

More than 10,000 immigrants detained each year in California are parents of US citizens

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A new report titled “I Still Need You” published Monday by Human Rights Watch estimates that more than 10,000 immigrants detained by ICE each year in California are parents of US citizens.

The study is particularly significant because it is one of the first systematic attempts to determine the number of detainees who have children that are citizens.

While California records mostly do not specify whether or not detainees have US citizen children, Human Rights Watch looked at nearly 300,000 immigrants detained by the Obama administration in facilities in California over a four-and-a-half year span, from 2011 to 2015. The records for one nine-month span, October 2014 to June 2015, consistently contained data on detainees’ children. The authors used statistical methods to reliably fill the gaps for the rest of the period.

Analyzing the records for that nine-month span, the study’s authors found that 42 percent of detainees had US citizen children. This means approximately over 10,000 parents were taken from their families each year from 2011 to 2015. The number of families separated by the draconian US immigration policy is undoubtedly much higher, as this statistic does not take into consideration parents whose children are not US citizens.

It is estimated that California holds the second highest number of immigrants in detention facilities on any given day, holding approximately 15 percent of the immigrants detained nationwide, following only Texas.

Immigration authorities detain noncitizens in 10 main California immigration detention facilities, which housed a total average daily population of 4,594, according to government data through December 5, 2015. During this four-and-a-half year period the study showed that 292,221 adults entered ICE detention

facilities in California, averaging about 65,000 a year. In November of last year, DHS officials reported holding more than 41,000 people during the same time in immigration detention facilities nationally.

The authors also looked at criminal history information for people detained between October 1, 2014 and June 30, 2015. Nearly half—47 percent—of the people detained during this period had no criminal history. Only 9 percent of detainees could be identified as having been convicted of a violent felony, but even this small percentage may be an exaggeration considering the broad categorizations for “violent felony” provided by ICE. The remaining “criminals”—27 percent—had convictions that were nonviolent and very minor, mostly involving immigration violations, drug use, drug possession, or a DUI.

Over half of ICE detentions in California within the dataset ended in deportation. Another 7 percent left through “voluntary return or departure,” a practice in which the detainee agrees to return to his or her home country voluntarily and in exchange, the US Department of Homeland Security does not place a removal order on the person.

The time that detainees spend in detention was found to vary significantly. The vast majority, 84 percent, spent less than one month in detention. Of those held under a month, 64 percent were released or removed within one day. This means that individuals who have spent most of their lives in the United States, mothers or fathers of US citizen children, could be forcibly taken from their families and deported back to their “home” countries within 48 hours of being detained.

On the other end of the spectrum, there were 8,298 individuals who spent more than 6 months in detention centers and 1,787 who were detained more than a year.

Only one-tenth of the detainees in the dataset bonded out of detention. The Human Rights Watch dataset did not show how many individuals were represented by counsel. However, according to another recent study of immigration bond hearings in California, the odds of being granted bond are more than 3.5 times higher for detainees represented by attorneys than those who appeared on their own behalf.

A 2016 study, by the California Coalition for Universal Representation, found that 68 percent of detained immigrants in California are unrepresented by counsel and that detained immigrants who had counsel won their cases more than five times as often as those who did not.

One of the main aims of this report was to provide more evidence to help push through four initiatives which the California legislature is currently considering regarding immigration detention.

The four bills moving through the state Legislature include:

- Senate Bill 54 would bar local and state law enforcement from using their resources to help federal immigration enforcement, bar sheriffs from contacting ICE about someone in their jail and end contracts that local municipalities have to hold immigrant detainees for ICE.

- Senate Bill 6 would provide legal aid to individuals arrested by ICE who are not convicted of a violent crime.

- Senate Bill 29 would end ICE contracts for facilities run by private companies in four California cities, impose alternative standards for facilities holding immigrant detainees in local jails, make more detention records public documents, and expand who could sue on behalf of immigrant detainees.

- Senate Bill 630 would prohibit counties from using state funds to expand jails that also are used to house federal prisoners, including immigrant detainees, for 10 years.

While there certainly is content within the four bills being considered that may improve conditions for

immigrant detainees, none of these measures come close to, or ever could, achieve what the Human Rights Watch hopes for in its report: “humane and dignified conditions for people held in immigration detention.” Even if the bills do pass in California, which is not certain, they still must overcome federal regulations. President Trump has already threatened to withhold federal funds to crack down on “sanctuary cities” and states that choose not to comply with federal immigration laws.

The US immigration detention apparatus is enormous. The US government holds 441,000 people in over 200 immigration jails across the country. On top of this, it is an incredibly lucrative business. The two private prison companies that run over 65 percent of the ICE detention facilities in the United States, GEO Group and CoreCivic, each gave \$250,000 to fund Trump’s inauguration. The stocks of these two companies nearly doubled in the wake of Trump’s election.

The idea that this massive detention apparatus will be downsized or could be transformed into a more “humane” system is a pipedream; in fact, there can be nothing “humane” about these detentions. Even if exceptional standards were put in place, and legal counsel provided to everyone, the most devastating aspect of the process still stands: families will be separated, children will watch their parents be taken away by armed men, and individuals will be forced to return to countries largely foreign to them, often overwhelmed with violence.



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