

Detention

Impact on immigrants

When they had brought them before the magistrates, they said, 'These men are disturbing our city; they are Jews and are advocating customs that are not lawful for us as Romans to adopt or observe. They threw them into prison and ordered the jailer to keep them securely. Acts 16:20-21 and 23b

Information:

In 1952, Ellis Island was closed and the United States moved away from a system of detention for immigrants unless they were deemed a flight risk or a danger to society. Under this system, immigrants were permitted to remain with family until mandatory court appearances. However, in the mid-1990's this changed and there was an increase in mandatory detention without bond for many immigrants.

Since that time, the number of immigration detainees has skyrocketed from 95,000 in 2001 to over 300,000 in 2007. By the end of 2009, over 440,000 immigrants will be incarcerated at a cost of \$2 billion. Being in violation of immigration laws is a civil matter not a crime but the majority of immigration detainees are housed in the general criminal population of jails and for-profit prisons.

Immigration officials state immigrants are detained to ensure their appearance at court dates. However, when people are arrested for crimes they are not required to be incarcerated until hearing but are set free on their own reconnaissance or post bail as part of their due process.

Insight:

There are no national standards for the detention of immigrants. What policies that are in place are not legally enforceable or universally applied.¹ Finally immigration detainees are not entitled to the same due

process as those who are arrested for crimes such as theft, murder, or rape. Immigration detainees are not guaranteed access to an attorney, bail, or protected by other civil liberties. In some cases, immigration detainees who complain are punished with solitary confinement.

While the cost of detention can be \$95-125 per day there are less expensive alternatives to ensuring their appearance for court.² These alternatives are available at a fraction of the cost, as little as \$12 per day.³ Ankle bracelet monitoring, intensive supervision, and posting bond are a part of these less expensive programs that have a 91% appearance rate for court appointments.⁴



Any immigrant can face mandatory detention including those seeking refugee status or asylum. Detainees are unsure of

¹ New York Times, <http://www.wnyc.org/new/articles/97951>.

² New York Times, <http://www.nytimes.com/2006/07/19/business/19detain.html>.

³ Reuters, <http://www.reuters.com/article/pressRelease/idUS38808+25-Mar-2009+PRN20090325>.

⁴ See 1.

how long they will be incarcerated and this uncertainty and isolation coupled with a history of victimization can further traumatize them. Alone in a complicated system of laws and policies it can take months for the refugee to prove his or her fear of returning home.

Millions of dollars are being spent to detain immigrants, both documented and undocumented, and many have no criminal record at all, are not a flight risk, nor are they a danger to society. Holding them indefinitely in this manner does not make the United States a safer place nor is it consistent with American values.

Invitation to act

The Detention Watch Network offers educational materials, stories from immigrants, and an interactive map of detention centers in across the country. (www.detentionwatchnetwork.org)

New legislation has been introduced into the House that, if adopted, will offer some protections to immigration detainees. Contact your representatives and urge them to co-sponsor and support Immigration Oversight and Fairness Act of 2009 (H.R. 1215) which provides basic protections for immigration detainees including access to medical care, phones, legal materials, and law libraries. It also ensures protections for unaccompanied children, sexual abuse victims, survivors of torture, families with children and other vulnerable populations.

Congregations and other organizations are developing detention center visitation programs to provide pastoral care and support to immigrants and their families for more information call 888-728-7228 ext. 5202.

A new DVD documentary, *The Least of These*, details the government's rationale for family detention and shares an intimate

view of what life is like for the men, women, and children detained on immigration violations. This film would be a good introduction for a study group or for those interested in becoming advocates for families in detention. The film may be borrowed from the Office of Immigration Issues at the Presbyterian Church (USA) by contacting the office at 888-728-7882 ext. 5202 or dana.dages@pcusa.org.

Inquire

It is an honor and a privilege to pray for one another, even our brothers and sisters whom we do not know or may never meet. The Gospel of Matthew assures us of Christ's presence with those who are hungry, thirsty, naked, and imprisoned so when we pray for immigrants in detention we join Jesus amongst those our society has deemed the least. The fathers of our faith, Paul and Silas were imprisoned when they traveled to Macedonia and they were a blessing to their jailers and fellow inmates. Join in prayer for those who are detained and those who miss their presence.

God, thank you for the diversity of your people all of whom have you as the source of life and bear your image. We are hopeful that even imprisoned children are able to sing your praises and be a witness to your faithfulness. God help me be a source of their hope. I pray for the end of injustices and suffering within the detention process. Grant wisdom and courage to policy makers so that they may make decisions that show dignity and value for all life. It is in the name of Christ, the Prince of Peace, I pray. Amen.

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