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On behalf of the American Civil Liberties Union of Arizona, a non-partisan civil rights organization with 8,000 members and supporters across Arizona, we write to express our opposition to the proposed plan to place a large-scale detention center in Southern Arizona possibly within the San Xavier District of the Tohono O'odham Nation. As discussed below, there are presently too many persons subjected to the hardships attributable to detention during the immigration process.

According to District and media reports, the proposed detention center will be constructed with the purpose of detaining immigrants in the custody of Immigration and Customs Enforcement (ICE). The proposed detention facility will house 750 persons with the capacity to expand to 1,500. This would be a major detention initiative by the Department of Homeland Security in Arizona, where there are already 3,000 immigrants detained throughout the state on any given day.

The immigration detention system in the United States has already exacted great human, economic and societal costs. The fundamental problem is the great overuse of detention in the immigration system as demonstrated by the explosion in the numbers of persons detained in the past few years. Reports indicate that ICE will detain over 440,000 persons in 2009, up from 311,000 just two years ago, and ten times the number 15 years ago.

Arizona, in particular, has seen a dramatic increase in the number of immigrants who are jailed for longer periods in ICE detention facilities throughout the state. In fact, immigration officials in Arizona jail 10% of the nation's detained immigrant population. According to the Executive Office for Immigration Review 2008 Statistical Yearbook, the Eloy and Florence immigration courts, which conduct only detained court proceedings, ranked first and ninth, respectively, in number of proceedings completed during 2008. The Florence Immigration Court had one of the most significant increases in number of total cases received and completed of any immigration court in the country. In 2008, the Florence Immigration Court received 8,569 cases, up 65% from 2007.

This rapid growth of the immigration detention system has resulted in the lack of adequate oversight and accountability measures within the immigration detention centers in Arizona and across the country. The systemic human and civil rights violations in the operation of the ICE detention facilities, often by private or county contractors, have been well documented as have the serious deficiencies in basic areas of human need including medical services.

The failure of the immigration detention system in addressing basic human rights is further compounded by systemic inadequacies and due process violations, including no appointed counsel, failure by ICE to comply with applicable court decisions and detention standards, and the consistent failure of Arizona immigration officials to consider humanitarian parole and other alternatives to detention. Objective observers recognize that many persons presently detained could be released during these proceedings at no risk.

Detention deprives persons of the fundamental right to liberty and due process, and creates great hardships on family members. Many of the persons detained in Arizona are asylum seekers or legal and long-term residents with family and community ties in this country. Vulnerable populations, such as the mentally ill and survivors of torture, are also subjected to prolonged detention and often placed in segregated units. A significant number of people in immigration custody in Arizona are contesting their deportation through asylum laws or humanitarian waivers in the immigration court system.

Many of the persons detained in Arizona and throughout the country do not require this treatment as there are a number of feasible and cost-efficient alternatives to detention. Furthermore, the current system raises serious due process concerns as the vast majority of detained immigrants are not a threat to national security or a danger to their communities, yet there are few options for these individuals to have a fair review of their custody status.

Steps should be taken to reduce the numbers of persons subjected to detention while in immigration proceedings. The first should be to end plans to expand the detention population and to impose a moratorium on any ICE and federal government contracts with new facilities or for additional bed space. This includes the large detention center planned for the San Xavier District in Southern Arizona.

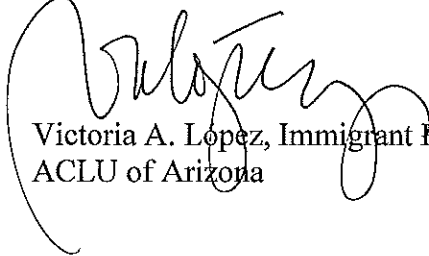
In addition, we urge ICE to expand its policies granting humanitarian parole, releasing people from detention on supervised release or other supervision programs and exercising greater prosecutorial discretion in initiating removal proceedings and custody determinations. Practices such as these that limit the number of persons subject to detention should be standardized across the country. Finally, it is imperative that ICE improve the operation and conditions of existing facilities before seeking additional contracts to expand detention capacity.

We look forward to your response about the plans for the proposed facility in Southern Arizona, and to the opportunity for further discussion on this issue. We are available to provide additional information about detention practices in Arizona and effective changes to reduce the great number of detainees and the attendant human and dollar costs. Thank you for the attention to this matter.

Sincerely,



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Victoria A. Lopez, Immigrant Rights Advocate  
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