

OPINION

SAL RODRIGUEZ: Immigrant detainees deserve humane treatment

By SAL RODRIGUEZ / Staff columnist

Published: Dec. 22, 2015 Updated: Dec. 23, 2015 8:27 a.m.

In America, it shouldn't be necessary to go on a hunger strike just to be recognized. Yet that is what our immigration detention policies lead some to do. In recent months, hundreds of detainees in California, Louisiana and Texas protesting prolonged detention have gone on hunger strikes.

The largest of these hunger strikes occurred at the Adelanto Detention Facility, the biggest immigration detention facility in the state. Among the protestors have been asylum seekers from Bangladesh, Ghana, Nepal and Pakistan.

Christina Fialho, co-executive director of Community Initiatives for Visiting Immigrants in Confinement, or CIVIC, argues it isn't necessary to detain immigrants and asylum seekers. "We believe ICE should stop spending taxpayer dollars on caging human beings," she said. "There are alternatives to detention that are just as effective in making sure people get to their court dates."

Fialho points to community-based programs piloted by the Lutheran Immigration and Refugee Service and the U.S. Conference of Catholic Bishops as successful examples of alternatives to detention. Both efforts revolved around providing housing, case management and the monitoring of participants, and by any account have proven successful in ensuring compliance with the law.

From 1997-2000, the Vera Institute of Justice worked with the now defunct Immigration and Naturalization Service to implement and evaluate a supervised release project for 500 asylum seekers, people facing deportation due to a criminal conviction and undocumented immigrants. The effort, called the Appearance Assistance Program, involved routine check-ins by phone or in-person.

The results were clear. About 90 percent of participants attended their required court hearings, and most individuals complied with their final orders. At the time, the cost of supervision was 55 percent less than detention for asylum seekers and 15 percent less for criminal noncitizens.

In other words, there is a case to be made for expanding humane alternatives to detention, which actually treat people like people, and enable better opportunities for immigrants, asylum seekers and individuals facing deportation to navigate the legal system.

The latter part is important because within the confines of a detention facility it can be difficult to acquire legal representation or assistance of any kind. Erwin Amiel Melendez, brought to the United States as a child from Guatemala in 1962, told me how, within a period of less than two years, he was shifted around the country to detention facilities in three states, including Adelanto Detention Facility.

While he was ultimately able to effectively navigate the legal system to successfully receive a deportation deferral, he told me things are much more challenging for newly arrived immigrants, for whom the entire process is daunting, if not unintelligible. Speaking of Adelanto, he recalls difficult experiences. "I think of hunger. I stayed hungry. The medical [care], they have a lot of red tape for everything," he said.

To this point, Fialho and colleagues recently produced a troubling report in October about the sorry state of the facility, and the immigration system as a whole. Asylum seekers reported steep bonds averaging \$29,250 just to be released, ensuring they're likely to remain detained for prolonged periods. Such detention is sure to be an unnecessarily harmful experience.

The report documented concerns regarding inadequate medical treatment, the food and religious freedoms. It cited a September report of the U.S. Commission on Civil Rights which found Adelanto "failed to comply with DHS standards for medical care including ignoring serious medical conditions, overmedicating detainees, failure to administer proper medical protocols and delayed transfer to a hospital setting."

Fortunately, the Office of Civil Rights and Civil Liberties with the Department of Homeland Security confirmed to me that representatives are investigating claims about the conditions at the facility.

Given the abysmal conditions of the detention facility, the dysfunction of the system as a whole and the glaring contradiction both have with our nation's commitment to

respect for the individual, it is important that our society think critically about the way the systems we have in place work.