

Obama continues brutal immigrant detention policies

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7 August 2009

The Obama administration announced plans Thursday to revamp the federal immigration detention system in what is chiefly a cosmetic effort to deflect criticism of the brutal and unconstitutional treatment meted out by the government to tens of thousands of immigrants awaiting deportation.

Insofar as there is any actual content to the announced measures, it will mean a greater centralization of the “civil detention” system and a more efficient and accelerated means to track, process and deport undocumented immigrants. This has dangerous implications for the democratic rights of not only immigrants, but also native-born Americans.

Immigration and Customs Enforcement Agency (ICE, part of the Department of Homeland Security) officials announced the creation of a new office to oversee the system of 350 local jails, private-for-profit prisons and federal detention centers that the government contracts or operates. The system holds some 31,000 immigrants at any given time, and up to 400,000 persons each year.

According to the National Immigration Law Center, these numbers have steadily increased, from 6,259 in 1992, to approximately 20,000 in early 2006, to the current figure of 31,000. The growth in the number of immigrant detainees is due to increased immigration raids at homes and workplaces, policies that make deporting even lawful permanent residents easier and a requirement that all immigrants, including asylum seekers, be detained before they are deported.

Far from breaking with the reactionary policies of the Bush administration, President Obama has expanded and accelerated them. Last week Janet Napolitano, the secretary of Homeland Security, said she expected the number of detainees to stay the same or grow in the next period.

Announcing the administration’s new plans Thursday, ICE Assistant Secretary John Morton said: “This isn’t about whether or not we are going to detain people. We are going to continue to detain people on a large scale. This is about how we detain those people.”

Obama has made clear that he will continue the “zero tolerance” policy in charging and jailing undocumented immigrants crossing the Mexican-US border and will resume construction of an \$8 billion high-tech “virtual” fence along the border. The White House is also vastly expanding the Bush administration’s program to identify and deport undocumented immigrants held in local jails.

Under the program, known as Secure Communities, virtually all people booked in local jails—even for the most minor offenses—will have their immigration status checked for the next four years. Previously, they could only be checked for a criminal history in the FBI database. If a person is found to be undocumented, they will face deportation as well as criminal charges.

The Obama administration is spending millions of dollars to expand the program—which now operates in San Diego, Phoenix, Dallas, Miami and Durham, North Carolina—into a nationwide dragnet against immigrants by 2012. In addition, the administration is augmenting a program to check the immigration status of workers, which was widely criticized during the Bush administration.

In announcing its new guidelines, the Obama administration has once again rejected appeals from immigrant rights groups to establish legally binding rules on the conditions in immigrant detention centers. Previous non-binding “standards” introduced in 2000 and 2008 have done nothing to stop the brutal treatment, and no one has been held accountable. In fact, state and local governments—which hold two-

thirds of all immigrant detainees under contracts with the federal government—are explicitly exempt from even these toothless standards.

Those incarcerated in the jails, prisons and detention centers face a Kafkaesque maze—away from public view—where they have little or no legal rights and are subjected to treatment, which, in many cases, are as bad as or worse than in the criminal justice system. Little is ever known about the conditions and fate of the detainees, except when periodic news reports cover hunger strikes, riots or the deaths of immigrants who were denied medical care while in custody.

The federal government refuses to allow public access to its internal reports on detention facilities or reviews by the American Bar Association (ABA) and the United Nations High Commissioner for Refugees (UNHCR), both of which have been given access to facilities on the condition that their reports are shared only with ICE.

The National Immigration Law Center, however, provided a glimpse of these conditions through a lawsuit that forced the ICE to report violations of its own standards that occurred in 2001-2005. The report, entitled “A Broken System”, details physical abuse by guards, long periods of punitive “segregation,” including in so-called hold rooms, where detainees were isolated and denied sanitary conditions and access to health care. Others were arbitrarily transferred to different centers, taking them away from their loved ones and attorneys, and interrupting their medical care, sometimes with fatal consequences.

In addition, detainees were denied visits by family and legal advocates, deprived of outdoor recreation and access to lists of local pro bono attorneys to fight their deportations. Phone calls and mail was restricted, with legal phone calls monitored by guards.

One of the most notorious cases involved the T. Don Hutto Residential Center, a former state prison near Austin, Texas, which was run for profit by the Corrections Corporation of America under a \$2.8 million monthly federal contract. The facility, which holds entire families, was a target of a lawsuit by the American Civil Liberties Union. Children under the age of ten were held for as long as a year, mainly confined to family cells with open toilets, with only one hour of schooling each day. Other children were threatened with separation from their parents and were held behind

razor wire.

As a public relations concession, administration officials said Hutto would no longer hold families and would be restricted to holding female detainees only. They also announced their intention—in the next three to five years—to move detainees into non-prison facilities and “ensure appropriate conditions” throughout the system.

“Only time will tell if the reforms announced today amount to lasting change or simply creative repackaging of prior policies,” said Karen Tumlin of the National Immigration Law Center. She complained that, just like the old standards, the new ones proposed by the Obama administration are not enforceable by law.

Vanita Gupta, an American Civil Liberties Union lawyer who led the lawsuit against the Hutto center, said: “The ending of family detention at Hutto is welcome news and long overdue. However, without independently enforceable standards...or basic due process before people are locked up, it is hard to see how the government’s proposed overhaul of the immigration detention system is anything other than a reorganization or renaming of what was in place before.”



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