

Immigration Detention in Arizona

Immigration and Customs Enforcement (ICE), an agency within the Department of Homeland Security (DHS), will detain over 440,000 immigrants in 2009, up from 311,000 just two years ago, and ten times the number 15 years ago. Immigrants will be detained in a patchwork of over 400 facilities across the country at an annual cost of \$1.7 billion.

Immigrants detained during removal proceedings are held under U.S. law in administrative, not criminal, custody. U.S. and international standards require that administrative detention not be punitive in nature. However, the U.S. detention system has rapidly expanded with little accountability and oversight, creating deplorable conditions of confinement and major violations of due process.

A Snapshot of Immigration Detention in Arizona

On average, there are more than 33,400 individuals detained every day across the United States. ICE currently detains 3,000 immigrant men, women and children in Arizona on any given day for removal proceedings— or approximately 10%— of the country’s total detained immigrant population.

Based on statistics obtained by the Associated Press through a Freedom of Information Act request, there were 32,000 people detained by ICE nationwide on January 25, 2009. Of that total:

- 2,949 were detained in Arizona;
- 368 were women;
- 167 were minors;
- 1,697 (or 56%) are listed as not having committed a criminal offense;
- The average length of detention in Arizona is 129 days.

Who is detained?

The majority of persons held in detention have never been arrested or convicted of a criminal offense. Some detainees have sought asylum or have been admitted to the United States as refugees. Others are long-time lawful permanent residents of the United States, with close ties to the community, including U.S. citizen spouses and children. Because of lengthy delays in immigration courts, the Board of Immigration Appeals (BIA), and the federal courts, non-citizens languish in detention for months and years while they wait for their cases to be decided.

Detention of U.S. Citizens

There are many cases of United States citizens wrongfully held in detention, because they have difficulty proving their citizenship. Reports in recent months include that of a Minnesota-born man who had never left the United States and was illegally detained in Florence, Arizona for over a month because he was unable to get a copy of his birth certificate.

Mandatory Detention

Under current immigration law, some immigrants are held without a bond hearing for having committed non-violent, minor crimes that occurred many years ago. Unfortunately, many long-time residents of the U.S. who have established family and community ties are subjected to mandatory detention. Ultimately, people are faced with the decision of staying in detention while they assert their legal rights or being deported to the countries from which they have fled or have not known since infancy.

“Antonio” is a 51 year-old man who became a lawful resident at age 15. He has six U.S. citizen children and has lived in Phoenix for nearly 13 years. His mother and nearly 11 siblings are all U.S. citizens. He was arrested by local police for a traffic violation and detained by ICE for a minor conviction that occurred almost 20 years ago. Under the current law, he is ineligible for a bond and must remain in detention while fighting to keep his green card.

Indefinite Detention

In some cases, immigrants who have been ordered deported cannot be removed because they are from countries with which the U.S. does not have diplomatic relations or because their home country will not accept their return. These countries include, Laos, Cuba and Iran, for example. ICE is required to review the decision to continue detention. However, these reviews are often perfunctory and untimely, subjecting immigrants to “indefinite” detention. The ACLU of Arizona has documented cases of persons detained in Arizona between two and eight years in clear violation of domestic and international law.

Access to Lawyers

Immigrants are not afforded the right to a government appointed attorney in their hearings. According to the US Department of Justice, 84% of detained immigrants do not have legal representation during their removal hearings compared with 58% of non-detained immigrants.

Where are people detained in Arizona?

Men and women are detained in five detention centers in Arizona:

- In Florence, there are four detention facilities including the ICE Service Processing Center, a 422-bed facility. ICE also contracts with the Pinal County Jail which holds 624 detainees and Corrections Corporation of America CCA at two separate facilities: the Florence Correctional Center (FCC) for men and Central Arizona Detention Center (CADC) for women
- The Eloy Detention Center, owned and operated by CCA is a 1,500 bed facility in Eloy.

Unaccompanied minors are detained in five separate facilities in the Phoenix-area:

- Southwest Key Program runs two shelters for 150 boys and girls.
- Tumbleweed Center runs one group home for 12 boys.
- Devereux Esperanza Program runs one group home for 23 boys.
- Catholic Charities Community Services holds 13 boys and girls in a short term group home in Phoenix and also places some very young minors or those pursuing long-term legal cases in foster care throughout the Phoenix-area.

The Dollar Cost of Immigration Detention

Immigration detention is costly in both human and dollar costs. In Arizona for example:

- The 1,500 detention beds at the Eloy Detention Center costs \$64.47/bed/night, at a monthly cost of \$2.9 million. *The federal government spends \$348 million yearly to detain immigrants in Eloy, Arizona.*
- The 624 detention beds at the Pinal County Jail costs \$59.64/bed/night. *To detain one person for one year at the Pinal County Jail, the federal government pays \$21,470. Yearly, DHS spends \$13.4 million to detain immigrants at one facility in Florence, Arizona.*
- At the national average rate of \$141/bed/night, the federal government will pay *\$1.7 billion for the year to detain 33,400 immigrants across the U.S.*
- Despite the staggering costs to detain a majority of non-violent persons, alternatives to detention such as electronic monitoring, which cost as little as \$12/day and yield an estimated 93% appearance rate continue to be under-funded by Congress and under-utilized by DHS.

Detention Conditions

“ICE/PCJ are not in line with international standards to ensure that the detainees human rights are protected. On a daily basis our rights as human beings are violated [...] Our meals are not nutritionally balanced, the trays are cold and dirty from the day before [...] Daily we are subject to inhuman and degrading situations [...] Please help us improve the conditions we have to live under if ICE has to detain us for such long period[s] of time.”
Letter from detainees held at Pinal County Jail, Arizona (2008)

- Detainees are often housed in county jail facilities, sometimes mixed with persons accused of criminal offenses, despite having no history of criminal behavior themselves.
- Detainees are often transferred thousands of miles away from their families or legal representation, making communication significantly more challenging.

- There have been numerous reports of inadequate health care and mental health services in detention facilities.

“One woman interviewed was detained for nearly a month in CADC while she was six months pregnant [...] At the facility, she was denied monitoring or treatment for an ovarian cyst that posed a risk to herself and the fetus, and received no response to her requests for prenatal vitamins or extra padding for her bed.” from *“Unseen Prisoners” Southwest Institute for Research on Women at the University of Arizona.*

- Detainees report the use of excessive restraints (including handcuffs, belly chains, and leg restraints).

“Getting here is the worst part.”
Eloy detainee to ACLU-AZ describing the two day journey from Northern California to Eloy, Arizona in which he was shackled for over 12 hours.

- Detainees have reported physical and verbal abuse by officers while held in detention.

“The majority of sheriffs who take care of us treat us with contempt and as if we were dangerous criminals. Here in PCJ, they treat us by yelling at us and threaten to lock us all day in our cells, as if it were not enough to already be deprived of our liberty.” Letter from detainees held at Pinal County Jail, Arizona (2009)

The ACLU’s Work on Immigration Detention

The ACLU of Arizona has started a Detained Immigrant Advocacy Project to document cases of persons detained by Immigration and Customs Enforcement in Arizona and to advocate on their behalf.

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