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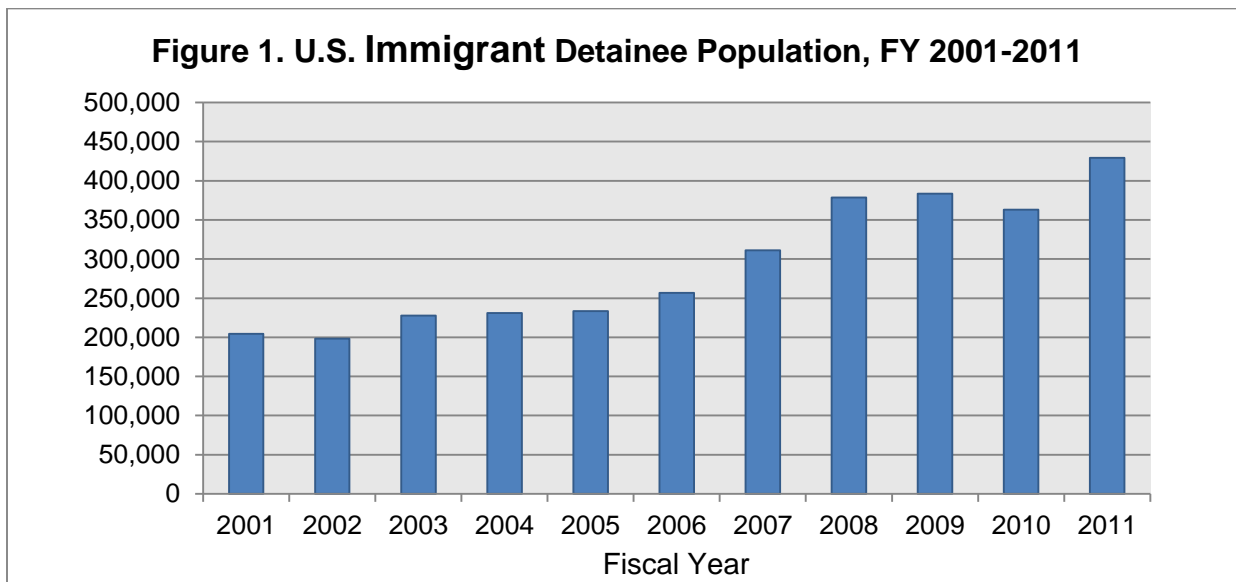


The Economic Impacts of Long-Term Immigration Detention in Southern California

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Introduction

In 2013, Immigration and Customs Enforcement (ICE) detained over 477,000¹ immigrants at a cost of over \$2 billion (or \$161 per detainee, per day).² Today, more than 33,000 immigrants are held in ICE custody on any given day.³ These numbers indicate a sharp expansion in immigration detention. As Figure 1 demonstrates, the annual population detained by ICE doubled in the first decade of the 21st century.



Source: Immigration and Customs Enforcement (ICE)⁴

Many noncitizens remain in ICE custody for prolonged periods of time: in 2013, ICE detained over 10,000 people for 6 months or longer, and 30,000 people for 3 months or longer.⁵ Data from the Border Survey of Mexican Migration (EMIF Norte) indicates that 15.4% of Mexican immigrants deported from the interior of the United States in 2013-14 report having been detained for more than one year, with about half of those individuals reporting detention lasting three years or longer.⁶ Importantly, time in immigration detention is not a sentence but rather, a result of the backlog in immigration courts. There are few constitutional limits on the length of time that individuals can be detained, so many people remain in ICE custody for months and years at a time.⁷

Recently, however, a group of long-term detainees brought a class action lawsuit in the Central District of California. This litigation requires a bond hearing before an immigration judge for noncitizens who have been continuously held in detention for 180 days, including certain classes of mandatory detainees.⁸

The Individual and Household Economic Impacts of Immigration Detention

Despite the vast magnitude and cost of immigration detention, empirical studies of this government program and how it affects individuals, households, and communities, are extremely rare. The Immigrant Detention Study (IDS)⁹ begins to fill this gap by documenting the impacts of long-term detention on individuals and households. In 2013-14, the IDS surveyed 562 immigrants who had been detained in Southern California for six months or longer.¹⁰

This brief addresses the following questions:

- Who are long-term detainees in Southern California?
- What is the economic impact of long-term detention on individual wages and household economic stability?

Data from this study show that long-term detention produces financial insecurity at the individual and household levels, and removes millions of dollars from local communities in the form of lost wages. The results suggest that immigration detention is compounding disadvantage in poor immigrant communities.

1. Who are long-term detainees in Southern California?

The IDS sample is predominately made up of Latino males (88%)¹¹ who range in age from 19 to 69 years old. On average, respondents have been in the U.S. for 20 years. Over half (52%) speak English well and slightly less than half (42%) have a high school degree or more. While 70% of the respondents are undocumented, the remaining individuals are lawful permanent residents or had some other valid visa at the time they were detained by ICE. Eighty-six percent of the respondents had one or more misdemeanor convictions and 25% had one or more felony convictions. The two most common types of convictions were drug offenses and traffic violations (including driving under the influence).

2. Individual and Household Economic Impacts of Long-Term Detention

Cost of Detention

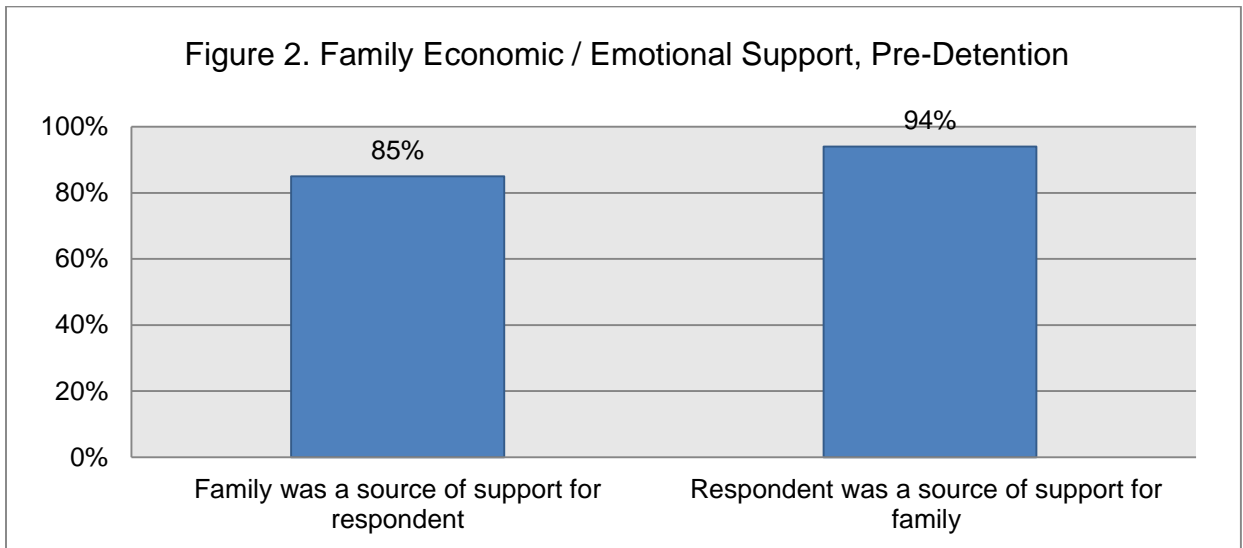
According to the National Immigration Forum, the average cost of immigration detention in 2013 was \$161 per detainee per day.¹² The average length of detention for IDS respondents was 274 days at the time of the survey. Given these figures, the total cost of detaining the 562 detainees in the IDS sample was nearly \$24.8 million. Importantly, this figure represents only the cost of detention up to the date of the interview; many individuals remain detained much longer.

Total Lost Wages

Among the 562 long-term detainees who participated in the IDS, approximately 90 percent were employed in the six months prior to detention. Assuming the same rate of pre-detention weekly earnings and average days detained as of the date of the survey (274 days), the collective lost wages for the sample due to detention is estimated to be nearly \$11.9 million (or \$43,357 per day).

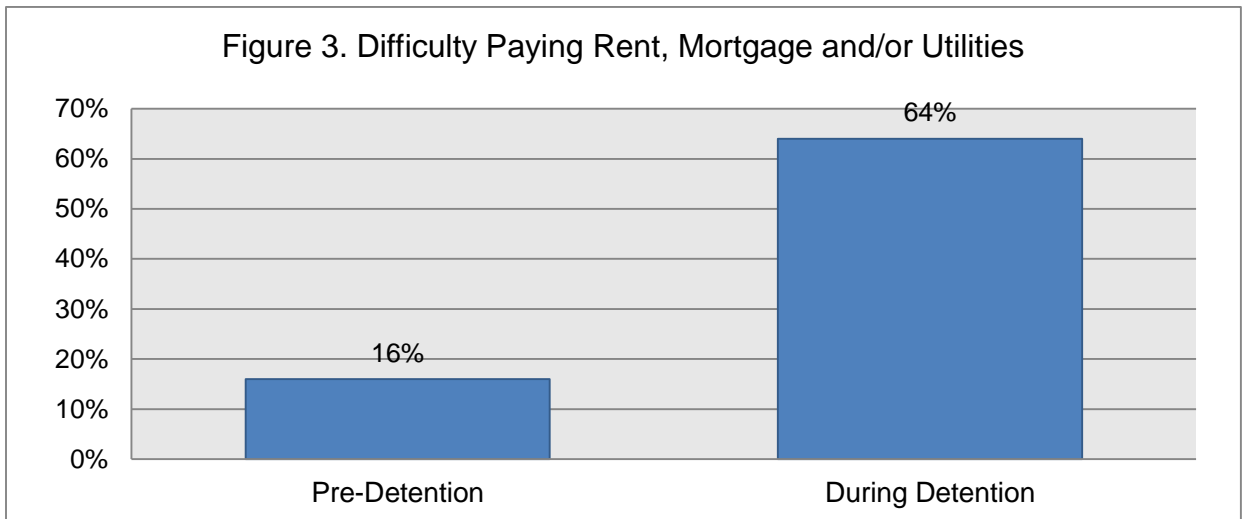
Household Economic Stability

Sixty-nine percent of IDS respondents have a U.S. Citizen or Lawful Permanent Resident spouse or child. In the six months prior to detention or jail, 84% of respondents were living in their own homes or with family members. As Figure 2 shows, more than nine out of ten (94%) report being a source of financial and/or emotional support for their families prior to being detained. Eighty-five percent of respondents report that they considered their families a source of financial or emotional support for them.



Source: Immigrant Detention Study 2013-14 (N=562).

Given the level of these family ties, long-term detention causes increased economic strain at the individual and household levels. As Figure 3 shows, nearly two-thirds (64%) of respondents who considered themselves a source of financial support for families pre-detention reported that during their time in detention, their family was late paying rent, mortgage, or utility bills. This number reflects a sharp increase from the 16% percent of these respondents who reported being late on rent, mortgage or utilities in the six months prior to detention.



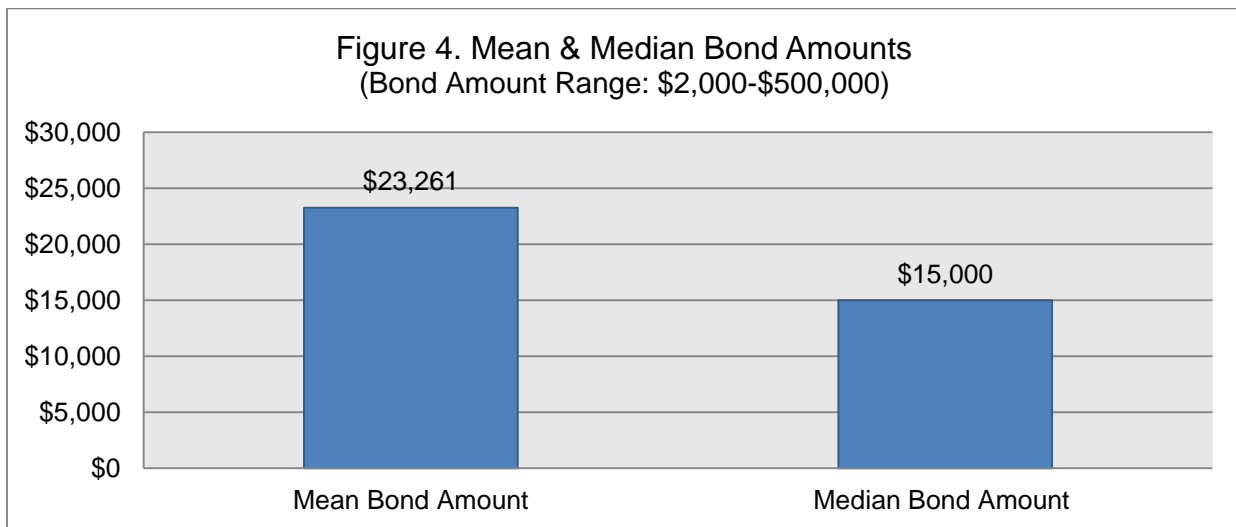
Source: Immigrant Detention Study 2013-14 (N=361).

Respondents who supported family members financially prior to detention describe additional ways in which their family members' living situations were impacted by the respondent's term in ICE custody. For example, 42% of respondents reported that during their time in immigration detention, their families had been unable to pay for necessary medical care. A full 37% reported that their families were unable to pay for food.

3. Financial Insecurity: Bond Amounts & Payments

Some IDS respondents were eligible for a bond hearing under the *Rodriguez v. Robbins* litigation or other types of bond hearings. Sixty percent of the 526 respondents who completed a substantive bond hearing (in which an immigration judge made a decision about whether to release them on bond) were granted bond.

The mean and median bond amounts are shown in Figure 4. The median bond amount of \$15,000 is 67% higher than the median bond amount of \$9,000 for felony offenders in state criminal courts nationwide between 1990 and 2004.¹³ Unlike in the criminal court context, immigration bonds must be paid in full in order for a respondent to be released. As such, long-term detainees and their families, whose economic situations may already be severely impacted by lost wages due to detention, may be further strained by high bond amounts.



Source: Immigrant Detention Study 2013-14 (N=315).

Conclusion

Detainees in the IDS sample have strong ties to their families. Long-term immigration detention, therefore, appears to significantly impact the economic status not just of individual detainees, but also of entire households. Indeed, the total lost wages among IDS respondents amounts to nearly \$12 million. This loss of household income in turn impacts families' ability to cover the costs of utility bills, medical care, and even food in some cases. Bond amounts that must be paid in full exacerbate the economic disadvantage already brought on by long-term immigration detention. These findings suggest that the system of long-term immigration detention is compounding disadvantage in detainees' households and communities, which are composed of citizens and noncitizens alike.

Endnotes

- ¹ Simanski, John F. and Lesley M. Sapp. 2012. "Immigration Enforcement Actions 2012 5 (2013)." U.S. Department of Homeland Security. Available at: http://www.dhs.gov/sites/default/files/publications/ois_enforcement_ar_2012_1.pdf.
- ² National Immigration Forum. 2014. "Detention Costs Still Don't Add Up to Good Detention Policy." Available at <http://immigrationforum.org/blog/display/detention-costs-still-dont-add-up-to-good-policy>.
- ³ Simanski, John F. and Lesley M. Sapp. 2012. "Immigration Enforcement Actions 2012 5 (2013)." U.S. Department of Homeland Security. Available at: http://www.dhs.gov/sites/default/files/publications/ois_enforcement_ar_2012_1.pdf.
- ⁴ Immigration and Customs Enforcement. 2012. "ERO Facts and Statistics (2011)."
- ⁵ Transactional Records Access Clearinghouse (TRAC). 2013. "Legal Noncitizens Receive Longest ICE Detention." Available at: <http://trac.syr.edu/immigration/reports/321>.
- ⁶ Bermudez Lobera, Juan. Unpublished manuscript. "The Impact of U.S. Immigration Policy on Deported Mexicans: Based on the 'Survey on Migration in the Northern Border of Mexico (EMIF NORTE, 2013-14)'" ; page 25.
- ⁷ Due to a previous arrest or criminal record with some triggering offense under US immigration law, many individuals are held in *mandatory* detention and are ineligible for release for the duration of their deportation proceedings.
- ⁸ For more on this ongoing litigation, see: <https://www.aclu.org/cases/rodriguez-et-al-v-robbins-et-al>. For more information on the outcome of bond hearings, see: ACLU of Southern California. 2014. "Restoring Due Process: How Bond Hearings Under *Rodriguez v. Robbins* Have Helped End Arbitrary Immigration Detention." 2014. Available at: https://www.aclu.org/sites/default/files/field_document/restoringdueprocess-aclusocal.pdf
- ⁹ The Immigrant Detention Study is directed by Emily Ryo and Caitlin Patler.
- ¹⁰ The survey includes individuals who had been detained for six months or longer, had been scheduled a bond hearing, and voluntarily consented to participate. Less than 8% of individuals who received information about the survey from the interviewers did not complete the survey. It is not possible to determine how and to what extent survey respondents are representative of all long-term detainees. In general, given that individuals were surveyed while in detention, the survey sample may overrepresent individuals who were denied bond, or were granted bond but could not post bond as quickly.
- ¹¹ Ninety-two percent of respondents identified as male and 88% as Latino. For more on the gendered and racial breakdown of detention and deportation, see: Golash-Boza, Tanya, and Pierrette Hondagneu-Sotelo. 2013. "Latino Immigrant Men and the Deportation Crisis: A Gendered Racial Removal Program." *Latino Studies*. 11:271–92.
- ¹² National Immigration Forum. 2014. "Detention Costs Still Don't Add Up to Good Detention Policy." Available at <http://immigrationforum.org/blog/display/detention-costs-still-dont-add-up-to-good-policy>.
- ¹³ Cohen, Thomas H. and Brian Reaves. 2007. "State Court Processing Statistics, 1990-2004: Pretrial Release of Felony Defendants in State Courts." Bureau of Justice Statistics.