Module 5 Discussion

Name

Institutional Affiliation

Date

**Compare and contrast the detainee statuses of a material witness, alien, and enemy combatant.**

A detainee can be thought to be prisoner. However, the major contrast between a detainee and a prisoner is the legal process followed to be a prisoner (Garcia, 2019). A prisoner is more of a person who has been locked up because of the offense committed while a detainee is usually put in custody by the government or military. Still, he cannot be classified as a suspect in a criminal case or a prisoner. Prisoners have several rights which detainees do not have, especially when a detainee is not a citizen of that country. The few rights provided to detainees keep changing based on their status. There are three detainee status; they include enemy combatant, alien and witness

A material witness is thought to be a person who has critical information concerning a case in a court of law, which can significantly affect the outcome of the trial. Thus, the judiciary can order such an individual to be arrested. In the U.S, such an individual is arrested under civil law enforcement (Garcia, 2019).

On the other hand, an alien is a person who is not a U.S citizen (Bray, Link, & Nolo, 2017). There are only two circumstances in which an alien can be detained in the U.S: the first group is of those that are subject to mandatory removal and those that are subject to expedited removal proceedings. The second group is of aliens that can be detained in the U.S is those that are thought to be terrorists and criminals. Aliens are also subject to civilian law enforcement, and they can go through the civilian court system for trial. Enemy combat can be defined as a captured fighter and does not meet the status of a prisoner of war because he does meet the description of a lawful combatant as given by the Geneva convention. They are said to be detained by the military overseas based on military tribunals.

**Explain in general terms immigration detention and removal policies as they apply to the investigation of terrorist activity.**

DHS's largest investigative arm is referred to as the immigration customs enforcement agency, which is also referred to as ICE. It promotes safety of the public as well as homeland security through enforcing civil law and federal criminal laws that concern customs, trade, immigration, and border control (Bray, Link, & Nolo, 2017). It was created following a terrorist attack that happened on September 11, 2001. At this moment, the U.S government changed the way it used to handle immigration and investigations. The ICE agency has two types of operational focus:

**Enforcement and Removal**

This segment is mandated to deal with enforcement matters for all the aliens. Such as apprehending aliens who are unlawfully in the U.S or have committed criminal activities or those who have returned to the U.S after alleged deportation.

**Homeland security investigations**

This kind of investigative arm has offices all across the world. It handles international criminal investigations to protect U.S nationals (Garcia, 2019). It punishes people or criminals who are found to be terrorists, human smugglers, and many criminal charges.

**Recognize the various federal statutes and judicial decisions regarding the detention of alleged "enemy combatants" outside the borders of the United States.**

After the terrorist attack that happened in September 2011, The U.S administration decided to be detaining people thought to be members of the Taliban or AL Qaeda. They were to be put in a state of incommunicado for that whole duration of the war on terror. This was to ensure that the terrorists are incapacitated as well as interrogated to give the necessary information (Bray, Link, & Nolo, 2017). They can further stay in custody until the hostility comes to un end (Garcia, 2019). Also, the law states that terrorists are not entitled to any protection, thus not afforded legal protections as compared to other criminals. This Policy applies to enemy combats who are foreign nationals, U.S residents, and those captured overseas. Given the efforts put on the war on terror, these federal statutes and judicial decisions are unlikely to end anytime soon.

**References**

Bray, I. M., Link, R. J., & Nolo (Firm). (2017). *U.S. immigration made it easy.*

Garcia, A. S. (2019). *Legal passing: Navigating undocumented life and local immigration law.*