



## How Expanded Detention of Migrants Creates Vested Financial Stakes in Tougher Immigration Policies

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Under President Barack Obama, the United States built the largest immigrant detention system in the world, routinely detaining 34,000 immigrants on any given day and more than 400,000 per year. Now the administration of President Donald Trump wants a new massive expansion in immigrant detention, aiming to expand capacity to 52,000 per day.

As the federal government enlarges the detention system, our research suggests that such expansions, past and present, prove extremely difficult to roll back. Once the infrastructure is in place, many companies, organizations, and individuals gain a stake in the continued detention of immigrants. More detention capacity, in short, creates incentives to institute even harsher enforcement practices to keep the detention centers filled.

### Increasing Detention Amid Declines in Undocumented Arrivals

Current calls to increase detention capacity are happening even though illegal crossings at the U.S.-Mexico border have decreased nearly continuously since their last high point in 2000. Expansions of detention capacity are not, therefore, a response to more undocumented immigration. Instead, capacity expansions are happening amid rhetorical efforts to provoke fear and distrust of immigrants and are closely linked to tougher enforcement practices and laws that criminalize immigrants.

The federal government currently pays approximately \$134 per day for each adult immigrant detainee, and \$319 per family member for family detention. The detention budget for fiscal year 2017 was \$2.6 billion, and the Trump administration has asked for substantial increases to fund the expansion in capacity. Over 200 facilities around the United States detain immigrants for Immigration and Customs Enforcement – called ICE for short. That agency operates only a small portion of the centers; the rest are owned by local governments (usually counties) and private companies contracted to house ICE detainees. Currently, over 70 percent of detention “beds” are contracted to private companies aiming to make a profit. For local and state governments, too, detention can be viewed as a boost to county budgets.

In addition to large prison corporations and local governments, an expansive network of companies and individuals has become financially involved in detention. No matter who owns them, detention facilities rely on a vast array of private companies – often the same companies that operate prisons in the criminal justice system. Telephone services are contracted out to private communications firms that typically charge detainees rates about 20 times higher than those charged to customers in surrounding locales. Detention facilities routinely have a commissary or kiosk that charges detainees higher prices than in outside stores for food products, toiletries, clothing, and recreational items. Detention operators also award contracts for food provision, medical treatment, transportation, and security guards – encouraging all of these industries and their employees to become financially interested in ongoing detention practices.

Detention facility operators can reduce their costs and increase their profits by running detainee labor programs, employing detainees in jobs vital to the operation of the facility. Detainee workers may do cleaning, laundry, maintenance, and kitchen work, in exchange for minimal pay of \$1 per day. Detainees work for so little, because they need to earn money to spend in the commissaries or make phone calls.

The involvement of so many companies, local governments, and individuals in the business of detention not only creates vested interests in continuing the system; this system can harm detainees’ safety, health, and

human rights. Detainees may get inadequate food and medical care; and many may end up being held in detention longer than necessary with their basic rights and needs neglected. Although there are guidelines intended to protect detainees, efforts to enforce the standards have been minimal. Moreover, an immigration system that relies increasingly on prolonged detention creates an atmosphere in which managers and staff become increasingly willing to set aside moral concerns and accept this kind of imprisonment of people who are not dangerous criminals as normal and necessary.

## Current Pressures to Expand the Detention System

The Trump administration uses hyped-up rhetoric about a border crisis and has adopted tough new anti-immigration initiatives at the border and in the interior. Increasing detention is central to this crackdown. Recent shifts in interior enforcement by ICE include the aggressive targeting of “non-criminal” immigrants, including long-term residents, the sorts of people the Obama administration had usually left alone. In addition, truly massive increases in detainee ranks have come from the “zero-tolerance” policy announced in April 2018, whereby all immigrants crossing the border without documentation, including asylum seekers, are prosecuted and detained as criminals. This decision was a matter of administrative choice, because there is no U.S. law that says immigrants at the border must be prosecuted as criminals. At first, the Trump administration applied zero tolerance to families as well as individuals, leading to the separation of thousands of children from their parents. Facing mounting criticism, the Trump administration promised to halt such separations – and instead is calling for more family detention facilities and the loosening of prior rules that kept children from being imprisoned, even with their parents, beyond a short time.

## Policy Alternatives

Although immigration detention is very costly to the federal government, it is lucrative for local governments, companies, and individuals involved in the running of detention facilities. That means expansion of immigrant detention is almost never reversed, so alternatives must be found now to avoid locking in a massive detention system in the future. This requires limiting detention to short periods and monitoring released immigrants in the community as they await status determinations. In addition, ICE should reduce contracting with private companies and local governments, to prevent growing vested interests in an expensive and inhumane approach. When short-term detention is necessary, moreover, custodial practices should be closely monitored and detained immigrants should be paid competitive wages for any work they do.

**Read more in Deirdre Conlon and Nancy Hiemstra, "Examining the Everyday Micro-Economies of Immigrant Detention in the United States." *Geographica Helvetica* 69 (2014): 335-344.**