



Community Initiatives for Visiting Immigrants in Confinement (CIVIC)
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October 3, 2016

Karen Tandy, Subcommittee Chair
Privatized Immigration Detention Facilities Subcommittee
Homeland Security Advisory Council
Department of Homeland Security

RE: Support for Eliminating Privatized Immigration Detention Facilities

Dear Ms. Karen Tandy and the Homeland Security Advisory Council (HSAC) Subcommittee,

The Department of Homeland Security tasked your subcommittee with evaluating whether U.S. Immigration & Customs Enforcement (ICE)'s current policy and practices concerning the use of private immigration detention facilities should be eliminated. Community Initiatives for Visiting Immigrants in Confinement (CIVIC) is pleased to strongly support the elimination of private immigration detention facilities for the reasons stated below.

CIVIC is a national nonprofit organization, and we work exclusively in the immigration detention context. We visit people in detention weekly, monitor human rights abuses, elevate stories, build community-based alternatives to detention, and advocate for system change. We have affiliated visitation programs in over 40 immigration detention facilities in 19 states. We also were the official co-sponsor of the recent California bill, SB 1289 – The Dignity Not Detention Act, which was vetoed last week by Governor Jerry Brown. SB 1289 would have prohibited local governments from contracting with private companies to detain immigrants for profit in California. In Governor Brown's veto message, he explained that he was vetoing the bill because the appointment of your subcommittee indicated to him that "a more permanent solution to this issue may be at hand," and he urged "federal authorities to act swiftly because he has "been troubled by recent reports detailing unsatisfactory conditions and limited access to counsel in private immigration detention facilities."¹

¹ https://www.gov.ca.gov/docs/SB_1289_Veto_Message.pdf

A. Studies show that immigrants detained in for-profit prisons are less likely to receive visits from family members, more likely to have those visits prematurely cut, and more likely to receive poor medical care and be thrown into solitary confinement.

Few studies have attempted to determine the quality of private as compared to public prisons, and even fewer have evaluated this within the U.S. immigration detention system. We encourage your subcommittee to review and analyze all the incident logs, disciplinary logs and files, grievance logs and files, health clinic logs, and personnel records for all 210 immigration detention facilities as part of an effort to measure the quality of care at these immigration detention facilities. However, because we know that many immigrants in detention do not file grievances or complaints through the formal grievance procedures because of fear of retaliation, we have tried to provide you here with some statistical studies to illuminate the problems with privately-run immigration detention facilities. It should be noted that public immigration detention facilities also have their own problems that need review.

Professor Caitlin Patler of UC Davis and Nicholas Branich recently completed a study, “Legal Status and Patterns of Family Visitation During Immigration Detention.” Their findings will be published in 2017 in the peer-reviewed journal *RSF: The Russell Sage Journal of the Social Sciences*. (See Attachment A for the paper). This study aimed to examine, for the first time, patterns of family visitation among immigrants who experience immigration detention lasting approximately six months or longer. Specifically, they sought to answer the following research questions: 1) What factors influence whether detained parents have any contact at all (e.g. letters, phone calls, or visits) with their children? 2) What factors influence whether detained parents have face-to-face visitation with their children? 3) Does the legal status of a detained parent’s child predict visitation?

The authors draw empirically from data collected in 2013-14 from 462 immigrant parents who had been detained for six months or longer in California. The four detention facilities in which immigrants in the study were held—three jails and one privately operated facility, each subcontracted by ICE to house detained immigrants—represent the universe of facilities housing long-term detainees in the federal judicial district in California where the study took place. The authors calculate three regression models. First, they use logistic regression to predict the odds of 1) any contact with children (e.g. letters, phone calls, visits, or news from others) and 2) any in-person visits with children. The authors then use negative binomial regression to examine 3) what predicts the number of visits a detainee will receive from his or her children. Several sets of findings emerge from the analysis.

Overall, the key results of the study suggest that being held in a private detention facility reduces the likelihood of face-to-face visitation with children as well as the number of visits. Specifically, compared to detainees held in city- and county-operated facilities, individuals held in a private detention facility experienced a nearly 60 percent decrease in the odds of any child visitation ($p < .001$), after controlling for other variables. In addition, respondents housed in a private detention facility experienced an approximately 59 percent decrease in the expected



number of visits while held in detention ($p < .01$), after controlling for other variables. Importantly, these findings are not just a matter of distance. Indeed, being housed in a private facility is still a strong and statistically significant predictor of visitation even after controlling for distance from the respondent's city of arrest (a proxy for their home city) to the facility.

CIVIC has found similar results. Out of the 43 facilities in which CIVIC-affiliated programs visit, 37 percent are private immigration detention facilities. Private immigration detention facilities tend to prematurely cut visitation times and have longer wait times for family and community members than public immigration detention facilities. We are happy to provide the subcommittee with more specific data.

In addition, between April 1, 2016, and September 30, 2016, CIVIC interviewed and monitored 94 people for reported human and civil rights abuses. Specifically, we interviewed and remained in contact with 47 immigrants detained in four private immigration detention facilities. The four private facilities included the Adelanto Detention Facility (GEO Group) in California, the Elizabeth Detention Facility (CCA) in New Jersey, the Imperial Regional Detention Facility (MTC) in California, and LaSalle Detention Facility (GEO Group) in Louisiana. CIVIC also interviewed and remained in contact with 47 immigrants detained in four municipal jails. The four municipal jails included the Theo Lacy Facility in California, the Hudson County Jail in New Jersey, the Bristol County Detention Center in Massachusetts, and the Etowah County Detention Center in Alabama.

Over the course of the six months, we received a total of 64 complaints from people detained in the four county jails and 81 complaints from the people detained in the for-profit facilities. Our data indicated that people in immigration detention are exposed to sexual and physical abuse at about the same rate in both the for-profit and county facilities. However, private facilities tend to have significantly more complaints about the over-reliance on solitary confinement as a tool for punishment as well as inedible food.

	Privatized	County
Medical	14	12
Legal	6	4
Prolonged Detention	17	12
Phone Access	2	4
Physical & Sexual Abuse	7	7
Religious Freedom Violations	0	1
Solitary Confinement > 14 days	7	1
Retaliatory Transfers	1	4
Inedible Food	17	3
Unsanitary conditions	4	5
Abuse of Family Members	2	3
Other	4	8

B. Our government at all levels has underwritten private prison expenses by passing laws and maintaining contracts that guarantee a minimum number of beds and circumvent open market competition, while also ensuring private prisons remain exempt from taxpayer oversight by refusing to include them in the federal disclosure system or to include robust penalty provisions in government contracts.

The U.S. government detains approximately 400,000 immigrants each year in a network of 210 jails and private prisons. Immigrants in detention include asylum seekers, victims of human trafficking, and legal permanent residents with longstanding community ties. Immigration detention is technically a civil form of confinement, and thus, immigrants in detention lack many of the safeguards of the criminal justice system. They have no right to a court-appointed attorney, a free phone call, or a speedy trial. Forty-six percent of immigrants are transferred away from family and friends, and 84% lack attorneys. Many go without any form of visitation from the outside community. Inadequate medical care and human rights abuses have contributed to over 160 reported deaths in custody since 2003.

i. How private immigration detention contracts are structured:

Seventy-three percent of all ICE immigration detention beds in the United States are operated by for-profit prison corporations,² up from 49 percent in 2009.³ ICE structures contracting in one of two ways: either ICE contracts directly with the prison corporation or uses a local municipality as a middleman. For example, in California, ICE has a direct contract with Corrections Corporation of America (CCA) for the Otay Detention Facility in San Diego. Also in California, ICE contracts with the City of Adelanto and the City of McFarland to detain a total of nearly 1,400 immigrants per day. These two cities in turn contract with GEO Group, who owns and operates the immigration detention facilities. This method of contracting means that the private prisons are able to circumvent open market competition; for instance, GEO Group did not have to compete with any other company or service provider for the federal dollars appropriated for those 1400 beds in California. A CCA Vice-President admitted that 30 percent of its federal contracts are obtained through this type of non-competitive bids.⁴

Despite this three-way contracting scheme, for-profit immigration detention facilities make billions in profits every year, while the counties and cities involved in the intergovernmental service agreements experience little financial or economic gain. For example, GEO Group stands to make over \$45M each year for imprisoning 1300 immigrants, paying the City of Adelanto only about \$225,000 per year. With the expansion of the Adelanto Detention Facility to 1940 beds in 2015, GEO Group expects to generate \$21 million in additional annualized revenue from this expansion, according to the company's annual report. As private prisons such as GEO Group and CCA have converted their corporate structure to a Real Estate

² Steven Nelson, "Private Prison Companies, Punched in the Gut, Will Keep Most Federal Business." U.S. News & World Report, August 18, 2016, <http://www.usnews.com/news/articles/2016-08-18/private-prison-companies-punched-in-the-gut-will-keep-most-federal-business>.

³ http://grassrootsleadership.org/sites/default/files/reports/quota_report_final_digital.pdf

⁴ <https://ccrjustice.org/sites/default/files/attach/2015/12/Dkt%2091.Verhulst%20CCA%20Declaration.pdf>

Investment Trust (REIT), they also do not pay income tax and have other special tax advantages that do not contribute to the growth of the California economy.⁵

ii. Federal and local government oversight of private prisons:

Federal government regulation of these private prisons is toothless and sporadic due to the comfortable relationship between regulators and the regulated. As a former deputy director of ICE recently pointed out, for-profit prison companies have been hiring former immigration officials⁶ to help them secure favorable contract terms. Therefore, the vast majority of private immigration detention contracts do not include any robust penalty provisions for failing to meet government standards.

In addition, ICE's Performance-Based National Detention Standards are not legally enforceable. And as 340 organizations recently pointed out in a letter to DHS:

"The ineffective inspections process ICE uses has consistently failed to identify and correct problems inside these facilities. Further, the vast majority of ICE facility contracts do not include any robust penalty provisions. This incentivizes private companies to minimize facility costs by rationing basic necessities for detained individuals, including medical care. Even when severe deficiencies are discovered, ICE has not terminated contracts or used available penalties, but rather continued to send immigrants to be held in unsafe conditions. Even former ICE senior officials have expressed concern about the relationship between the companies and ICE, and the quality of privately-operated facilities."⁷

Moreover, the public and local legislators have no mechanism for oversight of the facilities. Private, for-profit immigration detention facilities are not transparent to the public because they are not subject to the Freedom of Information Act or most if not all state open records request. Since 2005, legislators have introduced the Private Prison Information Act (PPIA), a federal bill that would subject private prisons to the same open records laws as publicly operated facilities. Yet each hearing has been met with staunch resistance because CCA has spent more than \$7 million lobbying against various incarnations of the Private Prison Information Act.⁸

iii. Private prison lobby:

The private prison industry has a powerful lobby, which is responsible for much of the state and federal legislation that has expanded immigration detention and the mass incarceration system as a whole. According to research by Grassroots Leadership, between 2008 and 2014, CCA

⁵ <http://www.forbes.com/sites/mattstroud/2013/01/31/why-would-a-prison-corporation-restructure-as-a-real-estate-company/#4dffaff22cca>

⁶ <http://www.latimes.com/nation/la-na-immigration-detention-20160906-snap-story.html>

⁷ http://www.endisolation.org/blog/wp-content/uploads/2016/09/DHS-Private-Prisons-Sign-on-Letter-2016_09_14-FINAL.pdf

⁸ <http://grassrootsleadership.org/cca-dirty-30#18>

spent \$10,560,000 in quarters where they lobbied on issues related to immigrant detention and immigration reform. Of that amount, CCA spent \$9,760,000—61 percent of total private prison lobbying expenditures—in quarters where they directly lobbied the DHS Appropriations Subcommittee, which maintains funds for immigration detention bed space nationally. GEO Group also lobbies on immigration and immigrant detention issues, spending \$460,000 between 2011 and 2014 in quarters when they lobbied on these issues.⁹

Private prisons operate under a perverse incentive, where some are guaranteed a minimum number of human beings in their facility at all times, ensuring their profits at the expense of the federal taxpayer. For example, GEO Group is guaranteed a minimum of 975 beds for its Adelanto Detention Facility.¹⁰ The private detention contracts are designed to incentivize filling the most beds at all times, regardless of whether an immigrant is actually a flight risk or there is any real reason to hold them in a detention facility. As they are accountable first and foremost to their shareholders, and not to the public, they have a perverse incentive to cut corners.

iv. About GEO Group, CCA, and MTC:

Last year, GEO Group Inc. and CCA, the two largest private prison corporations in the country, reported revenues of \$1.84 billion¹¹ and \$1.79 billion,¹² respectively. These same companies have lobbied for a Congressional mandate requiring that 34,000 immigration detention beds be maintained (and paid for with tax dollars). Below is a little more information about these two corporations as well as Management & Training Corporation (MTC). It should be noted that ICE uses other private prison corporations, such as Emerald and Ahtna Technical Services.

GEO Group:

GEO Group has failed to uphold ICE's own Performance-Based National Detention Standards and maintain a minimum level of care in both its immigration detention facilities and in its other facilities. For example, in 2012, twenty-six members of Congress requested an investigation of the GEO-operated Broward Transitional Center in Florida (an immigration detention facility) after hearing reports of inadequate medical care for detained immigrants.¹³ The same year, the Department of Justice released a report finding "systematic, egregious, and dangerous practices," including inadequate medical care, at a GEO facility in Mississippi.¹⁴ At another GEO facility in Pennsylvania, seven people died in less than two years, with several resulting in

⁹ http://grassrootsleadership.org/sites/default/files/reports/quota_report_final_digital.pdf

¹⁰ http://www.endisolation.org/wp-content/uploads/2015/11/CIVIC_DWN-Adelanto-Report_old.pdf

¹¹ <http://www.businesswire.com/news/home/20160217005503/en/GEO-Group-Reports-Fourth-Quarter-Year-End-2015>

¹² <https://globenewswire.com/news-release/2016/02/10/809594/0/en/CCA-Reports-Fourth-Quarter-and-Full-Year-2015-Financial-Results.html>

¹³ Letter from Congressional Members Demanding an Investigation of Broward Transitional Center, Sept. 13, 2012 (noting, among other reports, that a woman "was returned to her cell on the same day she had emergency ovarian surgery and that she suffered bleeding and inadequate follow-up care").

¹⁴ Department of Justice: Civil Rights Division, Investigation of the Walnut Grove Youth Correctional Facility, 20- 33, Mar. 20, 2012, available at <http://www.justice.gov/crt/about/spl/documents/walnutgrovefl.pdf>.

lawsuits alleging that the facility failed to provide adequate medical care.¹⁵ In 2011, GEO was held civilly liable in a wrongful death action brought by the estate of an inmate at a GEO facility in Oklahoma.¹⁶ There are dozens more suits ranging from allegations of inmate death to abuse to medical neglect that have been filed against GEO, many of which are settled before trial.¹⁷

Example: Adelanto Detention Facility (GEO Group)

At the Adelanto Detention Facility (GEO Group), CIVIC has documented a pattern and practice of medical abuse/neglect. With the ACLU of Southern California, we filed a complaint¹⁸ with the Office for Civil Rights and Civil Liberties (CRCL) at the Department of Homeland Security (DHS) in May 2015 detailing how GEO Group has failed to live up to the PBNDS. The systemic breakdowns at the Adelanto Detention Facility have led to numerous cases in which the health of immigrants was placed at unnecessary risk. We here summarize a small sample of the cases we have documented in the past few years:

- Denial of care to a detainee with Hepatitis C because “his length of stay was uncertain”;
- Denial of a medically-necessary helmet for a detainee with severe epilepsy who is prone to violent seizures;
- Denial of treatment to a detainee with a serious hip infection because “it was too expensive” and that ultimately developed into a life-threatening condition that required a 6-week hospitalization;
- Failure to perform diagnostic tests on a detainee suffering from extreme headaches, dizziness and temporary losses of vision;
- Denial of meal accommodations and sufficient pain medication for a detainee suffering from a severe form of sickle-cell anemia;
- Denial of surgery to correct mobility issues in a stroke victim’s arm;
- Failure to sanitize catheters that medical staff required a partially paralyzed, wheelchair bound detainee to recycle, resulting in a urinary tract infection and hospitalization;¹⁹
- Denial of back surgery for a detainee with a slipped disc because “the injury occurred in prison,” and his “stay at Adelanto will be brief”;
- Delayed treatment for a detainee with a severe case of valley fever after he had informed medical staff that his condition requires regular monitoring and specialized care.

¹⁵ 8 See Alex Rose, “A changing of the guard at county prison,” Daily Times News, Jan. 4, 2009, available at <http://www.delcotimes.com/general-news/20090104/a-changing-of-the-guard-at-county-prison>.

¹⁶ Estate of Ronald S. Sites, deceased v. The GEO Group, Inc., available at <http://www.sec.gov/Archives/edgar/data/923796/000119312513087892/d493925d10k.htm>.

¹⁷ Private Corrections Working Group/Private Corrections Institute: List of GEO Group Lawsuits, available at <http://www.prwatch.org/news/2013/09/12255/violence-abuse-and-death-profit-prisons-geo-group-rapsheet#sthash.WHKaqen8.dpuf>

¹⁸ <https://www.aclusocal.org/wp-content/uploads/2015/05/NGO-letter-re-Adelanto-medical-care.pdf>

¹⁹ Congresswoman Judy Chu (D-CA) was particularly concerned about this incident, and included CIVIC’s Christina Fialho’s testimony in a Congressional letter to DHS. See http://chu.house.gov/sites/chu.house.gov/files/documents/Gerardo_Corrales_Affidavit_Fialho.pdf.

Congresswoman Judy Chu (D-CA) and 28 other Congressional representatives sent their own letter to the director of ICE in May 2015, explaining how “GEO’s failure to provide adequate medical care to detainees at Adelanto resulted in the death of at least one detainee, Mr. Fernando Dominguez...Recently, we learned that Raul Ernesto Morales-Ramos, an individual who was detained for five years, died after GEO failed to diagnose and treat his intestinal cancer.”²⁰ In fact, ICE’s Office of Professional Responsibility determined that Mr. Dominguez’s death was caused by “egregious errors” committed by GEO Group medical staff, including “failure to perform proper physical examinations in response to symptoms and complaints, failure to pursue any records critical to continuity of care, and failure to facilitate timely and appropriate access to off-site treatments.” The Office of Detention Oversight concluded Mr. Dominguez’s death “could have been prevented and that the detainee received an unacceptable level of medical care while detained at ACF.”²¹

CRCL did conduct a three-day investigation in December 2015 of the Adelanto Detention Facility, resulting in a change in the medical provider at Adelanto. The current provider is Correct Care Solutions, a private medical provider that works in local, state, and federal detention facilities. The CEO of this new medical company previously was a Senior Vice President at GEO Group.²² CIVIC conducted a tour of the Adelanto Detention Facility on March 23, 2016, and medical care had not improved. Approximately, 130 immigrants signed up to speak with CIVIC, and the medical complaints we heard were devastating. One man suffers from severe migraines, and has begun experiencing seizures while in detention. The seizures have left parts of his body numb, requiring him to use a wheelchair to move. Our volunteers who spoke with this man could see the discoloration on his hands. He explained his pain level: “I have chronic nerve damage. My legs burn so bad I feel the flesh falling off.” He has been provided with medication and the wheelchair, but the medical unit has told him that they think he is faking—a common refrain we here in response to legitimate, even life-threatening medical issues. Another man requires cataract surgery, and although the medical unit scheduled him for surgery, he was told that the machine did not work on the day of his surgery. No future date has been set for his surgery, despite repeated requests.

CIVIC also has documented poor food (including maggots in the meat), poor hygiene, physical abuse, religious freedom violations, and denial of access to counsel at the Adelanto Detention Facility. In one extreme instance, a man was beaten so severely by a GEO Group officer that he had to temporarily use a wheelchair. And on at least three separate occasions, attorneys and legal assistants including CIVIC’s Christina Fialho (a California attorney) were denied access to their clients at Adelanto.²³ For more information on CIVIC’s independent monitoring of Adelanto, please visit www.endisolation.org/adelanto.

²⁰ <https://www.documentcloud.org/documents/2165708-adelanto-letter.html>

²¹ See http://www.ice.gov/doclib/foia/odo-compliance-inspections/adelantoCorrectionalFac_Adelanto-CA-Sept_18-20-2012.pdf.

²² <http://www.bloomberg.com/research/stocks/private/person.asp?personId=22091551&privcapId=11128002>

²³ <https://www.aclusocal.org/wp-content/uploads/2015/08/Final-Ltr-to-GEO-re-denial-of-attorney-access.pdf>; see also <http://blog.endisolation.org/archives/1030>.

Corrections Corporation of American (CCA):

CCA is no better. Medical neglect has contributed to miscarriages and death. Since 2003, there have been at least 32 deaths at CCA-run immigration detention facilities.²⁴ At the Eloy Detention Center in Arizona, which is run by CCA, Pablo Gracida-Conte died in 2011 after four months of worsening, untreated medical problems including vomiting after every meal; a doctor who participated in the federal investigation by the Office for Detention Oversight concluded that Mr. Gracida's death could have been prevented.²⁵ In 2012, while serving a one-year sentence at the CCA-run Dawson State Jail in Dallas, Texas, Autumn Miller gave birth to a premature infant girl into a toilet with no medical personnel present. Three weeks prior to giving birth, Miller's request for a pregnancy test and Pap smear were ignored. The infant lived only 4 days.²⁶ CCA also has a long history of wage violations and poor treatment of employees. For example, on August 13, 2014, a federal court in Kentucky unsealed a settlement in a wage and hour lawsuit filed against CCA where CCA was required to pay \$260,000 to supervisors who claimed they were denied overtime and required to work extra hours without compensation. CCA entered into a consent decree with the Equal Employment Opportunity Commission on October 1, 2009, agreeing to pay \$1.3 million to settle allegations of sexual harassment and retaliation involving female employees at the Crowley County Correctional Facility in Colorado. In California, at the Otay Detention Facility, CCA settled lawsuits alleging wage and hour violations in 2000.²⁷

Example: Otay Detention Center (CCA)

At the Otay Detention Center (CCA), CIVIC has documented sexual assault and harassment. One transgender woman who was detained at Otay explained that a male guard would watch her take showers. When this woman complained about this behavior to CCA staff, nothing was done. Another person in detention at Otay explained that a female CCA officer would take detainees to a room without video or audio recording to have sex. This person in detention caught the female officer engaged in this sexual act, and the officer told this person to remain silent or she would make sure that this person was deported.

When CIVIC's affiliated visitation program, SOLACE, tried to raise others cases of serious sexual assault and harassment to the head of CCA and ICE, CCA and ICE responded by requiring SOLACE members to sign away their First Amendment rights before visiting at Otay again. After CIVIC stepped in to help SOLACE, the visitation program was reinstated and volunteers did not have to sign the form in question, but the underlying issue of the sexual assault was never properly addressed.²⁸

²⁴ <https://www.prisonlegalnews.org/news/2015/jun/20/32-deaths-cca-operated-immigration-detention-facilities-include-least-7-suicides/>

²⁵ <https://www.detentionwatchnetwork.org/sites/default/files/reports/Fatal%20Neglect%20ACLU-DWN-NIJC.pdf>

²⁶ <http://grassrootsleadership.org/cca-dirty-30#30>

²⁷ <http://grassrootsleadership.org/cca-dirty-30#3>

²⁸ <http://www.motherjones.com/politics/2014/03/ice-sexual-abuse-immigrant-detention-oversight>

CCA's response to CIVIC visitors and to the people in detention who raise issues of sexual harassment is no surprise. CCA has encouraged its own shareholders to vote against transparency measures. In 2012, CCA's board of directors unanimously recommended shareholders vote against a shareholder resolution that would require the company to report on what CCA was doing to reduce incidents of rape and sexual abuse in its for-profit prisons.²⁹

Management & Training Corporation (MTC)

MTC, the smallest of the three major private immigration detention corporations in the United States, has also been held civilly liable for illegal strip searches, sexual harassment, wrongful death, medical malpractice, and racial discrimination, among others.³⁰ A Department of Justice review in March 2003 of the Santa Fe County Jail (MTC) criticized MTC's medical care for inmates and concluded some conditions violated their constitutional rights. These examples point to a long history of failures of oversight in the private prison industry due to perverse incentives to generate profit by cutting corners.

Example: Imperial Regional Detention Facility (MTC)

At the Imperial Regional Detention Facility (MTC), there is only one medical doctor on staff. Only one of 55 women and men CIVIC spoke with after a tour of the facility on March 3, 2016, recalled meeting with the doctor. All other medical requests were handled by nurses, and it usually took 3-7 business days to see the nurse after submitting a medical request form. Many people in detention also complained about the poor dental care. One man had to wait eight months to see a dentist for a toothache. Another man who had braces on his teeth was told that he would have to wait to be released for continued care because it would cost too much; he had been in detention for over a year. Some men explained that they had submitted grievances to ICE and/or MTC, but most said they were afraid of reprisal.

C. Eliminating private immigration detention facilities will allow the federal government to begin focusing on developing and funding true community-based alternatives to immigration detention.

Critics of ending for-profit immigration detention facilities and well-meaning advocates have expressed concern that the ending private immigration detention facilities will result in mass transfers of people. This will not happen for two main reasons.

First, the elimination of private immigration detention facilities would occur over a reasonable period of time that would allow ICE and its private immigration detention contractors and municipal middlemen the flexibility to phase out the facility at the end of each contract. Most contracts are five-year contracts. Second, while these private prison contracts are being phased out, the federal government can work with community groups and nonprofits to expand

²⁹ <http://grassrootsleadership.org/cca-dirty-30#18>

³⁰ http://www.privateci.org/private_pics/MTC%20claims%202008.pdf



community-based alternatives to detention so that ICE will have the option to release people into the care of an alternative to immigration detention at the end of each private immigration detention contract. Over the last few years, the U.S. government has been moving towards developing, implementing, and funding community-based alternatives to detention to move away from our country's over-reliance on mass incarceration as a response to migration.

What is a community-based alternative to detention? Community-based alternative to detention programs are run by community groups or nonprofits in a similar manner to the federal Refugee Resettlement Program. Instead of being detained, immigrants are allowed to remain living with family. If they are recent asylum seekers without family, then they are housed with volunteers or in group homes while the courts process their immigration cases. CIVIC views community-initiated alternative to detention programs as similar to the ad hoc Refugee Task Force, which was comprised of ethnic and religious groups in the 1970s and gave rise to today's robust federal Refugee Resettlement Program. In other words, our community-initiated programs are the precursor to a system where detention is replaced by federally funded, community-based alternatives.

Since the 1990s, the federal government has recognized the viability of community-based ATDs. This acknowledgement was a driving force behind the Gang of Eight's decision to include a provision in the 2013 immigration reform bill that passed the Senate to clarify that all immigrants, including those who fall under mandatory immigration detention, can be released on alternatives to immigration detention.

More recently, ICE has started to provide funding for alternatives to immigration detention, as Congress has begun to appropriate funds for this specifically. Just this year, ICE awarded an \$11 million program contract to GEO Care, another subsidiary of GEO Group, to provide social, medical, and legal services to 1,500 mothers and children (now 800 due to the lack of forethought and proper budgeting by GEO Care) who would otherwise be detained. Advocates have deep concerns about the viability of allowing a private prison company to run an ATD, and the success of this program is not yet known. However, ICE also is exploring ways to expand ATDs to other vulnerable populations and partner with groups outside of the private prison industry.

For example, in 2013, Lutheran Immigration and Refugee Services (LIRS) and U.S. Conference of Catholic Bishops both signed Memorandum of Understanding with ICE to administer self-funded alternatives to detention pilot programs. LIRS administered its program in New York/Newark area and in San Antonio. USCCB administered its program in Baton Rouge and Boston.

Local municipalities also are beginning to research ways they can be involved in a true community-based alternative to detention. For example, earlier this year, the City Council of Santa Ana voted to appropriate city funds to conduct a study on how it could be involved in an



alternative to immigration detention and on how it could re-use its jail, which currently functions as an immigration detention facility.

In addition, the Democratic Party in its 2016 platform pledged to “ensure humane alternatives for those who pose no public threat” and “recognized that there are vulnerable communities within our immigration system who are often seeking refuge from persecution abroad, such as LGBT families, for whom detention can be unacceptably dangerous.”

For all the foregoing reasons, CIVIC strongly urges this subcommittee to eliminate private immigration detention facilities.

If you require additional information, please do not hesitate to contact us at CFialho@endisolation.org or at 385-212-4842.

Sincerely,

A handwritten signature in cursive script that reads "Christina M. Fialho".

Christina M. Fialho
Co-Founder/Executive Director
Community Initiatives for Visiting Immigrants in Confinement (CIVIC)

ATTACHMENT A

Legal Status and Patterns of Family Visitation During Immigration Detention

Caitlin Patler¹
Nicholas Branich²

Forthcoming in *RSF: The Russell Sage Journal of the Social Sciences*.

Abstract:

The population detained by Immigration and Customs Enforcement more than doubled between 2001 and 2013, swelling to over 477,000 individuals. Despite this vast growth, few studies analyze the experiences of detained immigrants. We draw from one of the first studies of immigration detention in the United States, analyzing survey data from 565 noncitizens detained for six months or longer in California. Literature on criminal incarceration finds that family visitation helps maintain social ties, but that visitation is not evenly distributed. We analyze the predictors of contact and visitation with children during immigration detention. Results indicate that ethnicity, sex, the type of facility where detained immigrants are held, having dependent children, and children's legal status substantially affect contact and visitation experiences. Findings suggest that the immigration detention system replicates experiences of criminal incarceration and is perpetuating inequality in immigrant communities.

Key Words:

Immigration detention, visitation, immigration, incarceration, undocumented immigration

¹ Caitlin Patler is an Assistant Professor of Sociology at University of California, Davis.

² Nicholas Branich is a Ph.D. student in the Department of Criminology, Law and Society at University of California, Irvine.

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A large body of social science research analyzes the causes and consequences of the rise of mass incarceration, yet very few studies document the growth and consequences of a parallel system: mass immigration detention.¹ Indeed, the last three decades have brought about an unprecedented convergence in immigration and criminal laws, leading to an influx of noncitizens into the federal criminal justice system as well as an explosion in the United States' detention and deportation systems. For instance, around half of the individuals sentenced in federal courts are non-citizens (Light, Massoglia, and King 2014) and 9.1 percent of federal prisoners (approximately 17,000 inmates) are incarcerated for immigration-related offenses as of October 2015 (Federal Bureau of Prisons 2015). Noncitizens in general and undocumented immigrants in particular are more like to be incarcerated and receive longer criminal sentences than U.S. citizens (Light, Massoglia, and King 2014).

At the same time, the growth of the U.S. immigration detention system has skyrocketed. In 2013, 477,000 immigrants were detained by Immigration and Customs Enforcement (ICE), representing a nearly 2.5-fold increase in the detainee population since 2001, at a cost of over \$2 billion—or \$161 per detainee per day (Simanski 2014, National Immigration Forum 2014). While recent efforts have been made to reduce the populations of jails and prisons, immigration detention remains a growth area. Since 2009, Congress has mandated that ICE continue to fill 34,000 detention beds daily, thereby allocating more funding for detention than was requested by the White House in 2014 (National Immigration Forum 2014). Though the scope and cost of immigration detention in the United States has rapidly expanded in recent decades, largely due to issues of access, social science literature on this phenomenon remains scant.

U.S. immigration law is civil rather than criminal and is therefore legally considered non-punitive. Because there are few constitutional limits on the length of detention, however,

noncitizens who commit triggering offenses under U.S. immigration law are often held mandatorily for the entirety of their removal proceedings, in local jails or in facilities run by private prison corporations. In 2013, ICE detained over 30,000 immigrants for three months or longer and 10,000 individuals for six months or longer (Transactional Records Access Clearinghouse 2013). A recent study found that over 15 percent of Mexicans deported from the interior of the United States had been held in ICE custody for more than one year prior to deportation—and half of those individuals were held for more than three years (Bermudez n.d.). These figures suggest that immigration detention, while legally “non-punitive,” has become much more akin to incarceration than ever before. As such, the literature on the experiences of the incarcerated provides an important jumping-off point for the present study.

We seek to understand the impact of long-term detention² on detained immigrants and their families. One component of this inquiry is how immigrant families experience the long-term detention of a parent, particularly through access to regular communication and visitation. We therefore seek to answer the following research questions: 1) What factors influence whether detained parents have any contact at all (e.g. letters, phone calls, or visits) with their children? 2) What factors influence whether detained parents have face-to-face visitation with their children? 3) Does the legal status of a detained parent’s spouse or child predict visitation?

These research questions are particularly important for at least three reasons. First, research on incarceration in the criminal context finds that family visitation is an important predictor of recidivism and can help families stay connected during the separation period (Bales and Mears 2008). However, though existing research has examined variation across inmate visitation in jails and prisons (e.g. Cochran, Mears, and Bales 2014), no studies have considered the experiences of those held under the jurisdiction of immigration authorities.

Second, the existing assumptions about the importance and value of visitation are based on accessibility of visitation—both from a logistical as well as *legal* standpoint. The extent to which visitation is differentially accessible for immigrant families from certain backgrounds, or when visiting certain facilities, could indicate inequalities within the system of immigration detention. We therefore examine, for the first time, whether experiences of visitation during immigration detention vary depending on the characteristics of detainees, their family members, or the facilities in which they are housed. Third, and relatedly, we pay particular attention to whether spouse and children’s immigration statuses predict visitation patterns. If these family members are unable or less able to visit, then we might conclude that immigration detention is especially punitive for families containing undocumented family members.

The paper draws empirically from one of the first studies of immigration detention and release in the United States. We analyze data collected in 2013-14 from 565 immigrants who had been detained for six months or longer in California. The four detention facilities in which detainees in the study were held—three jails and one privately operated facility, each subcontracted by ICE to house immigrant detainees—represent the universe of facilities housing long-term detainees in the federal judicial district in California where the study took place. Findings suggest that detainees’ ethnicity and sex predict the likelihood of any contact with children (e.g. phone calls, letters, and/or visits) as well as whether detainees received any face-to-face visits from children. In addition, both the type of facility where detained immigrants are held and the undocumented legal status of detainees’ children substantially affect contact and visitation experiences with children. Detainees held in private immigration detention facilities, compared to county or city jails, experienced lower likelihoods of receiving any in-person visitation with their children as well as fewer total visits. Finally, having undocumented children

exhibited mixed effects in our analyses. While having undocumented children marginally increased the likelihood of receiving any contact from children (such as letters or phone calls, for example), detained parents with undocumented children also received comparatively fewer visits, on average, from their children.

This study contributes to several bodies of literature. First, although the magnitude and costs of immigration detention have continued to increase, empirical studies of detention and its impacts on individuals, households, and communities are scarce. Advocacy organizations have released reports documenting punitive conditions within detention facilities as well as difficulties with reentry following release (e.g. Chaudry et al. 2010, Amnesty International 2009). However, given the challenges to accessing the detained population, studies of the experiences of immigration detainees are few and far between.

Second, this study provides an important comparative context to research on criminal incarceration and reentry. In contrast to the lack of empirical studies on detention, there is a broad history of research on incarceration that helps situate the current study. Social scientists have explored the impacts of visitation on family relationships (e.g. Poehlmann 2005) and the extent to which visitation may be stratified across certain groups of prisoners (Cochran, Mears, and Bales 2014). This body of research has greatly enhanced our understanding about the complex ways in which mass incarceration is perpetuating cycles of poverty and marginalization in communities experiencing high rates of incarceration. By applying the insights from research on incarceration/reentry, the present study fills significant gaps in our understanding of the social and economic consequences of prolonged immigrant detention on families. As the criminologist Joshua C. Cochran and colleagues (2014) point out, an inquiry into visitation is critical because if visitation is differentially accessible, it can indicate inequality in the collateral consequences of

imprisonment. Finally, this study allows us to explore whether family members' immigration statuses compound with detention policies to enforce and reinforce family separation.

This study is also relevant to current political and social debates for at least three reasons. The first of its kind, this study sheds light on some of the experiences and consequences of immigration detention for mixed-immigration-status families, at a time when detention is becoming an increasingly common reality for many families and is a source of national discussion. Second, it illustrates some of the implications of the increased criminalization of immigrant communities and the extent to which enforcement measures may be experienced across these communities, which are made up of citizens and noncitizens alike. Relatedly, this study is sociologically important for its implications in understanding immigrant integration and immigrant identity formation. Many detained immigrants go on to win their cases and therefore have to reintegrate back into their communities. Maintaining family cohesion during the lengthy detention process may be critical to this transition.

Background

The Expansion of Mass Immigration Detention

The imprisonment of noncitizens for violating U.S. immigration law is not a new phenomenon, though the recent and prodigious expansion in the size and scope of the detention system is unparalleled. Scholars have documented such an unprecedented convergence of immigration and criminal law in recent decades that they have begun to refer to the phenomenon as “cimmigration” (Stumpf 2006). Changes to immigration and criminal laws since the 1980s—especially during the War on Drugs—have vastly inflated the immigration detention system by, for example, drastically lowering the bar for deportable offenses and expanding the categories of individuals who can be held mandatorily pending a judicial decision on their removal

proceedings (Stumpf 2006, Sayed 2011, García Hernández 2014, Coutin 2011). The legal scholar César Cuauhtémoc García Hernández argues that Congress has used immigration detention “as a central tool in the nation’s burgeoning war on drugs” (García Hernández 2014, 1349).

The vast expansion of deportable offenses and detention authority has led to a boom in immigration detention, with the detained population expanding from just over 200,000 individuals in 2001 to nearly 480,000 individuals in 2013 (Simanski 2014), at a cost of around \$161 per detainee per day (National Immigration Forum 2014). This incredible growth has also led to significant delays in the adjudication process in removal proceedings, resulting in longer stays within detention facilities. As mentioned previously, in 2013, over 30,000 individuals were held for three months or longer and over 10,000 individuals were held for six months or longer. U.S. immigration law is civil rather than criminal in nature; therefore, the Supreme Court has held time and time again that immigration detention is legally considered non-punitive (García Hernández 2014). Given this legal definition, detained immigrants are not subject to the same constitutional protections available to individuals in the criminal context—for example, the Sixth Amendment right-to-counsel provisions (Kaufman 2008) or other due process guarantees under the Fifth Amendment (García Hernández 2014). Such constitutional concerns, combined with the vast growth of crimmigration, have led legal scholars to argue that immigration detention has become so akin to criminal incarceration that it should be considered punitive:

Individuals in immigration confinement are frequently perceived to be no different than individuals in penal confinement... They are represented as a threat to public safety, locked behind barbed wire, often in remote facilities, and subjected to the detailed control emblematic of all secure environments. Often they are held alongside their criminal counterparts... By so intertwining

immigration detention and penal incarceration, Congress created an immigration detention legal architecture that, in contrast with the prevailing legal characterization, is formally punitive (García Hernández 2014, 1349).

Scholars and advocates have also raised concerns about the expansion and scope of mandatory immigration detention. Noncitizens who are subject to mandatory detention are required to be held by ICE for the entire length of their removal proceedings, which can last months or even years in some cases (Transactional Records Access Clearinghouse 2013, Bermudez n.d.). The Immigration and Nationality Act specifies that individuals subject to mandatory detention include, for example, those convicted of most felony offenses and multiple misdemeanors including minor drug offenses and some traffic offenses.³ To be clear, however, mandatory detainees are not being held on criminal charges, but are rather imprisoned while awaiting adjudication in their removal proceedings. The average length of detention for respondents in our sample at the time of the survey was 271 days (approximately nine months).

In summary, changes to immigration and criminal law over the past several decades have led to a prodigious expansion of immigration detention alongside the growth of mass incarceration. The size of the detained population has ballooned in unprecedented fashion, with few constitutional limits on the length of detention. Though detention is legally considered non-punitive, detained noncitizens are often perceived as criminals, held in the same jails as criminal offenders, and for similar periods of time as many criminal inmates in local jails. Nearly half a million individuals are held in immigration detention facilities each year, yet very few studies have been able to investigate the experiences of immigrant detainees. We know relatively little about how detainees and their families experience immigration imprisonment, and with what consequences. Given the similarities between the systems of mass incarceration and mass

detention, it makes theoretical as well as empirical sense to draw from literature on incarceration as a helpful starting point in understanding the experiences of immigrants detained for long periods of time. This paper proceeds with an inquiry into one important aspect of the experience of imprisonment: contact and visitation with family.

Family Contact and Visitation during Imprisonment

For incarcerated parents, imprisonment represents a removal from the family unit. Even for those who strive to remain close with their families during incarceration, this contact does not come easily. Phone calls are expensive and limited, letters are read by guards before delivery, and visitation is limited to certain hours and is often logistically difficult for families. In some facilities, no contact visits are allowed, so all in-person communication must be done through glass shields or, more recently, video conferencing. Despite these challenges, studies confirm the importance of visitation during incarceration. Indeed, visitation is one of the only opportunities for communication with the outside world and for maintaining social ties. Contact with family has been found to reduce stress among inmates, therefore reducing negative behaviors within prison settings (Cochran 2012). Visitation also allows imprisoned individuals to continue to access social resources and social capital that can support positive reentry and reduce recidivism (Bales and Mears 2008). Increased visitation has also been linked to health outcomes among the incarcerated; for example, by reducing depressive symptoms among mothers (Poehlmann 2005).

Though visitation can be a positive experience for incarcerated individuals, it is not equally distributed. In one of the only studies of the predictors of inmate visitation, Cochran, Mears and Bales (2014) find that African American inmates, elderly inmates, and those with more frequent experiences of incarceration receive fewer visits. Such results suggest troubling barriers for certain inmates to the benefits of visitation. However, to our knowledge, no existing

studies examine whether the family members' legal status has any impact on visitation.

The Bureau of Justice Statistics reports that sixty percent of mothers and fathers in jails and prisons never receive a visit from their children (Glaze and Maruschak 2008). Understanding the factors that predict such disparities in visitation is important for several reasons. First, visitation rules, however stringent, are generally consistent across imprisoned individuals within the same facilities, with some exceptions. As such, the fact that certain groups are less able to experience visitation may constitute an added form of punishment for imprisoned individuals from those groups (Cochran, Mears, and Bales 2014). Second, differential access to visitation may represent a group-specific collateral consequence for family members of the imprisoned (Travis 2005). Finally, as Cochran and colleagues argue, "to the extent that such punishment [differential visitation] is patterned along social and demographic lines, it raises questions about the social inequality in punishment in America" (Cochran, Mears, and Bales 2014, 5).

Even if visitation rules were consistent for all inmates, the accessibility of visitation between different types of facilities varies. A recent study analyzed the types of contact allowed at jails, state prisons, and federal prisons and found discrepancies in inmates' access to different types of contact (e.g. letter-writing, phone calls) and face-to-face visitation by facility type (Shlafer, Loper, and Schillmoeller 2015). For example, local jails often allow only non-contact visits, while state prisons almost always allowed contact visits. The authors conclude that the type of facility has important implications for families and children: "The type of facility can impact the inmates' proximity to their families, the probable frequency of contact, as well as the format and rules for contact and visitation" (Shlafer, Loper, and Schillmoeller 2015, 2).

Given such discrepancies, we might expect to see differences, especially in access to face-to-face visitation, across the facilities in which immigrant detainees are held. However,

while many immigrant detainees are held in local and county jails alongside criminal offenders, approximately 62 percent of detention beds are subcontracted to private, for-profit prison corporations (Carson and Diaz 2015). Although similar to government-operated facilities in their custodial role, research suggests some important differences between private facilities and local or county jails. For example, Ackerman and Furman (2013) provide a review of prior literature on private prisons, arguing that the reduction of operating costs, a key selling point for private prison contracting, often “comes at the expense of quality” (258). In particular, the authors note that the conditions in private facilities, such as personnel training and inmate health care, are often of lower quality than their government-operated counterparts. Moreover, it is unclear whether private facilities offer visitation privileges similar to those offered in public facilities. To our knowledge, no research has assessed families’ access to these privately operated facilities. However, recent media coverage of U.S. immigration detention facilities housing Central American children and families has demonstrated extensive barriers to accessing such facilities. For example, a *New York Times Magazine* feature on detained Central American families reported some of the logistical challenges attorneys faced in accessing privately-operated facilities in Arizona and Texas (see Hylton 2015). Moreover, private facilities are often built far outside of metropolitan areas with few options for public transportation, which can create additional barriers for potential visitors.

Even when imprisoned individuals can receive visits, many factors could influence the frequency of visits. First, visitation (and contact in general) can be logistically challenging and expensive. In a study of women who visited family members in a large state prison, the clinical psychologist Olga Grinstead and colleagues (2001) documented emotional, social, and financial challenges. Women reported that the economic burden of having an incarcerated family member

was worsened by the financial costs of visitation, phone calls, and sending packages. Women reported spending an average of \$292 per month on these items, representing more than a quarter of monthly income for those in the lowest economic brackets in the study. To make matters worse, jails and prisons are often located far outside of city centers, requiring long drives or bus rides that often take up entire days (Christian 2005). Coupled with challenges of distance and transportation, visitation schedules within facilities may make visitation difficult for working spouses and children.

An additional challenge to family visitation is the negative psychological experience of visitation for family members. In a study of women with partners incarcerated at San Quentin State Prison in California, the sociologist Megan Comfort (2003) describes the “secondary prisonization” experienced by the families of the detained. Legally innocent people come to experience the effects of incarceration indirectly due to their sustained contact with the correctional institution, characterized, for example, by dealing with guards and being subject to invasive searches (Comfort 2003, 2007, 2009). Comfort also demonstrates that partners and spouses feel emotionally strained with worry about their incarcerated partner (Comfort 2009). Children also experience secondary prisonization experiences. In response, some families may decide that it is better for the child not to visit the incarcerated parent (Martin 2001, Poehlmann 2005). Other parents may decide they don’t want children to visit, either due to the nature of the incarcerated parent’s criminal record or the deterioration of parents’ own relationship (Edin, Nelson, and Paranal 2004). In the case of noncitizen families, additional barriers may include language, fear of authorities, and immigration status, an issue we address in the following section.

Immigrant Families and Visitation

Despite the vast similarities between criminal incarceration and immigration detention, it is plausible that immigrant families experience immigration imprisonment differently from the way families of U.S. citizens experience criminal incarceration. In particular, the precarious legal status of family members may impose a barrier to regular visitation.

An emerging body of literature on “illegality” has emerged over the past decade. This literature has exposed how immigration laws can structure the everyday experiences of undocumented immigrants and their families, with great consequences for their economic, social, and health outcomes (Menjívar and Abrego 2012, Dreby 2012, Coutin 2011, Dreby 2015). Scholars are increasingly concerned with how laws and policies produce and sustain the “illegality” of individuals, families, and communities (Ngai 2004, De Genova 2002, Coutin 2000, Willen 2007). The geographer Nicolas De Genova argues that the threat of deportability engenders persistent feelings of the “revocability of the promise of the future” among undocumented immigrants (2002, 427). The anthropologists Guillermina Gina Nuñez and Josiah McC. Heyman (2007) find that increased immigration enforcement impacts undocumented immigrants to such an extent that some will structure their daily decisions to avoid discovery, for example, by selectively choosing which streets to drive on. The fear of exposure may deter undocumented immigrant family members from visiting detained loved ones. This is similar to the concept of “system avoidance” advanced by the sociologist Sarah Brayne (2014), whereby individuals who have had criminal justice contact steer clear of “surveilling institutions” that keep formal records. For undocumented individuals, whose statuses already make them vulnerable, an immigration detention facility may be the most directly threatening form of surveilling institutions. We therefore expect that undocumented families may view visitation as effectively entering the belly of the beast and may feel they have no choice but to avoid it.

An additional challenge to undocumented family members' visitation is logistical. The anthropologist Susan Coutin (2000) demonstrates how "illegality" turns the mundane into the illicit—for example, undocumented immigrants are faced with the daily predicament of unlicensed driving and lack of official government documents. Many undocumented immigrants are barred from getting valid drivers' licenses, which may be a particular impediment in the context of family visitation for two reasons. First, at least one facility in the present study requires visitors to show a driver's license and proof of insurance to enter the facility grounds by vehicle. Second, most facilities require visitors to provide photo-identification in order to visit family members. While these logistical challenges could present barriers to visitation for many low-income families, they may create especially challenging circumstances for undocumented families. In particular, we might expect undocumented children (or those with undocumented parents who are not imprisoned) not to visit, or to visit with less frequency than documented children.

Even in families that can overcome the logistical and legal challenges discussed above, visitation might still be a traumatic event, for reasons that may be particular to immigrant families. To be sure, the ever-present fear of enforcement makes its way through entire families regardless of citizenship status. The sociologist Joana Dreby interviewed the young children of immigrants and found that they equate police with ICE and exhibit observable fear of family separation and deportation even when no one they know is detained (Dreby 2012, 2015). Dreby also found that the children's mothers worried so much about detention and deportation of their spouses that they developed severe symptoms of stress and other mental health concerns (Dreby 2015). It is possible, therefore, that the children of detained immigrants will visit their detained parents less frequently, as the experience could trigger not just the negative emotions associated

with having an incarcerated parent, but also increased worry about the potential for parents' deportation and prolonged family separation. It seems likely that undocumented immigration status will only compound the disadvantages faced by children with detained parents.

Data and Methods

Data

This study draws from original survey data collected in 2013 and 2014 from 565 detainees in California. The list of participants was drawn from the universe of individuals who had been held for at least six months in the federal judicial district in California where the study took place, and had been scheduled a hearing under *Rodriguez v. Robbins*, ongoing class action litigation requiring custody redetermination hearings (bond hearings) before an immigration judge for individuals who have been detained for 180 days or longer. We focus on detention lasting six months or longer for three reasons. First, in *Rodriguez v. Robbins*, the Ninth Circuit Court of Appeals held that a detention of this length is a profound deprivation of liberty and raises serious constitutional concerns. The Court's decision rested on a body of law recognizing that detentions lasting longer than six months require heightened protections, suggesting that long-term detention is particularly punitive. Second, a large portion of jail and prison inmates in the state of California serve less than one year, making this population an important comparison group for the present study. Third, in other Western countries, reentry outcomes such as employment are significantly impacted by time served lasting six months or longer (see Ramakers et. al. 2014). Given these reasons, it makes empirical sense to consider that by the six-month mark, much of immigrant detainees' experiences of imprisonment—and the implications of those experiences—will have come to mirror those of the criminally incarcerated.

The 565 detainees in our sample were held at four detention facilities in California that

are subcontracted by ICE to house immigrant detainees. Three facilities are county or city jails and a private, for-profit correctional corporation operates the fourth facility. These four locations represent the universe of facilities housing long-term detainees in the federal judicial district in California where the study took place. Surveys were conducted in person, in English or Spanish, and all participants were at least 18 years old. Surveys lasted between 90 to 120 minutes and respondents did not receive any incentive for participating. Of detainees who received information about the survey from the interviewers, 92 percent completed the survey. There were no significant differences in refusal rates by gender or country of origin.

To our knowledge, this study is the first to access such a large sample of long-term detainees during their detention. As we state above, the sample was drawn from a list of all respondents who had been held for six months or longer and had been scheduled a bond hearing under *Rodriguez v. Robbins*. Because the Department of Homeland Security (DHS) does not release detailed demographic or case-specific information about immigrant detainees, it is not possible to determine how well this sample represents the detained population in the United States. However, it is important to note that the sample may have different characteristics than other detainees throughout the United States. First, the average respondent in the sample had been detained for 271 days at the time of the survey, which may differentiate them from shorter-term detainees.⁴ For example, long-term detainees (many of whom are held mandatorily) may be more likely to have some kind of criminal record that triggered a removal proceeding under immigration law. In our sample, 96 percent of respondents had at least one misdemeanor or felony conviction.⁵ The two most common convictions in our sample are traffic and drug-related (44 percent, respectively). Unfortunately, we are unable to determine whether any particular conviction may have triggered deportation proceedings. Finally, on average, respondents in our

sample had lived in the United States for nearly two decades, which may differentiate them from detainees held in other locations—for example, in facilities along the U.S. – Mexico border.

Though this sample may not represent the universe of detained individuals in the United States, it is the first of its kind to allow individual-level analysis of the experiences of individuals detained for long periods of time.

Measures and Method

The survey gathers data on the demographic, family, employment, health, immigration, and criminal background of each detainee. It also explores detainees' experiences in detention, including information about family visitation. We draw on visitation literature from the criminal context, as well as literature on the broader impacts of immigration law enforcement, to construct a series of measures to capture the contact and visitation experiences of detained immigrants and the factors predicting these experiences.

Dependent Variables - We created three dependent variables to measure detainees' contact and visitation with their children. In doing so, we excluded 107 respondents from the sample who reported having no children, bringing our sample size to 462. First, we generated a binary variable indicating whether respondents received any contact from their children while detained (i.e. visits, letters, phone calls, and/or news from others). We developed a general contact measure from these data to examine how different factors influence the likelihood of any interaction with children while held in a detention facility. Detainees reporting any of these forms of contact during detention were coded as 1 while no contact was coded as 0.

A second binary variable measured whether respondents experienced any face-to-face visitation with their children during detention. The visitation variable provided a more specific examination compared to the overall contact variable, as in-person visitation may carry different

meaning than other forms of contact such as phone calls or written letters. Moreover, direct visitation experiences may produce more impactful outcomes for both detainees and their children compared to other types of contact (Shlafer, Loper, and Schillmoeller 2015). Detainees who reported at least one visit with their children during detention were coded as 1 while those who reported no visitation were coded as 0.

We generated a separate count variable capturing the extent of visitation experiences among the sample by measuring the total number of visits detainees received from their children. Respondents were asked whether they received visitation from each of their children and subsequently asked the number of times that they were visited by each child. Aggregating the number of reported visits from each child produced a single count measure measuring respondents' total exposure to their children during detention.⁶ To account for positive skewness in the variable distribution, and for consistency with prior research on visitation (Cochran, Mears, and Bales 2014), we recoded the count variable to a maximum of 40 visits.⁷

Independent Variables -We constructed a series of demographic, detention facility, family, and legal status variables to predict detainees' contact and visitation experiences. Demographic measures included respondents' gender (male = 1, female = 0), self-identified ethnicity (1 = Hispanic/Latino, 0 = not Hispanic/Latino), and age at the time of the survey. To capture detainees' previous socioeconomic status, we included a measure of detainees' self-reported average income through the six months prior to detention by computing average weekly earnings in hundreds of dollars.

Existing literature on criminal incarceration shows that inmates' criminal records significantly predict visitation and that inmates with more frequent experiences of incarceration are less likely to receive visits (Cochran, Mears, and Bales 2014). In addition, inmates with

certain types of violent or serious crimes may have less or no contact with children, as non-incarcerated family members may deem visitation unsafe or unhealthy for children (Shlafer, Loper, and Schillmoeller 2015). Finally, inmates who have been incarcerated for long periods of time may have fewer or weakened ties to their families and may therefore receive fewer visits (Cochran, Mears, and Bales 2014, Christian 2005). In our models, three variables measured respondents' self-reported prior criminal history. First, a count measure captured the total number of prior criminal convictions for each respondent. Next, two binary measures indicated any prior felony and violent convictions, respectively. We also controlled for the total months detained for each respondent at the time of interviewing to account for potential spuriousness in our models, as greater lengths of detention may correspond with greater numbers of visits. Time spent in detention varied from just under six months to over four and a half years at the time of surveying. To account for positive skewness in detention length, we computed a new variable by taking the natural log of total months detained.

The locations where individuals are detained can have important implications for contact and visitation, as detention facilities feature their own rules and regulations surrounding visitation with family and these facilities exist in different geographic areas (Shlafer, Loper, and Schillmoeller 2015). In light of these potential influences, we created two variables to account for immigrant detainees' locations. First, we generated a dummy variable indicating the type of facility housing each respondent. Detainees residing in a privately operated detention facility were coded as 1 while those located in a county or city jail were coded as 0. Additionally, we computed the spatial distance between detainees' current detention facility and the city where each individual reported entering ICE custody prior to detention.⁸ This distance measure served two purposes in our analyses. First, greater distances between detention facilities and detainees'

families may increase the difficulty of visitation, particularly for lower-income families, and therefore represents a salient predictor of overall visitation experiences (Shlafer, Loper, and Schillmoeller 2015, Christian 2005).⁹ Second, this measure allowed us to examine the unique effects of privately operated detention facilities while controlling for facilities' geographic locations. To account for positive skewness in the distance measure, we calculated the natural log of computed distances.

Lastly, we created four variables to account for respondents' family structures and family members' legal statuses. We created a binary variable for whether respondents reported being married or having a domestic partner. Similarly, a binary measure indicated whether detainees had any dependent children. We defined dependent children as those aged 17 or younger, being related biologically, through adoption, or as a stepchild, and who currently resided in the United States. Additionally, two binary variables indicated whether the respondent reported having an undocumented spouse/partner or child, respectively.

Analytic Strategy

We examined detained immigrants' contact and visitation experiences with their children across three dependent variables, utilizing logistic regression (any contact, any visits) and negative binomial regression (number of visits) models.¹⁰ Prior to model estimation, we investigated missing data patterns within the dataset. Nearly all variables featured 1 percent or fewer missing observations except for marital status and spouse legal status, each missing approximately 43-45 percent of observations.¹¹ We preserved cases with missing data by generating multiply imputed datasets (Rubin 1987) using chained equations (the MICE method). MICE allows users to specify each variable by type (e.g. count, dichotomous) for all variables and relaxes the assumption of normal distribution. We estimated fifty¹² multiply imputed

datasets to account for the high percentage of missing data on the spouse variables (Graham, Olchowski, and Gilreath 2007).¹³ After multiple imputation, we ran diagnostic tests to determine the proper modeling strategy for our count-based visitation measure and verified the test results across all 50 imputed datasets. Initial tests demonstrated significant overdispersion in the visitation count distribution, which indicated the appropriateness of negative binomial models rather than a Poisson regression approach.

Findings

---Insert Table 1 approximately here---

Table 1 provides a descriptive overview of the respondents in the current study. Respondents were typically male (92 percent), identified as Hispanic/Latino (85 percent), and were approximately 38 years old on average. The majority of surveyed individuals (85 percent) reported Latino/Hispanic ethno-racial identification. The most common countries of origin Mexico (50 percent), El Salvador (21 percent), Guatemala (12 percent) and Honduras (4 percent). Altogether, respondents indicated 43 distinct originating nations. Just over half (52 percent) reported being married, with 29 percent of respondents indicating a spouse with undocumented legal status. Moreover, 72 percent of respondents indicated having at least one dependent child (biological, step, or adopted child, living in the United States, and under eighteen years old) and 8 percent reported having at least one child with undocumented legal status. In the six months prior to detention, these individuals earned on average about \$750 per week. Respondents had an average of about three prior criminal convictions, with approximately 26 percent reporting at least one felony conviction and 40 percent reporting at least one violent conviction. At the time of interviewing, respondents had been detained around nine months and 44 percent were housed in a privately operated detention facility. The average distance between

the city of arrest and current detention facility was sixty-two miles. During detention, 83 percent of respondents reported receiving at least some form of contact with their children and over half (53 percent) reported receiving at least one in-person visit. Moreover, detainees reported an average of approximately eight visits while held in detention, although nearly half (47 percent) indicated no in-person visitation.

We analyzed each of the three dependent variables for contact and visitation experiences by estimating models in a two-step approach.¹⁴ First, we regressed the dependent variable on all independent variables except for the legal statuses of spouses and children. Next, we added the legal status measures into the model to identify their unique effects on contact and visitation after controlling for other model covariates.

--Insert Table 2 approximately here--

Table 2 presents odds ratios from logistic regression estimates of whether detainees received any form of contact from their children during detention. An odds ratio higher than 1 indicates an increase in the odds associated with a one-unit increase in a given independent variable. An odds ratio between 0 and 1 indicates a decrease in the odds associated with a one-unit increase in a given independent variable. Without including legal status measures, the model indicated that Latino detainees experienced an approximately 114 percent increase in the odds of receiving contact compared to non-Latino detainees ($p < .05$), and having any dependent children increased the odds of receiving any contact by nearly 700 percent ($p < .001$), controlling for other variables in the model. Although marginally significant, male detainees also experienced greater odds of contact with their children compared to female detainees in the sample.

After adding legal status measures for spouses and children, the observed effects for Latino detainees became marginally significant while the effects of having any dependent

children became stronger in magnitude, increasing the odds of receiving any contact by approximately 824 percent ($p < .001$). Moreover, the legal status of detainees' children demonstrated a marginally significant relationship in the model, where detained parents with any undocumented children experienced higher odds of receiving any contact (e.g. letters and phone calls) from their children.

--Insert Table 3 approximately here--

Next, we estimated logistic regression models predicting the likelihood of respondents receiving any direct visitation with their children (Table 3). These analyses yielded similar results to the general contact models but also produced some divergent findings. Before accounting for the legal statuses of spouses and children, the model indicated that male detainees experienced an approximate 162 percent increase in their odds of visitation compared to female detainees ($p < .05$) and Latino detainees featured approximately 84 percent higher odds compared to non-Latinos ($p < .05$), controlling for other variables. Similar to previous findings, detained parents with dependent children experienced an approximate 443 percent increase in their odds of visitation ($p < .001$). Unlike the previous models, however, the facility where respondents were detained exhibited a significant relationship with visitation. Compared to detainees held in city- and county-operated facilities, individuals held in a private detention facility experienced a nearly 60 percent decrease in the odds of any child visitation ($p < .001$). Moreover, the model indicated a marginally significant and negative effect for respondents convicted of violent crimes in the past compared to detainees without a violent criminal history.

Including legal status measures to the binary visitation analyses produced almost no change in covariates' relationships with the predicted odds of visitation. Both male and Latino detainees, respectively, experienced increased odds of visitation with their children. Moreover,

having dependent children significantly increased the odds of visitation while being detained in a private facility decreased the odds of receiving any visits. Neither spouses' nor children's undocumented legal statuses significantly predicted the likelihood of visitation in the model.

--Insert Table 4 approximately here--

The final set of analyses, presented in Table 4, examined the relationships between model covariates and the total number of visits that detained individuals experienced with their children. Before accounting for spouses' and children's legal statuses, model results indicated that respondents' age was significantly associated with visitation, where each year of age corresponded with an approximately 3 percent increase in the expected number of visits ($p < .05$), controlling for other variables. In addition, having a dependent child increased the estimated number of visits by approximately 208 percent ($p < .001$). Moreover, the type of facility housing respondents was significantly related to the number of visits with children, where respondents located in a private detention facility experienced an approximately 59 percent decrease in the expected number of visits while held in detention ($p < .01$) after controlling for other variables.

The addition of legal status measures to the analysis produced several changes to the model's estimated effects. Detention in a private facility remained statistically significant but its coefficient grew in magnitude, suggesting a 64 percent decrease in the expected number of visits ($p < .001$). Moreover, the legal status of detainees' children demonstrated a significant and negative relationship with the number of received visits. Respondents with undocumented children experienced a 64 percent decrease in the predicted number of visits ($p < .05$), controlling for other variables. Thus, while legal status did not appear to influence the likelihood of having *any* visitation with children, having undocumented children did suggest a reduction in the overall number of visits for individuals held in immigration detention facilities. Respondents'

age remained a salient predictor in the model, where each year of age predicted an approximately 4 percent increase in the expected number of visits ($p < .01$), and having any dependent children increased the expected number of visits by approximately 241 percent ($p < .001$).

Discussion

Though research on the causes and consequences of mass incarceration is extensive, very few studies have been able to empirically examine the impacts of a parallel system: mass immigration detention. Legal scholars have argued that immigration detention has become increasingly punitive, bringing up several constitutional concerns despite the Supreme Court's insistence on detention's administrative nature (García Hernández 2014, Kaufman 2008). This study aimed to examine, for the first time, patterns of family visitation among detainees who experience immigration imprisonment lasting approximately six months or longer. Differences across family visitation experiences could suggest that certain detainees and their families face unequal collateral consequences from the detention system, which could perpetuate inequality and stratification in immigrant communities.

Several sets of findings emerge from our analysis. Overall, our key results suggest that the being held in private detention facilities reduces the likelihood of face-to-face visitation with children but not general contact. We also find that legal status is a salient predictor of the contact and visitation experiences of detained immigrants. The legal status of detained immigrants' children exhibited differential effects in our analyses, where undocumented children were more likely to be in contact with their detained parents but made comparatively fewer visits to see them in person. In addition, we find that detainees' demographic background characteristics (sex, ethnicity, and having dependent children) predict the likelihood of any contact with children but not of the number of face-to-face visits.

These findings provide important insights into the immigration detention experience. First, we observe that individual demographic characteristics exert influence on whether or not detainees have contact with their families while they are detained. Having dependent children increases the likelihood of having any contact with one's children and of receiving at least one visit, suggesting that families with younger children have been able to remain in touch while the parent is detained. In addition, controlling for other relevant characteristics, we observe that males and Latinos are more likely to have contact with children and to receive a visit from them. Scholars have argued that deportation (and detention, as its frequent precursor) is a gendered and racialized process that disproportionately affects Latino males and will therefore have gendered and racialized effects in immigration communities (Golash-Boza and Hondagneu-Sotelo 2013). Our results lend empirical support to this hypothesis. It is possible that females may have differential access to the family and community support systems necessary to maintain child visitation during detention. Females may also experience increased stigmatization around their imprisonment, as they are less likely to be policed in the first place (Rios 2011). Further research could explore the mechanisms explaining why Latinos and men are more likely to remain in contact with children during their detention.

A key finding from this study is that being detained in a privately operated facility (compared to a county or city jail) reduces the likelihood of receiving any face-to-face visits from children, as well as the total number of visits. Though research on criminal incarceration has documented discrepancies across local, state, and federal jails and prisons (Shlafer, Loper, and Schillmoeller 2015), to our knowledge, ours is the first analysis of the impacts of immigration detention in facilities run by private corporations. Several factors may contribute to our finding that visitation is curtailed in privately operated facilities. Though the private facility

in our study is much further away from major cities in the region where the study took place, compared to the other facilities, we find that distance is not a significant predictor in the models after controlling for detention facility.

At first glance, this finding may seem to contradict prior research suggesting the impact of distance on the likelihood of visitation among criminally incarcerated individuals (see, e.g., Tahamont 2013). When we re-estimate our models and exclude the private facility variable, we indeed find that distance significantly predicts visitation. Yet this effect disappears when the private facility variable is included. Thus, our results suggest that after controlling for distance in our analyses, the private immigration detention facility continued to exhibit a separate and distinct influence on contact and visitation likelihoods. An alternative explanation, therefore, could be that *logistical access* is more important than physical distance in our sample. For example, Google Maps estimates that it will take over five hours on public transportation, each way, to make the approximately 100-mile commute from a city where many families reside to the private facility (including four buses, one train, and a two-mile walk). As such, families who cannot access reliable transportation (Christian 2005) may be less likely to visit detained family members in private facilities. Second, there may be differences in the ways that private facilities operate compared to county or city jails. Private facilities may have different rules and regulations for visitation, staff may be trained differently, and these facilities may have a different ambiance and style of operations. For example, the private facility in our study allows visitation on only one weekend day, whereas the other facilities have access to visitation throughout the weekend. Additional studies that can address these qualitative differences across facilities would be timely and relevant. Indeed, privatized detention facilities are now the norm rather than the exception: 62 percent of detention beds are subcontracted to private facilities, up

from 49 percent in 2009, during which period the quota for detention beds increased by 46 percent (Carson and Diaz 2015).

The legal status of detained immigrants' children exhibits differential effects in our analyses, where undocumented children are more likely to be in contact with their detained parents but make comparatively fewer total face-to-face visits. These results suggest that while undocumented families make efforts to stay in touch during detention, they may face systematic barriers from visitation that might otherwise yield positive effects for both parents and children (Poehlmann 2005, Shlafer, Loper, and Schillmoeller 2015). As a result, undocumented children may be more strongly penalized by a parent's detention than children with legal status, suggesting unequal collateral consequences across families.

Our analysis contributes to several theoretical, empirical, and political debates. First, it provides one of the very first empirical analyses of the experiences and consequences of immigration detention. By applying what we know about criminal incarceration to the immigration detention context, we are able to examine the unique aspects of immigration detention and its impacts on detainees and their families. Our findings reinforce the notion that the immigration detention experience mirrors criminal incarceration experiences in many ways, yet remains distinct in others.

Second, we know that family relationships are impacted by imprisonment. Visitation provides opportunities for maintaining social ties that can support positive reentry and reduce recidivism (Bales and Mears 2008). Visitation can also reduce negative behavior, stress, and other detrimental health outcomes among the incarcerated (Cochran 2012, Poehlmann 2005). Therefore, "disparities in visitation constitute a form of potentially unequal punishment, a collateral consequence, concentrated more among some groups...than others" (Cochran, Mears

and Bales 2014: 2; see also Bales and Mears 2008; Western 2006). That detainees with different demographic backgrounds and across different types of facilities experience detention differentially suggests that they may also unequally experience the collateral consequences of the detention experience, which could lead to further stratification and marginalization.

Third, differential access to visitation may cause an additional hardship to immigrant detainees that incarcerated individuals do not experience. As the criminologist Mary Bosworth has written of immigration detention in the United Kingdom, detention is a process defined by uncertainty (Bosworth 2014). For example, one way that detention is dissimilar from incarceration is that detained individuals are not serving a sentence; instead, they are detained while awaiting adjudication on their removal proceedings. Therefore, detainees have no way to gauge how long they may be held, must fight their legal cases while imprisoned, and do not enjoy the privilege of cost-free access to public defenders (Kaufman 2008). This becomes critically important because adjustment of status cases can revolve around the participation of family members and others; for example, by providing affidavits of support (Morando Lakhani 2013) or confirmation that they will house released detainees. To the extent that families are vital to the legal process, visitation may be a critical way to communicate about legal cases. Unequal access to visitation may indicate a troubling form of legal inequality that could have severe repercussions for detainees.

Fourth, this study provides additional evidence of how immigration enforcement actions are experienced across immigrant communities and across immigrants of varying legal statuses. We observed that detainees with undocumented children receive fewer face-to-face visits. Though a body of research has documented the detrimental effects of “illegality” and of the threats of enforcement mechanisms (Menjívar and Abrego 2012, Dreby 2015, Núñez and

Heyman 2007, De Genova 2002, Brabeck and Xu 2010), to our knowledge, this study is the first to be able to hone in on the experiences of detained immigrants and their families while detention is ongoing. It is possible that decreased access to face-to-face visitation could lead to increased despair (Dreby 2015) and reduce family cohesion in immigrant families.

Finally, this study is sociologically important for its implications in understanding immigrant integration and immigrant identity formation. Future research could explore the ways that the children of detained immigrants, across legal statuses, experience and understand their parent's detention. As these children interact with the legal system, how do they come to understand their own identities and their place in American society? In an era characterized by ever-expanding criteria for detention and deportation, these questions may be more important than ever before.

Table 1. Descriptive Statistics for Multiply Imputed Sample (N = 462).

	Mean	Standard Deviation
Any Contact	0.83	0.38
Any Visits	0.53	0.50
Number of Visits ^a	8.13	14.07
Male	0.92	0.28
Hispanic/Latino	0.85	0.36
Age (Years)	38.22	9.24
Months Detained ^b	8.90	5.17
Pre-Detention Weekly Earnings (\$100s)	7.46	17.41
Prior Convictions	3.19	2.43
Prior Felony Conviction	0.26	0.45
Prior Violent Conviction	0.40	0.49
Distance to Facility ^c	61.53	117.95
Private Detention Facility	0.44	0.50
Married	0.52	0.67
Dependent Children	0.72	0.45
Undocumented Spouse	0.29	0.59
Undocumented Child	0.08	0.27

Source: Authors' tabulations. Notes: Sample includes parents only. ^a Number of visits capped at 40. ^b As of the survey date. ^c Distance between city of arrest and location of immigration detention facility.

Table 2. Odds Ratios from Logistic Regression Analysis of Detainees Receiving Any Contact from Children during Detention.

	Without Family Legal Status Variables	With Family Legal Status Variables
Male	2.27+ (1.11)	2.31+ (1.16)
Hispanic/Latino	2.14* (0.82)	2.19+ (0.91)
Age	1.01 (0.02)	1.01 (0.02)
Months Detained (ln) ^a	1.13 (0.43)	1.05 (0.41)
Pre-Detention Weekly Earnings	1.00 (0.01)	1.00 (0.01)
Number of Prior Convictions	1.10 (0.07)	1.10 (0.08)
Felony Conviction	1.53 (0.54)	1.47 (0.54)
Violent Conviction	0.62 (0.19)	0.61 (0.19)
Distance to Facility (ln) ^b	0.98 (0.15)	0.98 (0.14)
Private Facility	0.82 (0.27)	0.84 (0.28)
Married	2.04 (1.07)	1.82 (0.99)
Dependent Child	7.99*** (2.42)	9.24*** (3.30)
Undocumented Spouse		0.58 (0.39)
Undocumented Child		5.15+ (4.34)
Constant	0.12+ (0.14)	0.15 (0.18)
Observations	462	462

Source: Authors' tabulations. Notes: Sample includes parents only. Standard errors in parentheses. ^a As of the survey date. ^b Distance between city of arrest and location of immigration detention facility.

+ p<0.1 * p<.05 ** p<.01 *** p<.001

Table 3. Odds Ratios from Logistic Regression Analysis of Detainees Receiving Any Visitation from Children during Detention.

	Without Family Legal Status Variables	With Family Legal Status Variables
Male	2.62* (1.00)	2.60* (1.00)
Hispanic/Latino	1.84* (0.55)	1.93* (0.59)
Age	1.02 (0.01)	1.02 (0.01)
Months Detained (ln) ^a	0.96 (0.25)	0.95 (0.26)
Pre-Detention Weekly Earnings	1.00 (0.01)	1.00 (0.01)
Number of Prior Convictions	1.00 (0.04)	0.99 (0.04)
Felony Conviction	1.16 (0.29)	1.13 (0.28)
Violent Conviction	0.70+ (0.15)	0.71 (0.16)
Distance to Facility (ln) ^b	0.86 (0.10)	0.85 (0.10)
Private Facility	0.41*** (0.10)	0.41*** (0.10)
Married	0.97 (0.29)	0.97 (0.30)
Dependent Child	5.43*** (1.37)	5.63*** (1.48)
Undocumented Spouse		0.88 (0.33)
Undocumented Child		0.72 (0.31)
Constant	0.13* (0.12)	0.13* (0.12)
Observations	462	462

Source: Authors' tabulations. Notes: Sample includes parents only. Standard errors in parentheses. ^a As of the survey date. ^b Distance between city of arrest and location of immigration detention facility.

+ p<0.1 * p<.05 ** p<.01 *** p<.001

Table 4. Incidence Rate Ratios from Negative Binomial Regression Analysis of Detainees' Number of Visits with Children during Detention.

	Without Family Legal Status Variables	With Family Legal Status Variables
Male	1.29 (0.56)	1.39 (0.61)
Hispanic/Latino	1.21 (0.40)	1.28 (0.43)
Age	1.03* (0.01)	1.04** (0.01)
Months Detained (ln) ^a	0.73 (0.22)	0.65 (0.20)
Pre-Detention Weekly Earnings	1.00 (0.01)	1.00 (0.01)
Number of Prior Convictions	0.93 (0.05)	0.92 (0.05)
Felony Conviction	1.25 (0.34)	1.26 (0.35)
Violent Conviction	0.70 (0.18)	0.74 (0.19)
Distance to Facility (ln) ^b	0.88 (0.12)	0.88 (0.12)
Private Facility	0.41** (0.12)	0.36*** (0.11)
Married	0.99 (0.30)	0.96 (0.29)
Dependent Child	3.08*** (0.85)	3.41*** (0.97)
Undocumented Spouse		0.81 (0.29)
Undocumented Child		0.36* (0.17)
Constant	3.85 (3.60)	4.03 (3.81)
Observations	462	462

Source: Authors' tabulations. Note: Sample includes parents only. Standard errors in parentheses. ^a As of the survey date. ^b Distance between city of arrest and location of immigration detention facility.

+ p<0.1 * p<.05 ** p<.01 *** p<.001

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Endnotes

¹ Throughout this paper, we refer to immigration detention and immigration imprisonment interchangeably.

² We conceptualize “long-term” detention as detention lasting approximately six months or longer for several reasons we discuss below in the methods section.

³ Mandatory detention is specified in the Immigration and Nationality Act, §236 [8 U.S.C.A. §1226].

⁴ According to one estimate, the average immigrant detainee in the United States is released or deported in thirty-one days, often because he or she chooses not to contest a deportation order (Transactional Records Access Clearinghouse 2013). However, because DHS does not release individual-level information on detainees, it is impossible to compare how our sample aligns with this “average” detainee or even with an average long-term detainee who has been detained for six months or longer.

⁵ Compare this to data from September 22, 2012 (one day for which data is available on aggregate criminal histories via a Freedom of Information Act request) finding that 61 percent of detainees in ICE custody on that day had a criminal record (Kerwin, Alulema and Tu 2015).

⁶ This aggregated count variable approximates the total number of visits that respondents experienced during detention. The detention facilities in the study stipulate limitations on the number of family members allowed to visit at one time (e.g., two adults and one child, one adult and two children) and permit a maximum of one visit per day. Thus, even detainees with multiple children would only be able to see one or two children per scheduled visit.

⁷ Imposing a maximum threshold for visitation counts resulted in 36 cases recoded at 40 visits.

⁸ Using ArcGIS 1x0.2, we obtained the XY coordinates for city centroids and detention facilities’ address-level coordinates. We then computed distance in miles between the coordinates using the economist Austin Nichols’ -vincenty- program in Stata 14. City coordinates approximate detainees’ pre-detention residence and are a proxy for where families are likely to reside. We acknowledge the imprecision of using city coordinates to draw these assumptions, which proves a limitation of the data and warrants consideration when interpreting results. Given the theoretical relevance of distance as a predictor of visitation, however, we elected to include the variable in our analyses.

⁹ While families with personal vehicles may take advantage of freeways and comparatively lower travel times, families reliant on public transportation face greater hardships when planning to visit with a detained parent.

¹⁰ Using Stata 14, we tested for multicollinearity by estimating OLS regression models for each dependent variable while including all covariates and obtaining Variance Inflation Factor (VIF) scores. Results indicated that multicollinearity was not a concern in the models. We then tested for outliers using the Hadi statistic and identified 12 outlier cases that we subsequently omitted from the sample.

¹¹ The original version of the survey did not include questions about respondents’ marital status or the legal status of the partner, resulting in high frequencies of missing data. Given the high percentage of missing data on the spouse variables, we re-estimated the multiple imputation and regression analyses after excluding the spouse measures; model results did not change significantly from models including the spouse variables.

¹² Due to the later addition of the “number of visits” questions in a revised version of the survey instrument, missing values on the number of visits with children were perfectly predicted by measures of any contact and any visitation. To prevent model convergence issues during multiple imputation, we estimated three sets of fifty imputations – one for each dependent variable. Comparing descriptive statistics between the three sets of imputations revealed essentially identical means and standard errors.

¹³ The social psychologist John W. Graham and colleagues (2007) show that greater proportions of missing data require greater numbers of imputations in order to reduce statistical power loss. The authors recommend 40 imputations for models with approximately 50 percent missing data; we estimated 50 imputations as a more conservative approach.

¹⁴ There is debate among scholars over whether to include or omit imputed values for dependent variables. Because our imputation models include the presence of auxiliary variables that are not included in the regression models, we opted to retain the imputed Y values after multiple imputation. Comparing the model estimates from both approaches yielded essentially identical results.