

END THE DETENTION OF MIGRANTS AND ASYLUM-SEEKERS

ALL MEMBERS OF CONGRESS SHOULD REJECT THE BLANKET USE OF IMMIGRATION DETENTION, WHICH HARMS PEOPLE SEEKING SAFETY, VIOLATES OUR HUMAN RIGHTS OBLIGATIONS, AND IS AN ENORMOUS WASTE OF TAXPAYER DOLLARS.

Today, nearly 15,000 immigrants, including thousands of asylum-seekers and hundreds of families with children, are held in Department of Homeland Security (DHS) facilities throughout the country while they fight for their right to stay in the United States. Though detention is civil, not criminal, and is meant only to ensure that people show up at their hearings, in practice, detention facilities look and feel like prisons and punish people for seeking protection here.

Though they may spend months or even years behind bars, immigrants in detention do not have easy access to an attorney and are detained far from their loved ones in remote locations, in conditions that are oftentimes abusive and sometimes even deadly. Immigration detention has also become a booming business: three-fourths of facilities are run by for-profit corporations, which are notorious for poor treatment of detainees, including unsafe and unsanitary conditions and excessive use of solitary confinement. In the past 15 years, the vast majority of deaths in custody have taken place in private prisons.

The Dignity for Detained Immigrants Act reverses this trend and bring the U.S. back in line with our human rights obligations by:

- Making detention the exception, not the rule. Right now, many migrants are subject to “mandatory” detention – meaning they are forced to remain behind bars for the months or years their proceedings may take to complete without being allowed to seek bond. The Act would eliminate the mandatory detention provision and give judges the ability to conduct fair and timely bond hearings for all detained immigrants.
- Protecting vulnerable groups from detention. The Act would also ensure that vulnerable groups – including asylum-seekers who have passed initial screenings, families with children, LGBTI migrants, and survivors of torture or gender-based violence – do not needlessly languish in detention. It requires the government to prove, before detaining vulnerable populations, that detention is necessary and that community-based supervision alternatives won’t work. Right now, people from these groups often spend months and even years in detention, which can be irreversibly traumatic for them.
- Promoting community-based case support instead of detention. Instead of making detention the norm, the Act requires the government to consider case management support programs first, and allows detention only where those alternatives are insufficient to ensure that immigrants show up to their hearings. The US government has previously found that people participating in its case management programs appeared at their immigration hearings in 99.6 percent of cases. Community-based case management helps migrants find legal representation, guide them through the court system, and connect them with other community resources.
- Eliminating for-profit immigration detention. The bill would eliminate the use of private prisons and jails, giving DHS three years to phase out their use. After three years, DHS will directly own and operate detention facilities.

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AIUSA RECOMMENDATIONS TO CONGRESS

- **Cosponsor the Dignity for Detained Immigrants Act.** The bill is a visionary measure that would reduce our dependence on immigration detention, promote humane alternatives, and eliminate the profit motive in adult and family detention.
- **Call on the Biden administration to free people, including families, from detention.** Members of Congress should call on the Biden administration to free people, including all families, from immigration detention. Detention levels are at historic lows, and the COVID-19 pandemic has made detention facilities especially deadly. There are rights-respecting alternatives that support people and families going through the immigration court process.
- **Support ending family detention.** The detention of children for immigration-related reasons is never in their best interests. Members of Congress should take all actions to support the end of the harmful, punitive practice of family detention, including Senator Merkley's Shut Down Family Detention Act.

CONTACT INFORMATION FOR ADVOCACY LEAD ON THIS ISSUE

Joanne Lin

National Director of Advocacy & Government Affairs
jlin@aiusa.org

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