

Immigration Detention in NJ

Politics, Economics & An Invitation for Abuse



Migration- A Global Phenomenon

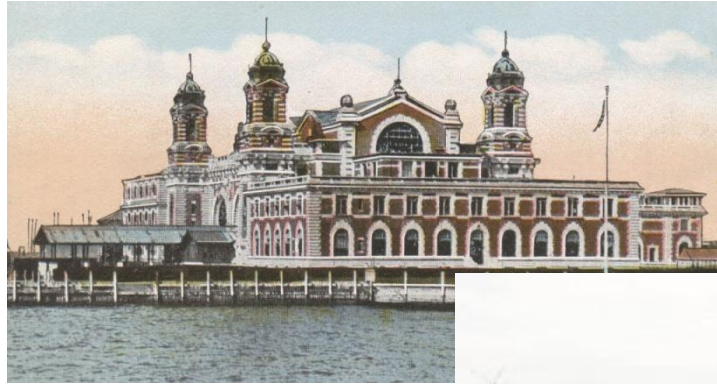


Distance no object

Some of the world's more important current migration routes



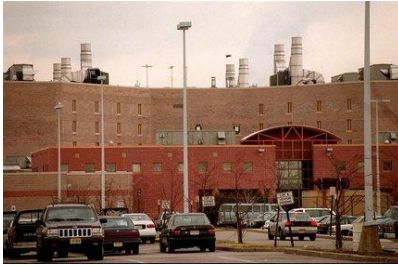
Ellis Island is Closed



- Open from 1892 to 1954
- Processed as many as 11,000 immigrants a day, returning only 2% to their home countries.
- Average stay less than one day.
- State of the art medical care.

Pax Christi NJ's 1st Ash Wed pilgrimage from Ellis Island to the Elizabeth Detention Center (12 mile walk)

Detention Centers in NJ in 2013



NY ICE Field Office Facilities

- Hudson County Correctional Center
- Bergen County Correctional Center
- Monmouth County Correctional Center**
- Sussex County Jail**

Newark ICE Field Office Facilities

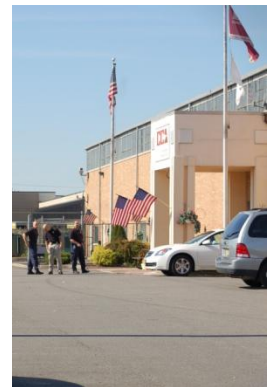
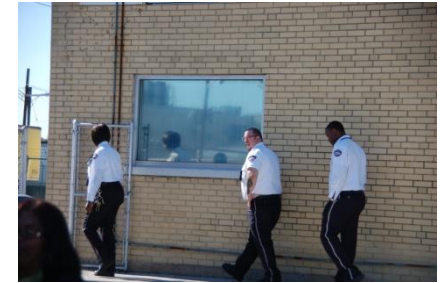
- Essex County Correctional Facility
- Delaney Hall*
- Elizabeth Detention Center*

*Privately run facilities

**Contracts with ICE terminated
mid year 2013

Elizabeth Detention Center

- First Immigration Detention Center in NJ
- A converted warehouse in an industrial park near end of a runway at Newark Airport
- Opened in 1994 under ownership of a company called Esmor
- Riots forced its temporary closing in 1995
- Detainees were transferred to the Union County Jail until the facility could be reopened and contracts assumed by Corrections Corp of America (CCA)
- Current capacity is approximately 350 beds
- Though details of the current contract have been designated a company secret under the last contract CCA charged ICE \$170/detainee/day for its services
- Conditions have improved in recent years, but there is still no outdoor recreation for detainees



Illegal Immigration Reform and Immigrant Responsibility Act of 1996

- Made detention mandatory for asylum seekers
 - Made minor criminal offenses, even those which did not result in any time in jail as deportable
 - Made it easier to detain and deport non-citizens
 - Eliminated hardship waivers for family members of US citizens
 - Required deportation of legal permanent residents for petty offenses such as, drug possession DUI, simple assault, and petty larceny.
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IRATE & First Friends

- Began in cooperation between the Archdiocese of Newark and Jesuit Refugee Services to provide Bible studies to detained asylum seekers at Esmor
- After being thrown out for writing “I was in prison and you visited me” on blackboard IRATE is founded (Interfaith Refugee Action Team Elizabeth)
- Began actively advocating for an end to mass immigration detention
- Established first organized visitation program specifically for immigrants in detention
- Currently managing visitation programs in 4 of the 5 facilities in NJ that imprison immigrants for ICE
- Actively advocating for improved conditions in all counties and facilities that imprison immigrants in NJ
- Providing post-release support to asylum seekers



Who is in Detention

- Legal permanent residents and other legal residents
 - Minor legal infractions, or mistakes during or with the process of adjusting status can result in detention
 - Asylum seekers
 - People who declare that they are seeking asylum at the border are subject to mandatory detention
 - Using assumed names or falsified documents to enter the country prolongs length of detention
 - Many asylum seekers are torture survivors and may have already spent time imprisoned in their home countries
 - Parents and spouses of US Citizens
 - Marrying a US citizen does not automatically confer citizenship, nor will it guarantee that citizenship will be granted
 - Parents of minor US citizen children are regularly detained and deported
 - US Citizens
 - TRAC (a project of Syracuse U.) estimates that as many as 900 US Citizens have been subject to detention in the last 3 years
 - There are documented cases of US citizens who have been deported
 - The mentally ill and indigent are particularly at risk of wrongful detention and deportation because the immigration court places the burden of proof on the defendant
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“Help, they are killing me!”



- Boubacar Bah was a tailor from Guinea who entered the US legally and overstayed his visa
- He was in the process of adjusting his immigration status when, on bad advice from his lawyer, he returned to his home country to visit his family
- Upon re-entry he was detained at the Elizabeth Detention Center
- He sustained a head injury while in ICE custody at the Elizabeth Detention Center
- Rather than administering medical care CCA staff placed him in solitary confinement
- He was later transferred to a local hospital but 2 weeks passed before his nearest relatives in the US were notified of his condition
- He languished in a coma for several months before he died

The New York Times

Unreported Deaths in Immigration Detention

- The story of Mr. Bah among a series of articles by the NY Times beginning in May of 2008
 - Over a hundred other such deaths, in immigration detention in the United States.
 - No process for recording or reporting deaths in detention
 - A pattern of neglect and abuse that led to one preventable death after another and of prolonged, extreme, and altogether unnecessary, suffering.
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Private Prisons Cashing In



- Dropping crime rates left private prisons with empty beds and vacant facilities
- Immigration detention important new growth sector
- See reform as yet another business opportunity



The Essex County Model

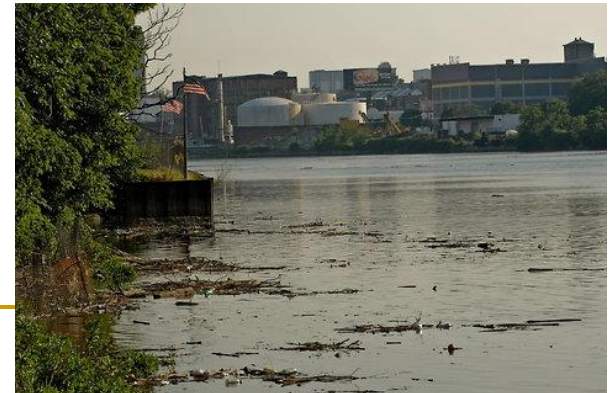


- December of 2010 Essex County was selected as the site of a new northeast regional detention center.
- ICE called this new contract a “model” for civil detention for the country.
- The “model” consisted of the county jail and privately owned and run correctional facility located in one of the most highly polluted areas in the City of Newark.



Doremus Ave a.k.a. “Chemical Corridor”

- Essex County Jail sits in a flood plain within site of the Newark Bay on site of former Celanese Chemical plant
- Within a few 100 yards of sewage treatment plant
- Across street from one of EPA’s list of most polluted sites, Diamond Shamrock Chemical site (a manufacturer of Agent Orange during Vietnam)
- Adjacent to future site of gas fired power plant
- Local opposition to opening of jail in 2004 argued that there would be no way to evacuate guards and inmates in the event of a chemical spill



Courting ICE

- Joseph N. DiVincenzo, Jr., the Essex County Executive, aggressively pursued a contract with ICE
- Focus on increasing county revenue and lowering property taxes
- Community Education Centers was included as a partner on the proposal to ICE in possible violation of laws governing public bidding of government contracts
- Revenue from ICE contract number one among “top achievements” during state of the county address in 2012



Massive Increase in Detention in NJ

With the signing of this contract

- Number of people in detention in NJ increased to about 2,300
 - Approximately 7% of all immigrant detainees in the US were now being imprisoned in NJ
 - NJ is right behind Arizona which has 2,600 people in detention and 8% of all immigrant detainees.
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Who is CEC ?

A corrections company headquartered in West Caldwell, NJ with political connections but a spotty record including severe medical neglect, abuse of inmates and preventable deaths in Essex County and elsewhere.



John Clancy CEO of CEC (left) with Joe DiVincenzo (right). Photo taken at lavish holiday party costing \$10,000. Paid for with campaign contributions from CEC and other companies that do business with Essex County.



Breaking the Cycle of Recidivism.

“Unlocked” Three Part Series

The New York Times

Three part series of article published in June of 2012 after a 10-month investigation. Articles revealed halfway houses run mainly by CEC constitute a loosely regulated shadow correction system in which pre-adjudicated defendants are moved to low security facilities to make way for federal prisoners in the Essex County Jail. Problems in the halfway house system include rampant drug use, gang activity and sexual assaults.



Gov. Christie and Joe Divincenzo at the 10th anniversary celebration of Delaney Hall

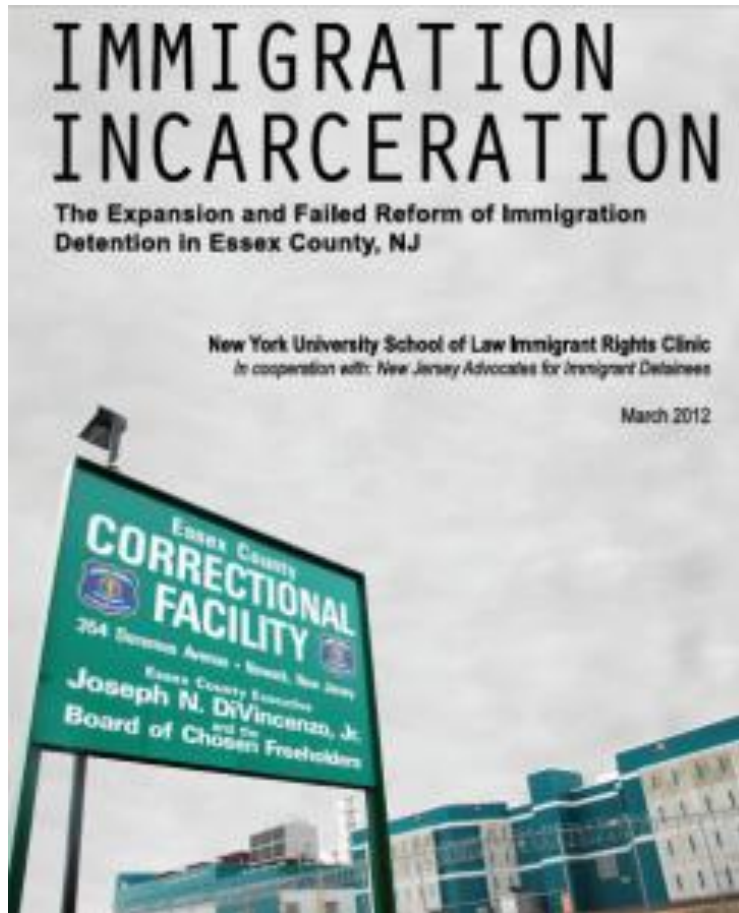


Mayor Corey Booker with Derek Harris West who was murdered in 2009 by fellow inmates at Delaney Hall

Essex County Immigration Detention Expansion, an Invitation for Abuse

- 19 page report published in December 2011
 - Detailed long-standing relationship between Gov. Christie and CEC
 - Explained how CEC skirts NJ state law
 - Listed “avoidable deaths” of inmates in CEC’s custody
 - Compiled campaign contributions from CEC to NJ politicians
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NYU Law School Report



- “Immigration Incarceration-The Expansion and Failed Reform of Immigration Detention in Essex County, NJ” released March 23, 2012
- Reviewed over 200 complaints filed with ICE
- Collected information from lawyers, service providers & released detainees.
- Revealed shocking details of inhumane, unsanitary and unsafe conditions including lack of access to medical treatment, substandard food, and physical and verbal abuse from staff and guards.

USCCB's Position on Immigration Detention

- Oppose mandatory detention and call for a re-instatement of case-by-case review
 - Support removing non-violent offenses and one that resulted in little or no jail time from list of “aggravated felonies”
 - Oppose indefinite detention
 - Prioritize the protection and re-unification of families
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Wardens from Wall Street: Prison

Privatization- pastoral statement by Catholic Bishops of the South

- “Prisoners are persons, with inherent God-given human dignity. When prisoners become units from which profit is derived, there is a tendency to see them as commodities rather than as children of God. Our troubled times have taught us that, once people are dehumanized, they are more liable to be exploited, abused and violated...”
 - “To delegate... to institutions whose success depends on the amount of profit they generate is to invite abuse and to abdicate our responsibility to care for our sisters and brothers.”
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God Hears the Cry of the Poor

“Because they turned away from him and heeded none of his ways, but caused the cries of the poor to reach him, so that he heard the plea of the afflicted.” **Job 34: 27-28**

Why Don't We Hear the Cries of People in Detention?

- Jails and detention centers tend to be in out of the way places
 - Detainees have no legal right to counsel
 - Phone calls, stationery, pens and stamps are available because it generates a profit for the facility
 - Lack of independent oversight means complaints are overlooked
 - Detainees have a justified fear of retaliation for speaking publicly about conditions even after they are released
 - People held behind locked doors and who are scared to tell their stories become faceless statistics
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Compassion Moves the Will to Justice

"We act justly not because we are intellectually convinced, but because we are passionately moved.

Compassion moves the will to justice."

Rev. Bryan Massingale

Onesio & Diana



- Born in Mozambique
- Family active in minority political party
- Fled to Italy & became naturalized citizen
- Targeted by Mafia for organizing African laborers
- Entered US on Italian passport
- Detained at Elizabeth Detention Center after admitting he was here to seek asylum
- Moved to Essex County Jail as punishment after refusing deportation while appeal was pending
- Released after 19 months in detention because Diana, the woman who was visiting him, organized over 25 civic and religious groups to lobby Congressman Donald Payne, Sr. for his release
- Now married to a US citizen with a newborn baby girl
- In process of applying for green card

Saul & Sue



- Saul rode the train up from Honduras at the age of 14
- He was apprehended at the border and sent to a detention center
- He was released into the custody of a cousin in Louisiana
- He was arrested and convicted of shoplifting and sent to Children's Village in NY
- At the age of 18 he was transferred to the Bergen County Jail to await deportation
- When Sue began to visit Saul he was terrified of the other inmates
- He touched her heart and she began advocating on his behalf
- She found him a lawyer who was able to secure his release
- He has since finished high school and is attending college, keeping a job and paying rent on an apartment he shares with a friend.
- He has recently begun speaking in public about his experience

Other Former Detainees



The Way Forward

- Lament- cry out against the injustice perpetrated on our brothers and sisters
- Compassion- show compassion by entering into a relationship with the afflicted
- Solidarity- walk with that person during the time of their suffering
- Conversion- open your heart so that you can have deep emotional experience and then share that with others so they too can be converted

