



An Advocate's Guide to Understanding ICE Detention Contracts

August 27, 2015

immigrantjustice.org/TransparencyandHumanRights

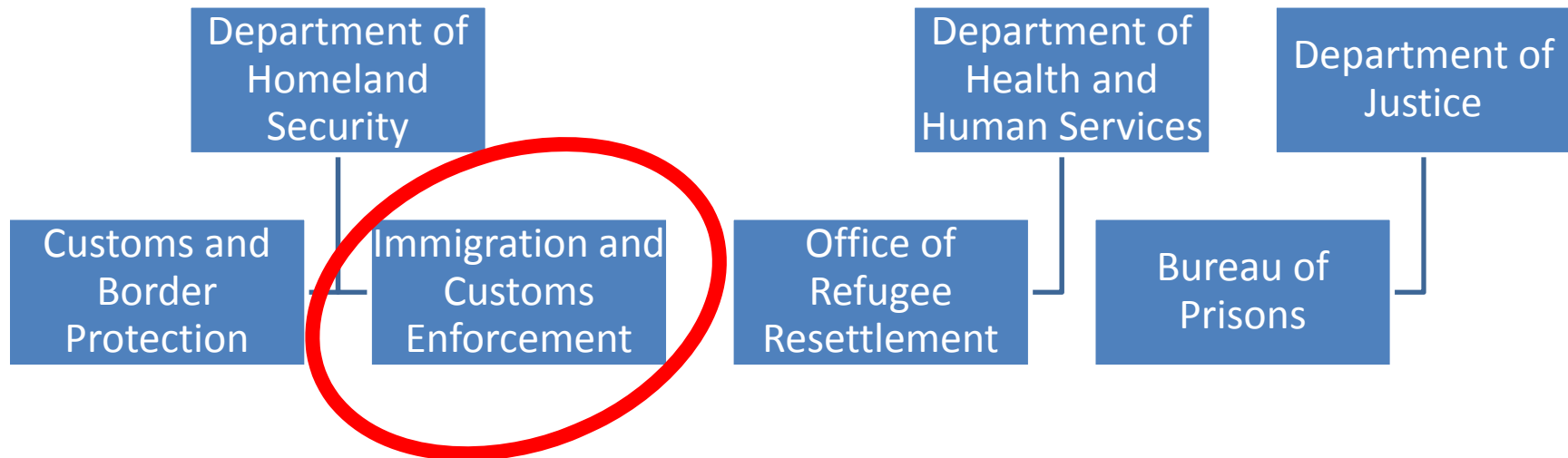
Today's Presenters

- **Mary Small**
Policy Director, Detention Watch Network
- **Claudia Valenzuela**
Director of Detention Services, National Immigrant Justice Center
- **Gabby Trejo**
Sacramento Area Congregations Together (member of the PICO National Network)

Why does this matter?

- Government transparency
- Inadequate government oversight of private contractors
- Mass incarceration
- Immigrant rights
- Due process protections

Which part of government are we talking about?

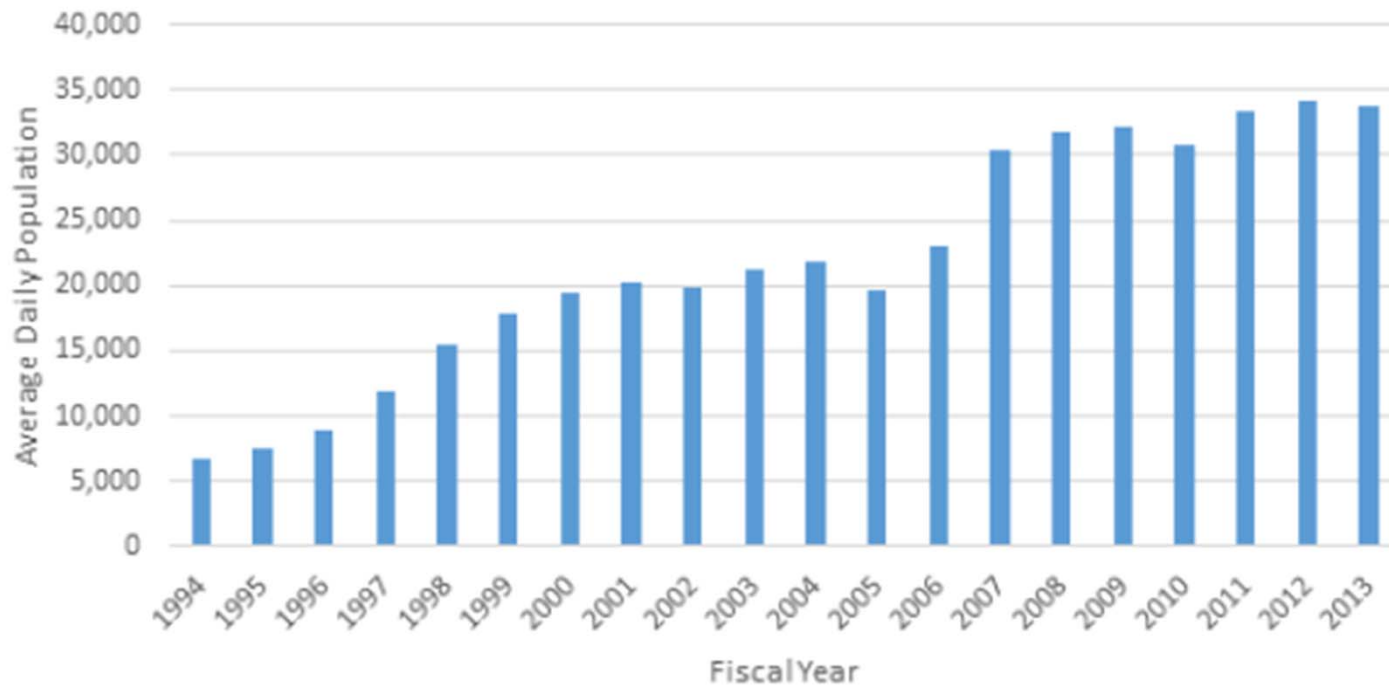


Who is detained?

- Asylum-seekers
- Long-term legal permanent residents who have had some contact with the criminal justice system
- People who over-stayed their visas
- Undocumented folks

How many people are detained?

Figure 1: Average Daily Population of Detainees, FY 1994 - 2013

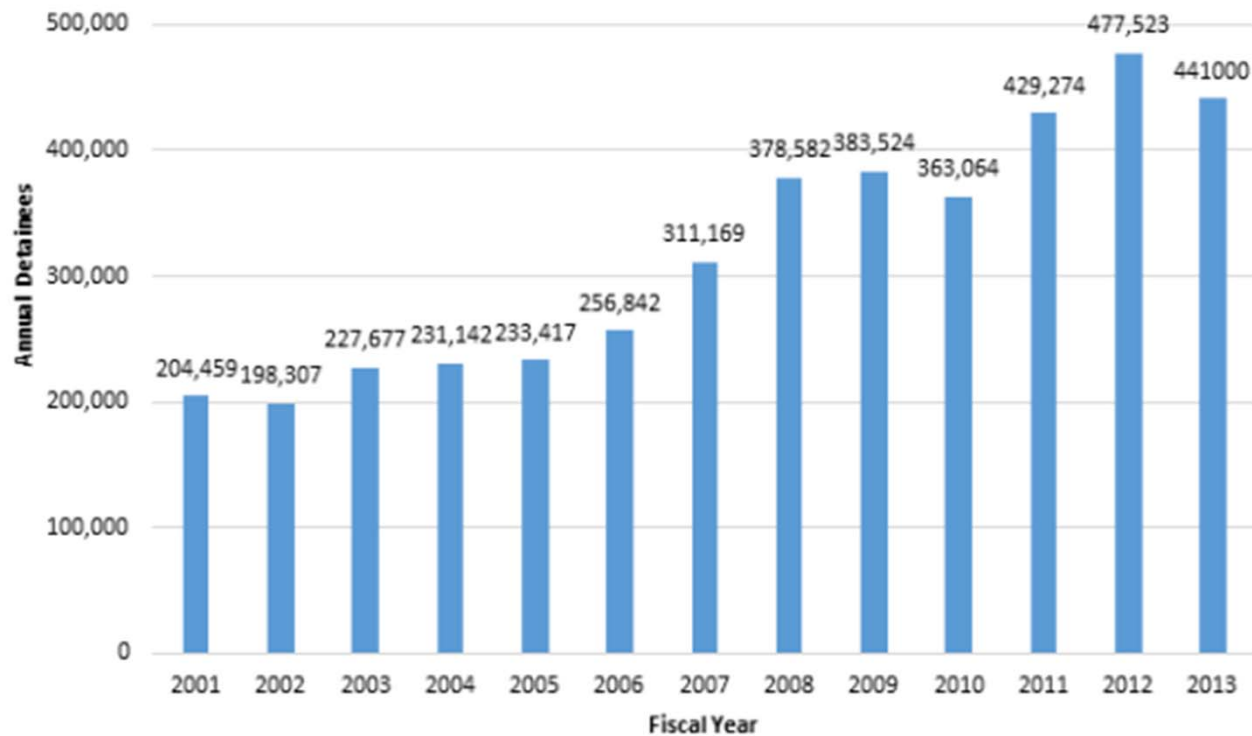


Source: Siskin 2004; Siskin 2012; DHS-OIG 2014; Email correspondence with Alison Siskin from the Congressional Research Service.

Congressional bed quota, added to DHS appropriations in 2009, requires ICE to maintain 34,000 detention beds. In practice, this creates pressure for ICE to detain 34,000 people each day.

How many people are detained?

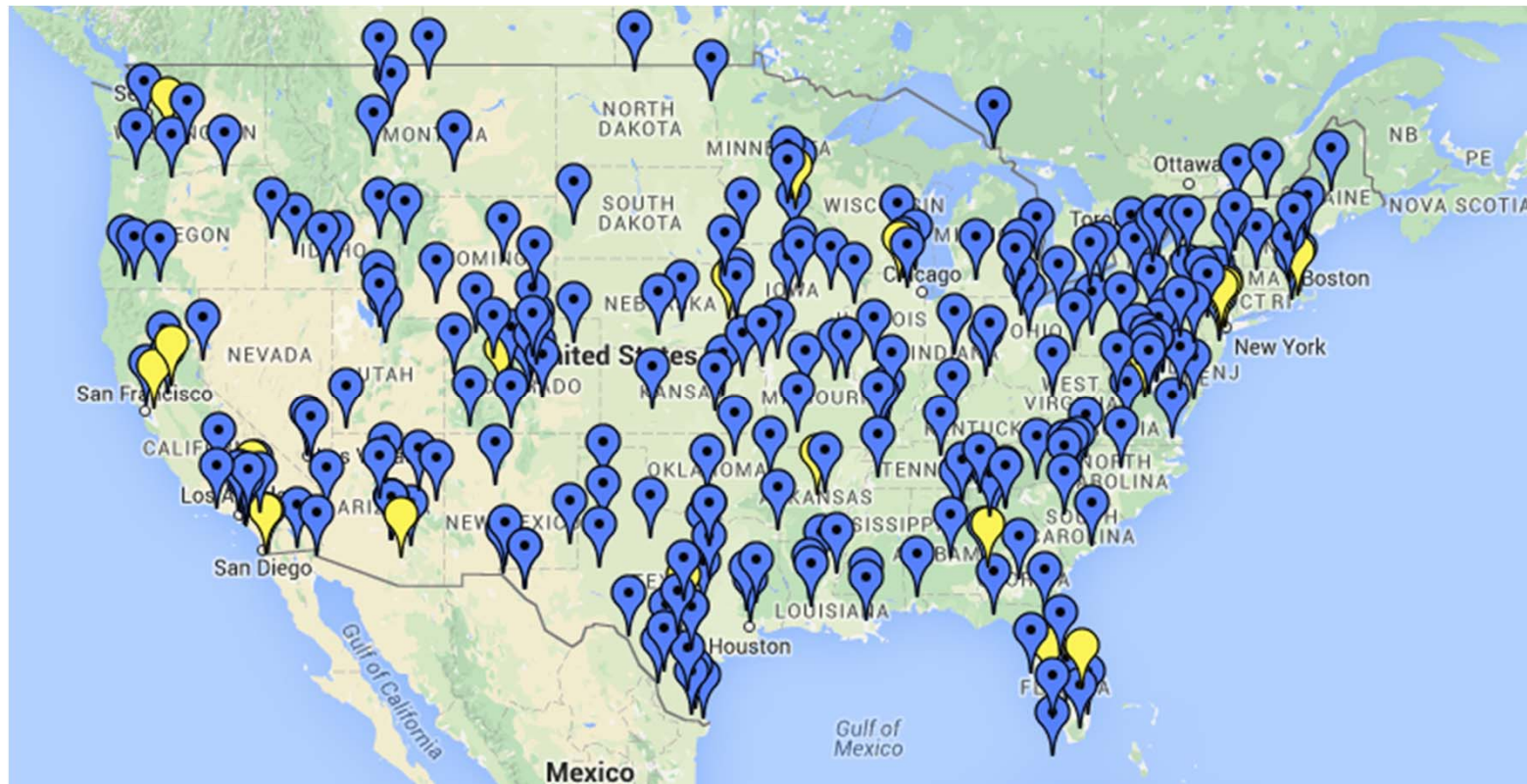
Figure 2: Annual Detention Population, FYI 2001 - 2013



Sources: Immigration and Naturalization Service (INS). Various years. *Yearbook of Immigration Statistics*. Washington DC: INS. <http://www.dhs.gov/archives>; DHS. Various years. *Yearbook of Immigration Statistics*. Washington DC: DHS, Office of Immigration Statistics. <http://www.dhs.gov/yearbook-immigration-statistics>; Simansky 2014.

How many detention centers are there?

- Over 200 detention facilities

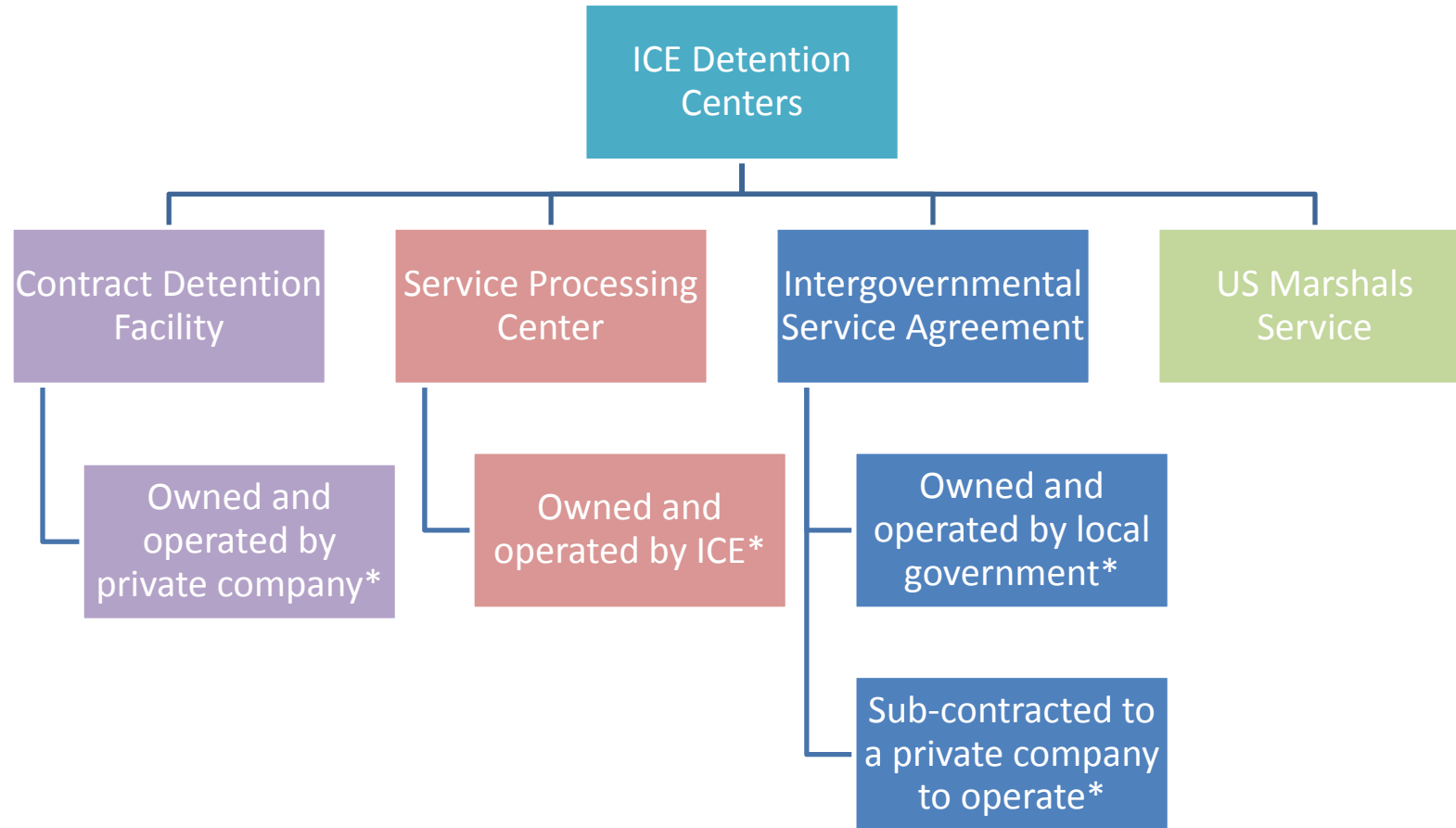


Map from CIVIC: <http://www.endisolation.org/about/immigration-detention>
Blue marks detention facilities; yellow marks visitation programs.

What are detention centers like?

- Pervasive sense of uncertainty about what is happening and length of detention
- Consistent complaints about basic conditions:
 - Language access
 - Inadequate medical care
 - Inappropriate use of solitary confinement
 - Sexual and physical assault
- Pervasive due process problems:
 - Physically remote locations
 - No right to govt-provided attorney
 - Barriers to access for attorneys and visitors
 - Phone calls are very expensive

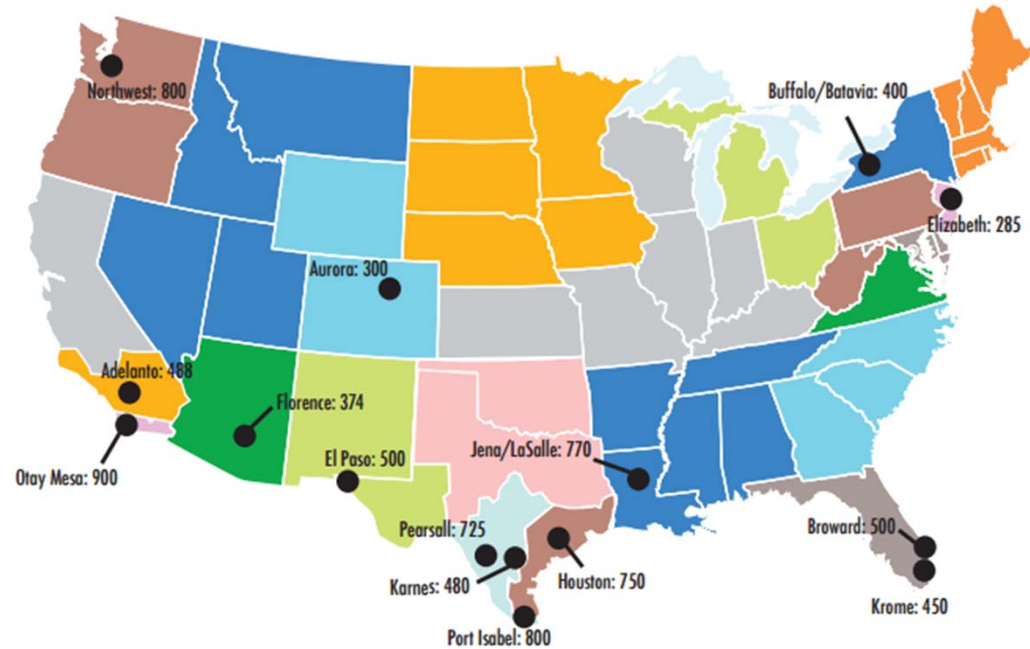
What are the different types of detention centers?



*May contract out to a/another private company for detention related services.

What are local quotas?

- Called guaranteed minimums within the contracts
- Contractual provisions that obligate ICE to pay for a minimum number of detention beds each day.
- Because they require payment to private contractors whether the “guaranteed” number of people are detained or not, ICE faces considerable pressure to meet the quotas.
- Function as taxpayer-funded insurance for private companies.



NIJC's Recommendations

NIJC calls on ICE to:

- Provide public access to information regarding the detention center contracting process (not only in response to FOIA requests).
- Require that all facilities adhere to the 2011 Performance-Based National Detention Standards (2011 PBNDS), the most-current and robust set of ICE detention standards, without further delay.
- End the practice of entering into indefinite contracts and revisit any existing contracts which do not contain explicit renegotiation dates.
- Refrain from entering into contracts agreeing to minimum bed guarantees.
- Throughout the contracts negotiation process for individual detention facilities, engage with legal service providers, faith groups, and other local and national non-governmental organizations that visit facilities, to address human rights and due process issues they observe.

NIJC calls on Congress to pass the following legislation:

- Accountability in Immigration Detention Act, sponsored by Rep. Adam Smith (D-WA)
- Protecting Taxpayers and Communities from Local Detention Quotas Act, sponsored by Reps. Ted Deutch (D-FL), Bill Foster (D-IL), and Smith

Thank you for joining us

View the contracts, report,
and a recording of this webinar:

immigrantjustice.org/TransparencyandHumanRights

Send us contracts & tell us how you
use these docs in your advocacy:

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