Immigrant Detention in the United States

“No cell is so isolated so as to exclude the Lord, none. He is there . . .
His paternal and maternal love reaches everywhere.”

–Pope Francis, National Audience of Italian Prison Chaplains, October 23, 2013

Why Detain Immigrants?

The stated purpose or goal of immigrant detention has been to ensure that individuals appear for their removal proceedings and do not abscond after a final order of removal has been issued. While detention may be necessary for certain individuals considered to be community security concerns or flight risks, the majority of individuals currently in detention do not need to be detained to ensure attendance at their immigration proceedings. For this reason, the government should be utilizing individual assessments on the appropriateness of detention for all individuals it seeks to detain.

Explaining the Growth of Immigrant Detention

Immigrant detention in the United States has reached record levels. In Fiscal Year (FY) 2001, the now defunct Immigration and Naturalization Service (INS) detained 204,459 people. By FY 2014, the total number of persons detained by the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) agency had risen to 425,728. The FY 2014 detention rate represents more than five times the number of people entering the federal prison system for criminal offenses.

The increase in immigrant detention in the last twenty years can be attributed to federal immigration policies and priorities that have increasingly focused on enforcement and normalized deportations. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 promulgated mandatory detention laws for certain immigrants and initiated a “get tough on undocumented immigration” era. Through expedited legal removal proceedings, harsher penalties, and mandatory detention, IIRIRA begat the first wave of large-scale immigrant detention in the U.S. As removals became a high immigration priority of the U.S. government, the use of immigrant detention increased in an effort to keep immigrants in custody while they awaited deportation.

Private Prison Contractors and Immigrant Detention

Starting around 2003, in an effort to keep up with the demand for immigrant detention beds, DHS began to rely upon a diverse set of facilities such as local and state jails, for-profit prisons, and federal prisons to house the growing numbers of immigrant detainees. Since 2009, the number of immigrant detention beds that ICE must make available has been determined by Congressional appropriators. ICE views this detention bed number be a minimum allocation or floor. This “bed

1 In fact, the U.S. currently detained 77 percent of all asylum seekers in proceedings. HUMAN RIGHTS FIRST, LIFE ON LOCKDOWN 2 (2015).
4 Meissner et al., supra note 1 at 131.
Catholic Response to Immigrant Detention

The U.S. Conference of Catholic Bishops’ Migration and Refugee Services (USCCB/MRS) is concerned about the growth of immigrant detention. While USCCB/MRS acknowledges the right of governments to enforce their immigration laws, it is concerned about the growth of immigrant detention facilities and the increased reliance on private prison contractors. Currently, for-profit contractors operate 77% of the entire immigrant detention system, including nine of the ten largest detention centers. In addition to lack of accountability and oversight of these facilities, asylum seekers detained in for-profit facilities have been found to be 40 percent less likely to obtain relief than those in ICE facilities.

Are There Alternatives to Detention?

There are alternatives to detention available that are more humane and more cost effective than detention. DHS estimates that in FY 2017 detention will cost taxpayers approximately $126 per person per day for those in adult detention, $161 per person per day for those in family detention, and over $2 billion a year in total. In contrast, certain Alternative to Detention (ATD) programs can cost as little as $10 per person per day and are extremely effective in ensuring compliance with immigration proceedings and orders.

USCCB Alternative to Detention Pilot Program

Consistent with the work and words of Pope Francis, USCCB/MRS works to end large-scale immigrant detention, in part by advocating for increased use of ATDs. In January 2014, USCCB, along with its Catholic partners, launched a case management-based ATD program in Boston, Massachusetts and Baton Rouge, Louisiana. The program, operated in cooperation with DHS, offered a holistic ATD “pilot” program providing community support to eligible individuals such as asylum seekers, torture victims, pregnant women, primary caregivers, elderly, and victims of crime who would otherwise be detained. The expansion of such community-based, case-management ATD programs would promote human dignity and reduce family separation while also decreasing the financial burden on the taxpayer. USCCB/MRS urges lawmakers to revise the mandatory detention policy and to implement expanded ATD programs.

What Can I Do to Stop Immigrant Detention and Stand in Solidarity with Detainees?

- Contact your Representative and Senators and ask them to abolish the current 34,400 detention bed mandate and to fund community supported ATD models run and administered by NGOs in lieu of immigrant detention;
- Urge the President to use discretion and stop detaining vulnerable populations;
- Share our materials and raise awareness in your local communities about immigrant detention and the bed quota;
- Join a visitation or pastoral care group in your community and visit a detention facility;
- Assist families that have been torn apart by immigrant detention by offering rides to the detention facility so that they can see their loved ones, helping to prepare meals, or offering other assistance.