

# DETENTION REFORM PRIORITIES

- To ensure that all individuals in DHS custody are treated safely and humanely, legislation should create independent oversight of detention facilities to ensure compliance with detention standards and require DHS to improve and codify detention standards (including transfer, language access and medical care issues).
- Judges and DHS officials should be able to consider the individual circumstances of each case when making a determination about a person's liberty regardless of how the person entered the immigration detention system. The detention statute should be modified to enhance release and parole options for individuals who pose no flight risk or danger to public safety. In every case, the burden should be on the government to demonstrate that detention is necessary and every decision to detain should be reviewable by an immigration judge.
- U.S. detention policies should be consistent with international human rights law and contain adequate safeguards to protect immigrants and asylum seekers from unnecessary and prolonged detention. Such protections should include guaranteeing that every detained person, including arriving asylum seekers, have access to immigration court custody hearings.
- To avoid wasteful spending and potentially costly litigation, ensure that detention is only used when necessary. Legislation should improve current alternatives to detention programs by creating a continuum of options that utilize different types of alternatives programs. Custodial alternatives to detention such as electronic monitoring programs should be used only for individuals who would otherwise be subject to detention based on flight risk and other assessments. DHS should be directed to implement secure non-custodial, community-based alternatives programs for individuals who do not pose a danger to the community.
- The number of detention beds has skyrocketed, at the expense of taxpayers and despite censuring reports demonstrating DHS' failure to maintain safe and humane conditions of confinement. Congress should not increase funding for DHS' custodial operations and should oppose laws that expand detention mandates including any that subject noncitizens to prolonged or indefinite detention.
- To ensure individuals have access to information about their legal case and their rights, legislation should ensure access to counsel and legal information. Legislation should provide for national expansion of the legal orientation presentation program and appointed counsel for vulnerable populations, including children and mentally ill individuals who are unable to meaningfully participate in their removal proceedings.
- Mandatory detention categories should not be expanded.



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