

# Immigration Facts 2: ICE Detention

Immigrants come to the US because they are fleeing overwhelming poverty, political instability and corruption often resulting in persecution from gangs, community violence and threats to their lives and livelihoods. Immigrants are fathers, mothers and children who come with determination and hopes for their futures and therefore our future.

## WHY ARE IMMIGRANTS DETAINED BY ICE AND CBP?

ICE apprehends adult immigrants who have been in the US for months or years without sufficient documentation and are detained for issues like running a red light, not having a driver's license, overstaying a visa, etc. ICE also apprehends people at the border, even if they are seeking asylum. (*CAIR Coalition*) They may also be detained during broad-based or targeted raids including at work, at home or at school drop-off lanes. (*CAIR Coalition*)

It is believed that ICE detains an immigrant because of a presumption that he or she is a "flight risk" and might move to another location within the US or that they pose a public safety threat. However, many people are detained with no formal analysis of whether they are a flight risk or a threat to public safety. (*CAIR Coalition*) When detained, their court "appearance" is via video-conference in both Virginia and Maryland except for a few exceptions that allow a personal appearance in court. (*CAIR Coalition*)

## WHY ARE IMMIGRANTS DETAINED BY CBP?

Adult immigrants seeking legal entry into the country are detained at a US border for one of three reasons:

**ONE:** Because they lack necessary documents or are otherwise deemed ineligible. Before COVID-19, they *might have been* scheduled for deferred inspection. At present, no immigrants are being sent to our border holding facilities. Instead they are being returned to Mexico or Canada or sent to their country of origin. (*DHS 6-16-20*) The encampments along the Mexican border are very dangerous, particularly for people who were fleeing from a gang that had targeted them.

**TWO:** Because they cross into the US illegally, referred to as EWI — entered without inspection.

## DEFINITIONS OF TERMS

These facts concentrate on ICE because they have direct jurisdiction and impact in the DMV. Aspects of CBP are included for clarity because of our more recent familiarity with the impact of CBP.

## WHAT IS ICE?

ICE stands for Immigration and Customs Enforcement, an agency within the Department of Homeland Security (DHS). It was formed in 2003 as part of the government's reorganization after 9/11. DHS' job is defined as "protecting the U.S. from transnational crime and illegal immigration that threaten national security and public safety." (*Wikipedia*)

ICE agents aren't police but they can carry guns or small clubs and gear that says "Police" on it.

## WHAT IS CBP?

The US Customs and Border Protection is part of the Department of Homeland Security (DHS), and is charged with keeping terrorists and their weapons out of the US while facilitating lawful international travel and trade.

## WHAT DEFINES ICE AND CBP'S JURISDICTIONS?

The purview of ICE is the whole of the interior of the US with the exception of 100 miles from the land and coastal borders which is under the purview of CBP. However, these are not hard and fast jurisdictions as ICE has apprehended people at the border as well.

## WHAT IS ORR? (VOX)

The Office of Refugee Resettlement (ORR), part of the US Department of Health and Human Services, is the agency responsible for the care of unaccompanied children. Once children are transferred from CBP at the border, they typically are transferred to ORR within 72 hours, for placement in a facility somewhere in the US.

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**THREE:** Because they are unaccompanied children under age 18 who attempt to enter the US because they are fleeing violence, actively avoiding recruitment into gangs and/or avoiding prostitution or human trafficking. (CAIR Coalition) Once detained at the border by CBP, they are transferred to ORR and then sent either to a juvenile immigration detention center or to a relative.

Due to legal restrictions on providing information on detained children, it is difficult to qualify and quantify their current situation.

The Trump administration has moved to further restrict immigration amid the coronavirus pandemic and the resulting spike in unemployment. Since March 2020, officials have curbed travel to the United States, effectively halted asylum procedures, and suspended many foreign worker visas and green cards. (The U.S. Immigration Debate, from *Renewing America*, The Council on Foreign Relations, Updated June 23, 2020)

### WHY ARE ADULTS AND CHILDREN SEPARATED AT THE BORDER? (The Guardian)

As part of the present administration's "zero-tolerance" policy, every migrant who crosses the border illegally, is subject to criminal prosecution, and even those who cross at an official point of entry are still detained. (CAIR Coalition) Since children are not allowed to be held in a federal jail, they are taken from their parents and placed in the care of ORR.

Children under age 18 who are separated from their parents are designated as "unaccompanied alien children", a category originally designed for children who voluntarily arrive at the border on their own. Now, because of the 2019 Remain in Mexico policy, many parents are sending their children across the border alone so they can escape the horrible violence of the encampments. These children were originally accompanied by adults, but are now being classified as "unaccompanied" because the parents cannot cross the border with them. (CAIR Coalition)

### HOW MANY IMMIGRANTS ARE IN ICE DETENTION AT PRESENT, NATIONALLY AND LOCALLY?

The US government detains nearly 400,000 immigrants each year. At any given time, some 1,600 adults are detained by ICE in the capital region. ICE has contracts with adult detention

facilities in the area to hold immigrants while their removal cases are pending, a process that can take many months, if not years. (CAIR Coalition)

Most people in immigrant detention are between 26 to 35 years old, although detainees include infants as well as people in their 80s. (Freedom for Immigrants Website and CAIR Coalition) Many have families, including spouses and children who may be citizens, are employed in the workforce and in some cases, own their homes.

Pre-COVID-19 statistics for Virginia average length of stay is 3 months; in Maryland it is closer to 5 months. (CAIR Coalition)

### WHERE ARE ICE DETAINEES HOUSED?

There are over 200 immigrant detention centers (jails) in the US, and most are run by for-profit companies, under contract with ICE.

There are no ICE detainees housed in Washington, DC. The nearest places include temporary housing in the Howard County Detention Center in Jessup, MD and the Worcester County Jail in Snow Hill, MD. Most DC residents are sent to the Farmville Detention Center in Farmville, VA, located near the North Carolina border. It is a large facility run by a for-profit firm, Immigration Centers of America.

Farmville has the capacity to hold 736 detained men, although it sometimes uses cots to house more. (CAIR Coalition)

A La ColectiVA report states: "There are now 50 confirmed COVID-19 cases at ICE-Farmville. Earlier this week, Farmville officials used violent force against people protesting the COVID-19 outbreak in the detention facility. Guards reportedly used guns with rubber bullets to suppress the protest, then moved protesters to segregated housing at gunpoint. The protesters have had little to no contact with their families and lawyers since. The meteoric spike in cases is largely due to ICE repeated practice of transferring people between detention centers across the country." (La ColectiVA June 26, 2020)

A June 30 article on the Farmville Center reports that attorneys and detainees "portray a climate of fear within the center — fear of both the novel coronavirus and ICE violence against detainees who want treatment and information about a potentially life-threatening sickness." (Daily Beast, June 30, 2020)

## Immigration Facts 2: ICE Detention *(continued)*

### DO ICE DETAINEES HAVE DUE PROCESS?

Detainees are left without legal counsel because their cases are considered civil and not criminal. In these civil cases, defendants must pay for legal counsel. Many don't have sufficient funds for that and they must defend themselves. In spite of language barriers, a total of 86% of detained immigrants represent themselves in court. *(CAIR Coalition cited NIJC report)*

As of March 2020, 61.2% of ICE detainees had never had a criminal conviction, even of a minor offense. Of those with criminal convictions, only 10% had serious criminal conviction. *(Transactional Records Access Clearinghouse (TRAC) at Syracuse University)*

### CONDITIONS IN DETENTION

*(EMM powerpoint 5/19/20)*

Detainees have restrictions on visits and phone calls — all visits have been halted since the coronavirus pandemic began.

The detention facilities are often in rural areas, far from detainees' families and any networks of support.

If they are able to work, they are paid \$1-\$4/day which can go toward the purchase of food or phone cards. Note: The minimum pay requirement for any ICE facility in the US is \$.08/hour. *(Farmville Herald, 11-2019)*

Detainees are placed in solitary confinement for punishment or retaliation for hunger strikes and behaviors associated with mental health issues.

There is limited medical or mental health care.

This is a fluid situation and changing daily in terms of US policy and related immigrant numbers. For most current and additional information, please check the following websites:

Episcopal Migration Ministries  
[episcopalmigrationministries.org](http://episcopalmigrationministries.org)

CAIR Coalition  
[caircoalition.org](http://caircoalition.org)

American Immigration Council  
[americanimmigrationcouncil.org](http://americanimmigrationcouncil.org)

Detention Watch Network  
[detentionwatchnetwork.org](http://detentionwatchnetwork.org)

Freedom for Immigrants  
[freedomforimmigrants.org](http://freedomforimmigrants.org)

Human Rights First  
[humanrights.org](http://humanrights.org)

### COMPILED BY THE WASHINGTON NATIONAL CATHEDRAL SANCTUARY MINISTRY

This ministry carries out the resolutions on immigration passed by the 79th General Convention of the Episcopal Church.

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### SANCTUARY MINISTRY MISSION STATEMENT:

We are a visible compassionate face and voice for immigrants and refugees who come to our country in search of safety for themselves and their families.

We are a loving spiritual sanctuary of support for those whose lives are threatened and upended because of their status in our country.

We are a people of faith who, through prayer and action, support isolated and powerless immigrants, letting them know that there are others who pray for them and have their interest at heart.

Contact: [sanctuary@cathedralcongregation.org](mailto:sanctuary@cathedralcongregation.org)