

HUMAN RIGHTS AND SOCIAL JUSTICE BRIEFING 3
U.S. Immigrant Detention as the Next Phase of the Expanding Prison Industrial Complex – A Case Study of Broward Transitional Center
Society for Applied Anthropology – www.sfaa.net

STEVE PAVEY

December 22, 2012

The Growth of U.S. Immigrant Detention

iYa basta! We've had enough empty rhetoric from politicians, including President Obama. As we begin to hear, again, promises of comprehensive immigration reform in 2013, we must say, "Enough is Enough!" The prison industrial complex continues to expand through the unacceptable DHS (Department of Homeland Security) practice of detaining immigrants, mostly low-priority non-criminals, for excessively long periods and exposed to inexcusable conditions. This is a human rights crisis! Rapid growth, since 1996, through the privatization of immigrant detention, reflects U.S. priorities for the rights of private prison corporations (owned largely by two companies - Corrections Corporation of America and the GEO Group, Inc.) over the rights of human beings, in particular immigrants. In 2009, President Obama promised reforms to this immigration detention system, but research demonstrates that little has changed in 2012, or portends change in 2013.

According to the National Immigration Forum's report, "The Math of Immigration Detention," the President requested 2 billion dollars in funding for immigrant detention for fiscal year 2013 to house nearly 34,000 immigrants daily. In most cases, these detainees are low-priority people who would qualify for prosecutorial discretion as specified in ICE Director John Morton's memo released on June 17, 2011. Prosecutorial Discretion refers to the authority of a law enforcement agency or officer to not enforce immigration laws against certain



All photos: Steve Pavey, Broward Transitional Center

individuals considered low-risk or low-priority, in order to encourage the direction of resources toward ICE (Immigration and Customs Enforcement) enforcement priorities of national security and public safety. This is NOT happening! How do we know? A spate of recent reports by the Detention Watch Network, ACLU, National Immigration Forum and many other organizations confirm this grim reality, at the same time the National Immigrant Youth Alliance infiltrated the Broward Transitional Center to expose the crisis.



Exposing the Broward Transitional Center as a Not-So “Model” Facility

A new report, released in November 2012 by the Detention Watch Network, exposes the atrocities of the ten worst detention centers in the country. BTC did not make this list and is considered by DHS to be a “model detention center.” Yet the NIYA has found identical conditions of human rights’ abuses in this model facility. What does this mean then for the more than 250 other immigration detention facilities? Among the NIYA’s findings at BTC:

National Immigrant Youth Alliance (NIYA) Infiltrates the Broward Transitional Center (BTC) Located in Pompano Beach, Florida

In July 2012, NIYA activists Marco Saavedra and Viridiana Martinez strategically allowed themselves to be detained by ICE in order to gain access to the inside of Broward Transitional Center to begin research and organizing. After 23 days in detention, they were finally kicked out, but only after they had already collected enough data from detainees inside and their families outside, to produce over 110 individual petitions for low-priority individuals qualifying for prosecutorial discretion. These petitions include individuals eligible for the DREAM Act (if it were passed), U-visa, T-visa, VAWA petition, and asylum. The vast majority of the almost 600 detainees held daily at BTC are non-criminals. In breach of both U.S. and International Human rights standards, non-criminal migrants are held within a U.S. immigration detention complex for arbitrary reasons, for excessive periods of



time, denied due process, subjected to degrading treatment, and exposed to dehumanizing conditions. And U.S. taxpayers, at the cost of nearly \$164 dollars/day per detainee, fund this human rights tragedy.

- **An excessive length of stay** – Several Sri Lankan men who are seeking asylum have been detained over 2 1/2 years.
- **Poor medical access** – One woman, after repeated requests for medical care, was found in her own pool of blood and only then rushed to the hospital for an emergency procedure.
- **Exposure to danger** – A man was raped while detained.
- **Lack of legal access** – One man wrote to every pro bono lawyer on the list given to him and each denied his request.
- **Psychological torture** - This is what one man described as the common experience of all detainees who wait for a meeting to appear before the judge, only to have their court date cancelled. Over a period of six months, one man appeared three times before a judge, while also having four other court dates cancelled.
- **Pressure to voluntarily deport** – It is nearly a universal experience of all detainees to be asked at their first court appearance, as well as at regular ICE officer visits in detention, to sign a paper for voluntary departure.
- **Non-Criminals detained** – The majority of detainees are non-criminals, many

arrested on traffic violations. One man was arrested when asked for ID as a passenger of a vehicle.

- **Psychological trauma to children** – Many of the children of detainees receive ongoing counseling as a result of the arrest and detention of parents. One child attempted suicide.
- **Financial hardship on families** – Families are losing their homes and finding it hard to feed and clothe their children when the breadwinner for the family is detained.
- **Lack sufficient Federal oversight** – There is little accountability between ICE agents in local communities and the administration's policy of exercising prosecutorial discretion. ICE agents actually have said they disregard the administration's policy citing as a reason the distance and disconnect between Washington D.C. and Florida.

Marco and Viridiana were released on August 3, 2012. A letter signed by twenty-six Democrat members of congress calling for a full review of BTC was sent to DHS on September 13, 2012. Conditions remained the same. Another letter signed by 428 BTC detainees calling for a full review of BTC was sent to DHS on October 15, 2012. Conditions remained the same. Another letter signed by nine other BTC detainees calling for a full review of the policies and procedures of BTC in light of the Morton memo was sent to DHS on November 12, 2012. Conditions remain the same.

Call for Review of BTC & Release of All Low-Priority Detainees

A lack of prosecutorial discretion at every level of immigration enforcement has swept up non-criminals into the immigration detention complex. They are not prioritizing criminals. This appears to be done in order to meet quotas for politicians and make money for business people, but it is inhumane and unjust. We need to listen to the National Immigrant Youth Alliance, to the detainees within the BTC and to their family members, and demand an end to the inhumane practice of immigrant detention and deportation. We want a full review of the BTC and demand the release of all low-priority detainees.

Enough is Enough!

Steve Pavey is an applied anthropologist engaged in activist scholarship as a Senior Research Scientist at the One Horizon Institute, Lexington, Kentucky. He utilizes collaborative and participatory research methods alongside activism with communities organizing for immigrant justice. He is a member of the steering committee for the Southeast Immigrant Rights Network, as well as close ally to the National Immigrant Youth Alliance. He is co-author, with Marco Saavedra, of a new book to be released in December 2012, Shadows then Light. This book, based on over two years of activism and research with undocumented youth, explores the meaning and practice of the diverse forms of civil disobedience in support of immigrant justice.

These issue briefings are commissioned by the SfAA's Human Rights and Social Justice Committee in an effort to educate our members, our students, and the general public on timely matters relating to social justice or human rights. It is the hope that policymakers, media, and the general public will come to appreciate an anthropological perspective on contemporary issues. If you are interested in writing a policy briefing please contact the HR/SJ committee chair Mark Schuller at mschuller@york.cuny.edu.

FOR FURTHER INFORMATION:

GROUPS WORKING ON THE ISSUE:

AAA - <http://www.aaanet.org/issues/policy-advocacy/AAA-General-Statement-on-Immigration.cfm>
ACLU - <http://www.aclu.org/immigrants-rights/detention>
Black Alliance for Just Immigration - <http://www.blackalliance.org/>
Border Network for Human Rights - <http://www.bnhr.org/>
Church World Service - <http://www.churchworldservice.org/site/PageServer>
Department of Homeland Security - <http://www.dhs.gov>
Detention Watch Network - <http://www.detentionwatchnetwork.org/>
Dreamactivist.org - <http://www.dreamactivist.org/>
El Refugio - <http://www.alternacomunity.com/get-involved/our-work/in-georgia/el-refugio/>
Georgia Detention Watch - <http://www.georgiadetentionwatch.com/>
Human Rights Watch - <http://www.hrw.org/home>
Immigration Policy Center - <http://www.immigrationpolicy.org/>
Lutheran Immigration and Refugee Service - <http://lirs.org/>
Migration Policy Institute - <http://www.migrationpolicy.org/>
National Immigrant Youth Alliance - <http://theniya.org/>
National Immigration Forum - <http://www.immigrationforum.org/>
Rights Working Group - <http://www.rightsworkinggroup.org/>

ONLINE REPORTS & RESOURCES:

August 2012: The Math of Immigration Detention, National Immigration Forum
<http://www.immigrationforum.org/images/uploads/MathofImmigrationDetention.pdf>

November 15, 2012: Expose and Close, Detention Watch Network
<http://www.detentionwatchnetwork.org/ExposeAndClose>

May 30, 2012: Prisoners of Profit, ACLU of Georgia
<http://www.aclu.org/blog/immigrants-rights-prisoners-rights/prisoners-profit-immigrants-and-detention-georgia>

August 24, 2012: Community-based Alternatives to Immigration Detention, Detention Watch Network
<http://www.detentionwatchnetwork.org/ATDReport>

Oct 18, 2011: Lost in Detention, PBS Frontline
<http://www.pbs.org/wgbh/pages/frontline/race-multicultural/lost-in-detention/map-the-u-s-immigration-detention-boom/>

August 9, 2012: US Vows to Better Protect Detained Immigrants, Human Rights Watch
<http://www.hrw.org/news/2012/08/09/us-vows-better-protect-detained-immigrants>

June 14, 2011: A Costly Move, Human Rights Watch
<http://www.hrw.org/features/a-costly-move/main-dashboard>

March 17, 2009: Detained and Dismissed, Human Rights Watch
<http://www.hrw.org/reports/2009/03/16/detained-and-dismissed-0>

April 11, 2012: Prosecutorial Discretion in Context, Immigration Policy Center

<http://www.immigrationpolicy.org/special-reports/prosecutorial-discretion-context-how-discretion-exercised-throughout-our-immigration>

August, 2011: Through the Prism of National Security, Migration Policy Institute
http://www.migrationpolicy.org/pubs/FS23_Post-9-11policy.pdf

June 5, 2012: The State of Human Rights at the U.S.-Mexico Border, Border Network for Human Rights
<http://www.scribd.com/doc/98226874/The-State-of-Human-Rights-on-the-U-S-mexico-Border-2012-By-BNHR>

PETITIONS AND INTERVIEWS CONCERNING BTC:

NIYA National Petition: <http://action.dreamactivist.org/btc/>

Viridiana Martinez Interview:
http://www.democracynow.org/blog/2012/7/31/dream_activist_speaks_from_broward_detention_center_listen_to_exclusive_audio

Marco Saavedra Interview:
http://www.democracynow.org/2012/8/8/dream_activist_infiltrated_florida_facility

Twenty-six House Members Send Letter to ICE Director John Morton
<http://www.mcclatchydc.com/2012/10/05/170745/democrats-demand-investigation.html>

