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Submission to the United Nations Universal Periodic Review

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HUMAN RIGHTS VIOLATIONS IN THE IMMIGRANT DETENTION SYSTEM

Executive Summary

Contributing Stakeholders

- **Heartland Alliance's National Immigrant Justice Center (NIJC)** is a non-governmental organization (NGO) based in Chicago dedicated to safeguarding the rights of noncitizens, particularly those held in immigrant detention. NIJC advocates for immigrant rights through impact litigation, policy reform and direct legal services.
- The **American Friends Service Committee (AFSC)** carries out service, development, social justice, and peace programs throughout the world. Founded by Quakers in 1917, AFSC's work attracts the support and partnership of people of many races, religions, and cultures. AFSC's work is based on the Quaker belief in the worth of every person and faith in the power of love to overcome violence and injustice. Along with the British Friends Service Council, AFSC accepted the Nobel Peace Prize in 1947 on behalf of all Quakers.
- The **Center for Victims of Torture (CVT)**, established in 1985, provides comprehensive, interdisciplinary services to torture survivors, including medical, psychological and psychiatric treatment, social work services, and physical and massage therapy. CVT serves approximately 240 clients per year, of whom approximately sixty percent are asylum seekers.
- **Chad Doobay** is an attorney who provides *pro bono* representation to asylum seekers through the National Immigrant Justice Center. Mr. Doobay also serves on the organization's advisory board.
- **Florida Immigrant Advocacy Center (FIAC)**, founded in 1996, is one of the nation's largest non-profit immigration law firms. Its direct service work informs its broader policy work, positioning FIAC as a powerful national advocate for immigrants' rights and a leader in the immigration field. FIAC influences national policy, successfully litigates or challenges patterns of abuse, and takes a leading role in educating the public on the impact that immigration laws and directives have on our communities.

- **Denise Gilman** is a professor at the University of Texas School of Immigration Clinic in Austin, Texas (title and institutional affiliation listed for identification purposes only). Professor Gilman has practiced human rights and immigration law for 16 years.
- **Immigration Equality** is a national organization whose mission is to end the discriminatory treatment of lesbian, gay, bisexual, transgender (LGBT) and HIV-positive individuals under U.S. immigration law. Immigration Equality runs a pro bono asylum project, provides technical assistance to attorneys, maintains an informational website, and fields questions from LGBT and HIV-positive individuals from around the world. Through education, outreach and advocacy, Immigration Equality works to change the laws that unfairly impact LGBT and HIV-positive immigrants.
- The **Jewish Council on Urban Affairs (JCUA)** combats racism, poverty and Anti-Semitism in partnership with diverse communities throughout Chicago. JCUA has been actively organizing for the rights of all immigrants for years and is currently involved in advocating on a local, regional and national level for a just and fair immigration system.
- The **King Hall Immigrant Detention Project** at University of California Davis School of Law focuses exclusively on advocating for detained immigrants.
- The **Legal Aid Justice Center's Immigrant Advocacy Program** works to defend the rights of immigrant workers throughout the State of Virginia. Our lawyers and advocates prepare and distribute educational materials; counsel workers regarding their legal rights; help clients recover their unpaid wages; support immigrant community leaders' efforts to participate in civic debates; and promote public policies and systemic reforms that reduce the abuse and exploitation of immigrants.
- The **Michigan Immigrant Rights Center (MIRC)** at the Michigan Poverty Law Program provides technical and co-counsel assistance and training to Michigan legal aid and *pro bono* attorneys handling immigration and immigrant rights matters; systemic advocacy on behalf of Michigan's low-income immigrant families; legislative and legal development tracking and analysis; coalition-building among immigration assistance providers and immigrant advocacy organizations statewide; and support and training for domestic violence survivor attorneys and advocates regarding the rights of battered immigrants.
- The **Midwest Coalition for Human Rights** is a network of advocacy organizations, service providers, and university-based centers collaborating to promote and protect human rights. Coalition members work to uphold the human rights and to protect the due process rights of immigrant detainees. The Coalition seeks to change detention conditions for immigrants, reframe the public debate on immigrant detainees, and create a constituency that promotes the rights of immigrants, refugees, and asylum seekers.
- **Physicians for Human Rights (PHR)** is a nonprofit organization that mobilizes health professionals to advance health, dignity, and justice. Harnessing the specialized skills, rigor, and passion of doctors, nurses, public health specialists, and scientists, PHR investigates and exposes human rights violations and works to achieve accountability for perpetrators.
- **Dr. Mary White** is a physician who volunteers with Physicians for Human Rights.
- **World Relief** is an international Christian non-profit organization whose mission is to empower the local Church to serve the most vulnerable. In the U.S., World Relief resettles refugees and provides immigration legal services to refugees, asylees, and other immigrants.

Endorsed by:

The Advocates for Human Rights
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National Center for Transgender Equality
National Immigration Forum
Northwest Immigrant Rights Project
Pennsylvania Immigration Resource Center
People's Law Office

Key Issues and Recommendations

The U. S. immigrant detention system lacks due process and subjects noncitizens to arbitrary detention and inhumane treatment, in violation of U. S. obligations under international human rights law. To comply with the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights (ICCPR), the United States must:

- Provide individual custody determinations, assessing if a noncitizen's particular circumstances require detention;
- Provide judicial review over custody decisions; and
- Ensure that conditions in immigrant detention facilities reflect the civil nature of the government's detention authority.

Pertinent Human Rights Obligations

- The right to be free from arbitrary detention is set forth in Article 9 of the Universal Declaration of Human Rights¹ and Article 9(1) of the ICCPR.²
- The right to a fair and public hearing by an independent and impartial tribunal is preserved by article 14(1) of the ICCPR.
- The right to have a court decide, without delay, on the lawfulness of detention is set forth by article 9(4) of the ICCPR.
- The right to representation during review of deportation before a competent authority is protected by Article 13 of the ICCPR and by Article 32 of the Convention Relating to the Status of Refugees.³
- The right to be treated humanely and with respect for the inherent dignity of the human being is found in Articles 7 and 10 of the ICCPR.
- The right to be free from torture or other cruel, inhuman or degrading treatment is enshrined in the Convention Against Torture.⁴

Immigrant Detention in the United States — Background

1. The Department of Homeland Security's (DHS) detains more than 30,000 immigrants⁵ on any given day in a broken patchwork of nearly 300 facilities across the country, the majority of which are county jails or private prisons. Individuals in this administrative detention system come from a broad range of backgrounds, including individuals who recently entered the country without authorization, and long-time lawful permanent residents who committed a minor infraction more than a decade ago. Detainees often include vulnerable populations such as asylum seekers, torture survivors, pregnant women, and individuals with chronic and serious physical and mental illnesses. While an estimated 25 percent of detainees are held for less than 48 hours, a substantial number of immigrants are held for one year or more.⁶ Although the majority of detainees do not have any criminal convictions, detainees are held in correctional facilities where they are often denied access to legal counsel, their families, and personal belongings. Moreover, due to language barriers and the lack of regular interpreting services, often detainees are unable to communicate with guards and unable to read legal materials and signs in English.⁷

Three Major Human Rights Violations in U.S. Immigrant Detention System

I. The Right to be Free From Arbitrary Detention

2. The U.S. immigration system subjects noncitizens to arbitrary detention. DHS does not assess individuals on a case-by-case basis to determine if they pose a risk and therefore need to be detained. Furthermore, once detained, noncitizens often cannot appeal the custody decision to a neutral arbiter.

Arbitrary Enforcement

3. The United States does not provide its immigration officers with clear guidelines regarding the treatment of noncitizens. DHS has publicly stated that it focuses its enforcement efforts on noncitizens who have been convicted of serious crimes, but the agency's enforcement activities routinely sweep up noncitizens who have no criminal history and who pose no risk to the community. DHS has given state and county police the authority to enforce immigration law, but it does not provide any training, guidance, or oversight to ensure that local officers do not engage in racial profiling.⁸ Race-based immigration enforcement has resulted in unjust detention of racial and ethnic minorities who are presumed to be guilty of illegal immigration until they can prove they have a right to remain in the United States.⁹

Lack of Judicial Review

4. The human rights and due process violations inherent in this system of arbitrary detention are compounded by laws limiting judicial review of custody decisions. The 1996 Antiterrorism and Effective Death Penalty Act and Illegal Immigration Reform and Immigrant Responsibility Act resulted in a dramatic expansion of grounds upon which noncitizens could be subject to mandatory detention.¹⁰ As a result of the broad scope of these laws, even petty drug and theft offenses can result in mandatory detention. Individuals who have *bona fide* challenges to removal and individuals whose offenses are decades old can be subject to mandatory detention, even if they are long-term U.S. residents with strong community and family ties, records of

rehabilitation, and other positive factors that can weigh against their deportation. Even arriving asylum seekers are denied access to immigration court custody hearings.¹¹

5. Mandatory detention denies noncitizens the right to challenge their detention in a full and fair hearing before an immigration court. It broadly applies to noncitizens without an individualized assessment of the circumstances of their detention.

II. The Right to Due Process

6. Although U.S. law provides noncitizens a right to counsel in removal proceedings, the statute prohibits funding of counsel “at government expense.”¹² Despite the efforts of NGOs and volunteer lawyers to fill this gap, 84 percent of noncitizens facing removal lack representation.¹³ Unrepresented noncitizens include vulnerable populations such as unaccompanied minors, asylum seekers, torture survivors, or trafficking victims. For example, studies have found that asylum seekers are almost three times more likely to be granted asylum if they are represented by counsel than if they appear *pro se* in immigration hearings.¹⁴ By allowing noncitizens representation but at no government expense, the United States effectively limits representation to noncitizens who have, or are capable of locating, the financial resources to secure counsel on their own.

7. For many noncitizens, isolation in immigrant detention facilities compounds their inability to locate legal counsel. Noncitizens apprehended by immigration authorities are often moved to facilities hundreds or thousands of miles from the location of their arrest, even if they have well-established family and community ties there. Most immigrant detention facilities are located in remote areas, prohibitively far from cities where most *pro bono* attorneys or even private attorneys work.¹⁵ Even detained immigrants who manage to obtain representation may be transferred to immigrant detention facilities so far from their attorneys that they are forced to terminate the representation. In some cases, the rapid transfer of detainees between facilities creates situations in which attorneys cannot track and locate their own clients.¹⁶

8. Noncitizens must have competent representation to have a fair day in court. Immigrants without legal counsel who pursue their cases in immigration court often face lengthy and arbitrary detention. The complexity of the system and the fear of prolonged detention results in noncitizens unintentionally signing away their rights and unknowingly agreeing to deportation. For example, noncitizens routinely sign stipulated removal orders, waiving their right to see a judge, without understanding that the legal consequences include deportation. Of the 80,844 stipulated orders of removal signed between April 1997 and February 2008, 94 percent were signed by immigrants who spoke primarily Spanish, and most had not been charged with a crime.¹⁷

III. The Right to Humane Treatment

9. DHS detains noncitizens in inhumane conditions that do not respect their inherent dignity as human beings.

Detention Facilities

10. Noncitizens detained in prisons and county jails that contract with DHS frequently are mixed with the general population of criminal inmates,¹⁸ required to wear prison uniforms, and subject

to the same regulations as those criminal inmates. DHS confines immigrant detainees in cells, transports them in shackles, provides them with little or no recreation time, restricts family visitation, and subjects them to surveillance when using the bathroom or shower. Many of DHS's facilities are located in remote rural areas, far from immigration lawyers, interpreters, and social service providers who might provide assistance.¹⁹ For example, the Oakdale Federal Detention Center in Louisiana, a federal Bureau of Prisons facility housing nearly 600 DHS detainees, is located 130 miles from Baton Rouge and more than 200 miles from New Orleans. Attorneys from New Orleans legal aid programs travel more than four hours to visit clients and provide legal orientation programs to detainees.²⁰ The Stewart Detention Center in Lumpkin, Georgia, houses more than 1,700 detainees, but its location—150 miles from Atlanta—poses a significant barrier to immigrants seeking representation.²¹

Medical Neglect

11. DHS does not meet the medical needs of its immigrant detainees. Many detainees, particularly those with chronic illnesses, suffer from medical neglect.²² One hundred and ten immigrants have died in detention since 2003,²³ including some who DHS administratively lost in their system.²⁴ Immigrants who are HIV-positive often face medical neglect, inconsistent treatment, violations of their privacy rights and discrimination in accessing fundamental health care.²⁵

12. While inhumane detention conditions and lack of adequate medical care may be harmful to all immigrant detainees, vulnerable populations—including asylum seekers, women and girls, individuals with mental illnesses, and LGBT immigrants—often suffer disproportionately.

Asylum Seekers

13. Long-term detention of asylum seekers has been proven to be psychologically damaging to individuals who have escaped imprisonment and torture in their home countries. Asylum seekers often do not understand why they are treated as criminals when they are actually victims.²⁶ This perplexity exacerbates the psychological stress that many asylum seekers suffer as a result of the persecution they have endured.²⁷

Individuals with Mental Illnesses

14. The U.S. immigration system has no process for establishing mental competency in immigration court. As a result, thousands of mentally ill immigrants are detained in a system that fails to provide sufficient medical treatment and access to due process.²⁸ A recent study by the NGO Texas Appleseed found that “the DHS detention system suffers from chronically inadequate medical staffing, inappropriate diagnoses, and substandard mental health care.”²⁹ Furthermore, the study showed DHS routinely transfers mentally ill detainees to facilities in Texas, often thousands of miles from family and legal counsel, uprooting them from doctors and treatment plans already in place. Individuals who suffer from mental health problems are particularly incapable of navigating the United States' complex immigration system, and their chances of preparing the evidence and documentation necessary for a fair day in court are nearly impossible without assistance from family or legal counsel.

The Detention of Women and Girls

15. The problems of isolation, inhumane conditions, and lack of reliable access to legal counsel and health care that characterize the immigrant detention system are particularly harmful for women. Immigrant women not only contribute to their families' finances, but are frequently the primary caregivers for children and elderly relatives. When these women are detained, their children and families suffer. Detained mothers who are primary caregivers are more likely to relinquish legitimate asylum claims and agree to return to dangerous situations in their home countries so that they can be reunited with their children.³⁰ Some mothers in immigration custody have been prohibited from having contact visits, even with their children. These restrictions are particularly troubling for nursing mothers who are separated from their babies.³¹

16. While all immigrant detainees can be subject to rape, sexual assault, and other abuse by jail guards and other inmates, immigrant women are particularly vulnerable to abuse.³² Often, female detainees are barred by language and cultural barriers from defending themselves or reporting abuse. In many cultures, speaking of sexual assault or rape is taboo, and women are blamed or shamed when they are raped. When women are isolated in immigrant detention with limited or no access to lawyers or social service providers, they will be even less likely to report such intimate and traumatic abuse.

Challenges Facing LGBT Detainees

17. The conditions of immigrant detention are particularly challenging for LGBT individuals.³³ LGBT immigrants are often targeted for harassment and even physical and sexual abuse in detention by other detainees and by detention center staff. Due to this harassment detention centers frequently segregate LGBT immigrants into solitary confinement, purportedly for their own safety. However, this isolation is harmful to mental health and physical well-being and can impede access to counsel. Furthermore, in this isolated condition, LGBT immigrants are often at the mercy of detention center staff, who have on occasion severely harassed and even sexually assaulted LGBT detainees under their control.

Frequent Transfers

18. Without notice, DHS transfers immigrants among its facilities frequently, often moving them far from family and legal counsel.³⁴ Many detainees are transferred multiple times, increasing their isolation and obstacles to obtain the necessary legal counsel. Even when an immigrant manages to obtain legal counsel, a transfer frequently forces the attorney to withdraw from the case. To compound the situation, detainees' documents, medicine, and other possessions are frequently delayed or lost in transfers.

Conclusion

19. The U.S. immigrant detention system violates U.S. obligations under international human rights treaties. Noncitizens are detained arbitrarily and without adequate judicial review of their detention. Once apprehended, they are detained in inhumane conditions and moved between detention facilities without consideration of their legal rights, access to counsel, medical needs, or family. To uphold its human rights obligations, the United States must achieve significant reforms to the immigrant detention system.

Recommendations

End Arbitrary Detention

- DHS must provide all detained noncitizens with custody hearings before an immigration judge.
- DHS must create a risk assessment tool to determine if an individual poses a threat to the community or a flight risk. Those who are not risks must not be detained. In particular, vulnerable populations, such as individuals with mental or medical illnesses, must not be detained.
- Noncitizens who are not risks to the community but do not qualify for release on parole, bond or recognizance must be provided with the opportunity to enter into an alternative to detention program.

Ensure Due Process for Detained Individuals

- DHS must ensure that all detained noncitizens are provided with access to legal counsel and legal orientation programs through the Department of Justice's Executive Office for Immigration Review.
- Legal resources and printed materials must be available in languages spoken by detainees and DHS must ensure access to interpreters in all languages.
- DHS must contract with NGOs and social service agencies to conduct group and individual screening regarding legal issues and other concerns, such as health conditions in detention.

Ensure Humane Conditions in Detention Facilities

- Congress must enact legislation to protect the rights and ensure the health and safety of immigrants in detention.
- DHS must codify minimum detention standards to ensure that noncitizens have adequate access to attorneys, medical care, religious practice, and family visits.
- Congress must exercise rigorous and ongoing oversight to ensure that human rights laws are upheld and the rights of men, women, and children in detention are protected.
- DHS must redesign facilities to reflect that immigrant detention is a civil rather than criminal form of custody. For example, facilities must provide adequate space for family visitation, confidential meetings with attorneys and health care practitioners, and indoor and outdoor recreation. Facilities must not use prison uniforms for immigrant detainees.
- The United States must ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT),³⁵ which establishes an international inspection system for places of detention. The United States must work with NGOs to develop a credible system of oversight and inspection of detention facilities.

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- ¹ *Universal Declaration of Human Rights*, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948).
- ² *International Covenant on Civil and Political Rights*, Dec. 19, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR].
- ³ *Convention Relating to the Status of Refugees*, 189 UNTS 150 [hereinafter Refugee Convention]. Although the United States is not a signatory to the Refugee Convention, it signed and ratified the *Protocol Relating to the Status of Refugees* (606 U.N.T.S. 267, entered into force Oct. 4, 1967), which incorporates by reference the rights and duties set forth in the Refugee Convention.
- ⁴ *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, G.A. UN Doc. A/39/51 (1984); 1465 U.N.T.S. 85
- ⁵ Dr. Dora Schriro, DHS special advisor on detention and removal, *Immigration Detention Overview and Recommendations*, Department of Homeland Security Immigration and Customs Enforcement, October 6, 2009, [hereinafter Schriro Report], available online at http://www.ice.gov/doclib/091005_ice_detention_report-final.pdf.
- ⁶ Migration Policy Institute, *Immigrant Detention: Can ICE Meet Its Legal Imperatives and Case Management Responsibilities?* (September 2009) available online at <http://www.migrationpolicy.org/pubs/detentionreportSept1009.pdf>.
- ⁷ See generally OneAmerica, *Voices From Detention: A Report on Human Rights Violations at the Northwest Detention Center in Tacoma*, Washington, July 2008 available online at <http://www.law.seattleu.edu/x3333.xml>.
- ⁸ Department of Homeland Security, Office of Inspector General, *The Performance of 287g Agreements*, March 2010, available online at http://www.dhs.gov/xoig/assets/mgmt/rpts/OIG_10-63_Mar10.pdf.
- ⁹ Mai Thi Nguyen and Hannah Gill, *The 287(g) Program: The Costs and Consequences of Local Immigration Enforcement in North Carolina Communities*, February 2010, available online at http://isa.unc.edu/migration/287g_report_final.pdf; see also The Department of Homeland Security Office of Inspector General's report is available at: www.dhs.gov/xoig/assets/mgmt/rpts/OIG_10-63_Mar10.pdf.
- ¹⁰ The *Antiterrorism and Effective Death Penalty Act of 1996*, Pub. L. No. 104-132, 110 Stat. 1214; The *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Pub.L. 104-208, Div. C, 110 Stat. 3009-546.
- ¹¹ 8 C.F.R. § 1003.19(h)(2)(i). See also Human Rights First, *Renewing U.S. Commitment to Refugee Protection: Recommendations for Reform on the 30th Anniversary of the Refugee Act* (May 2010), pp. 10-11; *Petition for Rulemaking to Promulgate Regulations Governing Custody Determinations for Arriving Alien Asylum Seekers*, submitted to the U.S. Department of Justice on March 15, 2010, by NIJC and 30 other individuals and organizations.
- ¹² 8 U.S.C. 1362.
- ¹³ American Bar Association, *Reforming the Immigration System: Proposals to Promote Independence, Fairness, Efficiency, and Professionalism in the Adjudication of Removal Proceedings*, 2010, p. ES-39 available on-line at http://www.abanet.org/media/nosearch/immigration_reform_executive_summary_012510.pdf, citing *Improving Efficiency and Promoting Justice in the Immigration System: Lessons from the Legal Orientation Program*, p. 1, (May 2008), available on-line at www.vera.org/download?file=1780/LOP%2Bevaluation_May2008_final.pdf.
- ¹⁴ Jaya Ramji-Nogales, Andrew I. Schoenholtz, and Philip G. Schrag, *Refugee Roulette: Disparities in Asylum Adjudication*, 60 Stan. L. Rev. 295, 340 (2007).
- ¹⁵ National Immigration Law Center, ACLU of Southern California, and Holland & Knight, *A Broken System: Confidential Reports Reveal Failures in U.S. Immigrant Detention Centers*, July 2009, available online at <http://nilc.org/immlawpolicy/arrestdet/A-Broken-System-2009-07.pdf>; Human Rights Watch, *Locked Up Far Away: The Transfer of Immigrants to Remote Detention Centers in the United States*, December 2009, pages 4 and 46-51, available online at <http://www.hrw.org/en/node/86789> [hereinafter Human Rights Watch Report].
- ¹⁶ Human Rights Watch Report, pages 43-46.
- ¹⁷ Stanford University Immigrants' Right Clinic and National Immigration Forum, Freedom of Information Act request to the Executive Office of Immigration Review, *Background: Stipulated Removal – Federal Authorities are Deporting Immigrants Without Hearings, But the Public Knows Very Little About the Program*, 2008 available online at http://www.law.stanford.edu/program/clinics/immigrantsrights/pressrelease/Stipulated_removal_background.pdf.
- ¹⁸ Schriro Report at 21. See also Amnesty International, *Jailed Without Justice: Immigration Detention in the USA*, March 2009, page 37, available on line at <http://www.amnestyusa.org/uploads/JailedWithoutJustice.pdf>.
- ¹⁹ National Immigration Law Center, ACLU of Southern California, and Holland & Knight, *A Broken System: Confidential Reports Reveal Failures in U.S. Immigrant Detention Centers*, July 2009, *passim*, available online at <http://nilc.org/immlawpolicy/arrestdet/A-Broken-System-2009-07.pdf>.

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- ²⁰ Transactional Records Access Clearinghouse, Syracuse University, *Transfers of ICE Detainees from the Oakdale Federal Detention Center*, December 2009, available online at <http://trac.syr.edu/immigration/detention/200803/BOPOAD/tran/>.
- ²¹ Transactional Records Access Clearinghouse, Syracuse University, *Transfers of ICE Detainees from the Stewart Detention Center*, December 2009, available online at <http://trac.syr.edu/immigration/detention/200803/STWRTGA/tran/>.
- ²² Nina Bernstein, Ill and in Pain, Detainee Dies in U.S. Hands, *The New York Times*, August 12, 2008, Dana Priest and Amy Goldstein, System of Neglect, *The Washington Post*, May 11, 2008; Human Rights Watch, *Detained and Dismissed: Women's Struggles to Obtain Health Care in United States Immigration Detention*, March 2009, available online at <http://www.hrw.org/en/reports/2009/03/16/detained-and-dismissed>; Florida Immigrant Advocacy Center, *Dying for Decent Care: Bad Medicine in Immigration Custody*, February 2009, available online at <http://www.fiacfla.org/reports/DyingForDecentCare.pdf>.
incustody_deaths/index.html.
- ²³ ICE, *Detainees who died in ICE custody*, last visited April 7, 2010, available online at <http://www.ice.gov/doclib/foia/media-requests/detaineedeaths2003-present.pdf>.
- ²⁴ Nina Bernstein, Officials Say Detainee Fatalities Were Missed, *The New York Times*, August 17, 2009.
- ²⁵ Human Rights Watch, *Chronic Indifference, HIV/AIDS Services for Immigrants Detained by the United States*, December 2007, available on-line at hrw.org/en/reports/2007/12/05/chronic-indifference.
- ²⁶ See generally, Human Rights First, *U.S. Detention of Asylum Seekers: Seeking Protection, Finding Prison*, (2009) [hereinafter *Human Rights First Report*], available at <http://www.humanrightsfirst.org/pdf/090429-RP-hrf-asylum-detention-sum-doc.pdf>; Physicians for Human Rights & NYU Program for Survivors of Torture, *From Persecution to Prison: The Health Consequences of Detention for Asylum Seekers*, 10 (2003), available on-line at <http://physiciansforhumanrights.org/library/documents/reports/report-perstoprison-2003.pdf>.
- ²⁷ See generally U.S. Congressional Research Service, *Health Care for Noncitizens in Immigration Detention*, 19, RL34556 (June 27, 2008) (prepared by Alison Siskin) and *PHR/Bellevue/NYU Report*].
- ²⁸ Texas Appleseed, *Justice for Immigration's Hidden Population*, April 2010, available online at <http://drop.io/immhiddenpopulation>.
- ²⁹ Id.
- ³⁰ Human Rights First, *Refugee Women at Risk: Unfair U.S. Laws Hurt Asylum Seekers*, December 2002, page 3, available on-line at http://www.humanrightsfirst.org/refugees/reports/refugee_women.pdf.
- ³¹ See generally Human Rights Watch, *Detained and Dismissed: Women's Struggles to Obtain Health Care in United States Immigration Detention*, March 2009 available online at <http://www/hrw.org/en/reports/2009/03/16/detained-and-dismissed>.
- ³² Testimony of Shiu-Ming Cheer, Public Hearing on Sexual Violence in Immigration Detention Facilities, National Prison Rape Elimination Commission, December 13, 2006 available online at http://www.nprec.us/proceedings_sxvimmigrdet_d13.htm. See also Women's Commission for Refugee Women and Children, *Behind Locked Doors: Abuse of Refugee Women at the Krome Detention Center*, October 2006, p.1 available online at <http://www.womenscommission.org/pdf/krome.pdf>; and National Immigrant Justice Center, *The Situation of Immigrant Women Detained in the United States*, briefing paper to the United Nations Special Rapporteur on the Rights of Migrants, April 2007, available on-line at <http://www.immigrantjustice.org/blog/detentionblog/blogdetention20090320.html>.
- ³³ See Immigration Equality, *Immigration Law and the Transgender Client*, available on-line at http://www.immigrationequality.org/c6.html#_Toc211075784.
- ³⁴ Department of Homeland Security, Office of Inspector General, *Immigration and Customs Enforcement Policy and Procedures Related to Detainee Transfers*, December 2009, available online at http://www.dhs.gov/xoig/assets/mgmt/rpts/OIG_10-13_Nov09.pdf; Human Rights Watch, *Locked Up Far Away: The Transfer of Immigrants to Remote Detention Centers in the United States*, December 2009, available online at <http://www.hrw.org/en/node/86789>; The Constitution Project, *Recommendations for Reforming our Immigration Detention System and Promoting Access to Counsel in Immigration Proceedings*, December 2009, available online at <http://www.constitutionproject.org/manage/file/359.pdf>; and Transactional Records Access Clearinghouse, Syracuse University, *Huge Increase in Transfers of ICE Detainees*, December 2009, available online at <http://trac.syr.edu/immigration/reports/220>.
- ³⁵ *Optional Protocol to the Convention against Torture*, G.A. res. A/RES/57/199, adopted Dec. 18, 2002.