

Policy Options:

Detention, Deportation, Access to Courts

Some of the policy proposals in Congress could greatly reduce immigrants' access to justice. For example, more people could be deported without being able to bring their case before a judge. Others who can't be returned home, either because their country won't accept them or because they are "stateless," could face indefinite detention. They could be kept in a jail even though they haven't committed any crime.

New policies might also make it easier for people with green cards to get deported or to be permanently barred from ever getting a green card—for example, if you forget to file a change of address form with immigration authorities, or get three convictions for driving under the influence (DUI). Congress is also proposing to add 10,000-20,000 new detention beds to keep more immigrants in jails. Halliburton, the company that Vice President Dick Cheney used to head, has already received a \$385 million contract to build new detention centers in the United States.

Discussion Questions:

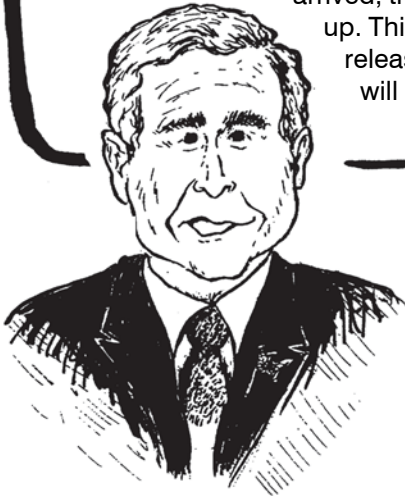
1. Do you think it's okay if some people in this country are denied **due process**? How does limiting the rights of one group of residents affect everyone?
2. What are the conditions of the detention centers? Should immigrants be treated in ways similar to the ways we treat convicted criminals? Why or why not?
3. Can you think of alternative solutions to locking people up?

Due process protects people from unfair treatment by the government when their life, liberty or property could be taken away from them. In order to safeguard these rights, certain procedures have to be followed, like the requirement that when a person is placed under arrest he/she is informed of the right to remain silent and to have a lawyer present before any questioning by law enforcement authorities, and to be given adequate notice in advance of a trial or hearing, given the opportunity to be heard before a judge, and the right to defend oneself.

For additional questions that help you think through different opinions, see *Questioning Immigration Proposals* on page 14.

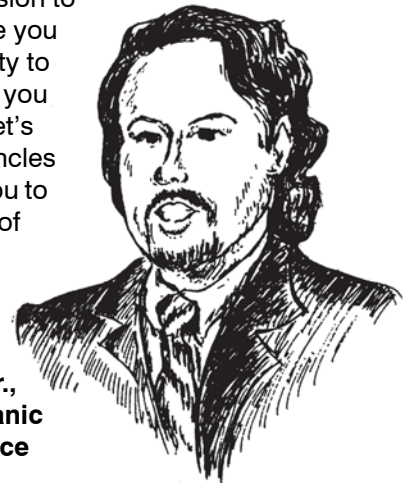
More than 85 percent of the illegal immigrants we catch crossing the southern border are Mexicans, and most are sent back home within 24 hours. . . . It is not as easy to send [immigrants from other countries] home. For many years the government did not have enough space in our detention facilities to hold them while the legal process unfolded. So most were released back into our society and asked to return for a court date. When the date arrived, the vast majority did not show up. This practice, called "catch and release," is unacceptable, and we will end it.

President Bush



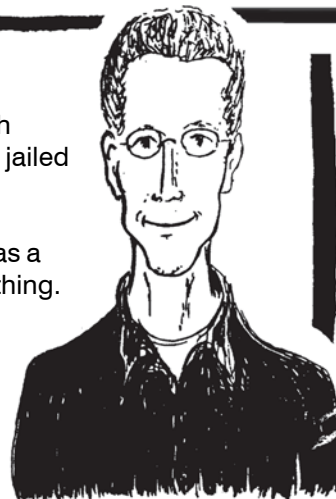
Hypothetically, mom and dad will be deported. Now mom and dad have a decision to make: we're either going to take you back with us, children, to poverty to chaos and anarchy — let's take you back to poverty and hell — or let's leave you here with aunts and uncles and friends because we want you to have a better day. The majority of these parents would choose to go back alone To us it became a family issue.

**Reverend Samuel Rodriguez Jr.,
president of the National Hispanic
Christian Leadership Conference**



When people are detained, they are incarcerated. They are prisoners. They're stripped of their clothing. They're given inmate uniforms. It's not that they're treated like prisoners, they are prisoners This is administrative, quote-unquote, "detention," it has nothing to do with serving time for a sentence. These people are jailed as prisoners, and they are in jails, they are in prisons, and sometimes in what are called detention centers or processing centers, but as a warden once told me, these are all the same thing.

**Mark Dow, author of *American Gulag:
Inside U.S. Immigration Prisons***



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