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**IMMIGRANT DETAINEE RIGHTS ARE ROUTINELY, SYSTEMATICALLY VIOLATED,
NEW REPORT FINDS**

**“A Broken System” is based on 18,000 Pages of Previously Confidential ICE, ABA and
UNHCR Reviews of Detention Centers**

LOS ANGELES – Denied access to loved ones, lawyers and basic necessities, men and women within the nation’s immigration detention system find their fundamental rights routinely and systematically violated, according to a report released today by the National Immigration Law Center (NILC), the ACLU of Southern California, and the international law firm of Holland & Knight, LLP. The first nationwide comprehensive report of its kind, “A Broken System: Confidential Reports Reveal Failures in U.S. Detention Centers,” sheds new light on the conditions suffered by hundreds of thousands of people housed in detention centers around the country, and offers policymakers specific recommendations to ameliorate the situation.

“Though the detainees are accused of civil immigration charges, there is nothing civil about our detention centers,” said Karen Tumlin, co–author of the report and a staff attorney at NILC. “These centers, where people are detained for months and often years at a time, often fail to provide people with their fundamental rights: access to loved ones, the basic materials needed to research and prepare their cases, or even a simple explanation of their rights while within the immigrant detention system.”

Added Linton Joaquin, co–author and general counsel at NILC, “The government’s own standards for immigration detention are routinely violated. Such a flagrant disregard for this country’s values for fairness and justice on behalf of the United States government is appalling.”

Though Immigration and Customs Enforcement (ICE) claims to conduct a formal review of each detention facility on a yearly basis, “A Broken System” shows that such reviews carry little enforcement weight, as many of the detention facilities fail to rectify problems identified by ICE’s own inspectors. Even more troubling, the inadequacy of the ICE reviews is demonstrated when they are compared with independent reviews by the American Bar Association (ABA) and the United Nations High Commissioner for Refugees (UNHCR) of the same facilities, which often found a greater number and more severe violations in detention centers than was reported by ICE.

For instance, the ABA and UNHCR reviewers found detainees were retaliated against or punished more severely than allowed for minor disciplinary infractions. ICE reviewers, on the other hand, overlooked these serious violations.

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Ranjana Natarajan, a report co-author and former ACLU/SC attorney said, “At every level, federal, state and local jails and prisons have legal and binding rules they must abide. But in immigration detention, the government refuses to adopt binding rules. The result is utter disregard for basic humane conditions. Because we don’t have rules, we don’t have accountability.”

The report highlights the importance of having independent monitors of detention centers. In the Kenosha County Detention Center, for example, a UNHCR report found that while men were allowed two daily hours of recreation, women housed in the same facility were denied recreation rights. The following year, ICE inspectors rated that same facility “acceptable,” despite the fact that women were still being denied access to recreation facilities.

“A Broken System” is based on an analysis of hundreds of ICE, ABA and UNHCR detention facility review reports from 2001 through 2005. The reports, which had been withheld from the public, were obtained through discovery in litigation. Although the report is the most comprehensive analysis of its kind, the government withheld a significant number of documents it was ordered to produce. As a result, the violations outlined in the report represent only a fraction of the number of violations that actually occurred but could not be documented.

Christopher Nugent, pro bono senior counsel at Holland & Knight, said, “Though this report provides the most complete picture the public has of this massive system, it is still a sketch. We can, however, determine even more definitively that the immigration detention centers routinely violate the government’s own standards for immigration detention, and based on this information we have made specific policy recommendations to encourage those with the power to change the system to do so.”

The recommendations in the report are based upon thousands of hours of research and analysis of the detention center reviews. Key among them is the proposal that ICE revise its standards for immigration detention to make them judicially enforceable. The report also determines that, given the gross abuses, further expansion of the immigrant detention system should be stopped, and more use should be made of humane alternatives to detention.

The findings from “A Broken System” are particularly timely, as they are released in the wake of a DHS decision to reject the long-standing request of NGOs and the ABA to promulgate regulations that would require immigration detention facilities to adhere to basic standards of care.

This agency statement responds to a petition for rulemaking submitted in January 2007 by dozens of immigrant detainees and advocacy groups in the wake of public reports detailing the humanitarian crisis in the facilities. The name of the case involved in the petition is Families for Freedom v. Napolitano, No. 08-CIV-4056 (DC).

To read “A Broken System,” go to
www.nilc.org/immlawpolicy/arrestdet/A-Broken-System-2009-07.pdf

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