

THE IMPACT OF IMMIGRANT DETENTION ON RESIDENTS OF THE NORTH CAROLINA TRIAD

In 2015, the Immigrant Rights Working Group of Greensboro conducted a study to understand the ways in which immigration detention practices and policies play out locally. To develop a sense of the patterns and trends of immigrant detention in the Triad, we conducted a survey with 62 members of the immigrant community who have experienced detention or have a close friend or relative who has been detained. We also conducted some follow up interviews with individuals who have been detained and immigration attorneys to capture the nature of immigrant detention in more detail. This report first provides some context about the realities of immigrant detention and deportation in the United States, and then details several of our findings from our study of the detention of immigrants who live in and around the North Carolina Triad. We then provide a series of concrete suggestions to policymakers and law enforcement officials about how to address some of the key issues raised in our study.

BACKGROUND: IMMIGRANT DETENTION AND DEPORTATION IN THE U.S.

According to the Detention Watch Network, “immigrant detention is the practice of incarcerating immigrants while they await a determination of their immigration status or potential deportation.”¹ The “palpable threat” of detention and deportation characterizes the lives of many immigrants living in the U.S.² Based on fieldwork with undocumented persons in North Carolina, Coleman and Kocher suggest that routine interactions with local law enforcement, which would typically be considered minor legal infractions with no direct connection to national security, are now “ground zero for U.S. detention and deportation strategy in the post-9/11 era.”³ The reality of potential detention and/or deportation from workplace raids or routine traffic stops creates a tense environment, often instilling a perpetual sense of insecurity and fear in many individuals with precarious immigration statuses.⁴

¹ Detention Watch Network. (n.d.). Immigrant Detention 101.

² De Genova, N. P. (2010). The deportation regime: Sovereignty, space, and the freedom of movement. In N. P. De Genova & N. Peutz (Eds.), *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement* (pp. 33–68). Durham, NC: Duke University Press.

³ Coleman, M., & Kocher, A. (2011). Detention, deportation, devolution and immigrant incapacitation in the US, post 9/11. *The Geographical Journal*, 177(3), 228–237.

⁴ Welch, M. (2012). Panic, risk, control: Conceptualizing threats in a post-9/11 society. In C. E. Kubrin, M. Zatz, & R. Martinez (Eds.), *Punishing Immigrants: Policy, Politics, and Injustice* (pp. 17–41). New York, NY: New York University Press.

Over and above the pervasive threat of detention and deportation, actual rates of incarceration and expulsion are high. For example, during Barack Obama’s first presidential term, Immigration and Customs Enforcement (ICE) removed an average of 400,000 persons per year.⁵ Additionally, the average daily population of immigrants in detention facilities increased significantly, from 6,785 in 1994 to 33,330 in 2011. In fact, ***Congress currently mandates that ICE “maintain[s] a level of not less than 34,000 detention beds” at any given time.***⁶ A local immigration attorney suggested that the detention bed mandate often creates an imperative to fill empty beds in immigrant detention centers: “I think some of their detention decisions are made not on whether the person is a flight risk or a threat to the community but because there are beds that need to be filled.”

Partnerships between ICE and local law enforcement agencies are one of the ways that immigrants are funneled into the detention and deportation system. Secure Communities was one such program that was in operation from 2008 to 2015 (see adjacent text box for more information ⁷). The Priority Enforcement Program (PEP) replaced Secure Communities in 2015, although it seems to operate in many of the same ways as Secure Communities (see text box on next page for more information⁸).

Secure Communities Program

Secure Communities requests the participation of local law enforcement in reporting information they would normally send to the FBI to DHS as well. If this process finds that “an individual is unlawfully present in the United States or otherwise removable due to a criminal conviction,” ICE will request the cooperation of local law enforcement in the continued detention of such individuals until ICE can “take enforcement action.” Although ICE stated they were using this program to deport only high-level offenders, Strunk and Leitner found that several ICE officials admitted to deporting any undocumented immigrants they come into contact with through the Secure Communities program, regardless of the severity of their conviction.

⁵ Immigration and Customs Enforcement. (2012). *ICE Total Removals Through August 25th, 2012*. Washington, DC: Immigration and Customs Enforcement

⁶ Office of Management and Budget (2014). *Department of Homeland Security: Departmental Management and Operations 2015*.

⁷ Strunk, C., & Leitner, H. (2013). Resisting federal–local immigration enforcement partnerships: Redefining “Secure Communities” and public safety. *Territory, Politics, Governance*, 1(1), 62–85.

⁸ Immigration and Customs Enforcement. (2016). *Priority Enforcement Program*. Washington, DC: Immigration and Customs Enforcement.

Priority Enforcement Program

The Priority Enforcement Program also requests the participation of local law enforcement in identifying immigrants who are a “priority for removal.” According to ICE, “under PEP, ICE will seek the transfer of a removable individual when that individual has been convicted of an offense listed under the DHS civil immigration enforcement priorities, has intentionally participated in an organized criminal gang to further the illegal activity of the gang, or poses a danger to national security.” As PEP was implemented in 2015, the impact of this program is still being assessed. During the year that PEP was introduced, the number of removals was lower than previous years (235,413), however it is unclear if this is a result of the new PEP guidelines. Additionally, a local attorney we interviewed suggested that because of PEP, those who are being detained and deported are more likely to be “people who are with recent entrance, people with recent deportation holders, people with criminal records, particularly with DWIs ... a lot of people with old DWIs.”

Immigrants are rarely given sentences with end dates and are thus often detained for several months until they either voluntarily sign deportation papers or until ICE determines whether or not to deport them.⁹ An analysis of data released by ICE in 2012 found that many individuals in immigration detention facilities experienced solitary confinement. On any given day, approximately 300 immigrants were held in solitary confinement.¹⁰ In addition to indefinite detention times and the use of harsh practices such as solitary confinement, detention centers also provide access to fewer resources than federal prisons. For example, immigration detention center contracts require only that the detention facilities provide housing, food, and medical services; they are not required to provide rehabilitation or education services, as are most federal prisons.¹¹ As such, the detention of immigrants is a relatively cheap endeavor, with the daily cost of supporting inmates estimated to be under \$25 per inmate per day, even though the federal government pays up to \$166 per inmate per day to the corporations that own

⁹ Urbina, I., & Rentz, C. (2013, March 23). Immigrants Held in Solitary Cells, Often for Weeks. The New York Times. Retrieved from <http://www.nytimes.com/2013/03/24/us/immigrants-held-in-solitary-cells-often-for-weeks.html>

¹⁰ Ibid.

¹¹ Feltz, R., & Baksh, S. (2012). Business of detention. In J. Loyd, M. Mitchelson, & A. Burrige (Eds.), *Beyond Walls and Cages: Prisons, Borders, and Global Crisis* (pp. 143–151). Athens, GA: The University of Georgia Press.

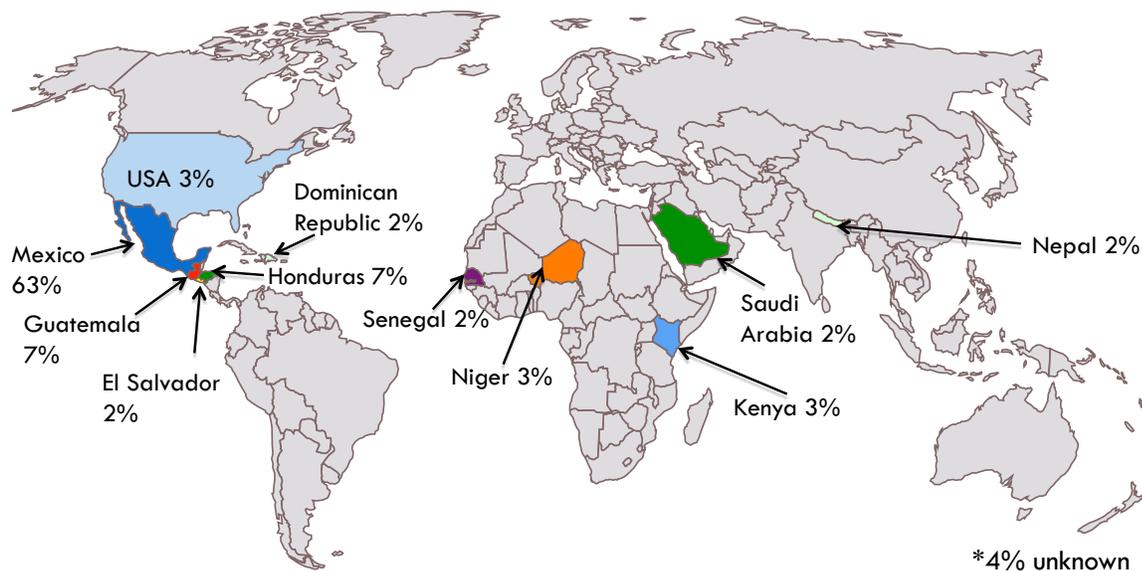
many of the centers.¹² In 2015, the overall profit of two such companies that run private detention centers, the Corrections Corporation of America and the GEO Group, combined, was approximately \$3.59 billion dollars, of which almost \$750 million came from contracts with Immigration and Customs Enforcement.¹³ Such corporations are expected to continue to generate vast profits as long as detention and deportation rates remain relatively high.¹⁴

NORTH CAROLINA TRIAD: STUDY RESULTS

SURVEY RESPONDENT DEMOGRAPHICS

Respondents in our survey migrated to the U.S. between the ages of 0 and 38 years, with an average age of migration of 20 years. Those surveyed migrated from a variety of countries within North and Central America, Africa, the Middle East, and Asia, with the majority of respondents reporting Mexico as their country of origin (see Figure 1).

Figure 1. Country of Origin



¹² American Civil Liberties Union. (2011a). Immigration Detention. ACLU. Retrieved from <http://www.aclu.org/immigrants-rights/immigration-detention>; Carlsen, L. (2013, March 5). With Immigration Reform Looming, Private Prisons Lobby to Keep Migrants Behind Bars. *Huffington Post*; Fernandes, D. (2007). *Targeted: Homeland Security and the Business of Immigration*. New York: Seven Stories Press.

¹³ Gruberg, S., & Jawetz, T. (2016). *How the U.S. Department of Homeland Security Can End Its Reliance on Private Prisons*. Center for American Progress. Washington, DC: Center for American Progress.

¹⁴ Fernandes, D. (2007); Douglas, K. M., & Sáenz, R. (2013). The criminalization of immigrants & the immigration-industrial complex. *Daedalus*, 142(3), 199–227.

Respondents reported that the primary reasons for migrating to the U.S. were to: seek employment (53.2%), provide a better future for their children (35.5%), escape violence in their home country (21.0%), or pursue education (19.4%) (Table 1). The majority of immigrants surveyed have close ties to the U.S., as illustrated by the 72.6% of respondents who reported having family members living in the U.S.

72.6% of respondents have family members living in the

Table 1. Why did you migrate to the U.S.?

Seeking employment	53.2%
Provide better future for children	35.5%
Escaping violence	21.0%
Pursuing education	19.4%
Joining family members	14.5%
Brought by parents	14.5%
Tricked into coming	1.6%
Other	9.7%

EXPERIENCES OF ARREST AND DETENTION

Immigrants who participated in our survey shared a wide array of experiences of coming into contact with law enforcement officials and the conditions of their detention. This section will detail some of the patterns present in our survey data and highlight some of the testimonies shared with us about immigrant detention in the Triad.

Participants in our study most commonly reported that they were arrested at a traffic stop or a license checkpoint (33.9%), their homes (14.3%), their place of work (10.7%), or the border or an airport (12.5%) (see Table 2). The majority of respondents were arrested by local police officers (51.7%) or federal ICE agents (21.7%).

Table 2. Where were you arrested?

Traffic Stop or License Checkpoint	33.9%
Home	14.3%
At the Border or an Airport	12.5%
Work	10.7%

There were a variety of responses provided by respondents as to why they believe they were arrested and detained, however the most common reason for being detained reported by respondents was driving without a license (19.2%).

The most common reason reported for being detained was driving without a license

The experience of being stopped or sought out by immigration officials and arrested is often traumatic. One study participant shared the heavy emotional toll of witnessing an ICE agent arrest her husband outside their home in Winston-Salem:

My husband went out of the house on his way to work. Next thing I know, someone was banging on my door and said "come out of the house" ... I looked and I saw my husband sitting in the backseat of the van, and the man was telling me that he was arresting my husband and that he was from Immigration ... I was standing outside the car crying, and my husband was sitting in the car saying "don't cry, don't cry" ... I didn't know what to do. And it still hurts, as you can see. I thought it would get better, it was a few years ago, but my mind is in that moment ... I just couldn't understand how they could lock up a man that is on his way to his job, trying to make a living, not doing anything wrong.

Upon being arrested, 32% of respondents reported being detained in a county jail, 32% were detained in an ICE detention center, and 9% reported being detained in both a county jail and ICE detention center. Several respondents (19%) were unsure of where they were detained, and a few respondents reported being detained in a federal prison (2%), being detained in another unspecified location (4%), or being deported (2%).

The length of detention varied for respondents. Almost half of our survey respondents spent fewer than 10 days in detention. Slightly more than one sixth of respondents spent between 1 and 19 months in detention, with the average length of detention within this group being approximately 161 days.

When detained, almost one third of individuals reported that they did not have access to an interpreter but needed an interpreter (see Table 3). Moreover, 20% of respondents reported they signed papers that they could not read or understand while detained, and 25.5% were unsure if they did (see Table 4).

Table 3. While detained, did you have access to an interpreter?

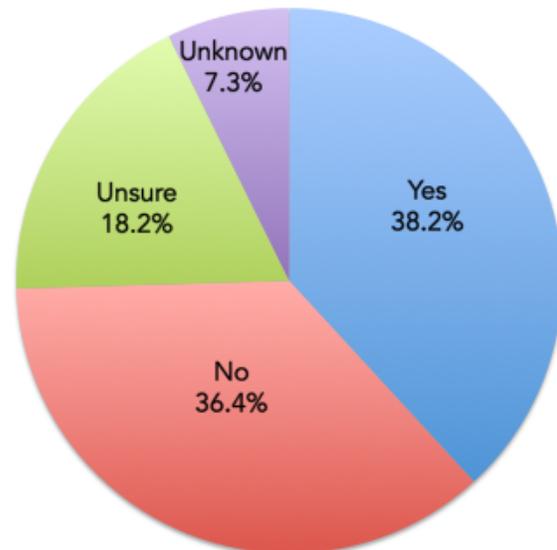
No	30.9%
Yes	27.3%
I did not need an interpreter	18.2%
Unsure	16.4%
Unreported	7.3%

Several respondents also reported that they did not have access to an immigration attorney while detained (36.4%) or that they were unsure if they had access to an attorney (18.2%) (see Figure 2). A study from the Berkeley Law School at the University of California¹⁵ found that when individuals have access to legal representation, they are “more empowered in their decision-

Table 4. While detained, did you sign papers that you could not read or understand?

No	45.5%
Unsure	25.5%
Yes	20.0%
Unreported	9.1%

making” and their chance of being granted relief from deportation is much more likely to occur. **Figure 2. While detained, did you have access to an attorney?**



¹⁵ Kohli, A., Markowitz, P., & Chavez, L. (2011). *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*. Berkeley, CA: University of California, Berkeley Law School.

Additionally, over one fifth (21.8%) of survey respondents reported that they did not have phone privileges while they were detained, and almost one third (32.2%) of respondents shared that they were not allowed visitation from family.

Only 36.2% of respondents reported that they were released from detention when they were supposed to be. However, 22.4% reported not being released on time, and 29.3% of participants were unsure of whether or not they were released when they were supposed to be. One respondent stated that not knowing when he would be released caused him great stress:

It was very difficult because I worried too much when I was in jail, like “what’s going to happen?” They never tell you they’re going to release you.

THE IMPACT OF DETENTION ON INDIVIDUALS AND FAMILIES

Despite whether one was detained for a few days or several months, being detained had a serious and lasting impact on many individuals and their families. This section of our report will illustrate some of the direct and collateral consequences of the detention of immigrants from the Triad.

The economic consequences of detention were significant for study participants. 31.5% of respondents lost their job as a result of being detained, and 29.6% of respondents missed days of work resulting in a loss of income. Among study participants, an average of \$3,888 of income was lost due to detention, with a minimum reported loss of \$200 and a maximum reported loss of \$20,000.

The strain put on families of those who were detained was great. 46.7% of respondents reported that their families required support from others during their detention. Of those who reported that their families required support, 58.8% relied on other family members and 44.8% relied on friends. One individual shared that the need for such support was emotionally taxing:

“I asked for help to churches, my friends: to eat, to pay the rent, to pay the light and water bill; and it has affected me emotionally. I also asked my children’s school for help.”

Respondents also reported that their detention resulted in serious consequences for their children. Nearly one in four respondents in our survey reported having children living with them at the time of their detention. Of this group of survey respondents, the majority indicated that their children were negatively affected by their detention (see Table 5). Participants' reported that their children were primarily affected

psychologically (73.3%) and behaviorally (60.0%) as a result of their detention.

Table 5. Did your detention affect your child/children in any of the following ways?

Psychologically	73.3%
Behaviorally	60.0%
Academically	46.7%
Socially	40.0%
Other	6.7%

The experience of being arrested and detained also affected several respondents' perceptions of law enforcement officials. Almost one quarter (23.6%) of participants indicated that their feelings towards law enforcement officials became more negative after being detained. These sentiments were reflected in several participants' comments, as illustrated below:

"I am more cautious with law enforcement than I used to be. I don't really think bad about them but you can't trust all of them."

"Law enforcement seeks out immigrants purposely and maliciously. They ask for ID just because you are immigrant and not because you are violating the law."

CONCLUSION AND NEXT STEPS

Based on the stories and experiences of those who participated in this study, it is evident that immigrant detention is a serious issue for families in and around the Triad region that must be acknowledged and addressed. Many immigrants migrate to the U.S. in the hopes of a brighter future for their families. Upon doing so, they make crucial contributions to our communities and economy. For example, between 1994 and 2007, immigration resulted in a 0.4% increase in wages for native-born workers,¹⁶ and in 2007 immigrant-owned businesses employed approximately 4.7 million people and generated over \$776 billion.¹⁷

However, as illustrated in this short report, many individuals live precarious lives due to their immigration status. These individuals have few, if any, options to adjust their status. Yet, they are at risk of facing serious consequences if they come into contact with law enforcement officials, such as detention and even deportation. Detention has detrimental implications for the individuals who are detained as well as their families, from financial loss to great emotional stress. As such, it is imperative to address the detention of immigrants in the Triad and the resulting consequences.

Respondents provided several suggestions to reduce the rates of detention for minor offenses and to make the Triad region a safer area for immigrants to reside. Several individuals indicated that being able to get a driver's license would be particularly beneficial for them. For example, one individual shared that they would like to be "able to do things legally, [by] getting a license so you can get to work without feeling like you are going to get arrested." Other respondents suggested that they would like to feel that they were being treated equally to their citizen counterparts. One participant stated that they would like "to be treated equally in the court systems. To not be judged by just the fact that we're illegal because we have a family, a job, etc."

¹⁶ Shierholz, H. (2010). Immigration and Wages: Methodological Advancements Confirm Modest Gains for Native Workers. Washington, DC: Economic Policy Institute.

¹⁷ Kallick, D. (2012). Immigrant Small Business Owners. New York, NY: Fiscal Policy Institute.

Several respondents echoed the sentiment that immigrants should not be targeted primarily because of their immigration status. For example, one individual shared that they “think that they (law enforcement) should see if that person’s doing good in America, like helping this country’s economy, ... if they have family and have started a life here. They shouldn’t be penalized if they’re not causing trouble for anyone. I don’t think they should bother them.” Similarly, another person shared the following reflection: “I personally believe that ICE/Immigration have the right to do things and make decision based on their country rules. But it’s also right for people from other countries to try to make a difference on the community, and so in the world. I would love to see the day borders, religion or even color, would have nothing to do with who you can be and where are you allowed to achieve things.”

In light of our study of immigrant detention in the North Carolina Triad, and broader trends in immigration policy and enforcement across the United States, the Immigrant Rights Working Group of Greensboro recommends the following:

- End the federal immigrant detention quota;
- Investigate if site-specific immigrant detention quotas exist in the Triad and/or North Carolina, and end those quotas;
- More carefully track the Hispanic/Latino identity of Guilford County inmates;
- Gain a commitment from the Guilford County Sheriff not to jail immigrants on the basis of immigration status alone;
- Ensure due process for all immigrants and provide representation to all immigrants facing deportation; and,
- End collaboration between Immigration & Customs Enforcement and local law enforcement.

APPENDIX A. METHODS AND LIMITATIONS OF THIS STUDY

The findings from this study are primarily derived from a 33-item survey. The survey included 31 close-ended questions regarding respondents': demographic characteristics, experiences of arrest and detention, and perceived impact of detention on oneself and one's family. Two open-ended questions were included at the end of the survey to allow respondents to comment on what would make their experience as an immigrant easier in North Carolina/the U.S. and anything else they would like to share regarding the overall theme of the survey. The survey was administered to 62 members of the immigrant community. In addition to the surveys, some qualitative data were collected. Two interviews were conducted with families that have experienced immigrant detention, and one interview was conducted with a local immigration attorney.

There are several limitations to this study. First, due to the sensitive nature of the survey topic—immigrant detention—it was particularly challenging to identify potential respondents. Moreover, some individuals who have been detained were uncomfortable sharing information about their experiences or did not want to discuss what was often a traumatic experience in their life. Thus, the sample for this study is not representative of the immigrant population in the North Carolina Triad, but rather is a snapshot of the experiences of 62 members of the immigrant community in this region who were comfortable sharing their experiences with us. Another key limitation is that not all respondents experienced detention directly, but rather knew someone close to them who did. In this survey, 34.5% respondents experienced detention themselves, while the remaining 64.5% of respondents had a close connection (e.g., family member, close friend) to someone who had been detained and responded on behalf of that person. As such, some details about individuals' experiences of detention were unknown to respondents and thus not all questions had complete responses (indicated as "unknown" or "unreported" in report). Finally, the number of individuals who were interviewed for this study was quite small. The interview data included in this report were only intended to provide some detailed examples of the impact of immigrant detention on individuals and families that related to broader trends in the survey data.