

Congressional Briefing on the Impact of Immigration Enforcement on  
Women and Families

Statement by Nina Rabin, University of Arizona

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Thank you all for coming. It is an honor to be a part of this panel, and particularly to introduce Marlene Jaggernauth, who spent more than a year in immigration detention in six different jails, and was separated from her family for four years as a result of our immigration enforcement system. She persevered through all of this and has been a tireless advocate on behalf of detainees throughout and ever since. Ms. Jaggernauth can speak far more powerfully than I can about the reality of the detention experience for immigrant women, so I will keep my remarks brief. What I hope to do is offer an overview of several key concerns for women in immigration detention, which will provide some helpful context for her harrowing experience.

To give you a little background, I work at the University of Arizona, where I have a joint affiliation with the Southwest Institute for Research on Women and the James E. Rogers College of Law. In 2007, I spent over a year studying immigration detention facilities in Arizona, which hold approximately ten percent of all detainees in the country. Here is a photograph of one of the five detention facilities in the state, and one of the three that detain women. [SLIDE 2] I have focused my research particularly on women because they are a relatively new population of detainees and they are detained in facilities that primarily house other populations – either male detainees or female inmates in the criminal justice system. I wanted to determine how responsive the facilities are to the distinctive needs of women. I conducted over forty interviews of current and former detainees, family members of detainees, and advocates who have represented women while in immigration detention facilities. What I learned in these interviews is documented in the report “Unseen Prisoners,” which was released in January 2009 and which you all should have received a copy of with your briefing packet.

[SLIDE 3] I will focus my remarks today on four key concerns: the impact of detention on families, the severity of conditions for women detainees, the inadequacy of access to telephones and legal materials, and the aggressive prosecution of women immigration detainees by ICE. I will leave issues of medical and mental health care to our other panelists, Meghan Rhoad and Kathleen Baldoni, to discuss.

Before I delve into the specifics of these concerns, I want to play a brief audio-clip of an interview I conducted with a woman whose experience demonstrates all four of these concerns. This woman lived in this country for over two decades without papers, working in various janitorial and factory jobs and raising three U.S. citizen daughters. Several years ago, she married a U.S. citizen husband who ended up being severely emotionally and physically abusive. In the course of her flight from him, she used a false social security number to apply for a \$200 loan. She was arrested and spent a brief time in jail for the misdemeanor, and then went on to spend the next 13 months in detention

while her deportation proceedings were underway. We represented this woman at the University of Arizona's Immigration Clinic and were finally able to get her release on bond. She has a strong claim for a domestic violence based visa which is still pending. Here is a brief clip of her thoughts about detention a few weeks after her release: (the clip is in Spanish but the English is provided in the slide) [SLIDE 4]

So what left our client feeling this way? I will start with family separation, as this was far and away the thing that the women I interviewed said was the hardest aspect of detention. The majority of women were primary caregivers of young U.S. citizen children. Many were separated from their families by hundreds or thousands of miles, because the majority of women detained in Arizona are transferred in from all across the country; I interviewed women from California, New Jersey, Florida, and New York. Separation from one's children is hard for anyone, but it is particularly excruciating for women whose children are placed in the custody of the state. These women struggle to determine even the physical whereabouts of their children, and in some cases, face the possibility of losing their parental rights, simply because they are in detention and unable to participate in the child custody proceedings. Before moving on to the next concern, I wanted to share a quotation from an attorney I interviewed discussing the toll family separation places on detained women. [SLIDE 5]

After family separation, the issue that women wanted to talk about the most was their frustration with being treated like criminals, despite the fact that they were not serving time for any crime. The facilities are indistinguishable from prisons or jails, and in many cases, they double as both a detention facility and a penal institution. In one of the facilities I studied, women detainees were mixed with federal marshal service inmates – which was a recipe for stress, intimidation, and potential violence. A prison setting is a difficult environment for anyone, but imagine the shock for many of the women who are in detention after a recent attempt to cross the border from Central America. They are not acculturated to U.S. society, let alone a prison culture. The women also find themselves subjected to strip searches in several facilities, and in one facility these searches are conducted in groups. Again – this would be a difficult experience for anyone but is particularly traumatizing for someone from a culture with different expectations of modesty. The women are also routinely transported in shackles, even when they are asylum-seekers caught at the border, as was the case for one of the women I interviewed. I have a brief audio-clip from another client of the University of Arizona's Immigration Clinic, describing her transport from California to Arizona. [SLIDE 6]

The isolation of these facilities cannot be understated. Both Eloy and Florence, the two towns where facilities are located, are in remote areas of the desert over an hour from any major metropolitan area. Detainees have no right to a government appointed attorney in their deportation proceedings, and the vast majority of detainees do not have money to afford to hire an attorney. So their ability to access legal materials and place phone calls to their consulates and other potential sources of support is critical. The facilities show little sensitivity to the needs of people who are representing themselves pro se. They routinely refuse to make photocopies, provide notary services, or provide legal materials in languages other than English.

Finally, phones are a truly life line given the isolation of the facilities. Detainees described being unable to place calls to their loved ones for weeks or even months at a time because of the exorbitant phone rates. The client whose voice you heard describing being shackled was unable to reach her family for several weeks after she was abruptly transferred from California to Arizona because she simply lacked the money to place the call.

I'm out of time so I will just say very briefly that the last point, about the aggressive use of detention, is one of the keys to addressing all these issues. The sole purpose of detention is to ensure that people do not abscond during their deportation proceedings. There is no punitive purpose. And yet the vast majority of women I interviewed posed no security threat or flight risk. Many had strong potential claims for relief from deportation, and far from being a flight risk, they were counting the days until their next court hearing, where they hoped they could get their legal status resolved so they could return to their U.S. citizen family members. But in case after case, we heard of ICE aggressively fighting to detain these women – including pregnant women, breastfeeding mothers, and people with serious medical conditions. One of the simplest ways of addressing so many of the concerns I've outlined would be to simply not detain so many people.

Thank you for your attention. I'll now turn things over to Ms. Marlene Jaggernauth.