

**Crimmigration Beyond the Southern Border: Federal Prosecution and
Immigration Enforcement in the Western District of Washington**



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Abstract

Crimmigration—the merging of criminal and immigration systems—has been widely documented in federal districts along the United States–Mexico border, where high-volume immigration prosecutions and mass-processing programs shape everyday legal practice. Far less is known about how these dynamics operate in northern border districts that do not experience the same enforcement intensity. This study examines how attorneys practicing in the Western District of Washington understand and navigate the relationship between federal criminal prosecution and immigration enforcement. Using semi-structured interviews with private criminal defense attorneys and an Assistant U.S. Attorney, the study explores how charging decisions, plea negotiations, and structural constraints between federal and state systems shape immigration consequences for noncitizen defendants.

Findings show that, even outside the U.S.–Mexico border region, immigration penalties remain deeply embedded in federal criminal practice. Attorneys described how ICE detainers overriding federal release orders disrupt defense preparation, increase pressure during plea bargaining, accelerate removal on the detained docket, and destabilize families. Participants also noted that demographic disparities persist, with Latinx defendants disproportionately experiencing immigration-related consequences despite Washington’s distinct migration routes and institutional context. Based on these findings, the study recommends strengthening language access and legal navigation support, improving demographic data collection, clarifying charging practices for low-level immigration offenses, and enhancing coordination between federal and state systems.

Chapter 1: Introduction

In early 2026, a series of events revealed how deeply immigration enforcement now shapes the work of the federal criminal justice system. In Los Angeles, a man charged in the “largest jewelry heist in U.S. history” was deported before trial, abruptly ending the federal case and exposing a breakdown in coordination between prosecutors and immigration authorities (Mejia & Winton, 2026). The Supreme Court’s decision to hear *Bondi v. Lau* raised the possibility that lawful permanent residents could face immigration penalties based solely on pending charges—expanding immigration consequences without the evidentiary safeguards of the criminal system (García Hernández, 2026). Meanwhile, a Reuters investigation found that the Trump administration’s immigration surge in Minneapolis redirected agents and attorneys away from violent-crime and drug investigations, causing felony prosecutions to collapse from 77 to just eight in the first four months of the year (Heath et al., 2026). Together, these events illustrate how immigration enforcement can interrupt criminal proceedings, erode due-process protections, and redirect federal resources in ways that may diminish public safety. They also foreshadow the human consequences documented on the growing entanglement of immigration and criminal enforcement—where abrupt transfers and administrative delays contribute to prolonged detention, where enforcement actions separate families when individuals are detained or removed mid-proceeding, and where punitive immigration measures increasingly operate alongside or in place of criminal adjudication.

These national shifts reflect a broader problem: the growing entanglement of criminal and immigration law—what scholars describe as *crimmigration*. Stumpf (2006) and Armenta (2017) showed how immigration law has increasingly adopted the punitive logic of the criminal system, while criminal courts now treat immigration status as a factor shaping punishment, detention,

and exclusion. Macías-Rojas (2016) and Menjívar et al. (2018) trace this convergence to structural changes in the post–civil rights era, including the rise of mass incarceration and the expansion of the Criminal Alien Program (CAP), which reoriented immigration enforcement around criminal history and created lasting forms of exclusion. Franko (2026) and Eagly (2020) also showed that immigration enforcement now influences how federal resources are allocated, how prosecutors prioritize cases, and how criminal courts function—often in ways that disproportionately affect racialized and marginalized groups. These dynamics are not abstract: they shape lived experiences through rapid-fire mass hearings, coercive plea practices, and family separation that tie criminal outcomes to immigration consequences (Meng, 2013; Fish, 2024). Together, this literature demonstrates that crimmigration is not merely a legal overlap but a system of governance that uses criminal tools to manage migration and define belonging.

Yet important gaps remain. Much of the existing research focuses on federal districts along the United States–Mexico border, where immigration enforcement is most concentrated and where large-scale initiatives such as Operation Streamline have reshaped criminal dockets (Fish, 2024). Far fewer studies examine how these dynamics unfold within federal districts that do not border Mexico—including northern border districts such as the Western District of Washington. Washington is a border state, but its proximity to Canada produces different migration routes, enforcement priorities, and institutional relationships, and the region’s immigrant communities differ significantly from those in Southwest border districts (Lalonde, 2023). These distinctions matter: despite being a border state, Washington has not experienced the same high-volume immigration enforcement seen in Southwest districts, raising questions about how crimmigration operates in a region shaped by different political, geographic, and institutional contexts.

This study addresses these gaps by examining how attorneys who practice in the Western District of Washington understand and experience the relationship between federal criminal justice practices and immigration enforcement. Rather than analyzing prosecution data directly, the study uses semi-structured interviews with private criminal defense attorneys and an Assistant U.S. Attorney to explore how legal actors interpret charging practices, plea negotiations, immigration consequences, and district-level structural tensions between federal and state systems. This qualitative, interview-based approach is well-suited to uncovering discretionary decision-making and institutional dynamics that are not visible in quantitative datasets, providing insight into how crimmigration operates in practice within a northern border federal district. Specifically, this study asks: *How do prosecution patterns in a northern border district reflect the ways federal prosecutors use criminal charges to facilitate or accelerate immigration enforcement? Which immigration-related offenses appear most frequently, and how have these patterns changed over time? Are certain demographic groups disproportionately affected, particularly given Washington's distinct immigrant communities and migration routes? And does the district reinforce or challenge broader federal immigration priorities?* These questions allow the study to test hypotheses about whether federal prosecutors strategically use criminal charges to influence immigration outcomes, whether shifts in federal immigration priorities correspond to changes in prosecution patterns, and whether non-U.S. citizens—especially those of Latinx/Hispanic origin—experience disproportionate impacts even in a district without a border with Mexico.

To answer these questions, this study uses a qualitative, interview-based design focused on attorneys who practice in or interact with the Western District of Washington's federal criminal system. Semi-structured interviews with private criminal defense attorneys and an

Assistant U.S. Attorney provide insight into charging practices, plea negotiations, immigration consequences, and structural tensions between federal and state systems. This approach is well-suited to uncovering discretionary decision-making and institutional dynamics that are not visible in quantitative datasets, allowing the study to examine how crimmigration operates in practice within a northern border federal district.

Understanding these dynamics is significant for both scholarship and policy. By focusing on a district not traditionally viewed as an immigration-enforcement hotspot, this study offers insight into how crimmigration operates beyond the border and how federal prosecution contributes to or complicates the immigration control system. It also highlights the role of prosecutorial discretion in shaping immigration consequences, the potential for district-level variation, and the ways federal criminal courts participate in constructing vulnerability to detention and removal. Ultimately, this study contributes to a more nuanced understanding of how immigration enforcement is embedded within the federal criminal justice system and how these systems jointly shape the lives of noncitizens.

Chapter 2: Literature Review

Crimmigration: The Intersection of Criminal and Immigration Systems

Crimmigration refers to the tightening link between criminal law and immigration enforcement, a link that now shapes who is arrested, prosecuted, detained, and deported. First introduced by Juliet Stumpf, the concept captures how two systems that were once formally separate have become increasingly intertwined in their logic, practices, and consequences (Stumpf, 2006). Immigration law has adopted the punitive tools and assumptions of the criminal system—such as detention, surveillance, and categorical judgments of dangerousness—while criminal law has incorporated immigration status as a factor influencing punishment and exclusion. This merging is not simply a legal overlap but part of a broader approach to governing who belongs. Through this hybrid system, the figure of the “dangerous immigrant” is constructed and reinforced, allowing the state to treat migration as a threat that warrants criminal-style control (Stumpf, 2006; Armenta, 2017).

Scholars emphasize that this convergence did not emerge spontaneously but was structurally produced through the rise of mass incarceration. Macías-Rojas (2016) traces this shift to the 1980s expansion of the Criminal Alien Program (CAP), originally designed to “purge noncitizens from dangerously overcrowded jails and prisons.” CAP, combined with the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), reoriented immigration enforcement around criminal history, creating a system in which “criminal status sticks” and produces lasting forms of exclusion. This history demonstrates that crimmigration is not only a conceptual merger but also a policy-driven transformation rooted in the punitive logics of the post-civil rights era (Macías-Rojas, 2016; Menjívar et al., 2018).

One of the clearest examples of this convergence is the use of Crimes of Moral Turpitude (CMTs), which are among the main ways a criminal conviction can trigger immigration consequences. Although CMTs appear in the deportability statute (8 U.S.C. § 1227(a)(2)(A)), the term itself is not defined anywhere in the law. Instead, courts have developed the definition through case decisions and administrative interpretations (Koh, 2017; Eagly, 2013). Courts generally treat a crime as a CMT when it involves lying, stealing, serious harm, or behavior they view as morally wrong. Because the definition is broad and based on judicial interpretation rather than clear statutory language, even relatively minor offenses can be labeled as CMTs. Scholars argue that this vagueness gives immigration officials and judges considerable discretion, meaning that two people with similar convictions can face very different outcomes (Koh, 2017; Eagly, 2013). The vagueness of the category makes CMTs a powerful and often unpredictable tool in the immigration system.

These legal mechanisms operate within a larger political and social context in which the criminalization of immigrants is constructed rather than natural. Research shows that immigration control is now a major force shaping the criminal justice system (Franko, 2026; Macías-Rojas, 2016). The growing link between immigration, crime, and punishment is changing how states design prisons, carry out policing, and make legal decisions (Franko, 2026). These changes are driven by political narratives that frame border protection and expulsion as necessary for maintaining social order (Armenta, 2017; Franko, 2026). As a result, immigration enforcement has become a central means by which governments manage internal security. Criminal justice agencies increasingly use tools associated with border control, while immigration enforcement has adopted a logic of punishment, blurring the line between administrative and criminal law (Stumpf, 2006; Macías-Rojas, 2016). This structural merger is

also visible in the specific legal mechanisms that translate criminal convictions into immigration consequences.

Together, these developments show how criminal and immigration systems have merged into a single system of exclusion. Yet, while scholars have traced these national transformations, far less is known about how crimmigration manifests within specific federal districts.

Understanding these localized dynamics is essential for examining how prosecutorial practices operate in places like the Western District of Washington.

Federal Prosecution of Immigration-Related Offenses

The dynamics described in the crimmigration literature take on a distinct form in the federal criminal system, where immigration-related offenses are among the most frequently prosecuted crimes in the United States. While crimmigration theory explains the conceptual merger of criminal and immigration law, federal prosecution practices show how this merger operates in concrete institutional terms (Eagly, 2020; Macías-Rojas, 2016). Over the past several decades, federal courts have increasingly been used to process immigration violations, transforming what were once civil or administrative matters into criminal cases that carry significant penalties and long-term consequences for noncitizens.

Recent data show that federal prosecution of immigration offenses continues to rise. TRAC reports that the number of individuals criminally prosecuted for immigration violations has steadily climbed, largely driven by referrals from Border Patrol agents who apprehend people attempting to enter between ports of entry (TRAC, 2025). These individuals are increasingly sent to U.S. Attorneys for criminal charges before being deported. Despite the volume of cases, these prosecutions are typically rapid and result in minimal incarceration. Most defendants plead guilty within days, and the median prison sentence in early 2025 ranged from 0

to 1 month, with “time served” being the most common outcome (TRAC, 2025). Even so, the scale of these prosecutions is significant. In March 2025, U.S. Attorneys charged 4,550 defendants with immigration offenses, a 36.6 percent increase from the previous month. Immigration offenses also accounted for the majority of federal convictions that month, making up 57.5 percent of the total (TRAC, 2025).

Understanding these trends requires situating them within the historical development of federal enforcement priorities. Historical analysis helps explain why immigration offenses now dominate federal dockets. The Criminal Alien Program and the 1996 IIRIRA created the institutional infrastructure—detention beds, biometric tracking, and mandatory removal categories—that made large-scale criminal prosecution possible (Macías-Rojas, 2016). Reentry after deportation became “a leading charge in sentencing people to federal prison,” transforming federal courts into key sites for managing migration (Macías-Rojas, 2016). Scholars note that these developments laid the groundwork for contemporary mass-prosecution programs along the southern border, where immigration offenses now make up the majority of federal criminal cases (Eagly, 2020; Motivans, 2019). Programs like Operation Streamline did not emerge in a vacuum; they are the predictable outcome of a system redesigned to prioritize criminal history and channel migrants into federal prosecution as a mechanism of border control.

These trends reflect longer-term patterns in federal data. By 2018, 65 percent of all federal arrests occurred in the five districts along the United States–Mexico border, where arrests of Mexican and Central American nationals increased sharply. Immigration prosecutions, especially for illegal entry and illegal reentry, came to dominate federal court dockets, and noncitizens made up 43 percent of all federal defendants in district court by that year (Motivans, 2019). This concentration shows how federal criminal courts have become central tools for

managing migration, discouraging unauthorized entry, and facilitating removal. It also illustrates how prosecutorial discretion, charging decisions, and sentencing practices shape the experiences of noncitizens in the federal criminal system.

These trends illustrate how federal courts have become central to the governance of migration. However, most empirical work focuses on districts along the United States–Mexico border, leaving open questions about how immigration-related prosecutions unfold in northern border jurisdictions. Examining these patterns within the Western District of Washington helps illuminate whether similar dynamics appear outside the U.S.–Mexico border context.

Prosecutorial Discretion, Choices, and Immigration Consequences

A central insight in crimmigration is that immigration outcomes often hinge not on the underlying conduct but on how criminal legal actors—especially prosecutors—exercise their discretion. Charging decisions, plea offers, and factual stipulations determine whether a noncitizen’s case will later fall into immigration categories such as “aggravated felony” or “crime involving moral turpitude,” categories that carry mandatory detention or near-automatic deportation (Ngara et al, 2025). Because immigration law employs its own definitions of “conviction” and “criminality,” even minor offenses can trigger severe immigration consequences, while more serious conduct can sometimes be negotiated into dispositions that avoid removal.

The Supreme Court’s decision in *Padilla v. Kentucky* reframed these dynamics by recognizing deportation as a “particularly severe penalty” directly tied to the criminal process. By requiring defense counsel to advise clients about immigration consequences, *Padilla* implicitly highlighted the centrality of prosecutorial choices: plea bargaining is not merely a mechanism for resolving criminal culpability but a site where immigration enforcement is

effectively carried out (Padilla v. Kentucky, 2010). Later cases, such as *Jae Lee v. United States*, further demonstrate that for many noncitizens, avoiding deportation outweighs traditional sentencing considerations, making the structure of plea negotiations determinative of long-term outcomes (*Jae Lee v. United States*, 2023).

The immigration system treats criminal convictions as categorical and inflexible triggers for deportation, largely indifferent to the nuances of the underlying conduct or the intentions of criminal court actors. Once a conviction is entered—even for relatively minor offenses—the immigration consequences are effectively predetermined because authorities apply rigid statutory classifications that criminal courts cannot later modify or mitigate (Frost, 2017). This rigidity heightens the stakes of prosecutorial decision-making: charging choices, plea structures, and factual stipulations made early in the criminal process often determine whether a noncitizen will later be deemed removable or barred from relief. As information about collateral consequences has become more accessible, prosecutors increasingly shape these outcomes by structuring pleas. Depending on how they approach negotiations, they may design dispositions that avoid immigration penalties, use those penalties as leverage, or serve as substitutes for traditional punishment (Jain, 2016). In this way, prosecutorial discretion extends far beyond criminal sentencing and becomes a decisive force in shaping a noncitizen’s long-term immigration fate.

A further dimension of crimmigration emerges when immigration enforcement actors override the outcomes of the criminal process itself. Immigration and Customs Enforcement routinely detains noncitizen defendants after a federal judge has ordered their release under the Bail Reform Act, effectively nullifying the court’s determination that the person is neither a flight risk nor a danger (Martin, 2020). This practice—what scholars refer to as “jail by another name”—illustrates how immigration detention operates as a parallel system of punishment that

can displace the criminal court’s authority and reshape the defendant’s legal trajectory. Even when prosecutors and judges structure charges or pleas to avoid triggering immigration penalties, ICE detention can reintroduce coercive pressure, impede defense preparation, and accelerate removal proceedings on the “detained docket.” In this way, immigration enforcement does not merely respond to criminal convictions; it actively transforms the meaning and consequences of criminal-court decisions, reinforcing how deeply intertwined the two systems have become.

This scholarship underscores the decisive role prosecutors play in shaping immigration outcomes. What remains less clear is how this discretion is exercised across time within individual federal districts, particularly those not traditionally associated with high-volume immigration enforcement. Analyzing prosecutorial patterns in the Western District of Washington provides an opportunity to explore this dimension.

Demographic Disparities in Immigration-Related Prosecutions

Studies consistently show that immigration enforcement disproportionately targets racialized and marginalized groups, reflecting broader global and domestic inequalities that shape who is stopped, arrested, detained, and prosecuted (Menjívar et al., 2018; Franko, 2026). The racialization of “illegality” plays a central role in these disparities. Scholars argue that “illegality” is not a neutral legal status but a socially constructed category that attaches suspicion, criminality, and foreignness to particular racial and ethnic groups—especially Latinx and Central American migrants (Menjívar, 2021). This racialized framing influences every stage of the criminal and immigration systems, from initial encounters with law enforcement to charging decisions and sentencing outcomes (Menjívar, 2021; Eagly, 2013).

Federal data reinforce these patterns. By 2018, arrests of Mexican and Central American nationals made up the overwhelming majority of federal immigration arrests, particularly in the

five border districts where 65 percent of all federal arrests occurred (Motivans, 2019). Noncitizens comprised 43 percent of all federal defendants in district court that year, a striking overrepresentation given their share of the U.S. population (Motivans, 2019). These disparities are not simply a reflection of migration patterns; they are shaped by enforcement priorities that concentrate surveillance and policing in racialized communities and along specific migration routes (Franko, 2026; Menjívar et al., 2018).

Crimmigration scholars argue that these disparities are produced through institutional practices that treat certain groups as inherently suspect. Immigration enforcement has become a central mechanism for managing internal security, and the criminal justice system increasingly relies on racialized narratives of threat to justify punitive approaches (Franko, 2026). These narratives also shape prosecutorial discretion. Research shows that noncitizens of Latinx origin are more likely to be arrested, charged, and detained even when controlling for offense type (Eagly, 2013). Similarly, vague statutory categories such as Crimes of Moral Turpitude allow for discretionary interpretations that can disproportionately harm racialized defendants (Koh, 2017).

These disparities also intersect with the lived consequences of criminalization. Many individuals prosecuted for illegal entry or reentry are long-term U.S. residents or parents attempting to reunite with their children, meaning that Latinx communities disproportionately bear the emotional, economic, and familial harms of criminal prosecution and subsequent removal (Meng, 2013; Eagly, 2020). The racialized targeting of specific groups thus shapes not only who is prosecuted but also who experiences the long-term consequences of criminalization.

Taken together, this body of research demonstrates that demographic disparities are not incidental but central to how crimmigration operates. Enforcement priorities, prosecutorial discretion, and statutory categories interact to produce unequal outcomes that fall most heavily

on Latinx and Central American migrants (Menjívar et al., 2018; Franko, 2026). These patterns raise critical questions about how demographic disparities manifest within federal districts that do not border Mexico—particularly northern border districts like the Western District of Washington, where immigrant communities, migration routes, and enforcement priorities differ substantially from southern border regions.

These disparities reveal how racialized enforcement patterns structure who becomes entangled in the criminal-immigration system. Yet little research examines how such demographic patterns appear within specific federal courts. Investigating these dynamics in the Western District of Washington offers insight into whether racialized enforcement extends beyond the United States–Mexico border region into northern border districts.

Human Impact and Lived Consequences

The human impact of crimmigration is deep and far-reaching. For many migrants, the criminal process begins long before they ever enter a courtroom. People are held in overcrowded Border Patrol cells, often without basic necessities, while waiting to be charged. These spaces are largely hidden from public view, meaning the harsh conditions inside rarely receive scrutiny. Migrants report cold temperatures, lack of sleep, limited access to food and water, and no way to contact family (Eagly, 2020). These early experiences set the tone for a system that treats migrants as less deserving of care, dignity, and due process, reflecting broader patterns of racialized exclusion documented across crimmigration scholarship (Franko, 2026; Menjívar et al., 2018).

Macías-Rojas’s ethnographic work along the Arizona–Sonora border further illustrates how criminalization shapes migrants’ everyday lives. She documents repeated stops, searches, and interrogations—encounters she herself experienced—showing how border communities

become spaces where “everyone seemed to be watching.” Migrants in shelters described interactions with Border Patrol, local police, smugglers, and vigilantes, revealing a landscape where humanitarian and punitive logics coexist (Macías-Rojas, 2016). These accounts demonstrate that criminalization is lived not only through formal prosecution but through constant surveillance, racialized suspicion, and the normalization of coercive encounters that precede and shape the criminal process (Menjívar et al., 2018; Eagly, 2013).

Once migrants enter the criminal system, the consequences intensify. Policies such as “zero tolerance” led to the prosecution of parents traveling with children, resulting in widespread family separation (Macías-Rojas, 2016). Parents were taken into criminal custody while their children were sent to shelters or foster care, often with no clear plan for reunification. These practices cause long-lasting emotional trauma for both parents and children. A clear example is Alicia S., a mother who was separated from her daughters after a minor traffic stop led to her deportation; when she attempted to return to care for her sick child, she was prosecuted for illegal entry (Meng, 2013). Her story illustrates how criminalization can tear families apart and create enduring emotional harm, a pattern echoed across Human Rights Watch reports and legal scholarship (Meng, 2013; Eagly, 2020).

These same policies also swept asylum seekers into criminal courtrooms, even though many were fleeing violence and seeking protection. Criminal prosecution disrupted their ability to present asylum claims and added criminal records that could later be used against them in immigration court (Eagly, 2020). Human Rights Watch found that many people prosecuted for illegal entry or reentry were long-term U.S. residents trying to reunite with children or escape dangerous conditions, making them unlikely to be deterred by criminal punishment (Meng, 2013). These findings align with broader critiques that crimmigration policies often punish

survival-driven migration rather than deter it (Franko, 2026; Macías-Rojas, 2016). For these individuals, the criminal system becomes another barrier to safety and family unity.

The courtroom experience itself can be dehumanizing. Mass-prosecution systems such as Operation Streamline and Operation Lone Star process migrants in large groups, sometimes dozens at a time, with only a few minutes to speak with a lawyer. In these hearings, people are expected to plead guilty quickly, often without fully understanding the charges or consequences. These systems value speed over fairness, leading to rushed proceedings and guilty pleas shaped more by pressure than by informed decision-making (Fish, 2024; Eagly, 2013). Migrants may feel they have no real choice but to accept a plea simply to end the process, even when they have defenses or valid claims for relief. The consequences extend beyond the courtroom: a criminal conviction can affect a person's ability to seek asylum, apply for legal status, or reunite with family members in the future. Even short periods of detention can lead to job loss, financial hardship, and long-term emotional distress (Meng, 2013; Franko, 2026). For many migrants, the experience of being criminalized shapes their lives long after their cases end, reinforcing cycles of separation, vulnerability, and exclusion.

These accounts highlight the profound human consequences of criminalization, particularly for migrants navigating both criminal and immigration systems. While much of this work centers on U.S.–Mexico border contexts, less is known about how prosecution practices in northern border districts shape migrants' experiences and outcomes. Examining these dynamics in the Western District of Washington offers an opportunity to understand how the human consequences of crimmigration unfold in a district with different institutional, political, and geographic characteristics.

District-Level Variation

Federal mandates do not operate uniformly across districts. These dynamics are especially important for understanding variation in northern border districts such as the Western District of Washington, where enforcement priorities and migration routes differ substantially from those in Southwest border regions. Along the Arizona–Sonora border, local actors—Border Patrol agents, sheriffs, prosecutors, public defenders, NGOs, and the Mexican Consulate—shaped the implementation of criminal enforcement priorities (Macías-Rojas, 2016). Some resisted mass prosecution due to resource constraints or humanitarian concerns, while others embraced it as part of a broader crime-control mission. This variation demonstrates that court culture is not merely procedural but deeply political, shaped by local economies, racial dynamics, and institutional relationships that determine how aggressively criminalization is pursued.

Scholars note that immigration enforcement and prosecution vary significantly across federal districts, shaped by local political cultures, judicial philosophies, and institutional relationships (Eagly, 2020; Motivans, 2019). Border districts such as the Southern District of Texas and the District of Arizona have historically embraced aggressive prosecution strategies, while districts farther from the U.S.–Mexico border often prioritize different approaches or face distinct caseload pressures. These variations influence charging decisions, plea practices, and the likelihood of detention, making district-level context a critical factor in understanding how crimmigration operates in practice.

This literature provides an important foundation for studies that focus on a single district court, underscoring the need to situate findings within broader regional and institutional patterns. Because district-level cultures shape how federal mandates are interpreted and enforced, examining local context is essential. The Western District of Washington offers a distinct

institutional environment for analyzing how immigration-related prosecutions evolve over time, making it a valuable site for exploring how crimmigration functions outside the U.S.–Mexico border region.

Gaps and Limitations in Existing Literature

Although the literature on crimmigration, federal prosecution, and prosecutorial discretion is extensive, several gaps remain. Much of the existing research focuses on southern border districts, where immigration enforcement is most concentrated, leaving little known about how these dynamics operate in non-border federal courts such as the Western District of Washington (Motivans, 2019; Eagly, 2020). Studies also highlight demographic disparities and racialized enforcement patterns, but few examine how these disparities appear within specific districts or how they intersect with local prosecutorial practices (Menjívar et al., 2018; Franko, 2026). Additionally, while scholars emphasize the importance of prosecutorial discretion in shaping immigration outcomes, there is limited empirical work analyzing how discretion is exercised across time within a single district. These gaps underscore the need for district-level analyses that examine prosecution trends, demographic patterns, and the role of discretion in shaping immigration-related outcomes. This study addresses these limitations by focusing on the Western District of Washington and analyzing federal prosecution data over time to better understand how crimmigration operates in a non-border context.

Chapter 3: Research Methodology

This study employs a qualitative, exploratory design to examine how crimmigration operates within the Western District of Washington. Semi-structured interviews with attorneys who practice in or interact with the district's federal criminal system serve as the primary data source, as these practitioners hold firsthand insight into charging practices, plea negotiations, immigration consequences, and the informal court cultures that shape case outcomes. A qualitative interview approach is well-suited to uncovering decision-making processes and institutional dynamics that are not visible in quantitative datasets, thereby illuminating how legal actors interpret and navigate the intersection of criminal and immigration law in practice. This design builds on and extends crimmigration scholarship, emphasizing the centrality of legal actors' discretion (Jain, 2016; Frost, 2017) and the importance of district-level variation in enforcement and courtroom culture (Eagly, 2020; Macías-Rojas, 2016; Menjívar et al., 2018).

The Western District of Washington provides a distinctive setting for examining these dynamics. Although not a southern border district, it is a border district, encompassing multiple ports of entry—including SeaTac International Airport, the Port of Seattle, and land-border crossings with Canada. The district is shaped by both robust federal enforcement activity and strong local resistance, including sanctuary-oriented policies. Its position as a northern border jurisdiction offers an important contrast to the heavily studied Southwest border districts (Eagly, 2020), creating a unique opportunity to analyze how federal immigration priorities are interpreted, negotiated, and implemented at the district level.

Participant recruitment followed purposive, criterion-based sampling to identify attorneys who handle federal criminal cases involving noncitizens in the Western District of Washington. The target population included federal public defenders, private criminal defense attorneys,

immigration attorneys who regularly navigate criminal-immigration intersections, Assistant U.S. Attorneys or former AUSAs, and nonprofit or legal-aid attorneys with federal case experience. These groups were selected because prior research shows that institutional position and courtroom role shape how legal actors perceive and enact crimmigration dynamics, including discretion, charging practices, and the use of immigration consequences in plea bargaining (Stumpf, 2006; Macías-Rojas, 2016; Eagly, 2020; Menjivar et al., 2018; Motivans, 2019). Drawing on this literature helped identify the core domains of interest and ensured that the sample captured variation across roles that influence how crimmigration unfolds in practice.

Access constraints and limited availability resulted in a final sample of three attorneys, all of whom are men working within the Western District of Washington's federal criminal system. Two were private criminal defense attorneys with substantial experience representing noncitizen clients in federal court. Both regularly handle federal drug, fraud, and immigration-related cases, and each described frequent interactions with aggravated felony classifications, plea negotiations shaped by immigration consequences, and the practical challenges created by ICE detainees. The third participant was an Assistant U.S. Attorney (AUSA) with several years of experience prosecuting immigration-related offenses, including illegal entry and illegal reentry. His interview focused on how federal charging decisions intersect Washington's sanctuary-state policies, the limits of information-sharing with local agencies, and the role of federal prosecution in facilitating transfer to immigration authorities. While small, this sample still reflects perspectives from both sides of the federal criminal process and provides insight into how crimmigration dynamics are understood and enacted within the district.

Data collection involved semi-structured interviews lasting 20-30 minutes, conducted over Zoom, by phone, or in person, depending on participant availability. With consent, all

interviews were audio-recorded, and field notes were taken during and after each session to capture contextual details and early analytic observations. The interview guide was informed by key strands of crimmigration scholarship, including foundational theory (Stumpf, 2006), structural and racialized enforcement research (Macías-Rojas, 2016; Menjívar et al., 2018), studies of federal prosecution patterns (Eagly, 2020; Motivans, 2019), and work documenting the human impacts of criminal-immigration systems (Meng, 2013; Fish, 2024). Interview questions focused on charging decisions, plea negotiations, immigration consequences, district-level variation, perceptions of federal priorities, and demographic patterns. All interviews were transcribed verbatim, stored on a password-protected device, and de-identified during transcription to remove identifying information.

Data were analyzed using thematic analysis based on Ritchie and Spencer's (2002) framework, which supports the identification of patterns across interviews and the integration of both inductive and theory-informed coding. Analysis began with familiarization through repeated readings of each transcript and note-taking to build an overall understanding of the material. I then generated preliminary codes capturing recurring concepts such as charging practices, plea negotiations, detention outcomes, demographic patterns, and structural constraints. These initial codes were grouped into broader analytic categories and refined through multiple rounds of review. During indexing, codes were systematically applied across transcripts and tracked for frequency and consistency. Charting involved reorganizing excerpts under each category to examine how ideas clustered across participants. Interpretation focused on comparing and contrasting categories to identify explanations, connections, and broader patterns. Memo writing, reflexive journaling, and an audit trail documenting coding decisions supported the analytic process. The coding process was informed by the same strands of

crimmigration scholarship that shaped the interview guide, including work on prosecutorial discretion, structural enforcement, racialized illegality, federal prosecution patterns, and the human impacts of criminal-immigration systems (Stumpf, 2006; Macías-Rojas, 2016; Menjívar et al., 2018; Eagly, 2020; Motivans, 2019; Meng, 2013; Fish, 2024). Through this iterative process, six final themes emerged that structured the Findings chapter.

This study was reviewed and approved by the University of Washington’s Institutional Review Board as minimal-risk research and followed all required ethical guidelines. Informed consent was obtained from each participant before the interview. To protect confidentiality, no names, case numbers, or other identifying details were collected, and participants are referred to using pseudonyms or role-based identifiers (e.g., “Defense Attorney B”). Participation was voluntary, and individuals could decline to answer any question or withdraw at any time. Because some interviews touched on active or sensitive cases, care was taken to avoid requesting specific case information and to ensure participants felt comfortable discussing their experiences.

This study has several limitations. The sample is small and non-random, meaning the findings reflect the experiences of the attorneys who chose to participate rather than the full range of perspectives in the district. Attorneys’ views may differ from those of judges or prosecutors more broadly, and some participants may rely on memory in ways that introduce recall bias. Because the study focuses on one federal district, the results may not be generalizable to other regions. Additionally, access constraints—particularly the possibility that some Assistant U.S. Attorneys declined participation—may limit the diversity of prosecutorial perspectives represented. Despite these limitations, this approach is preferable because understanding how crimmigration operates at the district level requires access to attorneys’ reasoning,

interpretations, and discretionary practices—elements that cannot be captured through quantitative case data or statutory analysis alone.

As a former paralegal working in the Western District of Washington, I bring an insider perspective to this research. This role provides a practical understanding of court processes and facilitates rapport with attorney participants. At the same time, it introduces potential risks, including assumptions about court culture or power dynamics with participants, particularly prosecutors. To mitigate these concerns, I engaged in reflexive memoing, used neutral, open-ended questioning, and was transparent about my role and the study's purpose.

In sum, the methods used in this study were designed to directly address the research questions by capturing how attorneys in the Western District of Washington understand and navigate the intersection of federal criminal law and immigration enforcement. Through qualitative interviews and thematic analysis, the study provides district-level insight into how criminalization operates in practice, particularly in a northern border district shaped by federal priorities but not defined by border-prosecution patterns. These methods illuminate how prosecutorial discretion, district level variation, and everyday legal decision-making in federal criminal courts contribute to immigration outcomes, offering a grounded understanding of how national policies are interpreted and enacted locally.

Chapter 4: Findings

Interviews with two private defense attorneys and one Assistant U.S. Attorney (AUSA) reveal how crimmigration operates in the Western District of Washington (WDWA), a northern border district shaped by federal enforcement priorities, Washington's sanctuary-oriented legal landscape, and the discretionary practices of legal actors. Six themes emerged from the interviews: (1) federal charging practice, (2) plea bargaining and immigration-safe resolutions, (3) detention and bond, (4) disparate impacts on Latino men, (5) collateral consequences for families and communities, and (6) structural tensions between federal and state systems.

Theme 1: Federal Charging Practices

Across interviews, attorneys described federal charging practices in the Western District of Washington as deeply intertwined with immigration consequences, even when immigration is not the stated focus of prosecution. Defense Attorney A explained that “whenever you have a federal offense, in most cases it will match the definition of the federal deportation statutes because they’re based on the same body of law,” noting that federal cases are typically “big drug cases or big fraud cases,” which almost always result in removal and a bar to relief for noncitizen defendants. He added that “federal cases are usually big cases... and in both situations, if a defendant is convicted, it’s going to be removal and a bar to relief.” Both defense attorneys observed a recent rise in illegal entry charges, historically uncommon in the district. Defense Attorney A stated that “illegal entry was almost never charged before. Now we see it, and it’s often charged just to get people out of the country faster without them having to go through removal proceedings,” and recalled, “one case where I believe the intention behind the charge was removal.” Defense Attorney B confirmed that “they started charging people with illegal entry, which is a misdemeanor,” and emphasized that “before the second Trump administration,

I'd never seen anybody prosecuted for it in this district." In contrast, the AUSA framed charging decisions as driven by public safety rather than immigration enforcement, explaining that his office charges 1326 cases "to keep people who are here illegally from being released back into the community," and noting that "since I've been here in October, we've charged 123 of those." He emphasized that outside of reentry cases, "we don't pay attention to someone's immigration history before we charge them," and clarified that "we don't target people because they're here illegally. We prosecute crimes. Immigration status doesn't matter outside of 1326." These contrasting perspectives illustrate how charging practices function as a key site where criminal and immigration systems intersect, even when legal actors understand their roles differently.

Theme 2: Plea Bargaining and Immigration-Safe Resolutions

Defense attorneys described plea bargaining as a critical but constrained space for navigating immigration consequences. Defense Attorney A explained that while his office has "been able to work with the U.S. Attorney's Office to structure pleas that are more protective of immigration consequences and preserve avenues for relief," such outcomes are rare, especially in drug cases where "any federal drug trafficking conviction is an aggravated felony" and "it's virtually impossible to work out an immigration-safe resolution." He emphasized the attorney's duty to "advise clients of the immigration consequences of the pending charge, the risks of trial, and the consequences of any plea," and to "structure the resolution in a way that is most protective of their immigration consequences." Defense Attorney B described plea discussions as a balancing act, noting that "every case involves potential prison time and immigration consequences," and that "sometimes there's a way to do more jail time but not be deported," though this is uncommon. He added that "you want to try to do both if you can — avoid prison time and avoid deportation — but that's not always possible." The AUSA acknowledged that

judges sometimes consider immigration consequences at sentencing, stating that judges “will sometimes give a lesser sentence because the person could be deported,” a practice he views as inappropriate because “it’s not supposed to have anything to do with it.” He also noted that while criminal convictions determine eligibility for immigration relief, “that has no impact on how we evaluate charging or sentencing.” Together, these accounts show that plea bargaining is a site where immigration consequences are actively negotiated, but structural constraints—particularly aggravated felony classifications—limit the ability to protect noncitizen defendants from removal.

Theme 3: Detention & Bond

Interviewees described detention and bond decisions as heavily shaped by immigration status, despite formal legal standards indicating otherwise. Defense Attorney A stated that although “immigration status should not affect a bond decision,” in practice “the chances of release are slim to none if someone has no status,” and release is typically limited to individuals with long-standing community ties. He explained that “unless there is a very strong motion to suppress — which there usually isn’t — it’s very hard to take a federal case to trial,” and noted that noncitizens are often “more concerned about the staggering amount of time they may serve than the immigration consequences.” Defense Attorney B emphasized WDWA’s distinctiveness, noting that “in this district, having an immigration detainer is not a bar to release,” whereas in some jurisdictions “they will not release you at all.”

Theme 4: Disparate Impacts on Latino Men

Defense attorneys identified clear demographic patterns in who faces immigration-related federal charges, describing disproportionate impacts on Latino and Central American men. Defense Attorney A stated that “in my experience, the disproportionate amount has been Latino

men.” Defense Attorney B echoed this, noting that “young men from Mexico and Central America are by far the majority,” though he also acknowledged “some women, some older folks.” The AUSA resisted demographic interpretations, arguing that criminal activity—not nationality—drives enforcement patterns. He explained that “Mexican cartels are Mexican cartels, whether they’re citizens or here illegally,” and that “if your criminal activity is related to where you came from, then sure, you see patterns,” citing Nigerian fraud cases as an example. He emphasized that aside from being noncitizens, he does not “see distinctive characteristics between United States citizen criminals and people that are here without status.” These contrasting interpretations reflect broader debates in crimmigration scholarship about whether demographic disparities stem from structural enforcement patterns or from the geographic and organizational characteristics of criminal activity.

Theme 5: Collateral Consequences for Families and Communities

Defense attorneys described severe and long-lasting consequences for families and communities when criminal and immigration systems intersect. Defense Attorney A emphasized the immediate harm of deportation, explaining that “it’s a very direct consequence to have a parent taken out of someone’s life like that — a partner, a provider, a co-parent.” He added that “people who find themselves in the criminal legal system often have had a parent deported,” which has “a very direct consequence on someone’s life.” Defense Attorney B described clients who have lived in the United States since childhood and face “unimaginable consequences” when deported to countries they “haven’t been in for a very long time and may not even remember.” He explained that “people who have put down roots, have families, and are living normal lives like everyone else — except for not having status — end up facing unimaginable consequences,” and emphasized that deportation “tears families apart for years or decades.”

Participants also highlighted structural inequities that deepen these harms. Defense Attorney A noted that individuals with ICE detainers “can’t take part in a large amount of programming in BOP” and are excluded from First Step Act benefits, which he described as “fundamentally unfair.” Defense Attorney A also noted that “there used to be a judicial recommendation against deportation that was taken into account,” referring to JRAD-like mechanisms that once allowed sentencing judges to mitigate immigration consequences. Defense Attorney B similarly argued that “it shouldn’t be so easy to deport people... there should be more escape valves.” These accounts underscore the profound social and emotional impacts of crimmigration enforcement on families and communities.

Theme 6: Structural Tensions Between Federal and State Systems

The AUSA repeatedly emphasized Washington’s sanctuary policies as a major structural barrier to federal immigration enforcement, describing a system in which state officials “refuse to tell us anything” and “won’t give us an address, driver’s license information — nothing.” From the prosecutorial perspective, the AUSA described significant challenges in detaining noncitizens due to Washington’s sanctuary policies, explaining that state officials “won’t tell us the address they released him to” or provide basic identifying information, resulting in federal agents having to “go into the community and try to find him.” He added that “we have to expend additional resources to try and enforce immigration laws in the state of Washington without any cooperation from the state.” These accounts reveal a courtroom culture where immigration status shapes detention outcomes and enforcement strategies, even when not formally acknowledged in legal standards. He argued that this lack of cooperation forces federal agents to expend significant resources “trying to chase people the state is releasing,” and stated that “there’s no need for federal law enforcement to be this involved in immigration enforcement” if cooperation

existed. He explained that “but for the lack of cooperation, the system works very well,” describing how in other states, jails alert ICE, ICE interviews the person, and removal proceedings begin promptly. Defense attorneys, meanwhile, described the federal immigration system as increasingly punitive and inflexible. Defense Attorney A stated that “the immigration system has become more punitive” and that “we’re in very hostile times,” while Defense Attorney B characterized the combined criminal-immigration system as “an incomprehensible mess” that is “impossible for people to navigate,” especially for individuals not proficient in English. He added that “the immigration system is especially arcane.” Together, these perspectives reveal deep structural tensions between federal enforcement priorities, state sanctuary policies, and rigid immigration statutes that leave little room for discretion or relief.

Chapter 5: Discussion and Conclusion

This study examined how crimmigration operates within the Western District of Washington (WDWA), a northern border district shaped by both federal enforcement priorities and Washington's sanctuary-state policies. Through interviews with defense attorneys and an Assistant U.S. Attorney, the findings reveal that immigration consequences are deeply embedded in federal criminal practice in ways that reflect, complicate, and sometimes diverge from national crimmigration patterns. This section interprets those findings in relation to the study's research questions and hypotheses, situating WDWA within the broader literature.

Criminal Charging Practices as Immigration Enforcement Tools

One of the study's central questions asked whether federal prosecutors use criminal charges to facilitate or accelerate immigration enforcement. The findings suggest that they do, though not always intentionally. Defense attorneys described federal drug and fraud charges as almost automatically triggering removal, echoing Stumpf's (2006) argument that criminal convictions have become proxies for immigration exclusion. The increased use of misdemeanor illegal entry charges (1325) — historically rare in WDWA — aligns with Eagly's (2020) and Hernández's (2026) analyses of how low-level immigration crimes are increasingly used to streamline removal rather than address underlying criminal conduct. Defense Attorney A explained that illegal entry is sometimes charged "to just kind of get people out of the country faster," illustrating how charging decisions can serve immigration enforcement goals even when the underlying conduct is minor.

The AUSA's perspective complicates this narrative. He framed 1326 prosecutions not as immigration enforcement but as a public-safety response to Washington's sanctuary policies, which limit information-sharing between state and federal agencies. He explained that his office

uses 1326 charges to ensure individuals arrested by local law enforcement are “turned over to immigration instead of being released back into the community.” This reflects Frost’s (2017) discussion of cooperative enforcement tensions and Franko’s (2026) observation that crimmigration often emerges from institutional constraints rather than explicit policy choices. These dynamics show that WDWA mirrors national crimmigration patterns in its reliance on federal charges that carry automatic immigration consequences, but the district’s enforcement practices are shaped by the unique political context of a sanctuary state.

Plea Bargaining, Discretion, and Structural Constraints

The study also asked how plea negotiations reflect the intersection of criminal and immigration systems. Defense attorneys described extremely limited opportunities to negotiate immigration-safe pleas, particularly in drug cases where aggravated felony classifications foreclose relief. Defense Attorney A explained that “any drug trafficking conviction... is going to be an aggravated felony,” making removal nearly automatic. This supports Koh’s (2016) critique of the rigidity and overbreadth of immigration-related criminal statutes and aligns with Jain’s (2016) argument that prosecutors often disregard collateral consequences even when they are severe. Defense Attorney B described how clients sometimes prioritize avoiding deportation over reducing jail time, noting that “sometimes there’s the ability to prioritize one or the other.” This dynamic echoes *Padilla v. Kentucky* and *Jae Lee v. United States*, which recognize deportation as a “particularly severe penalty” that can outweigh traditional sentencing considerations.

The AUSA’s insistence that immigration consequences “shouldn’t matter” at sentencing further illustrates the disconnect between criminal and immigration systems that scholars such as Franko (2026) identify. However, defense attorneys noted that judges occasionally adjust

sentences because of immigration consequences, demonstrating the uneven and discretionary nature of crimmigration in practice. These findings support the hypothesis that prosecutorial discretion plays a significant role in shaping immigration outcomes, but they also show that discretion is constrained by statutory classifications and institutional norms.

Detention and Release Outcomes

The findings reveal that immigration status strongly influences detention and bond decisions, even though it is not formally part of the legal standard. Defense attorneys described detention practices that effectively override criminal-court decisions. Defense Attorney A explained that even when judges order release, “ICE just takes them anyway,” disrupting defense preparation and accelerating removal on the detained docket. Defense Attorney B noted that immigration status is not formally part of the bond standard but still influences judicial decisions, particularly for individuals without long-term ties to the community.

These dynamics align with Martin’s (2020) argument that immigration detention functions as “jail by another name,” operating as a parallel system of punishment that can nullify criminal-court determinations. They also illustrate how immigration enforcement reshapes the meaning of criminal-court outcomes: even when prosecutors and judges attempt to mitigate immigration consequences, ICE detention can reintroduce coercive pressure and accelerate removal.

While the AUSA described challenges arising from Washington’s sanctuary policies, the interviews did not indicate that detention outcomes themselves are directly shaped by sanctuary-state dynamics. Instead, detention reflects the broader structural entanglement between criminal and immigration systems.

Racialized Impacts and Demographic Patterns

The study hypothesized that non-U.S. citizens — particularly those of Latinx/Hispanic origin — experience disproportionate impacts. Defense attorneys’ observations that Latino and Central American men constitute the majority of noncitizen defendants align with Menjívar’s (2021) analysis of the racialization of “illegality” and Motivans’ (2019) documentation of demographic patterns in federal immigration prosecutions. Although the AUSA resisted demographic interpretations, the absence of systematic data collection in his office underscores a structural blind spot that limits the district’s ability to assess disparities. These findings support the hypothesis that demographic patterns in WDWA reflect national racialized enforcement trends, even though WDWA is a northern border district rather than a Southwest border district. This suggests that crimmigration’s racialized impacts are not confined to high-volume enforcement zones but are embedded in federal criminal practice more broadly.

Alignment and Divergence from National Trends

Overall, WDWA both reinforces and diverges from national crimmigration patterns. It reinforces them through the use of federal charges that carry automatic immigration consequences, the limited availability of immigration-safe pleas, and the disproportionate impacts on Latino men. It diverges in its sanctuary-state context, which shapes prosecutorial behavior in ways not captured in border-district research. The AUSA’s reliance on 1326 as a workaround to state non-cooperation illustrates how local political environments can produce unique enforcement dynamics. These findings demonstrate that crimmigration is not solely a Southwest border phenomenon but a flexible system that adapts to local contexts. WDWA’s patterns reflect national trends but are also shaped by Washington’s legal and political landscape, confirming the study’s hypothesis that district-level variation plays a significant role in how crimmigration operates.

Limitations

Although this study provides valuable insight into discretionary decision-making within WDWA, several limitations should be acknowledged. First, the sample size is small and limited to attorneys willing to participate, which may introduce selection bias. Attorneys who agreed to be interviewed may hold stronger views about crimmigration than those who declined, and their experiences may not represent all practitioners in the district. Second, the study relies on self-reported perceptions rather than case-level data. Attorneys' accounts provide critical insight into discretionary reasoning, but they cannot fully capture the frequency of specific charges, demographic patterns, or sentencing outcomes. The absence of systematic prosecution data — including the AUSA's acknowledgment that his office does not track immigration status — limits the ability to corroborate or quantify certain findings. Third, the study focuses on legal actors rather than individuals directly affected by prosecution and removal. As a result, the findings reflect institutional perspectives rather than lived experiences of noncitizens navigating the criminal-immigration system. Finally, the study examines a single federal district. WDWA's sanctuary-state context, political environment, and institutional culture may differ significantly from other border districts, limiting generalizability. Nonetheless, these limitations highlight the need for further research and underscore the value of qualitative inquiry into discretionary practices that are otherwise difficult to observe.

Implications for Policy and Practice

The findings reveal how crimmigration operates within the Western District of Washington and highlight opportunities for policy, practice, and system-level reforms. They show that immigration consequences are deeply embedded in federal criminal practice, shaped by statutory rigidity, prosecutorial discretion, demographic disparities, and sanctuary-state

constraints. These insights inform the recommendations that follow, which aim to strengthen language access and legal navigation support, clarify charging practices for low-level immigration offenses, improve demographic data collection, and enhance coordination between federal and state systems.

Recommendation 1: Enhancing Culturally and Linguistically Accessible Legal Navigation Resources

Defense Attorney B described the combined criminal-immigration system as “an incomprehensible mess” that is “impossible for people to navigate, especially people not proficient in English.” The AUSA similarly noted widespread misunderstanding of federal processes, particularly among individuals unfamiliar with the legal system. These insights reflect Eagly’s (2013) findings that language barriers and limited access to counsel significantly undermine noncitizens’ ability to understand and participate in legal proceedings. Menjívar (2018; 2021) similarly highlights how legal precarity, racialization, and linguistic exclusion compound the challenges faced by immigrant communities navigating complex systems. Limited language access and complex legal processes can impede informed decision-making during plea negotiations, detention hearings, and sentencing.

Recommendation: Expand language access resources and legal navigation support for noncitizen defendants, including:

- Increased availability of certified interpreters
- Multilingual written materials explaining criminal and immigration consequences
- Expanded access to legal orientation programs in detention facilities

These measures would help ensure that defendants understand their rights, the implications of plea offers, and the potential immigration consequences of criminal convictions.

Recommendation 2: Tracking Demographic Patterns to Identify Disproportionate Impacts

Both defense attorneys identified clear demographic patterns in federal cases involving noncitizens, noting that Latino and Central American men are disproportionately represented. Defense Attorney A stated that “the disproportionate amount has been Latino men,” while Defense Attorney B emphasized that “young men from Mexico and Central America are by far the majority.” In contrast, the AUSA acknowledged that his office does not systematically collect immigration-related data, stating that “our prosecutors don’t know and we don’t even collect the data... I’m trying to get to the point we do, but we don’t.”

Recommendation: The U.S. Attorney’s Office should systematically track demographic information—including nationality, immigration status, and language needs—for defendants charged with immigration-related offenses. This data would allow the district to:

- Identify patterns of disparate impact
- Evaluate whether charging practices disproportionately affect specific communities
- Inform future policy decisions and resource allocation

Tracking demographic trends is a foundational step toward understanding and addressing inequities in federal prosecution.

Recommendation 3: Clarify Charging Practices for Low-Level Immigration Offenses

Defense attorneys described a noticeable increase in misdemeanor illegal entry charges (1325), historically rare in the Western District of Washington, used primarily to expedite removal rather than address criminal conduct. Defense Attorney A explained that “illegal entry was almost never charged before... now it’s often charged just to get people out of the country faster.” Defense Attorney B confirmed that he had “never seen anybody prosecuted for it in this district” prior to recent years. In contrast, the AUSA framed reentry charges (1326) as a

public-safety tool used when state agencies refuse to share information, stating that “we charge 1326 to keep people who are here illegally from being released back into the community.” These dynamics reflect Eagly’s (2020) critique of the criminalization of border crossing and Hernández’s (2020; 2026) analysis of how immigration crimes increasingly serve administrative convenience rather than genuine public-safety goals. Fish (2024) also documents how mass immigration prosecutions strain federal resources without improving safety.

Recommendation: Develop clearer internal guidelines for when misdemeanor illegal entry (1325) and felony reentry (1326) should be charged, including:

- Criteria for distinguishing between administrative removal and criminal prosecution
- Guidance on when immigration-related charges should be used to facilitate transfer to ICE
- Safeguards to prevent unnecessary criminalization of low-level immigration violations

Clearer charging standards would promote consistency, reduce unnecessary prosecutions, and ensure that criminal charges are used proportionately.

Recommendation 4: Strengthening State–Federal Coordination While Preserving Civil Protections

The AUSA described significant operational challenges arising from Washington’s sanctuary policies, explaining that state officials “won’t give us an address, driver’s license information — nothing,” and that federal agents must “go into the community and try to find” individuals released by local agencies. Defense attorneys, meanwhile, emphasized the importance of protecting immigrant communities from over-enforcement and punitive immigration practices. These perspectives reflect Frost’s (2017) analysis of cooperative enforcement and the tensions between federal immigration priorities and local autonomy. Franko

(2026) similarly notes that crimmigration enforcement often strains local systems and produces unintended consequences. Reuters reporting (Heath et al., 2026) illustrates how shifts in federal enforcement strategies can disrupt local criminal justice operations.

Recommendation: Establish clearer coordination protocols between federal and state agencies that respect Washington’s sanctuary policies while ensuring predictable case outcomes.

This could include:

- Standardized communication procedures for cases involving ICE detainees
- Clear guidelines for when federal intervention is appropriate
- Improved information-sharing practices that do not violate state restrictions

Better coordination would reduce confusion, improve case efficiency, and help ensure that defendants experience consistent procedures across jurisdictions.

Future Research

This study highlights several areas where further research is needed. First, future work should incorporate case-level prosecution data to systematically examine charging patterns, sentencing outcomes, and demographic disparities in the Western District of Washington, addressing the data gaps identified by attorneys. Second, research involving judges, probation officers, and individuals directly affected by prosecution and removal would provide a more comprehensive understanding of crimmigration dynamics. Third, comparative studies across northern border districts—such as the District of Alaska, District of Montana, or District of North Dakota—could illuminate how geographic, political, and institutional contexts shape crimmigration differently outside the U.S.–Mexico border region. Finally, future research should explore how sanctuary-state policies influence federal charging decisions, detention practices, and interagency coordination, building on the structural tensions identified in this study.

Conclusion

This study set out to examine how crimmigration operates within a northern border federal district, focusing on how attorneys practicing in the Western District of Washington understand the relationship between federal criminal prosecution and immigration enforcement. Although national scholarship has documented the deep entanglement of these systems—particularly in districts along the United States–Mexico border—far less is known about how these dynamics unfold in jurisdictions that do not experience high-volume immigration enforcement or mass-prosecution programs. By centering the perspectives of defense attorneys and a federal prosecutor, this study illuminates how crimmigration manifests in everyday legal practice within a district shaped by distinct migration routes, sanctuary-state constraints, and interagency relationships.

The findings underscore that even outside the U.S.–Mexico border region, immigration consequences remain deeply embedded in federal criminal practice. Attorneys described how charging decisions, plea negotiations, and factual stipulations are shaped by the need to anticipate immigration penalties—revealing that prosecutorial discretion continues to function as a powerful determinant of noncitizens’ long-term outcomes. Participants emphasized that immigration consequences often outweigh traditional sentencing considerations, reinforcing the insight that criminal courts have become key sites for the effective enforcement of immigration law. At the same time, attorneys noted that the Western District of Washington does not routinely engage in high-volume immigration prosecutions, suggesting that resource allocation and district-level priorities meaningfully shape how crimmigration is expressed. The interviews also highlight how demographic disparities and racialized narratives of “illegality” continue to structure who becomes entangled in the criminal-immigration system. Even in a northern border

district, attorneys reported that Latinx defendants disproportionately experience immigration-related consequences, reflecting national patterns in which enforcement priorities and statutory categories produce unequal outcomes. These insights suggest that racialized enforcement logics travel beyond the U.S.–Mexico border and shape prosecutorial practice in districts with different geographic and demographic profiles.

Finally, the study underscores the human consequences of crimmigration. Attorneys explained that immigration detention—especially when ICE detainers override federal release orders—disrupts defense preparation, increases pressure during plea negotiations, accelerates removal on the detained docket, and creates instability for families. These accounts echo national research showing that crimmigration produces harms that extend far beyond the courtroom, reinforcing vulnerability, separation, and exclusion even when criminal sentences are brief or minimal.

Taken together, these findings demonstrate that crimmigration is not confined to border districts or high-volume enforcement zones. Instead, it is a national governance structure that shapes federal criminal practice across diverse jurisdictions, including northern border districts like the Western District of Washington. By documenting how attorneys navigate these dynamics, this study contributes to a more nuanced understanding of how prosecutorial discretion, sanctuary-state constraints, and racialized enforcement priorities jointly shape noncitizens' experiences in the federal criminal system. It also highlights the need for further research on district-level variation, data gaps, and the lived consequences of crimmigration in regions that fall outside traditional enforcement geographies.

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Appendix A: Recruitment Emails

Defense Attorney:

My name is Nardia Duarte, and I'm a graduate student at the University of Washington completing a capstone project on how federal criminal prosecution in the Western District of Washington intersects with immigration enforcement. I'm reaching out because your experience representing clients in this district would offer insight that cannot be captured through case data alone.

As part of my project, I'm interviewing defense attorneys, immigration attorneys, and federal prosecutors to better understand district culture, charging practices, pretrial outcomes, and how criminal cases shape the immigration consequences faced by non-U.S. citizen defendants. Your perspective—especially on how these systems affect clients and their families—would be invaluable.

The interview will take approximately 30 to 45 minutes and can be scheduled at your convenience over Zoom or phone. Participation is voluntary, and all responses will be anonymized in my final report. I will not ask for identifying details about specific clients or cases.

If you're open to participating, I'd be grateful to coordinate a time that works best for you.

Thank you for considering this request, and for the work you do on behalf of clients in the Western District Court of Washington.

AUSA:

My name is Nardia Duarte, and I am a graduate student at the University of Washington completing a capstone project on how federal criminal prosecution in the Western District of Washington intersects with immigration enforcement. I am reaching out to ask whether you would be willing to participate in a brief interview to share your professional perspective on this topic.

The purpose of my project is to better understand district-level practices, charging considerations, pretrial outcomes, and the movement of federal criminal cases involving non-U.S. citizens through the system. I am interviewing defense attorneys, immigration attorneys, and AUSAs to gain a balanced understanding of how these systems interact in practice.

The interview would take approximately 30-45 minutes and can be scheduled at your convenience via Zoom or phone. Participation is voluntary, and all responses will be anonymized in my final report. I will not ask for identifying details about specific cases, defendants, or internal deliberations.

If you are open to participating, I'm happy to coordinate a time that works best for you.

Thank you for considering this request, and for your service in the Western District of Washington.

Appendix B: Opening Script/Verbal Consent

Thank you for taking the time to speak with me today.

I'm conducting a capstone project examining how federal criminal prosecution in the Western District of Washington intersects with immigration enforcement.

I'm interested in your professional perspective on how these systems interact in practice. There are no right or wrong answers — I'm here to learn from your experience.

Before we begin, I want to go over a few quick points:

- You can skip any question you prefer not to answer.
- You're welcome to pause, take a break, or stop the interview at any time.
- I won't ask for identifying details about specific cases or clients.
- Everything you share will be anonymized in my final report.
- With your permission, I'd like to audio-record the interview so I can focus on the conversation rather than taking notes. The recording will only be used for transcription and analysis and will be stored securely.

Do you have any questions for me before we get started?

And are you comfortable proceeding?

Appendix C: Interview Scripts

Defense Attorney:

1. Can you describe your role and how long you've practiced in the Western District of Washington?
2. How often do your clients face immigration consequences connected to their federal charges?
3. From your perspective, how do the criminal and immigration systems intersect in this district?
4. Are there unwritten norms or expectations that shape how these cases move through the system?
5. How do charging decisions by prosecutors shape the immigration risks your clients face?
6. Have you seen charges used in ways that appear designed to facilitate removal, justify detention, or influence plea negotiations?
7. How do you navigate advising clients about immigration consequences during plea discussions?
8. Have you noticed changes in the types or volume of immigration-related cases over time?
9. Do these shifts seem tied to changes in federal immigration policy, DOJ priorities, or administration changes?
10. Are certain groups disproportionately represented among your clients facing immigration-related charges or pretrial outcomes?
11. How does immigration status affect detention, bond, or release conditions?

12. How do these prosecutions affect your clients' families or communities — are there patterns that stand out?
13. What are the biggest challenges you face when criminal and immigration systems collide?
14. If you could change one or two things about how these systems interact, what would you change?
15. Is there anything I didn't ask that you think is important to understanding how prosecution and immigration enforcement interact in this district?
16. Is there anything you'd like to add before we wrap up?

Assistant U.S. Attorney

1. From your perspective, how do federal criminal prosecutions intersect with immigration enforcement in this district?
2. How would you describe the district's culture regarding cases involving non-citizens?
3. When making charging decisions, how—if at all—do potential immigration consequences factor into your analysis?
4. Are there circumstances where criminal charges indirectly influence immigration outcomes, such as detention or removal?
5. What policies, guidelines, or district-specific practices, if any, shape how the WD approaches cases involving non-citizens?
 1. Do these shifts correspond to changes in federal policy or DOJ priorities?
6. Do you observe patterns in the demographics of defendants in these cases, including any structural or case-specific disparities?
7. How does immigration status influence pretrial detention or release decisions in this district?
8. From your vantage point, what broader system-level effects do criminal prosecutions and immigration consequences have?
 1. For example, in case processing, resource allocation, or downstream immigration proceedings?
9. What challenges arise when criminal and immigration systems intersect?
10. If you could change one or two aspects of how these systems interact, what would you change and why?

11. Is there anything I didn't ask that you think is important to understanding how prosecution and immigration enforcement interact in this district?
12. Is there anything you'd like to add before we wrap up?