



#STAND WITH IMMIGRANTS

Immigration Detention in the U.S.: An Overview

Partners



#STANDWITHIMMIGRANTS

Panelists

- **Jeremy Jong**, Southeast Immigrant Freedom Initiative Jena Lead Attorney, Southern Poverty Law Center
- **Rachel Naggar**, Remote Bond Project Attorney, Catholic Legal Immigration Network, Inc. (CLINIC)
- **Jennie Guilfoyle**, Education and Training Attorney, Immigration Justice Campaign of the American Immigration Council and the American Immigration Lawyers Association (AILA).

#STANDWITHIMMIGRANTS

Immigration Justice Campaign

- **Mobilizing** lawyers to defend immigrants
- **Teaching** cutting-edge strategies to protect rights and challenge deportation machinery
- **Amplifying** individual representation through advocacy and litigation
- **Building** a movement of lawyers committed to immigration reform
- www.immigrationjustice.us



Agenda

- Why - DHS legal authority to detain
- Who is detained
- Where are detention centers
- When – how long?
- What conditions are like in detention
- How detainees may leave detention

#STANDWITHIMMIGRANTS

Authority for Detention

Broad authority of DHS to detain noncitizens it believes are removable from U.S.



#STANDWITHIMMIGRANTS

Who is Detained

- Immigration status
- Numbers
- Nationalities
- Ages

#STANDWITHIMMIGRANTS

How do People End up in Detention?

Some of the ways:

- Airports and borders
- Amtrak and Greyhound
- Applying for immigration benefits
- Raids
- "Collateral arrests"
- Criminal justice system



#STANDWITHIMMIGRANTS

Government Agencies

- Immigration and Customs Enforcement (ICE):
www.ice.gov
- Executive Office for Immigration Review (EOIR):
www.justice.gov/eoir



U.S. Immigration and
Customs Enforcement



#STANDWITHIMMIGRANTS

Who Runs Detention Centers?

- ICE directly - 5 facilities
- Contracts:
 - For-profit prison companies (e.g. Geo Group, CoreCivic) -- 47 facilities
 - State and local jails



#STANDWITHIMMIGRANTS



Inmate Mail Information

➤ Addressing correspondence properly

- ◊ All incoming and outgoing mail must be properly addressed and include the detainee's full name, immigration, A# and dorm/bed number. If all information is not included, mail will be returned.

Example:

- John Doe
- A# 123456789
- 625 Evans Street
- Elizabeth, NJ 07201

➤ General Correspondence

- ◊ Detainees may send or receive general mail from anyone they know. All general correspondence must be received in a standard legal or letter size envelope.

➤ Special Correspondence

- ◊ Detainees may also send or receive special correspondence from private attorneys and other legal representatives, government attorneys, judges, courts, embassies and consulates, ICE and the Office of the Inspector General, DHS, and grievance officers.

NOTE: When the sender is an approved special correspondent, as outlined above, the envelope should also be marked "Confidential" or "Legal".

➤ Packages

- ◊ Detainees are not allowed to receive or send packages without advance arrangements and prior approval from facility officials.
- ◊ Inspection and Registration of Correspondence
- ◊ All incoming and outgoing correspondence and packages will be opened in the detainee's presence (unless otherwise authorized by the Warden) and inspected for contraband.
- ◊ Contraband includes, but is not limited to the following: materials that depict, describe or encourage activities that could lead to physical violence such as materials dealing with the subjects of self-defense or survival, weaponry, armaments, explosives, or incendiary devices; information regarding escape plots, plans to commit illegal activities or to violate ICE rules or facility guidelines; information regarding the production of drugs or alcohol; sexually explicit

This information is provided for informational purposes only. It is not intended to be a legal document. Detainees are subject to change without notice.

Detention Quotas

- Federal: 34,000 beds must be available every night for immigration detainees.
- Site-specific: "guaranteed minimums" in contracts between ICE and for-profit prison companies

#STANDWITHIMMIGRANTS

Where Are Detention Centers?

- Map of detention centers:
 - <http://www.endisolation.org/resources/immigration-detention/>
- States with most detainees

◦ Texas	Arizona
◦ California	Georgia
◦ New Jersey	

#STANDWITHIMMIGRANTS

Impact of Detention Location

- Loss of/impaired:
 - Ability to see family and friends
 - Ability to obtain evidence
 - Ability to have witnesses testify
 - Ability for family, friends to attend hearings
 - Ability to obtain legal representation

#STANDWITHIMMIGRANTS

How Long?

- At border (CBP detention)
- While removal proceedings pending
- After final removal order

#STANDWITHIMMIGRANTS

Conditions in Detention

- Living space
- Clothing and personal property
- Food
- Access to adequate medical care
- Access to legal library
- Phone calls
- Use of solitary confinement

#STANDWITHIMMIGRANTS

Impact of Detention

- On detainee
- On detainee's family and community

#STANDWITHIMMIGRANTS

Gov't Report on Problematic Conditions

December 2017 DHS Office of Inspector General report on detainee treatment and care:

- "Overall, we identified problems that undermine the protection of detainees' rights, their humane treatment, and the provision of a safe and healthy environment."
- <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>

#STANDWITHIMMIGRANTS

Deaths in Detention

- Since 2003, more than **176** deaths in detention
- Latest reported death on Jan 22nd, detainee at Stewart Detention Center in Lumpkin, GA
- Report on deaths in detention:
<https://www.aclu.org/report/fatal-neglect-how-ice-ignores-death-detention>
 - ICE failure to adhere to its own medical standards

#STANDWITHIMMIGRANTS

Alternatives to Detention

- Current ICE program – ISAP
- Alternatives include:
 - Parole
 - Community support programs
 - Legal representation

#STANDWITHIMMIGRANTS

Release From Detention

- Parole
- Supervised release
- Bond
- Win merits hearing
- Deportation

#STANDWITHIMMIGRANTS

Importance of Legal Representation

- Right to counsel – at detainee’s own expense
- Only **14%** of detainees nationwide have counsel
- Immigrants with representation are **10 times** more likely to prevail

<https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>

#STANDWITHIMMIGRANTS

Useful Links

- Detention Watch Network: www.detentionwatchnetwork.org
- CIVIC: www.endisolation.org
- Know Your Rights: <https://www.aclu.org/know-your-rights/what-do-if-immigration-agents-ice-are-your-door>
- CBP detention abuses: <https://www.americanimmigrationcouncil.org/research/prolonged-detention-us-customs-border-protection>
- Immigration Justice Campaign: www.immigrationjustice.us

#STANDWITHIMMIGRANTS

QUESTIONS?

To contact us, email
support@standwithimmigrants.org

#STANDWITHIMMIGRANTS

Copyright © 2017 American Immigration Lawyers Association and American Immigration Council. All rights reserved.

IMMIGRATION JUSTICE CAMPAIGN



#STANDWITHIMMIGRANTS
