A More Humane System

Community-Based Alternatives to Immigration Detention (Part 2)

By Dr. Sue Weishar, Migration Specialist

While I was the director of immigration and refugee services at Catholic Charities Archdiocese of New Orleans (CCANO), my department ran one of the few community-based Alternatives to Detention Programs for immigrants ever operated in the U.S. The program served two groups of immigrants being held in detention in Louisiana—asylum seekers without family members in the U.S. and “indefinite detainees” without family sponsors. The indefinite detainees were immigrants deemed inadmissible or deportable based on criminal charges but whom the government was unable to remove because no country would accept them. Instead of releasing these individuals, the government chose to detain them—many for years longer than the criminal sentences that made them deportable. We met with much success in assisting both asylum seekers and indefinite detainees. I will describe here the Alternative to Detention (ATD) program at CCANO in the hope that other social service providers will consider what role they might play in providing community-based alternatives to the immigration detention paradigm that has been dominant, should the opportunity to do so become available as a consequence of the Obama administration’s detention reform agenda, outlined in my last Just South Quarterly article.

The CCANO ATD program had its roots in meetings between immigrant advocates and INS officials that began in late 1998 over the conditions of detention for immigrants in Louisiana. The level of trust and productive working relationships which evolved during these meetings led the local INS District Office to release eight asylum seekers to the care of Catholic Charities in May 1999. Although there was no formal agreement between INS and Catholic Charities, it was clear we needed to provide the asylum seekers a program of services to meet their many needs.

Most of the asylum seekers served by the program came to the U.S. as stowaways on ships that docked in New Orleans. Before release to our program, the INS determined that the asylum seeker had a credible fear of return and no family members in the U.S. Most spoke no English and had never lived outside their home-countries.2

CCANO had been resettling refugees since the exodus of Cubans from Castro’s regime in the mid-1960s and had operated an immigrant legal services program since the early 1980s. Our expertise in refugee resettlement and immigration legal services and the strong networks with social service providers and immigration attorneys developed through such work over the years were essential to the success of the program. A major priority for the program’s case manager was to persuade local immigration attorneys to accept the asylum seekers’ cases at no cost or at a greatly reduced cost. Housing was a tremendous challenge, as funding for the program was extremely limited. Due to a lack of funds, if a community sponsor could not be found in our network of resettlement contacts, then asylum seekers initially were placed by the case manager in an emergency homeless shelter. The case manager, Ms. Kathleen Harrison, worked with employers to find jobs appropriate to the language and work skills of the asylum seekers and with landlords to obtain leases at affordable apartments. The case manager also helped her clients obtain state ID and Social Security cards, interpreted at meetings with attorneys and social service agencies, and provided transportation to key appointments.

In August 1999, after much urging from advocates, the local district office of the INS began releasing long-term “criminal alien” detainees to the program when suitable family sponsors could not be found. The services provided to the formerly indefinitely detained immigrants were similar to asylum seekers, but because most spoke English and had lived in the U.S. for many years before being incarcerated and then detained, many fewer case management services were required. Also, the former indefinite detainees did not need legal representation. More than anything they needed the emotional and spiritual support provided by program

—Continued on page 9
Two asylum-seekers from Iraq in front of the apartment where the ATD program at Catholic Charities Archdiocese of New Orleans was able to house them in 2001.


The need for ATDs for immigrants in indefinite detention has greatly diminished since the Supreme Court ruled in 2001 and again in 2005 that detained immigrants must be released if the government cannot effect their removal in a reasonable period of time. Nevertheless, the Migration Policy Institute (MPI) reported that ICE continues to detain large numbers of immigrants for more than six months: 4,154 persons in a January 25, 2009, census analyzed by MPI.

The outcomes for indefinite detainees served by the program were also very positive.

A total of 64 long-term detainees were released to Catholic Charities from August 1999 to December 2003. To the best of our knowledge, only two had been re-incarcerated as of December 2003.

At any one time, the program’s case manager worked actively with 20 to 30 clients—a huge caseload for only a part-time position. The cost to run the program was about $1,430 per client per year, or $3.90 a day! Such a low program cost, compared to other detention alternatives and to $144 a day for detention, was due in part to the absence of critical funding for housing; and it still would have been impossible to achieve without the exceptional talent and effort of the program’s case manager/coordinator and CCANO’s commitment to social justice. It is critical that adequate funding for housing and full-time case managers be included in any proposals ICE might consider for community-based ATDs.

ENDNOTES
1 Advocates included the executive director of the Hispanic Apostolate, the state refugee coordinator, the CLINIC detention attorney for Louisiana, the executive director of the Hispanic Chamber of Commerce, pastors of local ethnic churches, prison chaplains, and staff members of Immigration and Refugee Services.
2 The countries of origin of the asylum seekers included Iraq, India, Columbia, Afghanistan, Sri Lanka, Democratic Republic of Congo, Eritrea, Ethiopia, Tanzania, Ivory Coast, and Sierra Leone.
3 The success rate for obtaining immigration relief for the asylum seekers was also impressive. As of September 2004, when the program ended, 16 of 38 asylum seekers in the program had been granted asylum, two were granted withholding from removal through the Convention Against Torture, and 19 other cases were still pending. It would have been impossible for most of the asylum seekers to have received legal representation had they been forced to remain in detention.
4 See discussion of alternatives and detention costs in the first part of this article, JustSouth Quarterly, Winter 2010, pp. 4-5, available at www.loyno.edu/jsqi, “publications.”
5 Homeless shelters are never an appropriate placement for anyone leaving an institution, but were our only option at the time despite concerted efforts to obtain funding for housing from the INS, ORR, and HUD. The choice was either for the men to remain indefinitely in a prison or live temporarily in a homeless shelter.