

Immigration Detention Centers

The immigration detention system has been in the news several times in recent weeks. First, a report entitled, *A Broken System: Confidential Reports Reveal Failures in U.S. Immigrant Detention Centers*, was released on July 28. This report, available at www.nilc.org/immlawpolicy/arrestdet/A-Broken-System-2009-07.pdf, is the “first-ever system-wide look at the federal government’s compliance with its own standards regulating immigrant detention facilities . . . “ The authors found “pervasive and extreme violations of the government’s own detention standards as well as fundamental violations of basic human rights and notions of dignity.” While the full report is quite detailed and lengthy, the 8-page executive summary contains the highlights and findings.

On the same date, the Rapporteurship on the Rights of Migrant Workers and their Families of the Inter-American Commission on Human Rights completed a week of visits to various detention facilities in Arizona and Texas. Their short report, available at www.cidh.org/Comunicados/English/2009/53-09eng.htm, mentions that they were refused permission to visit the Maricopa County detention facility, raising questions about the ability of the federal government to control local law authorities enforcement of the federal civil immigration laws.

On July 30, 2009, Senators Menendez (D-NJ) and Gillibrand (D-NY) introduced two bills, the Protect Citizens and Residents from Unlawful Detention Act, S. 1549, and the Safe Treatment, Avoiding Needless Deaths, and Abuse Reduction in the Detention System Act or the Strong STANDARDS Act, S. 1550. These bills would establish minimum standards of procedure and treatment of U.S. Citizens, lawful permanent residents, and immigrants and require the Secretary of Homeland Security to ensure that laws concerning the treatment of detainees are enforced. Copies of these bills can be found at <http://thomas.loc.gov/cgi-bin/query/z?c111:S.1549>: and at <http://thomas.loc.gov/cgi-bin/query/z?c111:S.1550>:. Both bills have been referred to the Senate Judiciary Committee.

Then on August 6, Assistant Secretary of Homeland Security for ICE John Morton announced plans to overhaul the immigration detention system. The aim is to move the system from one primarily utilizing facilities designed for penal detention and run by county authorities or private contractors to ones run by ICE specifically for immigration detention purposes and providing improved medical care, custodial facilities, etc.

The specific steps are listed in a press release/fact sheet at www.ice.gov/pi/news/factsheets/2009_immigration_detention_reforms.htm. The first item on the list is creating an Office of Detention Policy and Planning which will be led by Dr. Dora Schriro, formerly from Arizona, and a team of experts. The singular function of this office is to plan and design a civil detention system tailored to ICE’s needs. ICE is also hiring medical experts and detention experts to advise Dr Schriro and to work in the facilities. ICE will also be reviewing all the contracts to current facilities; according to this AP article, http://kai03.qwest.com/WindowsLive/Media/News/NewsDetail/National/Fed_payments_for_holding_immigrants_vary_widely.aspx?id=D99VVU8G0@news.ap.org; payments range from \$less than \$43/day to nearly \$134/day per detainee.