

Workshop Summary:

IMMIGRANT DETENTION CENTERS AND THE CHURCH'S WITNESS

This workshop was led by Rev. Jose Olagues, Associate Executive for Presbytery of Grand Canyon, who has served as a spiritual advisor to detainees at the ICE facility in Florence and until recently served on the board of directors of the Florence Immigrant and Refugee Rights Project (FIRRP). Additional leadership was provided by Lindsay Marshall, Esq of FIRRP and Victoria Lopez, Esq of the Arizona ACLU Immigrant Rights Project. A representative of Jesuit Refugee Services, who was to be part of the panel, was not able to be present.

Several types of prisons can be used as immigrant detention centers, and Florence, AZ has virtually all of them: state prisons, private prisons, and a county jail, as well as a large federal facility created specifically to house immigrants awaiting administrative removal proceedings or removal from the U.S. Nearby, the Eloy Detention Center, a private prison, houses another 1500 “immigration detainees.” There are additional “contract shelters” in Phoenix for unaccompanied immigrant minors. In all, Arizona holds more than 3000 detainees, about 10% of all persons in detention in the U.S. Corrections Corporation of America, a private prison company, holds more than half of this population.

Florence Immigrant and Refugee Rights Project

The “Florence Project” provides and coordinates free legal services and related social services to indigent men, women and unaccompanied children detained in Arizona for immigration removal proceedings. The Project strives to ensure that detained individuals have access to counsel and understand their rights under immigration law. Immigration detainees – even children – have no right to appointed counsel, so there is no public defender system or legal aid counsel for them. The Florence Project fills this gap by providing free legal services to all adults and representing all children before the immigration court. Another Project goal is to ensure that detainees are treated fairly and humanely by the judicial system through advocacy and outreach work. Given the numbers held in Arizona detention facilities, and the limited resources of the Florence Project, there is a strong focus on empowering detainees to represent themselves. Every detainee hears a “Know Your Rights” presentation, in English or in Spanish, before their first court hearing and receives a follow-up legal screening and assistance with their case. The project has helped detainees from 91 countries in the last year. The Project has also created detailed self-help packets that are widely used by other non-profit service providers and detainees throughout the country.

Nationwide, the system for immigration detention has experienced phenomenal growth in recent years. In Arizona, it's been a tsunami. The Department of Homeland Security transfers persons to Arizona from all over the country because of the huge number of beds, particularly in private prisons, that have been made available for this purpose. Families are often now separated and sent to different centers. The Department of Homeland Security has announced reform

initiatives to its detention system, but little has been done to date. One publicized goal is to make the detention system more regional to reduce the strain of family separation.

The need for a program such as FIRRP was recognized in the late 1980s, when hundreds of Central Americans were being detained in Southern Arizona and their asylum claims were being unilaterally denied. A group of immigration lawyers got together and designed the program; one then took a year's sabbatical to establish the program. Protections for persons seeking asylum are rooted in international law, but achieving asylum status is very difficult.

Many children are in detention centers, with or without their families. In 2009, the Florence Project represented 920 children in detention in Arizona. Currently there are 208 beds in Phoenix designated for children. As a result of the Project's work, every child is now represented in court either by Project attorneys or by pro bono attorneys in the community who take cases referred by the Project. The Project has been successful in winning a form of relief called "special immigrant juvenile status" for children who were abused, abandoned or neglected in their home country. This relief provides a green card and a path to U.S. citizenship. Only a small percentage of the children the Project serves are eligible for this relief from deportation however. The Project only won special immigrant juvenile status for 30 out of the 920 children in 2009. Even if children come here alone and want to reunify with family in the U.S., they often do not qualify for relief and are returned to their home country. The Project's social service coordinator works with children who do win special immigrant juvenile status to help them adjust to life in the U.S. and receive immediate social services.

Among adults, perhaps 15% of the attempted asylum cases are remediated successfully.

The focus of the detention program is basically to remove people from the U.S. as expeditiously as possible and to make their lives so miserable in the interim that they will not attempt to return. Many undocumented persons, when found by the Border Patrol, are shipped back immediately. Persons in detention are usually persons who have been in the U.S. for some time but now are in the process of being deported. Many voluntarily accept deportation – even if they have a defense to remain here – rather than face the challenges of detention while they fight a legal case.

Some of those challenges include the fact that the phone system is privatized and very costly, making contact with family members and lawyers very difficult. Developing and resolving a case can take as long as several years. Food is substandard; conditions are crowded and inadequate. Medical care is inadequate and often inhumane. Judges may be political appointees or more often have previous experience in the prosecutorial side of immigration cases, e.g. as counsel to Border Patrol and ICE. Court systems, such as rules for evidence, are different than in other courts. Detention centers have lax and unenforceable standards, and there is no way to hold them accountable. Centers are self-enforced and self-monitored. If a complaint is filed based on standards, there is little chance of seeking recourse.

In the face of this, FIRRP has become a model for such work throughout the country. Presbyterian Disaster Assistance (PDA) has helped fund twenty additional capacity-building projects like FIRRP around the U.S.

The Arizona ACLU Immigrant Rights Project surveys and documents human rights violations in immigration detention facilities. Mandatory detention was part of the 1996 immigration law (Illegal Immigration Reform and Immigrant Responsibility Act, IIRER), which created the category of “unlawfully present persons.”

Some of the issues addressed include expedited removal, e.g. whereby Central Americans are dumped at the U.S./Mexico border, and illegal involvement of local law enforcement in immigration arrests.

Once in detention, the problems multiply. Medical care is the largest complaint. Refugees lose their parental rights due to detention, which compounds the crisis of detention. The project contacts consulates on behalf of detainees. Cases have included the abuse and harassment of transgender women in detention. The role of the project is to seek out cases to litigate in the hope that cases can be won and benefit not only the claimant but others as well.

The Jesuit Refugee Services Detention Chaplaincy Program operates in federal detention centers in New York, Texas and Arizona, as well as the Mira Loma County detention center in Los Angeles. The program provides both worship services and spiritual and pastoral support to detainees of all faiths.

The cost for keeping a person in detention is \$98 per day per detainee. This is a major motivation for both governmental and private, for-profit jails to apply for contracts to provide immigrant detention services. Both FIRRP and the ACLU project are advocating for alternatives that could reduce this cost to about \$14 per day and, more importantly, allow the enforcement of immigration laws in a more logical and responsible manner. Information on such alternatives may be found on the Advocacy page of the Detention Watch Network website (www.detentionwatchnetwork.org).

Visiting Immigrants in U.S. Detention Facilities is an excellent resource developed by the Detention Watch Network (www.detentionwatchnetwork.org). This manual on how to develop a visitation program is based on the experience of church-related visitation programs in New York/New Jersey. It is downloadable in .pdf format from the Network or the PC(USA) Office of Immigration Issues (www.pcusa.org/immigration).

The PC(USA) Office of Immigration Issues can also put congregations and presbyteries in touch with good work being done by Presbyterian groups in other immigration-related areas.

Developed from workshop materials and other sources