

The REAL DEAL

Detaining America's immigrants: Is this the best solution?



The Facts

- Our government detains over 230,000 people a year – more than triple the number of people in detention just nine years ago.¹ The annual cost to the government is \$1.2 billion.²
- Immigrants in detention include asylum seekers, the sick and elderly, pregnant women, children, and green card holders.
- *Being in violation of immigration laws is not a crime.* It is a civil violation for which immigrants go through a process to see to whether they have a right to stay in the United States. Immigrants detained during this process are (technically) in non-criminal custody. The Department of Homeland Security (DHS) is the agency responsible for detaining immigrants.
- The average cost of detaining an immigrant is \$95 per person/per day.³ Alternatives to detention, which include a combination of reporting and monitoring conditions ranging from home-visits to ankle bracelets, are significantly cheaper than detention, with some programs costing \$12/day, while remaining effective. These alternatives to detention still yield an estimated 93% appearance rate before the immigration courts.⁴
- Although DHS owns and operates its own detention centers, it also “buys” bed space from over 312 county, city, and private prisons nationwide to hold the majority of those who are detained (over 60%).⁵ Immigrants detained in these local jails are mixed in with the local prison population serving time for crimes.
- About half of all immigrants held in detention have no criminal record at all. The rest may have committed some crime in their past, but they have already paid their debt to society. This is a separate detention and deportation proceeding.
- Torture survivors, victims of trafficking, and other vulnerable groups can be detained for months or even years, further aggravating their isolation, depression, and other mental health problems associated with their past trauma.

¹ Detention and Removal of Illegal Aliens,” Office of Inspector General, Department of Homeland Security, April 2006. Also, www.ice.gov, August 7, 2006.

² Id.

³ Vera Institute of Justice. www.vera.org/section4/section4_3.asp.

⁴ Critics Decry Immigrant Detention Push, Associated Press, June 25, 2006.

⁵ “Immigration Enforcement Benefits Prison Firms,” New York Times, July 19, 2006.

What's the problem with building more immigration jails?

► *Your tax dollars are not being put to good use*

The government's current budget for immigration detention is \$1 billion. DHS and Congress continue to ask for more detention beds. This means our nation's expenses for detention will rise. At the same time, our government is ignoring proven alternatives to detention that cost far less and are equally effective.

► *Finding a lawyer while detained is very difficult*

Immigration detainees are not provided with a government paid-lawyer. Without a lawyer, the chances of successfully defending against deportation are low. For example, a recent Georgetown University study reports that an asylum seeker is four to six times more likely to win asylum protection if represented. **The reality is that 84% of detained immigrants are not represented by a lawyer.** This disturbingly high rate may be tied to the fact that most detainees are held in prisons far away from their communities and families.

► *Detention lines the pockets of the prison industry*

Revenues and stock prices are skyrocketing for private prison companies that build immigration prisons, like Corrections Corporation of America (CCA) and GEO Corp. These companies have an incentive to urge the government to build more jails, and in fact, regularly lobby in Washington, DC for more detention, even if it is not the most effective use of taxpayer dollars.

► *Detention hurts asylum seekers and other victims of trauma*

A recent Physicians for Human Rights study shows the debilitating impact of detention on asylum seekers, especially torture survivors. It found disturbingly high levels of depression (86%), anxiety (77%), Post Traumatic Stress Disorder (50%), and worsened psychological health (70%).

► *Detention destroys families and communities*

Immigrants are regularly placed hundreds of miles away from their families and communities. When they are detained, spouses and children are forced to fend for themselves. The separation of the family from a breadwinner is devastating emotionally and financially. For example, spouses and children report that they face eviction from their homes because they could not keep up mortgage payments or that they are forced to go on welfare to survive.

No Fair Prison Treatment for Immigrants

Although detention is not criminal in nature, thousands of immigrants are detained in places that look, smell, and feel like prisons. Immigrants consistently complain about lack of access to basic medical care and phones, food, overcrowding, and limited access to fresh air. While the government has standards on how immigrants should be treated, jails regularly opt out of enforcing the standards. They get away with this practice because, at present, the standards are not legally binding.

Abuse at Passaic County Jail – An isolated incident?

The Passaic County Jail, located in Paterson, New Jersey, has been at the center of controversy over allegations of abuse and poor conditions. From 2001 through 2004, detained immigrants at Passaic reported systematic denial of the most basic of amenities, including access to lawyers, mail, telephone, family, outdoor exercise, critical medical care, and edible food. The New York Times, Amnesty International and National Public Radio reported the inhumane use of attack dogs by Passaic jail staff on immigrants. Several detainees were treated for dog bites. Many have described degrading conditions and sometimes brutal physical and mental abuse. It took over four years for the government to respond to the reports of abuse; the detention contract was terminated in 2006.

To learn more about detention:

www.detentionwatchnetwork.org

www.familiesforfreedom.org

www.nationalimmigrationproject.org

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The Real Deal, a series of fact sheets about detention, deportation and due process is a project of Detention Watch Network, the National Immigration Project and the Rights Working Group.