

Immigrant detainees in New Mexico denied release on bond

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Detainees at a New Mexico immigration family detention center are being denied release on bond by the Obama administration in attempts to halt further migration from Central and South America. The administration is imposing a no-bond or high-bond policy across the board, while Congress drafts legislation that will place the migrants on a fast track to deportation.

Since October, more than 60,000 immigrants from the poverty and violence stricken countries of Guatemala, Honduras and El Salvador have made the perilous journey to cross the southwestern border of the United States only to be put in detention centers with the likelihood of being deported back.

These immigrants are fleeing violence that has been perpetuated by the United States' "war on drugs," and before that, decades of military intervention. San Pedro Sula, a city in Honduras is the "murder capital of the world." El Salvador and Guatemala rank close behind, with the fifth and sixth highest homicide rates respectively.

The New Mexico facility, located in Artesia, 170 miles from El Paso, Texas, was transformed from a federal law enforcement training facility to an immigration detention center in June to house more than 600 women and children.

A contract is currently being finalized between US Immigration and Customs Enforcement (ICE) and Corrections Corporation of America, the world's largest private prison company, to create a new for-profit immigrant family detention center in Texas that is expected to have up to 2,400 beds and will double the existing federal capacity to house immigrant families.

Such facilities are being built to detain the influx of migrants with no release on bond until Congress passes

new measures allowing speedier deportations.

An immigration bond is a deposit of money that allows an individual to leave the custody of the immigration service (ICE), with the agreement that they will appear for a court hearing.

Migrants that are arrested or detained while crossing the border are screened by Homeland Security within 72 hours. If they have a clear record and are able to establish a "credible fear" of returning home due to threats of violence, as is the case with many of the recent immigrants, along with other considerations and conditions, they are allowed to be released on bond while building a case for asylum. Children are typically transferred to a child care center.

All such appeals are dealt with on a case-by-case basis with no guarantee of a release on bond. Most recently, with the "war on terror," one of the criteria now taken into consideration by the judges is if the migrant is considered a threat to "national security."

According to Nine Pruneda, spokeswoman for ICE in San Antonio, "Bond decisions are made on a case-by-case basis, based on consideration of risk of flight and public safety. These cases are screened by ICE and detention has been deemed appropriate."

While the official policy is a 72 hour notice, one lawyer representing women and children at the Artesia center has stated that the government has refused to grant bonds for detainees for nearly two months.

Attorney Laura Lichter cites one of her cases, in which a female client fearing to return home to El Salvador was suffering from gallstones that went untreated by doctors at the center for more than a month. According to the lawyer, US law dictates that detainees who suffer from serious medical conditions should be released. The woman, however, is still in the custody of ICE.

The Obama administration has repeatedly cited a 2003 ruling by the Bush administration's former Attorney General John Ashcroft against the issuing of such bond releases. Known as "Matter of D-J-," the ruling cited a "national security concern" that reversed a Department of Justices Board of Immigration Appeals that originally granted a Haitian immigrant release on bond.

The attorney general stated that "in light of the terrorist attacks on September 11, 2001, there is increased necessity in preventing undocumented aliens from entering the country without the screening of the immigration inspection process."

In other words, 13 years after the 9/11 attack, and 11 years since this ruling, the political establishment is once again invoking the "war on terror" and "threats to national security" to strip immigrants of all democratic rights. Assistant Director of Enforcement and Removal Operations Philip Miller stated bluntly the motives behind the Obama administration's denial of bond release. "I have concluded that implementation of a 'no bond' or 'high bond' policy would significantly reduce the unlawful mass migration of Guatemalans, Hondurans and Salvadoran(s)," he said recently.

Gillian Christensen, spokeswoman for ICE, has stated that the administration believes that if immigrants are released on bond, they may not show up for deportation proceedings. Instead, they are locked up in deplorable conditions with fear of returning to rampant poverty and violent conditions in Central and South America.

According to Lichter, bonds granted are at a national norm of \$5,200. However, this is not the case at Artesia, where the bond release stands at a staggering \$25,000. Even if one is fortunate to be granted a release on bond, for the majority there is no way to get the funds to pay.

The refusal of bond release is just one of the many violations of basic democratic rights and due process committed by the Obama administration. Judy Rabinovitz, deputy director of the American Civil Liberties Union's Immigrant's Rights Project, outlined the criminal character of the actions of ICE and the entire administration, "The government's invocation of Matter D- J—an attorney general decision that upholds the categorical detention of individuals based on overblown allegations of risk to national security—violates the essence of due process, which

requires individualized determinations of danger or flight risk in order to justify a deprivation of liberty."

Currently, there is only one pro bono lawyer for ever 120 migrants, while ICE is severely restricting the time spent between the lawyers and the detainees. The right to a lawyer, one of the basic tenets of American democracy, is being effectively curtailed.



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