

immigration detention: questions and answers

What is immigration detention?

Immigration detention is an administrative process by which the federal government holds people it wants to deport in prisons and prison-like "detention facilities" throughout the country.

Immigration detention has existed in the United States for more than 100 years. But the number of people detained has more than tripled since 2001ⁱ, after immigration laws passed in 1996 imposed mandatory detention on many asylum seekers and most people with prior criminal convictions, barring immigration judges from releasing them on bond.

Why does detention exist?

Immigration detention supposedly exists to facilitate "removal" (deportation). In other words, the immigration agency detains immigrants so that it can more easily deport them.

In reality, the federal government uses immigration detention to punish people for fighting deportation, to pressure them to give up their cases and return to their country of nationality, and to discourage people from seeking asylum in the US.

Who is in detention?

In the fiscal year that ended on Sept. 30, 2007, a total of 311,123 people passed through immigration detention.ⁱⁱ Immigration and Customs Enforcement (ICE), the federal agency responsible for jailing and deporting immigrants, has 32,000 detention beds available as of July 2008, with another 1,000 beds due to be added in fiscal year 2009.ⁱⁱⁱ

The detainees include men, women, children and entire families. They include survivors of torture and persecution who have applied for political asylum and are waiting for a decision on their cases. They include people who have been living in the US since they were infants or toddlers, and who have many close family ties in this country.

Some detainees are fighting a legal battle to try to stay in the US. Others are just waiting to be deported. Immigration detainees by definition are not charged with a crime or serving a sentence. (If they are charged with a crime, they go through the criminal justice system, which is separate from administrative immigration detention.)

Immigration violations are the only kind of civil offenses for which people are commonly jailed in the U.S. since debtors' prison was abolished in the 19th century.

Where are people detained?

In fiscal year 2007, immigrant detainees were held in more than 300 facilities throughout the United States.^{iv} Most of these are local jails where ICE contracts bed space. The immigration agency also uses eight detention centers of its own, seven facilities run by private, for-profit companies under contract for ICE, and five which are operated by the Bureau of Prisons (BOP).^v

More than 50% of immigration detainees are held in local jails, where they are often mixed in with the general prison population and generally face worse conditions than in the federal facilities. Women detainees are more likely than men to be placed in local jails because the immigration agency has less space reserved for women in its own facilities.

How long do people spend in detention?

Immigration detainees can be locked up for a few days, or for more than ten years. As of 2007, the average stay in detention was about 37 days.^{vi} But some people are deported very quickly, while others languish in immigration jails for months or years. In June 2001, the Supreme Court set a time frame of six months within which the immigration agency is supposed to deport people who have been issued final orders of removal. But the government has tried to avoid complying with this ruling, and detainees who have no country to return to generally have to sue in federal court to win their freedom.^{vii}

How bad is detention really?

Detention is like jail, except that you aren't serving a sentence and you have no idea when you'll get out. You have no freedom, visits are restricted, phone calls are very expensive, and food and medical care are notoriously bad. Detainees are often subjected to arbitrary punishment, including shackling, solitary confinement, neglect of basic medical and hygienic needs, denial of outdoor recreation, and verbal, physical and sexual abuse. At least 68 people died in immigration custody between January 1, 2004 and March 2, 2008^{viii}; a *Washington Post* report suggests that medical neglect may have been a factor in at least 30 deaths.^{ix}

How much does detention cost?

The average daily cost of detaining an immigrant in federal facilities and local jails around the country is estimated at about \$95.^x When you multiply that figure by the number of people in detention on any given day--

which was over 30,000 in fiscal year 2007^{xi}--that adds up to more than \$1.04 billion a year, paid for by our federal taxes. That doesn't include other enforcement expenses.

Is detention necessary?

The official purpose of detention is to prevent people from "absconding" by keeping them in jail until they are sent back to their countries of origin. But does it really matter whether people "abscond"? Is it really a problem if immigrants evade deportation and end up staying here with their families, living and working alongside us? Is it worth the terrible human and financial costs of detention just to make sure immigrants really leave the US?

Is there an alternative to detention?

The immigration agency makes some immigrants wear painful and humiliating electronic monitoring devices on their ankles under what the agency considers an "alternative to detention." But the real alternative is to stop detaining people at all. The immigration agency has the power to release people under supervision, which can be as simple as requiring them to check in monthly with an immigration office via phone. This is the least costly and most humane solution.^{xii}

Who profits from detention?

Even as the US economy tanks, detention remains a highly profitable and fast-growing industry for corporate shareholders. Revenues and stock prices are skyrocketing for private prison companies building immigration prisons, like Corrections Corporation of America (CCA) and the GEO Group, which between them operate at least eight immigration detention centers. Private companies also manage many of the local jails which hold immigration detainees.

Private companies love immigration detention contracts because the profit margins are much higher than regular prison contracts—in part because immigration detainees don't get any of the education, recreation, treatment or

rehabilitation programs provided to prisoners.^{xiii} Even in jails not managed by private companies, there are private profits to be made in contracts for services including food, uniform laundering, and telephone calls.

The fact that companies profit from the immigration detention system gives them an incentive to lobby for more and more detention. Clearly, it serves their interests. But does it serve ours? Why are we paying to lock people up who pose no threat to society?

How can we stop immigration detention?

- Organize vigils and demonstrations against immigration detention

- Volunteer with groups that provide support to detainees and their families

- Organize film screenings and educational events about detention

- Write letters to the editor and talk with your friends and co-workers about the issue

- Check out the Detention Watch Network website for more information and action ideas:
<http://www.detentionwatchnetwork.org>

- Check out "The Politics of Immigration" website for other resource listings: <http://thepoliticsofimmigration.org>

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local actions/contacts:

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