



The US doesn't need to spend \$2 billion a year detaining immigrants

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I recently visited my asylum-seeking client in solitary confinement at the Eloy Detention Center in southern Arizona — where she has been detained for more than four years after fleeing Guatemala.

The detention center is essentially a maximum security prison, with several electric fences surrounding its outer perimeter. I was escorted by a guard through nearly a dozen heavy metal doors to meet my client who was isolated in a locked and guarded cell. And why is my client detained here?

She is an asylum-seeking domestic violence survivor who fled a partner who had repeatedly physically and sexually abused her.

Her case has been through the gamut of the American immigration legal system: from the immigration court that is physically within the walls of the Eloy Detention Center itself, to its appeal at the Board of Immigration Appeals, to the United States Court of Appeals for the Ninth Circuit, and back to immigration court at the Eloy Detention Center again. I've recently picked up her case as a new pro bono — and I'm the first lawyer to directly represent her on the ground during these four years.

I have a number of pro bono asylum-seeking clients who have arrived at a U.S. Port of Entry and requested asylum — which under a federal immigration law, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996—means that they are classified as an “arriving alien” under expedited removal, and therefore subject to mandatory detention.

Immigrant detention is costing taxpayers millions. According to [a report by Human Rights First](#), U.S. Immigration and Customs Enforcement (ICE)'s annual budget for immigration detention is about \$2 billion. And the daily cost of detention is about \$164 per person. It's a costly endeavor to keep immigrants and asylum seekers hidden from view — and billion-dollar corporations like the GEO Group, Inc. and CoreCivic (formerly Corrections Corporation of America) are making more money than ever.

Some members of Congress want to reform the way we detain immigrants and asylum seekers in this country.

[The Dignity for Detained Immigrants Act](#) was introduced last month, co-sponsored by Reps. [Pramila Jayapal](#) (D-Wash.) and [Adam Smith](#) (D-Wash.). In addition to repealing mandatory detention, the act would also require the end of for-profit facilities, and restore more due process and accountability to a system that sorely needs it. The act is co-sponsored by 60 members of Congress and 52 civil society organizations, including the American Civil Liberties Union (ACLU) and Detention Watch Network.

California Gov. Jerry Brown has already signed the Dignity for Detained Immigrants Act into law under California's — halting the growth of private, for-profit immigrant detention centers at American taxpayers' expense.

By enforcing mandatory detention on asylum seekers who present themselves at a U.S. Port of Entry seeking refuge, the United States is prolonging state-sanctioned mistreatment of the world's most vulnerable. The essence of mandatory detention also suggests a type of criminality for those who are seeking peace and refuge from persecution.

Last fall, members of the United Nations Working Group on Arbitrary Detention completed a two-week visit to the U.S. and found American detention centers to indeed be akin to prisons. In [The panel also noted](#), “mandatory detention of migrants, especially asylum-seekers, is against international law standards.”

The U.S. maintains the largest immigration detention complex in the world, detaining between 380,000 to 442,000 people per year, [according to the advocacy group End Isolation](#). There have also been numerous reports on the miserable and inhumane conditions of immigration detention centers. I've personally heard stories of detainees contracting scabies and having little to no access to medical care, finding maggots in their food and drinking contaminated water. In order to put money in their commissary accounts to afford urgent phone calls, many detainees have no other choice but to work for \$1 a day.

And companies like GEO Group and CoreCivic continue to make their billions from detaining immigrants.

As a lawyer, I have also repeatedly seen due process rights be eroded or nonexistent in detained settings. Most detention centers are located in the middle of nowhere, frequently along major interstate freeways for easy transport of human beings en masse — but far from populated areas. As [ProPublica cited](#) at the remote Stewart Detention Center in Lumpkin, Georgia — only 6

percent of the 2,001-bed detention center had legal representation. I've been to Lumpkin before. It is two hours away from Atlanta, where the vast majority of lawyers are. It is extremely isolated.

The American Immigration Council cites that only 14 percent of detained immigrants acquired legal counsel, compared with two-thirds of non-detained immigrants.

By abolishing mandatory detention, asylum seekers not only would free up taxpayer dollars, but would also have more direct access to due process and having their true day in court. Asylum seekers would have much greater success in finding legal counsel in cities where immigration courts are located — and in many cases, where relatives and friends also are for additional support.

Surely, there are those who will say that detaining immigrants is essential to our national security. There is a fear, perpetuated by President Trump's rhetoric, that there are terrorists who are disguising themselves as asylum seekers and will inflict harm and destruction among us. But there is much evidence on the contrary.

The Cato Institute discovered that out of the initial seven Muslim-majority countries singled out for the Trump's travel ban in January 2017, zero people from those countries have killed people in terrorist attacks on U.S. soil between 1975 and 2015. None.

Additionally, according to a study by New America, more Americans were killed in the U.S. between 2001-2015 by homegrown right-wing extremists.

We must call upon our representatives and legislators to end mandatory detention — so that asylum-seeking clients like mine no longer have to endure further torment when they have already fled persecution. It would also save American taxpayers billions of dollars that could be used to build more bridges for other much needed programs here at home — instead of walls.