

Eliminating the Detention Bed Quota Helps Women May 2014

What is the immigration detention bed quota?

U.S. Immigration and Customs Enforcement (ICE), the interior enforcement agency of the Department of Homeland Security (DHS), and some members of Congress have interpreted appropriations language that states “funding made available under this heading shall maintain a level of not less than 34,000 detention beds,”¹ as a mandatory detention bed quota. Because of this misguided interpretation, **ICE detains nearly half a million immigrants annually** in more than 250 county jails, for-profit and federal facilities. This costs taxpayers more than \$2 billion each year.² No other law enforcement agency is subject to a statutory quota for the number of individuals it must detain.

Detention hurts families

Men comprise the majority of the immigration detention population. When immigrant fathers are detained and separated from their families, the entire family faces significant financial and emotional costs.³

- ❖ Children, in particular, suffer when a parent is detained. Nationally, children in single-parent households are 4.2 times more likely to live in poverty than children with married parents.⁴
- ❖ Many detention facilities are located far from urban areas, making it difficult for families to visit.
- ❖ Individuals who remain in the U.S. after a primary earner is deported lose an average of 2.2 years off their estimated lifespan.⁵

Detention of parents hurts their U.S. citizen children

- ❖ An estimated 4.5 million U.S. born children live in families where one or more of their parents are undocumented.⁶
- ❖ More than 60% of children in mixed-status families are low income.⁷ The detention of a primary earner exacerbates economic hardship for these families.
- ❖ If deportations remain at 2012 levels, an estimated 43,000 U.S. citizen children with detained or deported parents will experience a decline in their health quality because of the absence of a primary earner.⁸

Family struggles with mother's detention:

While Lupita was detained for more than a year, her U.S. citizen husband struggled to financially support and care for their seven year-old daughter. Although NIJC was eventually able to secure Lupita's release, she must still fight to remain in the U.S. with her family as her immigration removal proceedings go forward.

¹ Department of Homeland Security Appropriations Act, 2014. H.R. 2217, 113th Cong. (2013). <http://www.gpo.gov/fdsys/pkg/BILLS-113hr2217rs/pdf/BILLS-113hr2217rs.pdf>, p. 11, lines 14-19.

² National Immigration Forum. *The Math of Immigration Detention*. Aug. 2013. <http://www.immigrationforum.org/images/uploads/mathofimmigrationdetention.pdf>.

³ Dreby, J. *How Today's Immigration Enforcement Policies Impact Children, Families, and Communities*. Center for American Progress. Aug. 2012. <http://www.americanprogress.org/wp-content/uploads/2012/08/DrebyImmigrationFamiliesFINAL.pdf>, p. 9.

⁴ *Ibid.*

⁵ Satinsky, S., A. Hu, J. Heller & L. Farhang. *Family Unity, Family Health: How Family-Focused Immigration Reform Will Mean Better Health for Children & Families*. Human Impact Partners. June 2013, <http://www.familyunityfamilyhealth.org/uploads/images/FamilyUnityFamilyHealth.pdf>, p. 9.

⁶ Taylor, P., M.H. Lopez, J. Passel, & S. Motel. *Unauthorized Immigrants; Length of Residency, Patterns of Parenthood*. Pew Research Center. Dec. 2011. <http://www.pewhispanic.org/2011/12/01/unauthorized-immigrants-length-of-residency-patterns-of-parenthood>.

⁷ Satinsky, et al., 2013, p. 28.

Women are especially vulnerable in immigration detention

Women account for roughly 9% of the total immigration detainee population⁹ and are at greater risk of re-traumatization if they are survivors of abuse, domestic violence, or other violence.¹⁰

- ❖ **Inadequate access to health services.** Detention facilities are ill-equipped to address women's medical concerns, including gynecological exams, pre-natal and post-partum care, and treatment for sexual abuse or other trauma.
- ❖ **Detained immigrant women are more vulnerable to sexual assault and rape.** Many advocates fear that attacks are vastly underreported since many women may not have the opportunity or feel comfortable to disclose abuse and assaults prior to being deported.
- ❖ **Detention re-traumatizes vulnerable women.** Incarceration often reminds abused women of conditions they fought hard to escape, worsening their chances at rehabilitation and breaking the cycle of violence.
- ❖ **Reporting domestic violence to police or seeking protection in court may land women in detention** since police often arrest and fingerprint both parties in domestic disputes.¹¹ Children whose mothers are detained are at risk of being left in the abuser's care. Even though ICE now is implementing its Parental Interests Directive, an estimated 5,000 children are in foster care because the government deported a parent.¹²

Domestic violence victims end up in detention: Isaura called 911 to report a beating by her partner. The police arrested both of them; Isaura's fingerprints were sent to immigration officials and, despite having no criminal record, she was flagged for deportation proceedings. ICE ultimately declined to pursue her deportation after the media publicized her case.

POLICY RECOMMENDATIONS

- ❖ **Eliminate the detention bed quota** and allow ICE to make detention decisions based on an individual's situation rather than on an arbitrary quota.
- ❖ **Expand the use of alternatives to detention (ATDs) to help individuals stay with their families.** In comparison to the \$159 it costs to detain one person per day, ATDs range in cost from \$0.70 to \$17 per day. Expanding ATDs for 80 percent of the people in detention could save taxpayers at least \$1.44 billion dollars annually.¹³ ATDs allow individuals – many of whom have strong ties to their communities and pose little flight risk – to stay in their communities and limit unnecessary severe economic and emotional consequences. ICE needs budget flexibility to use ATDs based on case-by-case assessments.
- ❖ **Ensure access to counsel** so detainees can efficiently navigate the immigration system, decreasing time in detention. Women particularly benefit from legal assistance since many have complex protection claims involving gender-based violence.

⁸ *Ibid*, p. ii.

⁹ Schiro, D. "Immigration Detention Overview and Recommendations." Department of Homeland Security." Oct. 6, 2009. <http://www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-rpt.pdf>, p. 6.

¹⁰ Sreeharsha, K. "Reforming America's Immigration Laws: A Woman's Struggle." Immigration Policy Center: American Immigration Council. June 2010. http://www.immigrationpolicy.org/sites/default/files/docs/A_Womans_Struggle_062810.pdf

¹¹ Gill, L.J. *Secure Communities: Burdening Local Law Enforcement and Undermining the U Visa*, 54 William & Mary Law Review 2055 (2013), <http://scholarship.law.wm.edu/wmlr/vol54/iss6/7>, p. 2056; Fox News Latino. "Woman who made Domestic Violence Call Ends Up in Immigration Custody," May 24, 2012, <http://latino.foxnews.com/latino/politics/2012/05/24/colorado-undocumented-woman-turned-over-to-immigration-after-making-domestic/>; Beadle, Amanda Peterson. "Domestic Violence Victim Detained by Immigration Officials after Reporting Abuse," Oct. 12, 2012, <http://thinkprogress.org/justice/2012/10/12/994851/domestic-violence-victim-detained-by-immigration-officials-after-reporting-abuse/>.

¹² Martin, M. "Deported Parents Struggle to Regain Custody." *NPR*. Dec. 31, 2013.

<http://www.npr.org/2013/12/31/258661702/deported-parents-struggle-to-regain-custody>.

¹³ National Immigration Forum, 2013.