



A Better Way

**Community-Based Programming
as an Alternative to Immigrant Incarceration
April 2019**

Executive Summary

"What I learned in immigration jail is that it doesn't matter how strong your case is or how strong you are, you're not going to come out the same. When I was finally released, I found I could not feel any joy. I had nightmares, dreaming that the officers would come take me back to jail. I see a police officer or I hear a siren and my heart races. I have to breathe deeply. Once I had a panic attack because a police car went by. It makes the work of adjusting to a new life harder. Everything around you reminds you of what you just endured in jail. You progress, but it is hard to feel free.

If there was another way, it would change everything." --Izzie, a formerly detained asylee

**NATIONAL
IMMIGRANT
JUSTICE CENTER**

A HEARTLAND ALLIANCE PROGRAM

Introduction

Asylum seekers and immigrants have always been an integral part of the American story. Yet in recent decades, the United States government has embraced enforcement as the cornerstone of its immigration policy, increasingly depriving immigrants of their liberty and dignity while their cases are adjudicated. Today tens of thousands of asylum seekers and immigrants suffer behind bars, far from their loved ones. Foundational human rights principles such as due process, family unity, and bodily integrity are anathema to the immigration detention system.

There is a better way. Community-based initiatives that support immigrants during case adjudication present a cheaper, more effective, and more compassionate alternative to detention. The National Immigrant Justice Center's new report, "A Better Way," calls on the United States government to end the use of immigration detention and instead invest in community-based programs that support immigrants and their families while their immigration cases unfold. The report outlines established best practices and comparative models available for the United States to implement in order to end its reliance on detention. Appended to the report is a bibliography of recent reports documenting the human rights abuses and corruption endemic to immigration detention.

The United States' harmful approach

The Department of Homeland Security (DHS) operates a vast network of privately run prisons and county jails that deprive tens of thousands of immigrants of their liberty each day. The system is defined by systemic rights abuses and impunity. Immigrants in detention are regularly denied sufficient food and medical care, verbally and physically harassed and abused, and stripped of access to due process protections during their immigration court proceedings.

DHS also receives appropriated funds to operate an "Alternatives to Detention" program, which it runs through contract with a wholly owned subsidiary of a major private prison company. DHS operates the program fundamentally at odds with evidence-based best practices for alternative programming. Further compounding this wasteful spending, DHS uses its alternative programming as a way to increase its surveillance and control over immigrants, not as a true alternative to the use of detention.

Best practices for community-based programs

A transformative approach to immigration processing in the United States could support immigrants and their families in a manner that invests in all communities. Internationally and domestically, countless alternatives have emerged that utilize case management models to leverage existing community resources to educate immigrants about their immigration proceedings while ensuring that their wellbeing is nourished. These programs have demonstrated that when immigrants understand the immigration adjudication system, they become invested in it and will generally respect and comply with its obligations. Studies show such programs maintain average compliance rates of 90 percent or higher, with costs up to 80 percent less than detention.

Comparative models provide a clear roadmap for governments to follow when transitioning from a reliance on detention to alternative programming. Studies of more than 250 examples of alternative programming in 60 different countries, as well as a separate study by the U.N. High Commissioner for Refugees, reveal a clear set of best practices that contribute to successful alternative programming with high compliance rates:

1. Alternatives-to-detention programming should always constitute a true alternative to detention, not an alternative to release.
2. Participating asylum seekers and migrants must be treated with dignity, humanity, and respect.
3. Participants should be provided case management support based on individualized needs assessments. This support should include the provision of clear information regarding participants' rights and obligations with regard to immigration processing and the consequences of non-compliance.
4. Participants should receive referrals to community-supported services, including legal services, social services, and medical and mental health support.
5. Any restrictions and compliance obligations placed on participants must be the least onerous possible.

Successful community-based models

In the United States, non-profit organizations work tirelessly to help heal and support immigrants upon release from immigration detention. Many of these programs could be scaled to replace the use of detention. One such program, profiled in *A Better Way*, is the Marie Joseph House operated by the non-profit Interfaith Community for Detained Immigrants in Chicago. In Sweden, asylum seekers are greeted at an open reception center before transitioning into community housing where they receive medical care and legal assistance. In Canada, the Toronto Bail Program partners with the government to assist immigrants to obtain release on bond and access support in the community.

While the international community explores creative and humane responses to migration flows, the United States is choosing instead to invest in cruelty.

The National Immigrant Justice Center calls on the United States to end its use of immigration detention and instead invest in community-based programs that reflect established best practices, including robust case management approaches centered in respect for the dignity of asylum seekers and immigrants.

Read the full report at immigrantjustice.org/BetterWay.