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A SPARK, BUT WHERE'S THE FLAME?

ICE Announces Modifications to Immigration Detention System

LOS ANGELES – Immigration and Customs Enforcement (ICE) today announced it will enact several changes in order to better protect the rights of the more than 400,000 men and women kept in the nation's immigrant detention centers annually.

These changes — which include creating an Office of Detention Oversight, allowing independent medical officers to examine detention centers' medical complaints and denials of requests for services, sending federal employees to monitor the largest facilities, and augmenting field operations — are indicative of movement toward better protecting due process rights of detainees. However, ICE announced last week that it would not make any of its own detention standards legally enforceable, and its latest announcement did not alter that position or include any clear statement on how detention facilities found to be in violation of the standards would be penalized.

“We recognize the difficulty in changing a system that has shown blatant disregard for rights over the past eight years,” said Marielena Hincapié, executive director of the National Immigration Law Center (NILC). “Nonetheless, many of the changes announced today closely resemble policies already in place, and are insufficient. This system has grown exponentially and shows no sign of abatement. Rather than increase costs to taxpayers, the administration should look for fiscally prudent and humane alternatives, such as the release of people who show no flight risk and implementation of more alternatives to detention for those who need closer monitoring.”

To ensure that immigration detention facilities meet the most basic standards of human decency, legislation is necessary. Sen. Menendez (D-NJ) and Sen. Gillibrand (D-NY) have introduced such legislation to codify core components of the detention center rules and penalize facilities that are found in violation of these rules. Rep. Roybal-Allard (D-CA) has introduced similar legislation in the House of Representatives. This legislation would supersede the current Department of Homeland Security practice that relies primarily on the agency's self-reviews of detention centers to identify violations.

These previously confidential reviews were analyzed by NILC, the ACLU of Southern California, and the international law firm of Holland and Knight, LLC, and found to show pervasive violations of rights throughout the detention center system and a failure by ICE to remedy violations identified in a timely fashion. These findings were released in “[A Broken System](#),” which also offers a series of policy recommendations to improve the current system.

Karen Tumlin, co-author of the report and staff attorney for NILC, said, “Our analysis of ICE's own reviews shows that, without legislation to enforce standards and punish centers found to be in violation of them, our immigration detention system will continue to be a mockery of the justice system. We encourage Congress to swiftly adopt legislation to protect the rights of these men and women detained in the United States.”

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