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People with Mental and Developmental Disabilities in the Immigration Enforcement System

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▪ People First
▪ Your Indispensable Role

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▪ Deportation of U.S. Citizens

Next Steps and Building Allies
▪ Detention Conditions
▪ Access to Care
▪ Fairness of Court Process
▪ Global Mental Health Community
Introduction

▪ Purpose of Presentation
  ▪ Gain fluency; gain allies.

▪ Personal Impact
  ▪ “People in the Room”

▪ People First
  ▪ In the mental health world
  ▪ In the immigration world

▪ Your Indispensable Role
  ▪ Some old challenges are back, and we need your help!
The Immigration Enforcement System

- **Government Players**
  - DOJ
    - Immigration Court, Immigration “Judges” (not Article III)
  - DHS (ICE + CBP)
    - Agents, Prosecutors, Immigration Detention
  - “Deputized” Local Law Enforcement (e.g., via 287(g))

- **Immigration Court**
  - Immigration Judge, Prosecutor, but No *Gideon*-Right to a Lawyer
  - Civil, but Stakes as High as Criminal Court – property, freedom, life

- **Immigration Detention**
  - Jail / Prison / Segregation – nothing less or more “friendly”

- **Routes Into System**
  - Arrest by ICE, CBP or “Deputized” Local Law Enforcement
  - “Immigration Detainers”
The Immigration Enforcement System: Vast

Scale of the System:

▪ Flows
  ▪ Became LPR, 2015: 1,051,031
  ▪ Refugee + Asylum, 2015: 96,044
  ▪ Apprehensions, 2016: 530,250
  ▪ Removals + returns, 2016: 446,223

▪ Detention
  ▪ ~35,000 beds / day
  ▪ ~450,000 detained / year
  ▪ ~$125 / person / day
  ▪ 209 facilities
  ▪ ~$2.3 billion, 2016

▪ Immigration Court
  ▪ Cases in immigration court, 2016: ~237,000
  ▪ Detained cases completed, 2016: ~52,000
  ▪ 3-12 months for cases to be completed, even detained (2016 DOJ)

▪ Incidence of Mental Illness in Detained Population: estimated ~15%, ~65,000 / year (2010)?
Getting Out of the System and Back Into the Community

• **Diversion**
  • Mitigate or avoid effects of system
  • Avoid system at all
  • Challenge:
    • Detainers disrupt diversion, keep jail > immigration detention “pipeline” intact.
    • How to “divert” around detainers?

• **Importance of Community Based Services**
  • Freedom should not be abridged because of mental illness
  • Get treatment in least restrictive setting
  • Here: meet concerns about dangerousness and flight risk through “release plan” to community-based services for bond
  • Challenge:
    • Access to care
Emergent Issues

**Immigration Detention**
- DHS Use of Private Psychiatric Hospitals
- Deliberate Indifference / Failure to Provide Discharge Planning / Dumping
- Use of (Punitive) Segregation
- Administrative Closure

**Immigration Court**
- Emergent Standard of Legal Competence in Immigration Court
- Legal Representation
- Deportation of U.S. Citizens
Next Steps and Building Allies

- Detention Conditions
- Access to Care
- Fairness of Court Process
- Global Mental Health Community
Thank You!

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