

Human Rights First

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://www.humanrightsfirst.org/resource/detaining-people-seeking-protection-inhumane-unnecessary-and-wasteful>

Policy Issue Resources

Work With Asylum Seekers

If you are seeking asylum, we can help

Areas of Focus

Current Initiatives

Jailing people seeking asylum protection in U.S. immigration detention centers is a cruel and costly mistake.

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DHS has existing [legal authority](#) to place asylum seekers who request protection at the United States border whether at or between ports of entry into regular removal proceedings and to release these families and individuals to wait for court proceedings in the community, rather than subject them to detention and expedited removal an extremely [flawed](#) process that risks returning refugees to persecution and torture. They can be released on parole a [legal mechanism](#) through which DHS can process an individual into the United States for humanitarian reasons or significant public benefit to avoid the use of detention. In addition, asylum seekers who have been subjected to expedited removal and received a positive credible fear determination can also be released from custody on parole under the [2009 DHS Parole Directive](#), if they establish their identity and demonstrate they are not a flight or security risk.

While DHS has discretion to set additional conditions when granting parole, given that the [overwhelming majority](#) of asylum seekers appear for their immigration hearings, the agency should avoid the imposition of [cruel](#) and unnecessary restrictive monitoring conditions, such as the use of ankle shackles. Ankle shackles [inflict](#) enormous physical and psychological harm, result in social isolation and employment discrimination, are disproportionately used against Black immigrants, and, like detention, are unnecessary and ineffective.

Studies have repeatedly confirmed that asylum seekers overwhelmingly appear for hearings after they are released from DHS custody, rendering the use of costly immigration detention unnecessary to ensure future appearance. Appearance rates are even higher where asylum seekers are represented by counsel. For example, 96 percent of non-detained immigrants represented by a lawyer attended all of their hearings from 2008 to 2018.

In addition to being unnecessary, detention is fiscally wasteful. Community-based case management alternatives are far less costly, as well as more humane and effective. For instance, a family case management program piloted by DHS from January 2016 to June 2017 demonstrated high levels of success, including a 99 percent appearance rate for hearings. This program cost about \$36 a day per family while family detention costs almost \$320 a day per person in family detention centers.

[1] The administration can [refer asylum seekers](#) for full asylum interviews with U.S. Citizenship and Immigration Services asylum officers in their destination locations, ramping up asylum office staffing to fully adjudicate asylum requests, which will result in quicker initial decisions and reduce the number of individuals ultimately referred to immigration court hearings. These full asylum office adjudications should not be conducted within the expedited removal process, which would limit due process.

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Joint Letter to President Biden, Secretary Mayorkas & AG Garland on Title 42

Letter

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5th Circuit Amicus Brief in State of Texas, State of Missouri v Biden: HRF Opposes MPP on the Merits

Amicus Briefs

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A Shameful Record: Biden Administrations Use of Trump Policies Endangers People Seeking Asylum

Reports

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A Sordid Scheme: The Trump Administrations Illegal Return of Asylum Seekers to Mexico

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A Year After Del Rio, Haitian Asylum Seekers Expelled Under Title 42 Are Still Suffering

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A Year of Horrors: The Trump Administrations Illegal Returns of Asylum Seekers to Danger in Mexico

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After Appeals Court Stay, Human Rights First Renews Call for Biden Administration to End Trump Expulsion Policy

Press

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After Two Years, Biden Must End Migrant Protection Protocols and Bring Asylum Seekers Swiftly to Safety

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Amicus brief: Louisiana v. CDC

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Amicus Brief Wolf v. Innovation Law Lab

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Any Version of Remain in Mexico Policy Would Be Unlawful, Inhumane, and Deadly

Fact Sheets

Systemic Injustice-Access to U.S. Asylum

Assessment: U.S. Compliance with the Refugee Convention at its 70th Anniversary

Fact Sheets

Urge Congress to pass the Afghan Adjustment Act

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