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End Immigration Detention

By THE EDITORIAL BOARD

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The South Texas Family Detention Facility in Dilley, Tex. Credit: Jennifer Whitney for The New York Times

Of all the malfunctioning parts in the country's broken-down immigration machinery, probably the most indefensible is the detention system.

This is the vast network of jails and prisons where suspected immigration violators are held while awaiting a hearing and possible deportation. Immigrant detainees are not criminal defendants or convicts serving sentences. They are locked up merely because the government wants to make sure they show up in immigration court.

Detention is intended to help enforce the law, but, in practice, the system breeds cruelty and harm, and squanders taxpayer money. It denies its victims due process of law, punishing them far beyond the scale of any offense. It shatters families and traumatizes children. As a system of mass incarceration — particularly of women and children fleeing persecution in Central America — it is immoral.

The director of Immigration and Customs Enforcement, or ICE, Sarah Saldaña, on Wednesday announced a set of reforms to the family detention system. Federal officials

do this from time to time after advocates and journalists expose — as they have for years — the abuses within detention walls. Ms. Saldaña says she wants the “optimal level of care” for detainees, and so she will create a committee and give lawyers more working space to meet with clients, among other things.

But committees and cubicles won’t touch the heart of the problem. It’s time to end mass detention, particularly of families. Shut the system down, and replace it with something better.

A powerful case for ending immigration detention, along with an array of alternatives, is made in a new report from the United States Conference of Catholic Bishops and the Center for Migration Studies. It traces how the system has grown immense, from housing 85,000 detainees in 1995 to more than 440,000 in 2013. There are many reasons for this growth, including state and local immigration crackdowns, federal dragnet programs like Secure Communities and the flood of money from Congress to the private prison operators that have profited so fruitfully from immigrant criminalization. The system has gotten more sprawling and scandal-prone, but reforms don’t stick. The notorious Hutto family detention center in Texas, where children went to classes in prison scrubs, stopped housing families. But the surge of families at the border seeking refuge last year created a political crisis and led the department to resurrect family detention, with new centers with thousands of prison beds for mothers and children.

The report points out that the detention system has become an enormous funnel for the crushingly overburdened, underfunded immigration courts, which receive a meager \$300 million from Congress each year, one-sixtieth of what ICE and Customs and Border Protection get. By the end of March, nearly 442,000 cases were pending before immigration judges, with an average case waiting 599 days to be heard, and delays in some courts of more than two years. This is not efficiency or due process.

Ending mass detention would not mean allowing unauthorized immigrants to disappear. Supervised or conditional release, ankle bracelets and other monitoring technologies, plus community-based support with intensive case management, can work together to make the system more humane. But neither Congress nor the Homeland Security Department has embraced these approaches, which would be far cheaper than locking people up.

No one can expect such reforms soon from Congress, which by law requires the Department of Homeland Security to maintain, at all times, 34,000 detention beds, no matter the need. But the problem has to be acknowledged: the inhumanity and wasted expense of imprisoning people who could be working and providing for their families. The American immigration system should reflect our values. The detention system does not do that.