

Schumer Seeks to Keep Immigration Detention Site in Manhattan Open

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Body

Senator Charles E. Schumer is urging federal officials not to close immigration detention operations at the Varick Federal Detention Facility in Manhattan, saying that their decision to transfer its roughly 300 detainees to a county jail in New Jersey "will represent a crushing blow to the due process rights of immigrants detained within the New York metropolitan area."

In a letter Friday to Janet Napolitano, secretary of homeland security, Mr. Schumer said he was "extremely troubled" by the plan to transfer the detainees, mostly longtime New Yorkers facing deportation without a lawyer, to the Hudson County Correctional Center in Kearny, N.J., seven miles away.

He was even more upset, the senator said in an interview late Friday, after he discussed the decision with Beth Gibson, legal counsel and head of detention for Immigration and Customs Enforcement, part of the Department of Homeland Security, who told him she had driven to Hudson herself without difficulty.

"They didn't have a concept of New York -- most people New York don't have cars, whether they be lawyers or immigrant families, " he said, noting that the agency had not consulted with him or any immigrant groups. "I certainly don't think this decision was well thought out."

Though a distance of seven miles might seem short to someone with a car living in a suburb, he said, for residents of New York City the difficulties of reaching the jail by public transportation -- a two-hour round trip at best -- will make it much harder to enlist volunteer lawyers or arrange family visits for the detainees.

About 11,000 detainees passed through the Varick jail last year, including illegal immigrants, asylum-seekers and legal immigrants who face deportation because of past criminal convictions. Varick, which falls short of detention standards adopted in 2000, was quietly reopened in 2008 after being shuttered for seven years.

It has become the site of an ambitious volunteer legal program to counsel detainees, as well as the focus of investigative scrutiny by civil liberties lawyers. In recent weeks, it has also been a rallying point for street protests against detention and deportation that have led to arrests of some protesters, including members of the clergy, who blocked traffic as a form of civil disobedience.

Officials of Immigration and Customs Enforcement, said the jail in Hudson County would house immigration detainees at half the cost -- \$111 a day per detainee, compared with \$253 at Varick. It will also provide fresh-air recreation, which the Lower Manhattan jail has never offered, though that has been required by national detention standards since 2000, officials said.

But Nancy Morawetz, a professor at the New York University School of Law and director of its Immigrant Rights Clinic, said the Hudson jail's current federal contract did not require it to meet national detention standards, just to treat immigration detainees the same as its criminal inmates.

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Students at the law clinic said they had been trying for months without success to visit detainees at the Hudson jail, including some transferred there from the Middlesex County Jail, which ended its contract with Immigration and Customs Enforcement last year. Jail visitor lists are updated only every 90 days.

"There is probably no detainee at Varick Street who, despite the problems at Varick, wouldn't prefer to be at Varick," Ms. Morawetz said. "This is really just moving away the problems where they're not going to be seen."

Her concern was echoed by Udi Ofer, advocacy director of the New York Civil Liberties Union, in an e-mail message to other lawyers representing detainees at Varick.

"I'm really worried about the motivation and impact of this closure," he wrote. "Advocates have been scrutinizing conditions at Varick, and I think that ICE decided to simply close it and shift responsibilities to other facilities rather than fix conditions."

In a statement, Brian P. Hale, a spokesman for the agency, said, "ICE will work with our detention providers to continue to expand the opportunities for legal and family visitation, ensure indigent detainees can correspond with family and representatives and address any inconveniences that may arise from this change."

Senator Schumer said he had asked the immigration enforcement agency to answer in writing why it would not reconsider the decision.

"I'm convinced that they simply looked at the immediate cost, and they didn't look at when they have fewer pro bono lawyers, it will end up costing them more," he said.

Legal counsel can shorten time in detention, studies have found, because detainees with no legal relief from deportation are quicker to accept it, while some of those with a claim to stay in the United States are more likely to be released on bond while their case is decided.

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