

Overview of U.S. Immigration Detention

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Tremendous Growth

Year	Number of Detention Beds
1980	4,000
1994	6,785
2010	33,400
2012	34,000
2017	38,000
2018	40,520
2019	44,000 ?(proposed by House Appropriations Committee)

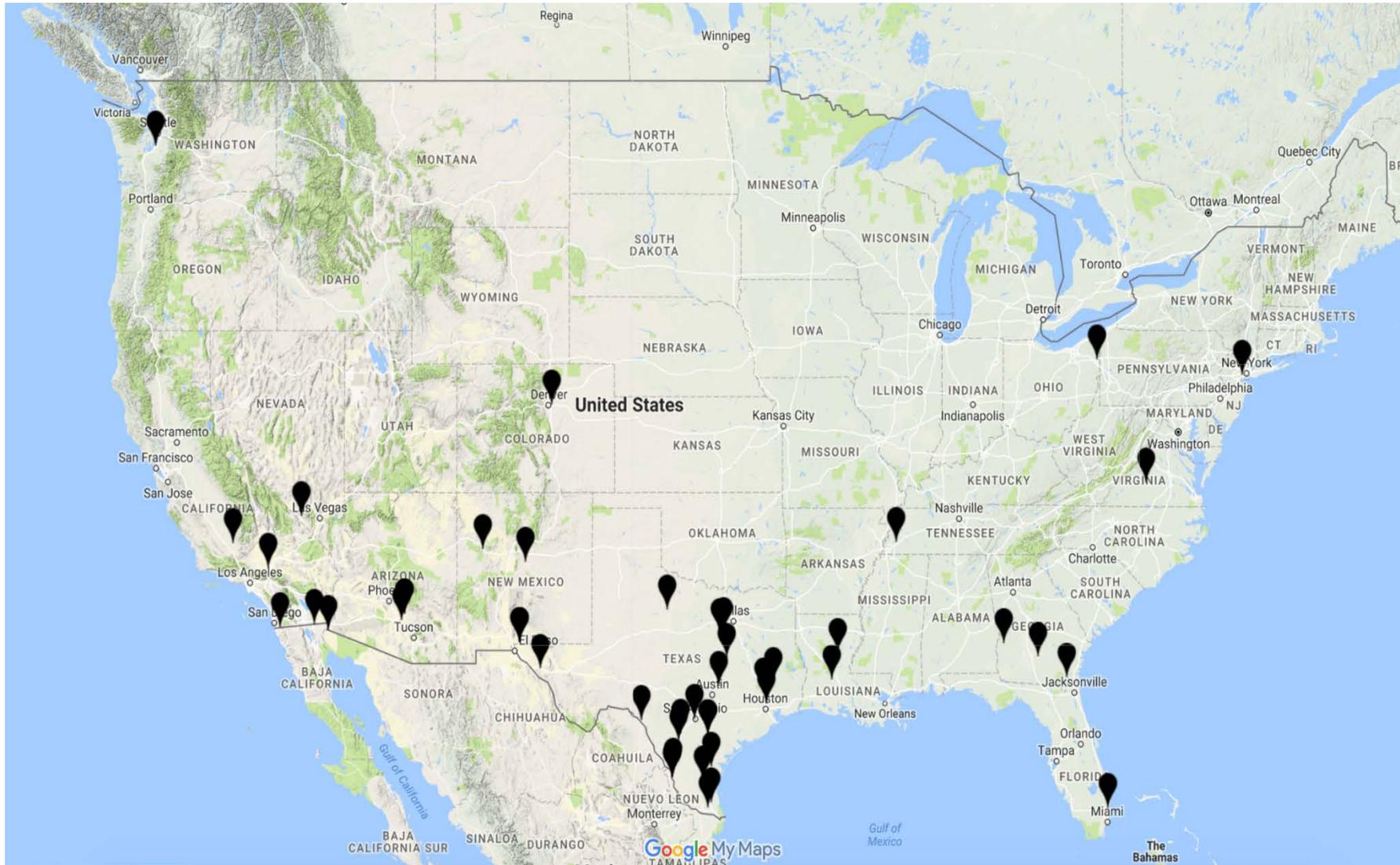
HARSH IMMIGRATION ENFORCEMENT LAWS & POLICIES

- e.g., IIRIRA of 1996
- e.g., 2009 Congress begins bed mandates
- e.g., January 2017 Executive Order from President Trump

Types of ICE Facilities

Facility Type	Owned By	Operated By
Service Processing Center	ICE	ICE and contractor staff
Contract Detention Facility	Private Companies	Private Companies
Intergovernmental Service Agreement (IGSA)	State or Local Government	State or Local Governments OR private companies

Privately Operated Immigrant Detention Centers:



ICE Detention Standards

Name	Year Implemented
National Detention Standards	2000
2008 Performance-Based National Detention Standards	2008
Performance-Based National Detention Standards 2011*	2011

Problems with Enforcing ICE Detention Standards

- ▶ Standards are not legally binding
- ▶ Only 31 of all immigrant detention centers subject to 2011 standards
- ▶ Drafted to include a “range of compliance, from minimal to optimal” so wide variance in level of compliance
- ▶ Numerous reports of basic human rights violations at U.S. immigrant detention centers, including inadequate medical care, sexual abuse of detainees, spoiled food.
- ▶ Since 2003 over 155 people have died in ICE custody
- ▶ February 2016 report by DWN, ACLU, NIJC said “egregious” violations of ICE’s medical care standards “played significant role” in eight in-custody deaths reviewed.



Alternative to Detention Program at CCANO (May 1999 to September 2004)



Photos by Steven Rubin

Key Facts about this ATD Program

Time Period: May 1999 to September 2004

Clients: Asylum Seekers (39)
Indefinite Detainees/"INS Lifers" (64)

Agency: Catholic Charities Archdiocese of New Orleans
Immigration and Refugee Services

Funding: Mini-grant from Raskob Foundation
Fees generated in Legal Services Program

Appearance Rate at Asylum Hearings: 97.5%

Relief: 20 of 38 asylum seekers who chose to remain in U.S. received
immigration relief by the time the program ended: 53%

Costs: \$3.90/Day Caseload: 20-30 clients/case manager

Program Services: Intensive Case Management & Legal Services

- ▶ Orientation
- ▶ Housing
- ▶ Legal
- ▶ Medical
- ▶ Job Placement
- ▶ Educational
- ▶ Emotional Support

Housing was a challenge.



Job Placement



Legal Assistance: asylum seekers' release from detention meant following scenes avoided:



Compliance/Success Rates

- ▶ 38 of 39 asylum seekers released to the program attended their asylum hearing, i.e. 97.5% compliance rate. (One left U.S. for Canada).
- ▶ Of the 38 asylum seekers as of Sept. 2004, 18 were granted asylum, 2 obtained WOR through CAT: 53% obtained relief.
- ▶ Of the 64 INS “lifers” released to the program, to the best of our knowledge only two had been re-incarcerated as of Dec. 2003.
- ▶ The cost of the program was about \$1,430 per client per year, or \$3.90 a day (vs. \$134/day detention costs FY 2018)

Keys to Program Success

- ▶ Cooperation and Support of New Orleans INS District Office
- ▶ Substantial Program Resources:
 - a) Internal to Program: multi-lingual staff, access to refugee resettlement program donations and services
 - b) Within the Community: attorney contacts, interpreters, experience w/ community agencies
- ▶ Convenient location

Replicable? Yes!

- ▶ Hundreds of Refugee Resettlement Agencies in U.S.
- ▶ 330 Immigration Legal Service Providers in just the Catholic network in 47 states and D.C.
- ▶ Human Trafficking services provided through DHH at Refugee Resettlement Agencies
- ▶ USCCB ATD program (Jan. 2014- March 2015) had a 97% appearance rate (included 4 family units)

Advocacy Strategies to Address Immigration Detention

- ▶ 1) Write, call, visit Congresspersons
- ▶ 2) Put pressure on local governmental agency that directly detains immigrants or sub-contracts with private prison companies
- ▶ 3) Litigation
- ▶ 4) Divest
- ▶ 5) Shareholder activism, i.. Invest (small amount) so can file shareholder resolutions through the Security and Exchange Commission (SEC)
 - a) E.g. Alex Friedman with Human Rights Defense Center
 - b) Faith-based shareholders through Interfaith Center for Corporate Responsibility.

Agenda

System of Profit-Making

Economic Leverage
Points

Action Opportunities

System of Profit-Making

- Strong **interdependence on profit** between private prisons, banks, and government officials
- **Private prisons** make big \$ from immigrant detention; get \$ from banks and govt. contracts
- **Banks** make \$ as private prisons profit because of interest from loans and investments; make contributions to govt. officials (Congress, President)
- **Govt. officials** hold shares in banks and private prisons; DHS officials often seek jobs in private industry such as working for private prisons
- *Resources:* OpenSecrets.org, Grassroots Leadership

Economic Leverage Points

- **How do we exercise leverage to move Congress toward more just immigration policy?**
- ***Leverage on Congress:*** constituents (need supporters), money from banks and private prisons (need opportunity), public image/moral image (need legitimacy)

Economic Leverage Points

- How do we exercise leverage to move Congress toward more just immigration policy?
- ***Leverage on Banks to impact Congress:***
 - consumers/shareholders of banks (need resources),
 - public image of banks (need legitimacy),
 - govt. policies on banking or related to investments bank leaders/board of directors (need structure)

Economic Leverage Points

- How do we exercise leverage to move Congress toward more just immigration policy?
- ***Leverage on Private Prisons to impact Congress:***
 - funding from banks, contracts from govt., (need resources),
 - public image (need legitimacy)

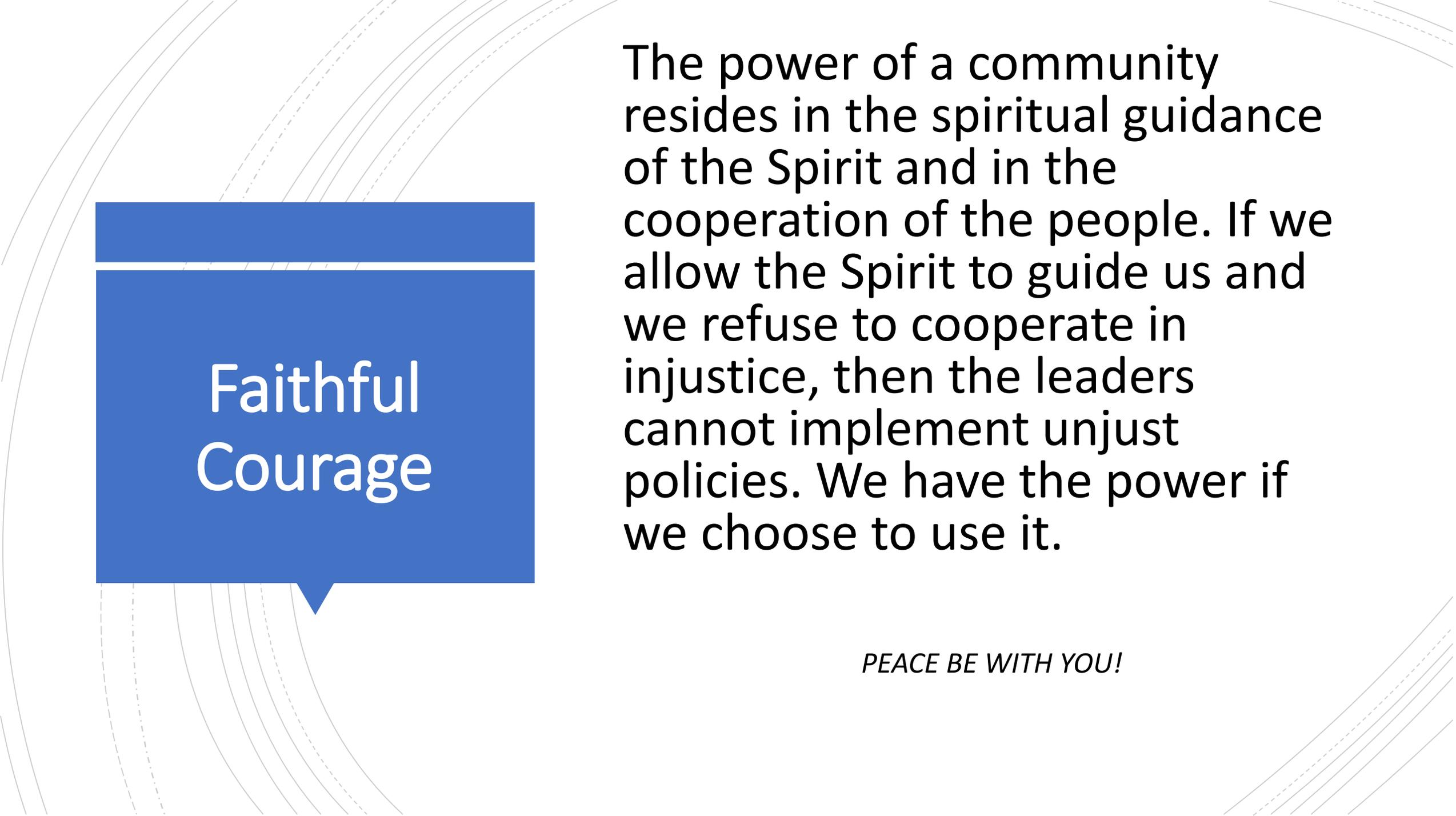
Strategic Actions

Expose Congress and Government Officials

[Petition key banks](#) to withdraw from private prisons (cmsm.org)

[Interfaith Bank Boycott](#) for Dream Act (interfaithimmigrationcoalition.org/interfaith-boycott)

Tell Congress about your Corporate Actions

A decorative background featuring several thin, curved lines in shades of gray and blue, some solid and some dashed, creating a sense of movement and depth. A prominent blue speech bubble with a white border is positioned on the left side, containing the text 'Faithful Courage'.

Faithful Courage

The power of a community resides in the spiritual guidance of the Spirit and in the cooperation of the people. If we allow the Spirit to guide us and we refuse to cooperate in injustice, then the leaders cannot implement unjust policies. We have the power if we choose to use it.

PEACE BE WITH YOU!

What is Family Detention?

- Parents and children apprehended together at the U.S./Mexico border by U.S. Customs and Border Protection are placed into Immigration and Customs Enforcement (ICE) custody.
- ICE places some immigrant families in family detention facilities located in the United States.
- Family detention facilities are described by ICE as “residential facilities” with families considered to be “residents.”
- In the facilities, parents and their children have limited freedoms and are forced to live in a restrictive detention setting.
- While at these facilities, parents and their children fight deportation in their immigration proceedings. As many of these families with children are fleeing violence and persecution in their home countries, many are seeking asylum.



Where are families detained?

There are currently three facilities in the United States that detain immigrant families.

- The Karnes County Residential Center (“Karnes”), located in Karnes City TX has 600+ beds.
- The South Texas Family Residential Center (“Dilley”) in Dilley, TX has 2,400 beds.
- The Berk Family Residential Center* (“Berks”) in Berks County, PA has 90 beds.

- *proposed construction to expand



What happens in detention?

- Vulnerable families and children, having undergone hardships in their home countries and in their flight to safety, are further traumatized by their confinement and isolation.
- The basic health and safety of those detained are also jeopardized.
- Detention in rural and remote facilities undermine meaningful access to counsel and, periodically, professional medical care.

What are alternatives to detention (ATD)?

- Release on recognizance, parole, bond, or an order of supervision.
- Family Case Management are community support based models able to provide legal and social services, that also facilitate community support to vulnerable individuals such as asylum seekers, torture victims, pregnant women, families with young children, primary caregivers, elderly, and victims of crime who would otherwise be detained.

Benefits of alternatives to detention

- ATD costs less than detention.¹
- ATD reduce trauma and promote a fair immigration process.²
- Community-based ATDs run by NGOs offer unique data collection, case management experience, and customized case-by-case evaluation methodology implemented by expert staff to ensure humane treatment and compliance with immigration legal requirements.

In summary, a higher appearance rate in immigration proceedings at a much lower cost than detention.

¹United States Government Accountability Office. Alternatives to Detention, (Nov. 2014): <http://www.gao.gov/assets/670/666911.pdf>

²American Immigration Council, Access to Counsel in Immigration Court (Sept. 2016) at page 4:

https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf

The Catholic experience with alternatives to detention

From 1999 –2002, Immigration and Naturalization Services collaborated with Catholic Charities of New Orleans to work with 39 asylum seekers released from detention and 64 indefinite detainees who could not be removed from the United States. The court appearance rate for participants was 97% and the program cost \$1,430 per year per client.

In 2013, DHS signed separate Memorandum of Understandings with Lutheran Immigrant and Refugee Services and the Catholic Legal Immigration Network, Inc. (CLINIC) in partnership with the USCCB to pilot ATD programs providing care for asylum seekers and vulnerable groups released from detention. The Catholic program originally operated in Baton Rouge and Boston. The Catholic program served approximately 45 individuals during its service term.



USCCB