



Migration and Refugee Service

Office of Migration Policy and Public Affairs

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Immigrant Detention

Background

Immigrant detention in the United States has reached epidemic levels. In FY 2001, the now defunct Immigration and Naturalization Service (INS) detained 204,459 people.¹ By FY 2011, the total number of persons detained by Immigration and Customs Enforcement (ICE) agency had risen to 429,247.² This number represents more than five times the number of people entering the federal prison system for criminal offenses.³

The explosion in immigrant detention in the last twenty years can be attributed to federal immigration policies and priorities that have increasingly focused on enforcement and routinized deportations. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 promulgated mandatory detention laws for certain immigrants and initiated a “get tough on undocumented immigration” era. Through expedited legal removals, harsher penalties, and mandatory detention, IIRIRA begat the first wave of large-scale immigrant detention in the U.S., as it was characterized as the means to facilitate the removals. This is largely because the stated purpose or goal of immigrant detention has been to ensure that noncitizens appear for their removal proceedings and do not abscond after a final order of removal has been issued. As removals became a high immigration priority of the U.S. government, the use of immigrant detention, run by the Department of Homeland Security (DHS) skyrocketed in an effort to keep immigrants in custody while they awaited deportation.

Starting around 2003, in an effort to keep up with the demand for immigrant detention beds, DHS began to rely upon a diverse set of facilities such as local and state jails, for-profit prisons, and federal prisons to house the growing numbers of immigrant detainees. The number of immigrant detention beds that must be occupied is now determined by Congressional appropriators, who view the number of detention beds to be a minimum allocation or floor which must be occupied at all times. To this end, the FY 2012 appropriations bill included language that put a requirement that 34,000 immigrant detention beds be in use at all times.⁴ In the last several years, advocates and the Administration alike have called for greater flexibility in regards to the bed mandate and to a reduction in immigrant detention generally.

USCCB Position and Response to Immigrant Detention

The U.S. Conference of Catholic Bishops (USCCB) is concerned about the unprecedented growth of immigrant detention. While USCCB acknowledges the right of governments to enforce its immigration laws, USCCB has asked the U.S. government work to reform the immigrant detention system and end the

¹ Doris Meissner, Donald Kerwin, Muzaffar Chishti, Claire Bergeron, *Immigration Enforcement in the United States: The Rise of Formidable Machinery*, Migration Policy Institute at 131 (2013); DOJ Bureau of Statistics, “Federal Criminal Case Processing Statistics,” <http://bjs.ojp.usdoj.gov/fsrc/var.cfm?t=new>;

² *Ibid.* at 11.

³ *Ibid.* at 131.

⁴ Consolidated Appropriations Act of 2012, Pub. L. 112-74, 125 Stat. 966 available at www.gpo.gov/fdsys/pkg/BILLS-112hr2055enr/pdf/BILLS-112hr2055enr.pdf

painful suffering and human indignity the current system has inflicted on many immigrants and their families. In the pastoral letter, *Strangers No Longer: Together on the Journey of Hope*, the USCCB recognized the right of the sovereign to control and protect its borders, stating: “we accept the legitimate role of the U.S . . . government in intercepting undocumented migrants who attempt to travel through or cross into [the country].” The U.S. Bishops emphasized, however, that “. . . [w]e do not accept . . . some of the policies and tactics that our government has employed to meet this . . . responsibility.”⁵

USCCB strongly believes that the current immigrant detention system threatens family unity, and as such must be reformed to prevent unnecessary family separation, particularly of young children from their families. Families are the cornerstone of American and Catholic life and values. The current mandatory detention policies are tearing these families apart. Between July 1, 2010 and September 31, 2012, 204,810 parents of U.S.-citizen children were detained and removed from the U.S., accounting for nearly 23 percent of all individuals deported during that period.⁶ The U.S. Bishops are working to reform the system and prevent the unnecessary detention of non-violent parents and caretakers. Moreover, immigrants who have committed no offense and are no threat to others, such as asylum-seekers and other vulnerable groups like victims of human trafficking, domestic violence, or other crimes, should have alternatives to detention made available to them as they pursue legal immigration status.

In addition to being inhumane and undignified, the current immigrant detention system is cost-prohibitive and wasteful of taxpayers’ money. Currently, mandatory detention costs taxpayers approximately \$122-\$164 per person per day, and roughly 2 billion dollars a year.⁷ Certain Alternatives to Detention (ATDs) can cost as little as \$12/ day and are extremely effective in ensuring compliance with immigration procedures and orders. USCCB urges lawmakers to revisit and revise the mandatory detention policy for all immigrants detained and to look to implement more ATDs as a more cost-effective and humane option.

Pope Francis recently stated: “No cell is so isolated as to exclude the Lord, none. He is there . . . His paternal and maternal love reaches everywhere.” Consistent with the work and words of Pope Francis, USCCB has been working to end large-scale immigrant detention by focusing its efforts on creating ATD pilot programs in partnership with DHS.

In January 2014, USCCB, along with its Catholic partners, launched a case management-based ATD program in Boston, Massachusetts, and in Baton Rouge, Louisiana. The program is operated in cooperation with DHS and is funded by USCCB and other Catholic organizations. USCCB is offering a holistic ATD “pilot” program which will provide both legal services and community support to eligible individuals such as asylum seekers, torture victims, pregnant women, primary caregivers, elderly, and victims of crime who would otherwise be detained. USCCB and its partners are working to provide services that reflect the authentic teaching of the Catholic Church, and use the success of the pilot program to show legislators that ATDs are legitimate alternatives to immigrant detention.

⁵ *Strangers No Longer: Together on a Journey of Hope. A Pastoral Letter Concerning Migration* from the Catholic Bishops of Mexico and the United States, January 23, 2003, No. 78.

⁶ Seth Wessler, Nearly 205K Deportations of Parents of U.S. Citizens in Just Over Two Years December 17, 2012 available at http://colorlines.com/archives/2012/12/us_deports_more_than_200k_parents.html

⁷ The Math of Immigration Detention: Runaway Costs for Immigration Detention Do Not Add Up to Sensible Policies, National Immigration Forum, August 2012.

Action:

- Contact your Representative and Senator and ask them to abolish the current 34,000 bed mandate and to promote true and humane alternatives to detention in lieu of immigrant detention;
- Raise awareness in your local communities about the Immigrant Detention, Family Immigrant Detention and the Detention Bed Mandate;
- Join a visitation or pastoral care group in your community and visit an immigrant in a detention facility to help support and minister to these individuals;
- Assist families that have been torn apart by immigrant detention by offering rides to the facility so that they can see their loved ones or helping with meals or other assistance;
- [Support](#) local Alternatives to Detention pilot programs like the ones in Boston and Baton Rouge, Louisiana area.

Resources:

- USCCB/CLINIC Webinar: Immigrant Detention: Perspectives from DC and from the Field, available at <https://cliniclegal.org/resources/webinars/webinar-immigration-detention-perspectives-dc-and-field>
- Family Immigrant Detention Backgrounder
- Detention Bed Mandate Backgrounder
- *Strangers No Longer: Together on a Journey of Hope. A Pastoral Letter Concerning Migration* from the Catholic Bishops of Mexico and the US, available at USCCB website <http://www.usccb.org/issues-and-action/human-life-and-dignity/immigration/strangers-no-longer-together-on-the-journey-of-hope.cfm>

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