

BILL ANALYSIS

DIGNITY FOR DETAINED IMMIGRANTS ACT (H.R. 2415)

The Dignity for Detained Immigrants Act, introduced by Reps. Pramila Jayapal (WA-07) and Adam Smith (WA-09), eliminates dependence on unjust immigrant detention and improves conditions for detained immigrants. The bill shifts policies away from punitive incarceration and toward non-restrictive alternatives to immigrant detention.

Substantial immigrant detention reforms are essential to creating a just immigration system that respects the dignity of every person. The U.S. immigration detention system has grown into a sprawling network of more than 200 facilities across the country. The system lacks adequate oversight, accountability, and transparency. Immigration and Customs Enforcement (ICE) detains about 50,000 individuals each day within this enormous, profit-driven detention system.

The Dignity for Detained Immigrants Act eliminates the profit motive for needlessly locking immigrants up and makes it harder for ICE to carelessly detain people. It repeals mandatory detention and directs that detention to be used only as a last resort. FCNL is guided by Quaker values, support for U.S. immigration policies that protect and promote the rights, safety, and dignity of all people. We affirm the Dignity for Detained Immigrants Act as a step toward realizing this goal.

FCNL'S APPROACH TO DETENTION REFORM

Incarceration takes an unjust toll on those detained, their families, and U.S. communities. The Dignity for Detained Immigrants Act aligns with FCNL's views on how to shape a just immigration system in the following ways:

PRINCIPLE

DOES THE BILL DO THIS?

Reduce the use of detention and improve existing detention facility conditions.

This bill eliminates mandatory detention. Only as a last resort can the Department of Homeland Security detain vulnerable populations, including asylum seekers, survivors of torture or gender-based violence, or people under age 21. DHS must institute robust detention standards, as aligned with the American Bar Association's Civil Immigration Detention Standards for each facility, to be updated regularly.



Eliminate privatized detention. Profit-making has no place in the criminal justice system.

This bill phases out the use of private detention facilities and jails over a three-year period. It requires DHS to exclusively use government owned and operated facilities with clearly established standards and oversight and inspection requirements.



Promote the use of community-based alternatives to detention and prioritize family unity.

This legislation requires a higher "burden of proof" to detain primary caregivers, including pregnant women. It also establishes non-restrictive, community-based alternative to detention programs that may include case management services, appearance assistance services, and a ban on incarcerating families in restrictive custody.



AN IMPORTANT STEP

In the 115th Congress, the Dignity for Detained Immigrants Act garnered 120 cosponsors in the House of Representatives and is looking to match that number in this Congress. FCNL is pressing Congress to pass legislation like this bill that respects the dignity and rights of all human beings, including immigrants, refugees, and asylum seekers. The bill will help stop the criminalization of migrants and support an attitude of welcoming compassion. FCNL envisions policies that protect the safety of all communities and bring people together, rather than tearing us apart.

