

**IMMIGRATION DETAINEES AND ADVOCACY GROUPS
SUE HOMELAND SECURITY FOR COMPREHENSIVE AND
ENFORCEABLE IMMIGRATION DETENTION STANDARDS**

Widespread and systematic abuses in immigration detention persist due to lack of regulations

April 30, 2008

NEW YORK, NY – Former detained immigrants and advocacy groups filed suit today against Michael Chertoff, Secretary of the Department of Homeland Security (DHS), demanding that DHS issue comprehensive and enforceable regulations governing detention standards for immigration detainees. At present, no federally-mandated regulations exist, resulting in inconsistent and substandard living conditions, grossly inadequate medical care, and the widespread abuse of detainee rights.

“DHS is one of the largest jailers in the world,” said Paromita Shah, Associate Director of the National Immigration Project of the National Lawyers Guild, one of the plaintiffs in the suit. “But it behaves like a lawless local sheriff. The refusal to adopt comprehensive, binding regulations has contributed to a system in which thousands of immigration detainees are routinely denied necessary medical care, visitation, legal materials, or functioning telephones.”

“I was detained for six years,” said Rafiu Abimbola, one of the detainee plaintiffs. “The telephones frequently did not work and legal materials were unavailable or out of date. Because I was managing my case on my own, this was extremely hard for me. DHS did not attempt to fix these problems. When I complained to the jail, I never received a response, and sometimes was punished for complaining. There are no consequences to the government for failing to obey its own standards.”

Last year, DHS detained approximately 300,000 immigrants, primarily based on charges of non-criminal immigration violations. On any given day, DHS holds approximately 30,000 immigrants in custody. Nevertheless, the treatment of immigration detainees is currently only governed by a DHS detention manual, which is neither legally enforceable nor universally applied. Recent government reports have documented patterns of non-compliance with the detention manual, and last year former detainees and advocates attested to the inadequate medical care at detention facilities at a congressional hearing.

“The DHS manual fails to address basic aspects of detention,” said Janis Rosehevel, director of Families for Freedom, one of the plaintiffs in the suit. “And what standards the

manual does include are weak and unenforceable. How many more people must suffer before DHS starts to behave like the mature warden it has become?”

The need for enforceable, uniform standards is especially critical in light of the patchwork system currently employed to house detainees: in addition to using of its own facilities, DHS contracts with local jails and privately operated prisons for this purpose. Detention regulations, the lawsuit contends, are necessary to ensure humane and uniform treatment of detainees and prevent future violations.

The suit, filed in the U.S. District Court for the Southern District of New York, specifically demands that DHS fulfill its obligation under the Administrative Procedures Act (“APA”) to respond to a January 2007 petition submitted asking that DHS develop detention regulations—a petition that, over one year later, DHS continues to ignore. The plaintiffs seek a court order requiring DHS to begin the rulemaking process, or at the very least, explain why it has not done so.

Plaintiffs—the National Immigration Project of the National Lawyers’ Guild, Families For Freedom, and two former detained immigrants—are represented by the Jerome N. Frank Legal Services Organization at Yale Law School.