



The Dignity for Detained Immigrants Act

[H.R. 2222](#) / [S. 1186](#)

The United States operates the largest immigration detention system in the world. Immigration and Customs Enforcement (ICE) runs a sprawling network of about 200 immigration detention centers across the country that detains tens of thousands of people every day and has an [extensive](#) and [well-documented](#) history of abuse and neglect. Since 2003, over 200 [people have died in ICE custody](#) as the federal government, state and local governments, and private prison companies continue to profit by the billions each year.

For years, people in detention, their loved ones, and their communities have been organizing to shut down detention centers across the country, shrink the number of people in detention, and stop ICE expansion in their towns and cities. **The U.S. detention system is inhumane and abusive. Detention tears families apart and disrupts communities. It is time for Congress to act.**

The Dignity for Detained Immigrants Act rejects dependence on the dangerous and unaccountable detention system in order to uphold the rights and dignity of all immigrants.

The bill was first introduced in 2017 by Representatives Pramila Jayapal (D-WA-7) and Adam Smith (D-WA-9) in the House and Senators Cory Booker (D-NJ) and Patrick Leahy (D-VT) in the Senate. It was most recently reintroduced in 2021 and today has **120 co-sponsors in the House and 7 in the Senate**, along with the support of over **125 organizations** nationwide.

The bill **reduces the scale of immigration detention** by **ending private detention** and **ending mandatory detention**.

The Problem: The dramatic expansion of immigration detention in the United States in the last several decades is due in large part to **mandatory detention laws**. “Mandatory” or “no-bond” detention - detention without opportunity to request release under any conditions - has been statutorily imposed since 1988, was drastically expanded in 1996, and applies to sweeping categories of people including those seeking asylum. For the few immigrants in detention who are bond-eligible, winning release on bond is difficult and [the cost](#) of bond is often exorbitant and set without consideration of ability to pay. Moreover, the current immigration detention system operates on a **presumption of detention**. ICE [routinely arrests](#) immigrants without a judicially approved warrant, locks people up for days or weeks before a charging document is filed, and does not provide probable cause hearings or other ways to obtain release. The result is the mass detention of individuals who have families and communities that rely on them.

Additionally, ICE relies on the **private prison industry** to maintain and expand its carceral system. As of September 2021, private prisons detained 79% of people in immigration detention. [Private prison companies](#) operating detention facilities are incentivized by their agreements with ICE to incarcerate more migrants while simultaneously cutting corners on their care for a greater payout, putting migrant lives at risk. They benefit directly from laws that increase the number of people subject to detention, like mandatory detention. The profit motive is just as strong for [county jails](#) that contract with ICE to augment [municipal revenue](#). In 2018, it was reported that a Sheriff in [Etowah County, Alabama](#) retained as personal profit [over a million dollars](#) in funds intended for food provision to people imprisoned at Etowah County Jail.

Respond with Dignity: The bill **ends mandatory “no-bond” detention and places the burden on the government to justify the necessity of detention during immigration proceedings**. The bill requires custody determinations to be made within 48 hours of arrest with a presumption of release to the least possible restrictive setting, and ability to pay must be taken into account when determining bond. The bill will **dramatically decrease the detention of vulnerable populations** such as children, LGBTQ people, pregnant individuals, survivors of violence, primary caregivers, and those with illnesses or disabilities, and it establishes community-based case management resources based on real individual needs.

The Act also **ends profit-motivated detention**. DHS is required to phase out the use of private prisons and county jails for immigration detention over a three-year transition period. Ending mandatory detention and ending private detention would provide avenues for release that do not currently exist and significantly shrink the detention system. Enacting Dignity will create healthier immigrant communities by allowing more people to reunite with their families and reducing the trauma that results from loved ones and community members disappearing into the detention system.

In addition, the Dignity for Detained Immigrants Act:

- **Implements protections for immigrants who remain detained.** For years, DHS has proven itself wholly incapable of providing for even the most [basic health and safety needs](#) of the people it detains. While improving conditions and strengthening standards of detention will not make the jailing of people humane or acceptable, **we must hold ICE to account for those who remain in its custody.**

Dignity obligates the government to institute clear and robust civil detention standards. At minimum, it requires standards to adhere to the level of protection outlined in the [American Bar Association’s Civil Immigration Detention Standards](#) and be updated regularly. It also provides a cause of action for those impacted by violations of these standards and ends solitary confinement in immigration detention.

- **Enforces accountability and transparency.** DHS’s current system of facility inspections is a [sham](#). The process is [rife with loopholes](#) and allows for copious [issuance of waivers](#) to facilities that fail to comply with standards. The [entities](#) that conduct inspections are contracted or directly employed by ICE, resulting in a system that incentivizes positive reports. The DHS Office of the Inspector General (OIG) has [found countless problems](#) with facilities that it has inspected.

Dignity mandates **independent and unannounced inspections** conducted by the OIG on a yearly basis, the results of which must be made available to Congress and the public. The use of any facility that fails two consecutive inspections is prohibited. It also requires DHS to execute thorough investigations of deaths in custody. These provisions will **continue to document ICE's failures**, and making inspection documents available to the public will inform fights to shut down facilities around the country.

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