



The in justice of immigration detention

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By Megan Bremer

There lingers in my memory a man whose suffering I can't forget, whose shattered fragments I tried to hold together in my role as an immigration lawyer. His pain, far from unique, casts a grim light on the experiences of immigrants shut away in detention cells, and underscores the need for alternatives to detention.

When I came to meet with my client, he was sitting at the back of his cell with a blank, unbroken stare. The cell was small — about five by ten feet. The door between us was heavily reinforced metal with a slot through which the meal tray was passed back and forth.

I had been working with him for two months when he was put into solitary confinement. While he was not a "rule breaker," he did have an attitude. Having survived torture, his desire for "justice" was only matched by his belief that everyone was trying to withhold his piece of "justice." He was angry about being locked up while waiting for a judge's decision on his application to stay in the United States. He was terrified of being tortured if deported. His anger and fear were muddled with flashbacks triggered by the clanging cell doors and the uniformed guards — the sights and sounds that had accompanied his torture. As I looked at him huddled in his cell, unshaven and wearing a jumpsuit smeared with what looked like feces, I wondered if he would ever see justice. The judge did order the U.S. government to provide protection under the Convention Against Torture, but his experiences in immigration detention darkened the hope he had for a new life in the United States.

Why are immigrants in America locked in cages? On any given day, Immigration and Customs Enforcement imprisons 34,000 people — despite the fact that many are refugees, asylum seekers, or survivors of torture or human trafficking. In Maryland alone, more than 300 people languish in cells for immigration purposes every day. Besides the cruelty of this system, U.S. taxpayers pay more than \$2 billion for it annually.

Like so many of our citizens who are incarcerated through the criminal justice system, immigrants in civil detention are subjected to solitary confinement as a routine custody management tool. On any given day, hundreds of immigrants are isolated with either restricted or no access to outdoor recreation, exercise, legal counsel or visits from family. Two-thirds of those in solitary ended up there for alleged disciplinary infractions like breaking rules or talking back to guards. There are documented cases of detainees being held in solitary because they filed complaints about detention conditions or helped others to do so. Some were viewed as a threat to other detainees or personnel; others are isolated ostensibly for “protective” purposes because they have a mental illness or identify as lesbian, gay, bisexual or transgender.

Such treatment of immigrants — some of them initially taken into the immigration system for as little as a traffic violation — violates American values of fairness and respect for human dignity. It also treats with contempt the biblical exhortation to welcome the stranger that guides Lutheran Immigration and Refugee Service (LIRS), where I now work.

As a Baltimore resident, I believe we can do better, both as Marylanders and as Americans. We need to demand that Congress quickly pass comprehensive immigration reform legislation that:

- maximizes the use of alternatives to detention, like those outlined in the LIRS report [“Unlocking Liberty”](#);
- prohibits solitary confinement for people with mental illness;
- guarantees an end to prolonged solitary confinement;
- forbids the abridgement of basic rights, such as access to legal services, to anyone consigned to solitary confinement.

While immigration reform that rejects the use of solitary confinement for those in immigration custody will never reassemble the pieces of the man I met huddled in his cell, it can prevent such cruelty in the future.

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