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Disabled Immigration Detainees Face Deportation

Paul J. Richards/Agence France-Presse — Getty Images

Detainees waited to be processed inside Homeland Security's Willacy Detention Center in Raymondville, Texas

By Nina Bernstein -- March 29, 2010

For lawyers offering free legal information at large immigration detention centers in remote parts of Texas, the task is difficult enough: coaching hundreds of detainees on how to represent themselves at assembly-line deportation hearings. But the lawyers soon discover a more daunting problem: many detainees are too mentally ill or mentally disabled to understand anything.

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Immigration Report from Texas Appleseed and Akin Gump (pdf)

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The detainees, mostly apprehended in New York and other Northeastern cities, some right from mental hospitals, have often been moved to Texas without medication or medical records, far

from relatives and mental health workers who know their histories. Their mental incompetence is routinely ignored by immigration judges and deportation officers, who are under pressure to handle rising caseloads and meet government quotas.

These are among the findings of a yearlong examination of the way the nation's immigration detention system handles the mentally disabled in Texas, where 29 percent of all detainees are held while the government tries to deport them. The study, conducted by Texas Appleseed, a public interest law center, and Akin Gump, a corporate law firm, documents mistreatment at every stage of the process.

Among many examples in the 88-page report, to be released Tuesday, is that of a 50-year-old legal permanent resident with schizophrenia who had lived in New York City since 1974. In November, a New York criminal court declared him incompetent to stand trial on a trespassing charge and ordered him to serve 90 days in a mental institution. Instead, he was transferred to the Willacy County Regional Detention Facility in South Texas, to face a deportation proceeding without counsel — so abruptly, the report said, that his family and lawyer did not know what had happened.

At the detention center, he received no medication for weeks, and in March, he was deported to the Dominican Republic. "My mother is devastated," his sister, Janet Jiminez, said on Sunday. "She says he will die out there on the streets."

"I've been a U.S. citizen for many, many years," Ms. Jiminez added. "If we have a law system and the law system has declared that you are incompetent and should be taken to a mental hospital, why are you taken to Texas to be deported?"

Immigration and Customs Enforcement, the report said, routinely ignores its discretionary authority to leave such detainees in community settings rather than lock them up, at great expense, in distant jails where they can rapidly deteriorate.

The agency is reviewing the report, a spokesman, Brian P. Hale, said Monday, adding that "in cases where ICE is required by law to detain certain aliens with serious medical and mental health issues, we work to ensure the person receives sound, appropriate and timely care."

A recent government memorandum shows that agents are under intense pressure to increase detentions and deportations. In the memo, James M. Chaparro, the Obama administration's chief of detention and removal operations, congratulated agents for reaching the agency's goal of "150,000 criminal alien removals" for the year ending Sept. 30. But Mr. Chaparro urged them to overcome a shortfall in the goal of 400,000 deportations by making maximum use of detention slots, including an additional 3,000 this year.

Despite the administration's vow to focus resources on detaining and deporting the most dangerous criminals, the Feb. 22 memorandum, posted online Saturday by The Washington Post, instructed agents to pick up the pace of deportations by detaining more noncitizens suspected only of unauthorized residence. Such illegal immigrants can typically be deported more quickly than legal immigrants with criminal convictions.

The publication of the memo clearly embarrassed the administration. A spokesman, Sean Smith, said that "our focus continues to be on the criminal side," and that Mr. Chaparro was reprimanded Monday by John Morton, the chief of the immigration enforcement agency, at a meeting with immigrant advocates. The memo, Mr. Smith added, was sent without Mr. Morton's approval and "is completely unrelated" to the findings of the study.

Ann Baddour, who directed the study, disagreed. "Setting these kinds of quotas only encourages the process of detaining people and taking them far from their infrastructure," she said. "When you take a mentally ill person from New York to rural Texas, you're basically setting them up for almost certain deportation."

Another example in the report is that of a Haitian man found incompetent to stand trial in an assault case and sent to a state mental hospital in Boston. The day he arrived, however, immigration agents sent him in shackles and without medical records to the Port Isabel Detention Center near Los Fresnos, Tex.

In that case, the man was eventually returned to the Boston hospital, said Maunica Sthanki, a lawyer involved in the study. More typical, she said, is the mentally disabled refugee from Southeast Asia who was wrongly taken into custody in Providence, R.I., sent to Texas, then abruptly released without notice at a rural gas station at 11 p.m.

The report details several such releases: a schizophrenic woman who spoke only Russian, left in a dangerous area at 1 a.m.; a man lost for a week on his way back from Texas to his family in Maryland; a delusional man who was deported four days earlier than planned, though his parents had arranged for his voluntary departure to Mexico, where his mother was to pick him up.

Two years later, the man has not been found, but a body matching his description is in a morgue in Mexico.

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- Mentally Ill and in Immigration Limbo (May 4, 2009)