

The Situation: Based on a 1996 law but becoming more prevalent since 2001, the Federal Government has been practicing a policy of detaining illegal immigrants who have entered the country while they are awaiting adjudication on their immigration status. The Immigration and Customs Enforcement Agency (ICE), formerly INS, is in charge of this. Immigrants are detained in detention centers, local jails and state prisons. They are often detained for months, sometimes years. The practice is meant to increase the rate of deportation of immigrants who are found deportable. The prior policy of "catch and release" resulted in a majority of illegal immigrants absconding. The legality of this practice has been questioned, but it is of increasing use every year.

		Alternative 1	Alternative 2	Alternative 3	
Weight	Criteria	Status Quo- Policy of Detaining non-Mexican Immigrants until their case can be adjudicated as current detention space allows	Reverting to former policy of "catch and release"- releasing immigrants into society with order to show up at their immigration hearing	Increasing funding for detention space to point where ICE can achieve their 10-year strategic plan entitled Endgame- achieving capacity to "remove all removable aliens"	
Formal Constraint Criterion	Legality	Under Investigation	(++)	Under Investigation	
0.35	Cost - direct cost to Federal Government	(-) Funding of Detention and Removal Program in 2005 was \$845 million	(++)	(--) Funding necessary to achieve these goals would be many times current funding level	
0.35	Effectiveness- of ensuring all "removable" Illegal immigrants are removed from the country	(+)	(-)	(++)	
0.1	Stakeholder Acceptability for direct users				
	Immigration and Customs Enforcement (ICE)	(+)	(-)	(++)	
	Correctional Industry	(+)	(-)	(++)	
	Illegal Immigrants	(-)	(++)	(-)	
0.2	Ethical Acceptability				
	Illegal Immigrants	(-)	(++)	(-)	
	Liberal US citizens	(-)	(+)	(-)	
	Conservative US citizens	(+)	(-)	(+)	

Key: Signs in Parentheses

- ++ Highly Favors
- +Favors
- 0 Neutral
- Disfavors
- Highly Disfavors

Formal Constraint Criterion: Legality

If it is found unconstitutional to detain immigrants in this way, then Alternative 2 is the only acceptable option.

Discussion:

I would have liked to do a separate Parties/alternatives matrix and ethical analysis but instead I gave them lesser weights here.

This showed me how subjective something like weighting can be, and what a difference it makes depending on which Stakeholders you choose to include.

Because it makes such a great difference, I am weighting this section less.

Results:

Because Cost and Effectiveness are weighted evenly and their scoring is diametrically opposite, I am not sure I have a clear winner here.

Since they essentially cancel each other out, the decision will be based on Ethical Acceptability/ Stakeholder Acceptability.

According to these, Alternative 2 would win.