

Immigration Oversight and Fairness Act (HR1215)

Creating enforceable guidelines on the treatment of immigration detainees

"In a certain city there was a judge who neither feared God nor had respect for people. A widow kept coming to him and saying, Grant me justice against my opponent. For a while he refused; but later he said to himself, Though I have no fear of God and no respect for anyone, yet because the widow keeps bothering me, I will grant her justice, so that she may not wear me out by continually coming." Luke 18:2-5

Information:

Some 28,700 immigration detainees are in the custody of the Immigration and Customs Enforcement (ICE) every day.¹ These detainees are not held at a central location, rather they are housed in a patchwork of some 353 facilities, including jails and private for-profit prisons.² There has been a rapid increase in the number of detainees in custody at these various sites, an increase of 61% from January 2006 to December 2007.³ While there are laws that are enforceable regarding the treatment of criminal inmates in jails and prisons, there are no such codified guidelines for immigration detainees.

Immigration detainees can be held for months or even years while they wait for the outcome of their cases and they do not have access to the due process guaranteed American citizen inmates. Immigration detainees have not committed a crime by being in violation of immigration laws, rather they are involved in a civil matter yet being held, with those accused and convicted of sometimes violent crimes, with fewer protections.

In 2009, Rep. Lucille Roybal Allard introduced the Immigration Oversight and Fairness Act (HR1215) to reform and enforce the detainment guidelines which impact immigration detainees. This bill has been endorsed by over 100 faith, human rights, civil liberties, refugee and immigrant, and

community organizations because of its compassion and fairness.

Insight:

The lack of clear guidelines on immigration detainees for the network of jails and private for-profit prisons that house them, results in confusion and sometimes tragedy. There have been 83 detainee deaths in custody of ICE since March 2003.⁴ This shockingly high number is one factor that has prompted the call for uniform and consistently applied rights for immigrant detainees including:

- Establishing legally enforceable detention condition standards such as access to phones and medical care
- Ensuring that detainees receive appropriate medical care and creating safeguards against forcible drugging
- Facilitating speedy transfer of children to better equipped shelter facilities
- Promoting community-based alternatives to detention for detainees who are not a flight or safety risk.



¹ Department of Homeland Security, http://www.dhs.gov/xoig/assets/mgmttrpts/OIG_08-52_Jun08.pdf.

² Department of Homeland Security, see #1.

³ Department of Homeland Security, see #1.

⁴ The Washington Post, <http://www.washingtonpost.com/wp-srv/nation/specials/immigration/map.html>.

Another factor in establishing this legislation is to offer alternatives to the detention of immigrants in violation of immigration laws. The costs to tax-payers to house immigration detainees is nearly \$2 billion per year and most have no history of criminal activity nor do they pose a threat to society. Alternative detention methods are available at a fraction of the cost of detention and helps preserve family unity resulting in healthier families and communities.

Invitation to Act:

Learn about the plight of immigrant detainees and then share this experience with church and civil organizations. The New York Times did a series of stories on immigrants who have died in custody, once such story can be viewed at this link, http://www.nytimes.com/2008/08/13/nyregion/13detain.html?_r=1. Visit the Detention Watch Network's website (www.detentionwatchnetwork.org) to discover where immigrants are being held and the conditions of those locations.

Contact members of the House of Representatives and urge them to co-sponsor and support the Immigration Oversight and Fairness Act of 2009 (HR1215). Share your beliefs about the fair and humane treatment of those in US custody. Visit www.congress.org to get the name and contact information for your elected officials.

Inquire:

Immigrants in detention are not able to visit the judge daily to ask for justice but others can go on their behalf before judges, politicians, and jailers to demand justice. Advocacy work is sometimes lonely yet we are called to seek justice for the stranger, widow, and orphan. While going before secular entities, it is important to remember to also go before God and pray for mercy for those who are involved in a merciless system. Join in prayer.

God of the just and unjust, we trust in your partially of the poor but also your mercy for sinners. We ask your presence with immigrants who are detained without clear charges, separated from their families, and suffering in the unknown. Many of those detained are without resources with which to ensure their release or the well being of their families while imprisoned. Help us be fair and just in the treatment of those in violation of our nation's laws because of our faith in you and the belief we have been called to follow higher commandments. Through the stories of scripture may we learn to be like the widow who persisted in attaining justice. It is in the name of Jesus, the light of the world that we pray. Amen.

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