



DETENTION WATCH NETWORK

www.detentionwatchnetwork.org

Working to expose and challenge the injustices of the U.S. immigration detention and deportation system and advocate for profound change that promotes the rights and dignity of all persons.

2013 LEGISLATIVE PACKET

Detention Watch Network

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DETENTION WATCH NETWORK

INTRODUCTION

We present the following legislative packet for network members to engage in advocating for structural change within DWN's renewed vision: *A world without immigration detention, a nation that fosters racial equality, values migration, and honors family unity and a judicial system that promotes human rights, dignity and due process.*

In 2013, we will continue escalating our efforts to reach our long-term vision through advocacy on the following goals that members have identified: 1. Repeal the sections of the INA that require the mandatory detention of immigrants, 2. Change the definition of "custody" and "aggravated felony," 3. Eliminate the detention bed quota, and 4. Cut ties between the federal government and the private prison industry. As a means of reaching these goals, we will actively participate in the Congressional debate on immigration reform, and use the many opportunities that it provides to continue advancing and building a powerful and engaged network.

In this legislative packet you will find information about how to set-up a meeting with Congressional offices, a list of the network's legislative priorities, general talking points on detention within the legislative context, and suggested questions and requests for your member of congress.

Please continue to communicate with DWN's staff. Let us know how your Congressional meetings are going and what additional support and tools would be useful for your organizing and advocacy work.



HOW TO SET-UP A MEETING WITH YOUR MEMBER OF CONGRESS

BEFORE THE MEETING

Learn about your Members of Congress. Before setting up your visit, make use of the links below to answer these questions: Who are your Senators? Who represents your district in the House of Representatives? What is their party affiliation? What are their Committee assignments? Do they hold a leadership position?

- To determine who your Representative is, visit: <http://www.house.gov> and enter your zip code.
- A listing of all Representatives by State can be found at: <http://www.house.gov/representatives/>
- To determine who your Senators are, visit: http://www.senate.gov/general/contact_information/senators_cfm.cfm
- Or call the Capitol Switchboard at (202) 224-3121 to find out who your Senators and Representatives are.

Requesting a meeting. Call and ask to speak to the Congress member's scheduler in your home state/district, or write a letter to request a meeting. Go to the member's web site (which can be located in the links provided above) to find their contact number and e-mail address. You can also call the Capitol Switchboard at (202) 224-3121.

When you speak to the scheduler, or submit a written request be sure to explain that:

- You are a constituent from X (city or town in their district/state).
- You would like to set up an appointment to meet with your Representative/Senator (or his/her staff) and are interested in discussing immigration detention.
- You will be attending the meeting with X number of community members/faith leaders/students from your state/district.

Meeting request follow-up. Make sure to follow-up any written meeting requests with a phone call, and any phone meeting requests with an e-mail, letter or fax.

Have Talking Points Ready and "Leave Behinds" Prepared. Before you go into the meeting, it is important to be prepared. Please review the DWN's legislative packet where you will find talking points, policy priorities and questions to ask your member of congress. In addition, it is important to have prepared "leave behind" materials. This is a good way to provide the Congressional office with additional details and information on your issues and programs that you may not have had time to cover in your meeting. You can leave the DWN's policy priorities document. Be sure to bring multiple copies for multiple visits.



HOW TO SET-UP A MEETING WITH YOUR MEMBER OF CONGRESS cont.

DURING THE MEETING

Introduce yourselves and exchange credentials. In five minutes or less, explain what groups are represented, their membership, and other information that the member or staffer should know about those who attend the meeting. Share your stories: What connects you to this issue? Why is it important for your family or community? Get the contact information and card for any staffers you meet with.

Make your ask. See DWN's policy priorities (pg. 6) and talking points (pg. 7-8)

Listen well. Make sure you do not do all of the talking. Much of lobbying is listening, looking for indications of the legislator's views, and finding opportunities to provide information. Give your legislator opportunities to ask questions or state his or her opinion. Members and staff will appreciate the chance to be heard.

Ask questions. See DWN's questions (pg. 9)

Take notes. If the member asks a question, answer honestly. If you don't know the answer, say that you don't know but you will find out, and then be sure to follow up.

AFTER THE MEETING

Always follow up a meeting with a thank you note and any additional information you may have promised during the meeting. The best way to send information to Hill offices is via fax or email.

Let us know how your meeting went.

Write an e-mail to Catalina Nieto at cnieto@detentionwatchnetwork.org and let us know how your meeting went, what were the staffer's or member's responses to the questions, and any other relevant information.



DETENTION WATCH NETWORK'S POLICY PRIORITIES

True detention reform requires a drastic reduction in detention. DWN members have identified three policy goals for the next year that address the major obstacles to reducing detention.

End Mandatory Detention

More than 50% of people in immigration detention are there because they are subject to mandatory detention. Mandatory detention is prescribed in two sections of the INA, and requires that ICE detain certain categories of people without a bond hearing or any individualized assessment. DWN members will advocate for:

- Repeal of those sections of the INA that require the mandatory detention of immigrants.
- Measures that, until total repeal of mandatory detention is achieved, will mitigate its adverse impact.

These stop-gap measures could include:

- ◊ A change in the definition/interpretation of “custody” so that ICE may fulfill the terms of the statute through less restrictive supervision programs. This change could either happen administratively or legislatively.
- ◊ A change in the definition of “aggravated felony” so that fewer people are included in the mandatory detention category.

Eliminate the Detention Bed Quota

DHS asserts that Congress has directed ICE to fill – each day -- every detention bed for which Congress has appropriated funds. DHS bases this assertion on certain committee report language, which DHS has interpreted as setting up this daily quota (currently 33,400). DWN members will advocate for:

- New report language clarifying that the number of beds Congress funds each year is a maximum, not a minimum.
- DHS to issue a memo re-interpreting the existing report language to allow, but not require, detention of 33,400 people per day.

Cut Ties Between the Federal Government and the Private Prison Industry

About 50% of ICE detention beds are currently private. 100% of Criminal Alien Requirement (CAR) beds (segregated prisons for immigrants serving time for drug offenses or illegal entry/reentry convictions in the federal Bureau of Prisons system) are private. This creates an incentive for private prison corporations to lobby for the laws and policies that lead to increases in the number of immigrants being incarcerated. The private prison lobby has said explicitly that they view the federal detention market as the place to grow their business. Industry influence is a powerful force in the way of systemic reform. DWN members will advocate for:

- A ban on the use of private contractors for the incarceration of immigrants.
- Measures short of a total ban including:
 - ◊ Private prisons must be subject to the same FOIA laws as public actors.
 - ◊ Contracts with private prisons can only be approved after independent cost comparison assessments.
 - ◊ Contracts with private prisons must include strict accountability and oversight mechanisms with contract termination as a clear consequence of violation. (Other possible provisions still being developed in cooperation with labor allies.)



DETENTION WATCH NETWORK'S TALKING POINTS

Comprehensive Immigration Reform (CIR) Specific Talking Points

- President Obama himself highlighted the need to reduce detention costs. We are hopeful that this will result in a dramatic reduction of the number of people presently incarcerated in our immigration gulag. But we also remain realistic and know that this will only be fully realized if mandatory detention laws are eliminated.
- Currently, 70 percent of immigrants are in detention due to mandatory detention laws, which means that despite the president's expressed vision, neither ICE nor any judge has the power to release them to their families and communities. This must be addressed.
- It doesn't have to be like this. The immigrant detention system is currently designed to hold immigrants in jail in order to ensure they attend court proceedings, but the truth is most immigrants want to attend these hearings so they can resolve their status.
- Neither the White House's nor Senate's plans respond to years of community outrage about border and interior enforcement programs that have separated families, stripped people of due process rights, and created serious human rights abuses.
- It is time to align our immigration policies with our country's values: the inherent dignity and equal and inalienable rights of all members of the human family. Immigration laws must be based on the fundamental rights of due process and a fair day in court, liberty of the person and freedom from arbitrary detention, and the protection of refugees, and the unity of the family.

General Detention Talking Points

Problem Narrative

In the last 15 years, we've witnessed a dramatic expansion in the jailing of immigrants, from about 70,000 people detained annually to about 400,000. In the mid-1990's, during the height of an anti-immigrant backlash, Congress passed a series of harsh measures that led to a vast increase in unnecessary detention. This trend has been exacerbated by the private prison industry and county jails looking to exploit immigrant detention for profits.

Despite the fact that immigration violations are civil offenses, not criminal ones, standards of care and legal protections for individuals and families in immigration detention are often worse than for those in prison. Most people don't realize that the majority of immigrants, unlike U.S. citizens, have no right to "their day in court" due to mandatory detention law. In fact, more than eighty percent of detained immigrants go through the immigration system without a lawyer, leaving them with little hope of a positive outcome.

What's more, the cost to maintain this unmanageable system is excessive. In 2011, ICE detained an estimated 429,000 immigrants at a cost of approximately \$1.7 billion. During a time of fiscal crisis, it is unacceptable to be spending billions in taxpayer dollars each year to maintain facilities that have a record of human rights abuses.



DETENTION WATCH NETWORK'S TALKING POINTS cont.

Congress and President Obama should:

- Repeal of those sections of the INA that require the mandatory detention of immigrants
- Change the definition of "custody" and aggravated felony"
- Eliminate the detention bed quota
- Cut ties between the federal government and the private prison industry

Mandatory Detention Talking Points

- **Due Process:** Mandatory detention undermines basic due process rights by allowing the government to lock people up – including legal permanent residents who have lived in the U.S their entire lives, asylum seekers, torture survivors, single mothers, and the sick and elderly – without authorization from a judge.
- **Due Process:** Mandatory detention denies people the right to a fair day in court, undermining basic notions of fairness and equality that form the basis of our democracy. In the Criminal Justice system, defendants have a right to individual bail hearings but not in civil immigration court.
- **Expansion of Immigration Detention:** ICE estimates that approximately 70% of people in immigration custody are being held under mandatory detention laws. Mandatory detention laws tie the hands of both ICE officials and judges who may want to release people based on their individual circumstances but have no power to do so. It creates a blanket law that takes away their discretion and authority. It is wasteful and not effective use of funds.
- **Expansion of Immigration Detention:** Mandatory detention policies are a driving force behind the rapid expansion of immigration detention: the increasing numbers of people subject to mandatory detention are creating pressure to add more beds to the system. The primary benefactors are private prison corporations.
- **Expansion of Immigration Detention:** Since the implementation of mandatory detention, we've witnessed a dramatic expansion in immigration detention, from about 70,000 people detained annually to about 400,000 in the last 15 years.
- **Separating families:** Our immigration laws should help unite families, not divide them. It's time to put an end to mandatory detention and start complying with international human rights standards.
- **Separating families:** A person subject to mandatory detention has no right to a bond hearing and must stay behind bars while fighting their immigration case, a process that can take years – keeping individuals separated from their families for an extended period of time.
- **Separating families:** Facilities are often located hundreds of miles from urban centers, and individuals are regularly incarcerated hundreds of miles away from where they were originally detained, making family visitation and access to counsel nearly impossible.
- **ICE releases:** Given what we know about the hidden and punitive detention system, it is heartening to know that immigrants are being released from detention centers as part of the sequestration. ICE should expand on this recent action by releasing everyone not subject to mandatory detention, eliminating the bed quota and using alternative programs for those that are.



QUESTIONS FOR YOUR MEMBER OF CONGRESS

Meetings with our members of Congress (MOC) give us the opportunity to educate and influence them, as well as to gather information about where they stand on our asks to: 1. Repeal of those sections of the INA that require the mandatory detention of immigrants, 2. Change the definition of “custody” and “aggravated felony,” 3. Eliminate the detention bed quota, and 4. Cut ties between the federal government and the private prison industry.

The information we gather from our Congressional visits will continue to help inform what is the best strategy and tactics to influence our MOCs. In addition to our key asks, we are encouraging DWN members and allies to ask the MOC to do a visit to a detention center. The following are some suggested questions for your MOC in relation to the network’s key asks on detention:

Mandatory detention:

- What is your member of Congress's position on mandatory detention?
- What would it take to repeal Immigration and Nationality Act (INA) provisions 236(c)/235(b)?
- What can we do to help you make it possible?

Detention Center visit:

- Will you visit X detention center to see the conditions for yourself?
- How can we help arrange this?

Detention bed quota:

- Is your MOC aware that there is a mandate to keep detention beds filled?
- What does your MOC think about this mandate?

Share your data gathering.

Send an e-mail to Catalina Nieto at cnieto@detentionwatchnetwork.org to share any valuable information that you gather from your meetings with members of Congress.