Department of Homeland Security (DHS). Third, the IRC learned that **these allegations negatively affect the eligibility of undocumented immigrants for** Deferred Action for Childhood Arrivals (DACA) and other forms of **immigration relief.** Fourth, the IRC learned that **gang allegations also affect the treatment of immigrants held in immigration detention.** Considering these findings, the IRC recommends that law enforcement agencies be required to: (1) provide notice to every person who law enforcement agents document as a gang member, (2) improve existing notice practices, and offer neutral review hearings where people erroneously documented as gang members may contest that documentation. By providing these basic hallmarks of due process to those law enforcement agents suspect of gang membership, the risk of unintended immigration harms to people erroneously documented as gang members can be greatly reduced



Undocumented migrants in fear of domestic and gang violence will not be given asylum in the US. The plan helps these people avoid being sent back to dangerous areas, reducing global rates of gang violence.

Benner & Dickerson 18 [Katie & Caitlyn, writers, New York Times, "Sessions says domestic and gang violence are not grounds for asylum",

<https://www.nytimes.com/2018/06/11/us/politics/sessionsdomestic-violence-asylum.html>]

WASHINGTON — Attorney General **Jeff Sessions** on Monday **made it all but impossible for asylum seekers to gain entry into the United States by citing fears of domestic abuse or gang violence,** in a ruling that could have a broad effect on the flow of migrants from Central America. Mr. Sessions's decision in a closely watched domestic violence case is the latest turn in a long-running debate over what constitutes a need for asylum. **He reversed an immigration appeals court ruling that granted it to a Salvadoran woman who said she had been sexually, emotionally and physically abused by her husband.**

Relatively few asylum seekers are granted permanent entry into the United States. In 2016, for every applicant who succeeded, more than 10 others also sought asylum, according to data from the Department of Homeland Security. But the process can take months or years, and tens of thousands of people live freely in the United States while their cases wend through the courts. "An alien may suffer threats and violence in a foreign country for any number of reasons relating to her social, economic, family or other personal circumstances," he added. "Yet the asylum statute does not provide redress for all misfortune." His ruling drew immediate condemnation from immigrants' rights groups. Some viewed it as a return to a time when domestic violence was considered a private matter, not the responsibility of the government to intervene, said Karen Musalo, a defense lawyer on the case who directs the Center for Gender and Refugee Studies at the University of California Hastings College of the Law.

President Trump has long insisted that violent gang members are using the immigration system to illegally infiltrate the United States and that illegal immigrants traveled by caravan to the southern border with Mexico recently to flood into the country. Mr. Sessions's ruling addressed those fears, but data does not support them. Since 2014, when Central Americans started surging into the United States, people seeking asylum from gang violence have only rarely succeeded.

Those who were granted entry often argued their cases on multiple grounds.