

SHIFTING DETAINEES JUST UN-AMERICAN

Daily News (New York)

February 4, 2010 Thursday, SPORTS FINAL EDITION

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Section: SUBURBAN; Pg. 47

Length: 645 words

Byline: BY ALBOR RUIZ

Body

THE DEPARTMENT of Homeland Security recently announced plans to close the Varick Federal Detention Facility in downtown Manhattan. The facility holds nearly 300 immigrants, who would be transferred to a New Jersey county jail.

The announcement comes less than a month after the arrest of several immigrant advocates during a demonstration outside the facility in support of Jean Montrevil, a legal Haitian legal and long-time New York resident who faced deportation. News of the plan was met by calls to Homeland Security Secretary Janet Napolitano urging her to conduct a case-by-case review and release as many of the facility's inmates as possible. Montrevil was subsequently released.

"The first question that the federal government should ask is not where people are being detained but why people are being detained," said a letter to Napolitano signed by a coalition of advocate groups. Signers included the New York Civil Liberties Union, the Immigrant Rights Clinic at NYU School of Law, the New York Immigration Coalition, Families for Freedom and 12 other advocacy and community groups.

Also opposed to the closure are New York Sens. Kirsten Gillibrand and Chuck Schumer, who fired off a letter to Napolitano. They wrote that moving the detainees to the Hudson County Correctional Center in Kearny, N.J., "will represent a crushing blow to the due process rights of immigrants detained within the New York metropolitan area and may ultimately result in costly increased detention times due to the availability of pro bono counsel."

Currently such counsel is available at Varick.

In its letter, the advocate coalition pointed out that some detainees who could be released and placed into alternative detention programs "include those who qualify for Temporary Protected Status, those who are entitled to bond determinations or lower bond amounts, and those who have faced prolonged detention."

The government says it is transferring the detainees because the Varick center cannot provide outdoor recreation and visitation services. But as the advocates point out, neither does Hudson. The reality, they say, is that neither facility meets federal standards.

Alina Das, supervising attorney of the Immigrant Rights Clinic at NYU Law School, says transferring the detainees will not resolve any problems they faced at Varick.

"It's no secret that the detention system is broken, ineffective and inhumane," Das said.

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The transfer to Hudson will only make it more difficult for the immigrants needing access to family and community support as well as legal counsel, the advocates' letter says. Hudson only allows detainees to revise their visitor list every 90 days, resulting in denial of family and community visits.

A second justification offered by U.S. Immigration and Customs Enforcement is cost. But the policy has led to an explosion in detention, with 400,000 people nationwide deprived of freedom.

"A great number of the detainees are innocent people who are simply awaiting an administrative decision by the government on their immigration case," said Chung Wha Hong, executive director of the New York Immigration Coalition.

The cost of ICE custody operations was \$1.7 billion for 2009, according to Detention Watch Network. Closing Varick will amount to a cost savings of less than 1%, while detention at its Hudson, Essex, and Monmouth facilities costs ICE more than \$100 per day per detainee. The group says alternatives to detention cost as little as \$12 per day.

Spending on detention, the advocates say, should be drastically cut, especially now that President Obama is calling on government agencies to reduce wasteful spending.

"We are hopeful we will get a response from Napolitano," said Benita Jain of the Immigrant Defense Project. "It's difficult to justify the spending of so much money to keep someone in jail who doesn't need to be." aruiz@nydailynews.com

Classification

Language: ENGLISH

Document-Type: COLUMN

Publication-Type: Newspaper

Subject: IMMIGRATION (91%); US FEDERAL GOVERNMENT (90%); CORRECTIONS (90%); POLITICAL DETAINEES (90%); PRISONS (90%); IMMIGRANT DETENTION CENTERS (90%); IMMIGRATION LAW (89%); LAWYERS (89%); DEPORTATION (78%); COMMUNITY ACTIVISM (78%); HUMAN RIGHTS ORGANIZATIONS (78%); CLOSINGS (78%); SPECIAL INVESTIGATIVE FORCES (78%); PRISONERS (77%); LAW SCHOOLS (76%); DUE PROCESS (76%); CITIES (73%); NATIONAL SECURITY (73%); HUMAN RIGHTS & CIVIL LIBERTIES LAW (73%); ARRESTS (73%); ASSOCIATIONS & ORGANIZATIONS (73%); FAMILY (72%); PRO BONO LAW (71%); GRADUATE & PROFESSIONAL SCHOOLS (67%)

Organization: US DEPARTMENT OF HOMELAND SECURITY (93%)

Industry: LAWYERS (89%); LAW SCHOOLS (76%); PRO BONO LAW (71%); GRADUATE & PROFESSIONAL SCHOOLS (67%)

Person: JANET NAPOLITANO (79%); KIRSTEN E GILLIBRAND (56%); CHARLES SCHUMER (56%)

Geographic: NEW YORK, NY, USA (90%); NEW YORK, USA (94%); NEW JERSEY, USA (79%); UNITED STATES (79%)

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Load-Date: February 4, 2010

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