

Handout 4.3 - Housing Immigration Detainees in a Prison

After Accepting NYC's Immigration Detainees, Hudson County Correctional Tries to Make Jail Feel 'Civil'

by Colin Asher. Jersey City Independent, July 9th, 2010

“Usually they're pretty alert when they get here, then they get discouraged, then disillusioned. Then they get depressed.”

Greg Sullivan is speaking about the 355 immigration detainees being held in the Hudson County Correctional Center in Kearny, most of whom were living in New York City before they were detained. Inside the facility, they have minimal contact with family and friends, and little to do but wait for their cases to be heard by a judge.

“They're just sitting in their dorm, not knowing what their status is,” Sullivan says.

Sullivan is the program director of First Friends, a nonprofit that began sending volunteers into the jail to visit detainees in March, when Immigration and Customs Enforcement (ICE) transferred them from New York City.

Though the jail is less than 10 miles from Manhattan, the detainees held inside are, in every meaningful sense, much farther removed. Making calls from the jail costs a small fortune, and talking to family is a rich indulgence. Visiting hours are limited. And though there are but few miles between the jail and New York City, crossing them is no simple task. Traveling from upper Manhattan requires a subway ride, and then a PATH ride, and then a trip on NJ Transit's Number 1 bus. If everything goes smoothly, during rush hour, when trains arrive and depart at a brisk pace, the trip takes just under 2 hours.

The result of this distance, both measurable and experienced, is alienation. And though the jail's administration has been accommodating to their immigrant charges, immigration advocates say no ameliorative measures can make the situation acceptable. ICE announced in January that New York City's detainees would be transferred to Hudson County Correctional. At the time, immigrants, their families, and advocates vocally opposed the decision, claiming that the move to New Jersey would make it more difficult for detainees to stay in contact with their families, and lawyers. Even elected officials joined the fray. Sen. Charles Schumer of New York opposed the transfer on the grounds that forcing families to travel nearly two hours on public transportation — the only option for many — would violate the detainees' right to due process.

Persuasive as the arguments against moving the detainees were, the argument in favor was more so. Housing immigration detainees in Hudson County costs the federal government \$111 a day, less than half of the \$253 per day it cost to house them in Manhattan. And, though the move was bemoaned, conditions at Varick, the facility they were being transferred from, were not acceptable. Detainees held there had no access to outdoor space, and the medical facilities were seen as inadequate.

And so, the transfer took place in early March, amid dire predictions.

The next month, a report entitled "[Locked Up But Not Forgotten](#)" was released. Researched and written by immigration advocates and NYU law students, and published by the American Friends Service Committee (AFSC), the report examines conditions in six New Jersey detention sites, including Hudson County Correctional. The document paints a dispiriting picture of what life is like for immigration detainees being held in New Jersey.

While research for the report was taking place, detainees in Hudson County could only see their families in no-contact booths. Visits were limited to 30 minutes, between 3 and 7 pm from Monday to Thursday. A person had to arrive by 6:15 pm if they wanted to be allowed inside, meaning that visiting was a virtual impossibility for anyone with a day job.

Detainees were required to list their visitors ahead of time, and the names they supplied were written on cards that could hold no more than five names. The cards, detainees were told, would only be updated once every three months. Phone service at the time was provided by a contractor that charged 89 cents per minute for calls to or from New York, after a \$1.75 connection fee had been assessed.

As detailed in the report, detainees at Hudson County Correctional have also filed official complaints about a lack of kosher and halal meals, inadequate medical care, and the pepper spraying of a mentally ill detainee.

But the distance imposed by detention was the report's primary concern. Detention, the report says, "amounts to near total isolation from the outside world, often for prolonged periods of time."

That isolation is the result of detention is especially troubling because the justification for detaining immigrants without legal status is different than the justification for holding accused criminals. Immigrants are held to ensure they will abide the dictums of the court system, while people accused of crimes are held for reasons of public safety. Detention is a civil matter, not a criminal penalty. In some of the cases featured in "Locked Up," it is hard to imagine the reasoning behind the decision to hold them pending trial.

Take Persian Gulf War veteran Warren Joseph, a Trinidadian-American, who was detained for 3 years before a court lifted his removal order and he was released to his home. Or Pauline Ndize, a mother of 3 U.S. citizen children, who had been living in the country for more than 20 years when she was detained in the fall of 2008. She was held for five months before being released.

Because ICE does not have the capacity to hold nearly as many detainees as they take into custody, most are housed in jails and prisons, like Hudson County Correctional. Their detention then feels like a criminal penalty, though technically it is not.

“In effect, immigration detention is punishment — not just for the immigrants in detention, but for their families and communities as well,” the report reads.

The feeling of being punished is only more pronounced the further removed detainees are from their families, their communities, and for those who have them, their lawyers. And being separated from family and community is especially fraught for immigration detainees because they have no constitutionally guaranteed right to legal counsel.

Only 14 percent of the country’s detainees are represented by lawyers as they wind their way through the immigration courts system, a February report from the American Bar Association found. The other 86 percent construct a legal rationale for remaining in the country on their own, or with their families. No simple task, and one made more difficult when phone calls are unaffordable and family can’t visit. Constructing a defense, and remaining hopeful, is hardest, of course, for detainees who have no one to visit them. They, the report says, “easily lose hope of staying in the country — regardless of the strength of their claims to remain in the U.S.”

It is easy to imagine becoming depressed inside Hudson County Correctional. Detainees held there live in rooms with a 65 person capacity, separated from the normal jail population. The available outdoor recreation space is a caged unit attached to a dormitory door. Communal televisions turn off at 9 pm. And by all reports, the food available to detainees and inmates alike is nutritionally sufficient, but terrible.

“It’s a degrading and demoralizing atmosphere,” First Friends’ Sullivan says. “There’s not really that much they can do.”

Almost the moment they arrived from New York, the detainees being held at Hudson County Correctional began agitating to improve their circumstances. They threatened a hunger strike, and sent a petition, signed by more than 180 people, to the American Bar Association. They complained about the phone rates, inadequate health care and mistreatment by guards. In response to their protests, and those of their advocates, conditions inside the jail improved, even before “Locked Up” was released in April.

As a jail, Hudson County Correctional normally functions as a short term facility. The introduction of New York’s detainees necessitated the review of some policies, including visiting and phone service. James Kennelly, Hudson County’s spokesperson, says early complaints by the detainees transferred from Varick came during a period when the jail was in the process of making changes to accommodate the new arrivals.

“We’ve tried to accommodate Varick detainees as best as possible,” he says.

Phone rates dropped to about 30 cents per minute, and they might get lower when a new service contract is negotiated. And contact visits were instituted so detainees can see their loved ones without a Plexiglas barrier separating them. The limit was removed from visitor lists, and weekend visiting hours were added. Computer kiosks that allow

detainees to request medical treatment, file complaints, and add the names of visitors to their list are being installed in the detention facility.

“The last thing Hudson County wants to do is fail to live up to our responsibility to treat our detainees humanely,” Kennelly says of the changes.

The story told by immigration advocates is one of a flexible jail administration, forced to contend with a situation that is ideal for no one and dispiriting for the people held in its custody.

Rev. Eugene Squeo, a pastor at St. Patrick’s Assumption in Jersey City, is a member of NJ Advocates for Immigrant Detainees. He has toured the detention facilities at Hudson County Correctional, and attended meetings with jail officials to discuss making changes to jail policy.

“I’ve been pleased by the willingness of officials at the correctional center to work with advocates,” he says.

Like many other advocates, his quarrel is not with Hudson County Correctional — it is with the system of immigration detention itself. The jail is just the low-hanging fruit.

“There should be no massive and arbitrary detention of immigrants,” Squeo says. “But as long as that’s the policy of ICE we want to make sure the conditions are as good as possible under the circumstances.”

Acknowledging they will only be satisfied by a tidal shift in federal policy leaves advocates with few options, and there is a danger in even making some demands. The Varick Detention Facility was the source of bitter complaints because it provided no outdoor space for recreation. But the shift to Hudson, though it allowed access to outdoor space, was not necessarily an improvement for detainees.

“We’re challenged by arguing for closure of facilities,” says Amy Gottlieb, the immigrant rights director of AFSC for the New York metropolitan region.

Pushing for ICE to drop their contract with Hudson County Correctional might be tempting, but no one is making that demand because there is no way to know where detainees would be moved. Chances are, they’d be transferred even farther from home.

John Morton, the head of ICE, has stated publicly that he intends to improve conditions in immigration detention facilities. His expressed desire is to make detention “truly civil.” But Gottlieb is dismissive of his stated goal.

“It’s hard for me to imagine a setting in which it doesn’t feel like a criminal penalty,” she says.

The only way to significantly improve conditions for immigrants awaiting the conclusion of their court proceedings, she argues, is to “find a way to release people.”

When it was announced that Varick was closing, and detainees would be transferred to Hudson County en masse, a group of 16 advocacy organizations suggested another course of action. They volunteered to collectively review the cases against every individual detainee, to determine who among them would be good candidates for electronic monitoring or parole. Those detainees who were unlikely to flee should be released while their applications were pending, they suggested.

ICE rejected the offer out of hand.

(<http://www.jerseycityindependent.com/2010/07/09/after-accepting-nycs-immigration-detainees-hudson-county-correctional-tries-to-make-jail-feel-civil/>)