

An Exploration in Policy: A Federal Mandate to Increase Detention Bed Quota

Mely Castillo, Samantha Foss, Jennifer Lopez, and Jennifer Romo

Texas State University

A federal law creating a quota on the amount of people detained every day has a multitude of unintended consequences. These consequences greatly outweigh any potential positive impacts that the policy may offer society. The goal of this policy is noble - to protect the American people, stabilize American families and their jobs - but falls short from doing that. It does the opposite by impacting work environments and tearing apart families (Farhang, Heller, Hu, & Satinsky, 2003). More often than not, the people being detained are not a threat or harm to the citizens around them. The detainment of non-violent working persons, due to their lack of citizenship, destabilizes entire communities. This mentality, of creating a need to capture non-terrorists with a militant mindset, destroys the relationship between the target population of undocumented Immigrants and the community that is supported by them (Farhang et al., 2003).

The impact on families of undocumented immigrants is particularly egregious. Though the law aims to protect U.S. citizens, it hurts a plethora of U.S. citizen youth. Approximately 4.2 million children are dependent on at least one parent who is undocumented (Farhang et al., 2003). The loss of a parent, due to the provisions found within this policy, increases the likelihood for a child to live a life of poverty by 4.2 times. These same children are recorded to have, on average, two years deducted from their life span. Additionally, these children are often struck with depression, anger, social withdrawal, and are less educated (Farhang et al., 2003). This has detrimental effects on the future of the United States by creating the avoidable trauma of losing a parent; many of these parents will never be able to return to the United States or afford for their family to travel back to their home country.

In addition to detaining and deporting fathers of families, detention centers also detain women and their children. These facilities are bleak, unsafe, and unfit for children. In 2015 it was ruled that two detention centers in Texas failed to meet minimum legal requirements such as

being a licensed childcare facility of the Settlement for Facilities Housing Children policy of 1997 (Preston 2015). Even so, thousands of women and their children are being detained every day within the parameters of this federal policy. The goal of this program was originally to send a message to the families that the United States government would detain anyone here illegally and deport them, but it misses the mark by hurting families on a broader scale than originally intended.

The original intent of the policy was to build a safer community. Instead it is dismantling thousands of support networks across the country. The objectives of the policy were laced with ideals of eradicating all the undocumented murderers, drug dealers and other criminals/terrorists from America. This plot line easily becomes very popular with the sensationalized mass media and politicians. The policy is founded, on the ideological assumptions, that the people who are immigrating to the United States are dangerous and/or terrorists that need to be removed quickly and radically from our communities to protect the masses. The policy is unrealistically simplistic and misguided in its orientation- that believes the only reason you would come to America without proper documentation is to harm the country. The inherent error in this perspective is the fact that immigration has been steady and constant since the beginning of the founding of our immigrant built country. What this perspective doesn't take into account is that it currently takes years to complete citizenship, and the barriers to citizenship are vast. In a survey of why undocumented Hispanics have not become citizens, 92% stated the mere cost of the citizenship test and paperwork is the largest barrier. In the current climate, 83% of the undocumented Hispanic population wants to be naturalized and supports creating a pathway to citizenship that is more accessible (Gonzales-Barrera, A., Hugo Lopez, M., Passel, J.S., & Taylor, P., 2013). This

is indicative of law-abiding, able-bodied people willing to pay taxes and uphold the responsibilities of citizenship who are not presented with the tools to do so.

The bed quota contradicts the goals of social work and, in turn, inhibits social change for many of the reasons cited throughout this analysis. It does so by putting policy above people. It undermines and disengages with social and cultural competence by not acknowledging the pressures that bring undocumented humans to the United States. It denies the human rights and worth of all humans by detaining women and their children in prison-like settings, while restricting their access to social support, legal support and medical attention (American Civil liberty Union, n.d.). It also supports a strong conflict of interest through the for-profit privatization of the detention facilities meeting the federal quota set by the law and promoted by the for-profit lobbyists.

This policy is economically feasible, but lacks the efficient use of the federal funds. Currently it costs \$159 a day for a single detainee. This cost is being paid for by the federal government with citizen's taxes. According to the National Immigration Forum Staff, the current detention facilities cost over \$2 billion a year; that is approximately \$5.5 million each day (National Immigration Forum Staff, 2013). It has been estimated, that by speeding up the process of citizenship to five years for undocumented immigrants, the earnings of all American workers will increase "by \$618 billion over the next decade" (NIFM, 2013). When reviewing these numbers it is undeniable what a costly battle this is to be fighting. Currently the funding is provided by the Homeland Security Appropriations Act, but it is up for review for the appropriations of 2016 (Congressional Progressive Caucus, 2015). The allocation of these resources could be moved to alternatives to detention that are argued as more effective, potentially saving taxpayers billions of dollars a year (NIFM, 2013).

The debate on what is most effective economically, and for public safety, is a prominent topic of the political climate of today. Currently, lobbyists play a large role in how policies are passed and funded and the for-profit industry of the privatization of prison plays a large role. “Between 2008 and 2014, CCA spent \$10,560,000 in quarters where they lobbied on issues related to immigrant detention and immigration reform… where they directly lobbied the DHS Appropriations Subcommittee which maintains the immigrant detention quota language and shapes the way in which it is interpreted” (Diaz & Carson, 2015). The other large corporation profiting off of the detention facility is GEO. “Though GEO Group has not directly lobbied the DHS Appropriations Subcommittee, the company recently began lobbying on immigration and immigrant detention issues, spending \$460,000 between 2011 and 2014 in quarters when they lobbied on these issues” (Diaz & Carson, 2015) By putting millions of dollars into lobbying politicians the corporations have created a political climate that supports their interests. These tactics have been shown to work through the process in favor of the policy through both democratic and republican candidates. The original policy was signed into law by President George W. Bush, revised and upped by democratic senator Robert Byrd, approved by current President Barack Obama, and passed through the hands of various majority ruling House and Senate sessions (National Immigration Justice Center, 2015).

Among American citizens surveyed, the people for and against such a policy was split evenly. The survey reported that 43% believe immigrants (regardless of documentation) harm the United States while the other half surveyed believe they enhance the current society (Gonzales-Barrera, A., et al., 2013). Many liberal politicians are opposed to this policy and are pursuing routes that will defund and end the quota. In September 2015, Senator Bernie Sanders notably presented to the Congressional Committee the Justice is Not for Sale Act of 2015. This

act seeks to end the bed quota and it is currently up for review with a slim chance of being passed onto the Senate floor for a vote (Justice is Not for Sale Act, 2015). In order to have a political shift to support ending the bed quota, the public and politicians would need to be enlightened on the actual effects undocumented immigrants pose to the communities presented by this analysis. It is in opinion that the corrupt and inefficient nature of this policy would have to be brought to light to facilitate a political shift in favor of ending the bed quota.

The administrative plausibility of this policy is the strongest asset since the roles to regulate this policy have already been implemented. Though it is clear from the prior statements found in this analysis, the administrative support is lacking and it is highly possible that this may be intentional. Prior to having the detention bed quota in place, there were already detention facilities running on a smaller scale. This policy is funded and ran by private corporations invested in making sure the resources, skills and expertise are adequate (albeit biased). The backing of billions of funds makes it plausible to accomplish the goals of detaining the quota of undocumented immigrants. However, it is clear when looking at the financial side that this is an inefficient use of economic resources and federal task forces (NIFM, 2013).

In summation, this policy does not appear to be the best method to tackling undocumented immigration. Through this analysis it seems to be more efficient in all realms to move to alternatives to detention. It is possible to reallocate funds by cutting the funding by close to \$197 billion dollars over the next decade to tackle undocumented immigrants (Congressional Progressive Caucus, 2015). It would be the best interest to the United States to explore alternative methods to dealing with national security threats, undocumented immigrants and community safety-without the use of the bed quota. Therefore, it is concluded that the

Intelligence Reform and Terrorism Prevention act of 2004; title V; subtitle B; section 5205  
should be defunded and revoked.

## References

- American Civil Liberty Union, (n.d.). Immigration detention conditions. Retrieved from <https://www.aclu.org/issues/immigrants-rights/immigrants-rights-anddetention/immigration-detention-conditions>
- Congressional Progressive Caucus. (2015 March). *The people's budget: A raise for America.* Retrieved from: [http://immigrantjustice.org/sites/immigrantjustice.org/files/CPC\\_FY16\\_PeoplesBudget.pdf](http://immigrantjustice.org/sites/immigrantjustice.org/files/CPC_FY16_PeoplesBudget.pdf)
- Diaz, E. & Carson, B. (2015, April). *Payoff: How Congress Ensures Private Prison Profit with an Immigrant Detention Quota.* Retrieved from: <http://grassrootsleadership.org/reports/payoff-how-congress-ensures-private-prison-profit-immigrant-detention-quota>
- Farhang, L., Heller, J., Hu, A., & Satinsky, S. (2013, June). *Family unity, family health: How family-focused immigration reform will mean better health for children and families.* Retrieved from: <http://www.familyunityfamilyhealth.org/uploads/images/FamilyUnityFamilyHealth.pdf>
- Justice is Not for Sale Act 2015, S. 2054, 114<sup>th</sup> Cong. (2015). Retrieved from [govtrack.us](http://govtrack.us)
- National Immigration Forum Staff. (2013). *The math of immigration detention.* Retrieved from: <http://immigrationforum.org/blog/themathofimmigrationdetention/>
- National Immigration Forum Staff. (2013). *The math of immigration detention.* Retrieved from <http://immigrationforum.org/blog/themathofimmigrationdetention/>
- National Immigration Justice Center. (2015). *Immigration Detention Bed Quota Timeline.* Retrieved from: <http://www.immigrantjustice.org/immigration-detention-bed-quota-timeline>
- Preston, J. (2015, July 25). Judge Orders Release of Immigrant Children Detained by U.S. *The*

*New York Times.* Retrieved from [http://www.nytimes.com/2015/07/26/us/detained-immigrant-children-judge-dolly-gee-ruling.html?\\_r=2](http://www.nytimes.com/2015/07/26/us/detained-immigrant-children-judge-dolly-gee-ruling.html?_r=2)

Gonzales-Barrera, A., Hugo Lopez, M., Passel, J.S., & Taylor, P. (2014, February 4). *The path not taken: Two-thirds of legal mexican immigrants are not U.S. citizens.* Retrieved from <http://www.pewhispanic.org/2013/02/04/the-path-not-taken/>