

December 14, 2017

People with Mental and Developmental Disabilities in the Immigration Enforcement System

Gregory Pleasants, J.D., M.S.W.

Vera Center on Immigration and Justice

Overview

Introduction

- Purpose of Presentation
- Personal Impact
- People First
- Your Indispensable Role

The Immigration Enforcement System

- Government Players
- Immigration Court
- Immigration Detention
- Scale of the System and Routes In

Getting Out of the System and Back into the Community

- Diversion
- Importance of Community-Based Services

Emergent Issues

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

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!

- Gregory Pleasants, J.D., M.S.W.
 - Vera Institute of Justice
 - 707 Wilshire Blvd, Suite 3850
 - Los Angeles, CA 90017
 - c 657 274 0224
 - gpleasants@vera.org

Slides and content copyright 2017 Vera Institute of Justice. Slides may not be shared without Vera's prior and written authorization. Contact author above to seek permission or with questions.