

**Statement of
Jesse Franzblau, Senior Policy Analyst
National Immigrant Justice Center**

**Maryland Senate Judicial Proceeding Committee
SB 478 – Support
Correctional Services - Immigration Detention – Prohibition (Dignity Not Detention Act)**

February 10, 2021

Dear Chair Smith and Members of the Judicial Proceedings Committee:

My name is Jesse Franzblau; I am a Senior Policy Analyst at the National Immigrant Justice Center (NIJC). On behalf of my colleagues, and the thousands of individuals NIJC serves every year, I am here to express our strong support for Maryland SB 478, the Dignity Not Detention Act of 2021.¹

For over three decades, NIJC has dedicated itself to ensuring human rights protections and access to justice for immigrants, refugees, and asylum seekers. NIJC provides direct legal services to more than 10,000 low-income individuals each year and advocates for these populations through policy reform, impact litigation, and public education. NIJC also monitors and documents abuses in the federal immigration detention system. NIJC submits this written statement to inform you that the Dignity Not Detention Act is a timely and vitally important measure to protect Maryland residents. In this statement we address how the legislation would: 1) Safeguard Maryland residents from expanded immigration detention; 2) Prevent federal authorities from carrying out rights abuses in Maryland; and 3) Guide Maryland down a safer path that embraces community-based alternatives to detention.

U.S. Immigration and Customs Enforcement (ICE) (under the authority of the Department of Homeland Security, DHS) holds thousands of people daily in the equivalent of pretrial detention, without appointed counsel and often without access to bond hearings.² ICE uses taxpayer dollars to jail and deport people who have lived in the United States for decades, including parents of U.S. citizens, and people who arrived recently seeking safety or a better life.

¹ An Act Concerning Correctional Services - Immigration Detention - Prohibition (Dignity Not Detention Act), Maryland Senate Bill 478, <https://mgaleg.maryland.gov/2021RS/bills/sb/sb0478F.pdf>.

² See Heidi Altman, “5 Reasons to End Immigrant Detention,” National Immigrant Justice Center, September 14, 2020, <https://immigrantjustice.org/research-items/policy-brief-5-reasons-end-immigrant-detention>.

By introducing the Dignity not Detention Act, Maryland's legislature is taking a pivotal step towards ending the use of federal immigration detention. The federal government should not abuse or mistreat people, or deprive them of their liberty solely because they are facing civil immigration proceedings. It should not further punitive systems of incarceration and enforcement that perpetuate racism against Black and Brown immigrants.³ Rather, the government should permit people to pursue their cases from the safety of their homes and communities, with case management available when needed.

This statement is intended to remind you and your colleagues that the Dignity Not Detention Act can accomplish something historically significant in affirming that Maryland is fundamentally opposed to the system of immigration detention that brazenly maximizes profits at the expense of basic civil and human rights.

1. Dignity not Detention would safeguard Maryland residents against ICE expansion

The legislation will prevent ICE, and companies who benefit from ICE contracts, from exploiting towns in order to maximize profits at the expense of the human dignity of immigrants, communities of color and other marginalized communities. ICE facilities are largely operated by private companies and are remote and isolated.⁴ Fueled by politics and the insidious consequences of campaign donations and lobbying by the private prison industry,⁵ the immigration detention system devalues the lives, health and safety of those jailed within its walls. Private profit should never drive public policy making, particularly when that profit motive is proven to result in cutting corners that put lives at risk.⁶

While the U.S. immigration private detention industry is dominated by notorious companies such as GEO Group and CoreCivic,⁷ another company, Immigration Centers of America (ICA), has a

³ See Azadeh Erfani, "Beyond Solidarity: 3 Reasons Why Why The Fight Against White Supremacy Is An Immigrant Rights Priority" National Immigrant Justice Center, June 17, 2020, <https://immigrantjustice.org/staff/blog/beyond-solidarity-3-reasons-why-fight-against-white-supremacy-immigrant-rights-priority>.

⁴ Yuki Noguchi, "Unequal Outcomes: Most ICE Detainees Held In Rural Areas Where Deportation Risks Soar," NPR, April 15, 2019, <https://www.npr.org/2019/08/15/748764322/unequal-outcomes-most-ice-detainees-held-in-rural-areas-where-deportation-risks>.

⁵ Eli Watkins and Sophie Tatum, "Private prison industry sees boon under Trump administration," CNN, August, 18, 2017, <http://www.cnn.com/2017/08/18/politics/private-prison-department-of-justice/index.html>.

⁶ Timothy Williams, "Inside a Private Prison: Blood, Suicide and Poorly Paid Guards," New York Times, April 3, 2018, <https://www.nytimes.com/2018/04/03/us/mississippi-private-prison-abuse.html>.

⁷ Alan Zibel, "Detained for Profit: Spending Surges Under U.S. Immigration Crackdown," Public Citizen, September 19, 2019, <https://www.citizen.org/article/detained-for-profit-spending-surges-under-u-s-immigration-crackdown/?eType=EmailBlastContent&eId=99b84c28-441b-483f-8ed9-7a15ed73524d>. *see also* Center for

dark history of neglectful practices, and of aggressively pursuing ICE contracts in new regions including Maryland.⁸ Since ICA began detaining people for ICE in 2010, their facility in Farmville, Virginia has been the target of several lawsuits, ongoing investigations,⁹ and became the site of the worst deadly COVID-19 outbreak of all ICE facilities during the pandemic.¹⁰ The outbreak was sparked in June 2020 after ICE transferred people from detention centers in other states to ICA-Farmville during the height of the pandemic, in order to use ICE planes to transport additional federal agents to the growing protests in Washington, DC.¹¹ Internal documents obtained through the Freedom of Information Act (FOIA) exposed a long history of abuse foreshadowing the COVID-19 outbreak, detailing how people in ICA-Farmville long faced indiscriminate use of pepper spray, received food with worms, and suffered from threats and retaliation.¹² In spite of this, ICA has pursued ICE contracts in efforts to expand to new states, including in Wisconsin,¹³ Michigan,¹⁴ Illinois,¹⁵ and in Maryland.¹⁶

ICE has quietly been in pursuit of a new detention center in Maryland since DHS issued a Request for Information (RFI) in April 2019 to identify one or more immigration detention facility sites within a desired 50-mile radius of the ICE Baltimore Field Office.¹⁷ In response,

Responsive Politics, lobbying by GEO Group & CoreCivic, OpenSecrets.org, <https://www.opensecrets.org/federal-lobbying/clients/bills?cycle=2018&id=D000022003>.

⁸ Jesse Franzblau, “The Dark Money Trail Behind Private Detention: Immigration Centers of America-Farmville,” National Immigrant Justice Center, October 7, 2019, <https://immigrantjustice.org/research-items/policy-brief-dark-money-trail-behind-private-detention-immigration-centers-america>.

⁹ Office of Civil Rights and Civil Liberties (CRCL) memo, “Farmville Detention Center, CRCL Complaint Closure and Final Recommendation,” U.S. Department of Homeland Security, September 6, 2016, <https://www.dhs.gov/publication/close-memo-onsite-investigation-farmville-detention-center-farmville-virginia>.

¹⁰ Jesse Franzblau, “Congress Should Investigate Private Prison Company’s Inadequate Response To COVID-19,” National Immigrant Justice Center, July 13, 2020, <https://immigrantjustice.org/staff/blog/congress-should-investigate-private-prison-companys-inadequate-response-covid-19>.

¹¹ See Joe Walsh, “ICE Moved Detainees So Officers Could Respond To D.C. Protests, According To Report,” Forbes, September 11, 2020, <https://www.forbes.com/sites/joewalsh/2020/09/11/ice-moved-detainees-so-officers-could-respond-to-dc-protests-according-to-report/?sh=377b31a446f6>.

¹² Jesse Franzblau, “New Documents Illuminate A Dark Pattern Of Abuse In ICA-Farmville,” National Immigrant Justice Center, August 17, 2020, <https://immigrantjustice.org/staff/blog/new-documents-illuminate-dark-pattern-abuse-ica-farmville>.

¹³ Rich Kremer, “500-Bed Immigrant Detention Center Proposed In St. Croix County,” Wisconsin Public Radio, April 11, 2019, <https://www.wpr.org/500-bed-immigrant-detention-center-proposed-st-croix-county>.

¹⁴ Carolina Llanes, “ICE contractor looking to build new detention center in Ionia County, Michigan Public Radio, May 8, 2020 <https://www.michiganradio.org/post/ice-contractor-looking-build-new-detention-center-ionia-county>.

¹⁵ Elvia Malagon, “A tiny Illinois town has become the latest battleground in the effort to build an immigration detention center near Chicago,” March 19, 2020, <https://www.chicagotribune.com/news/ct-met-dwight-illinois-immigration-detention-centers-20190314-story.html>.

¹⁶ Lilian Reed, “ICE published an ad looking for interest in building a Baltimore detention facility. Here’s who answered,” The Baltimore Sun, August 1, 2019, <https://www.baltimoresun.com/politics/bs-md-pol-ice-detention-facility-20170724-20190801-wbuylvd7sjzgnxuju6z43zfvrea-story.html>.

¹⁷ Request for Information (RFI), Immigration and Customs Enforcement (ICE), *Immigration Detention Services – Maryland Detention Capability*, April 2019,

ICA submitted a plan and 14-page packet of information for an 800-bed facility. The company's packet was redacted, but a three-page cover letter offered a glowing account of the ICA-Farmville facility, and expressed interest in creating a similar operation in Maryland.¹⁸ Importantly, no local governments in Maryland responded to the RFI expressing interest in hosting the new ICE facility in their town or county.

ICA then hired the Annapolis-based consultancy firm Cornerstone Government Affairs to lobby officials in Queen Anne's County to take on the new facility.¹⁹ Cornerstone lobbyists went to the town of Sudlersville in an effort to convince local officials of their proposal.²⁰ Emails obtained through open records requests show that lobbyists with Cornerstone then worked closely with Sudlersville officials in an effort to pass an ordinance to allow for the building of the new facility.²¹ Under cover of the worsening Coronavirus pandemic, town commissioners voted to approve the ordinance in May 2020.²²

ICA has a history of hiring lobbyists and using powerful connections to promote its agenda. ICA hired consultants with Spotts Fain Consulting in 2011 to lobby ICE to assure its Virginia detention center reached its maximum inmate capacity.²³ The company also got help from the former Virginia Attorney General, Ken Cuccinelli, who used his influence to lobby ICE to get the Farmville facility off the ground.²⁴ Ken Cuccinelli subsequently became embroiled in ethics

[https://imlive.s3.amazonaws.com/Federal%20Government/ID121921523859301742746883126658677079061/Request for Information Immigration Detention Services MD.pdf](https://imlive.s3.amazonaws.com/Federal%20Government/ID121921523859301742746883126658677079061/Request%20for%20Information%20Immigration%20Detention%20Services%20MD.pdf).

¹⁸ Lillian Reed, "ICE published an ad looking for interest in building a Baltimore detention facility. Here's who answered," The Baltimore Sun, August 1, 2019, <https://www.baltimoresun.com/politics/bs-md-pol-ice-detention-facility-20170724-20190801-wbuvld7sjzgnxuju6z43zfvrea-story.html>.

¹⁹ Lillian Reed, "An Eastern Shore town was awash in debt. Then a private immigrant detention contractor for ICE called," The Baltimore Sun, December 19, 2019, <https://www.baltimoresun.com/politics/bs-md-ci-sudlersville-detention-20191213-20191216-cbczujqxsjeczb2v47uy7lqri-story.html>.

²⁰ Ibid.

²¹ Town of Sudlersville, records in response to a Freedom of Information Act (FOIA) request, filed January 8, 2020. Available on the National Immigrant Justice Center Transparency and Human Rights website, at <https://www.documentcloud.org/documents/6795333-Records-Response-Sudlersville.html>.

²² Horus Alas, "Despite furor, Eastern Shore town approves zoning for possible immigrant detention facility," WTOP News, May 4, 2020, <https://wtop.com/maryland/2020/05/despite-furor-eastern-shore-town-approves-zoning-for-possible-immigrant-detention-facility>.

²³ ICA paid Spotts Fain Consulting \$50,000 to help lobby for ICA-Farmville to reach maximum inmate capacity from December 2010 to February 2011. See Lobbying Disclosure Report, Signed by Meade Spotts, ProPublica, available at <https://projects.propublica.org/represent/lobbying/r/300951982>.

²⁴ Staff Report, "Cuccinelli Cut Red Tape When ICE Facility Was on the Rocks," Farmville Herald, April 16, 2013, <https://www.farmvilleherald.com/2013/04/cuccinelli-cut-red-tape-whenice-facility-was-on-the-rocks>.

scandals,²⁵ and later became acting, unconfirmed, DHS deputy director.²⁶ In his position at DHS, he was accused of “gross mismanagement, gross waste of government funds and abuse of authority.”²⁷

For-profit prisons have little incentive to focus on anything other than ensuring profitability for their shareholders.²⁸ Internal records obtained through information requests, for example, shed light on the money transfer scheme between ICE, ICA, and the Town of Farmville which illuminate how the company profits from detaining immigrants.²⁹ It can reasonably be assumed that ICA will continue to be motivated by profit-driven incentives as it seeks to grow its immigrant detention business.

To safeguard against federal and private actors from infringing on Maryland’s responsibility to protect its residents, this committee should support the Dignity not Detention Act, and make sure that no town, county, or corporation profits from family separation or incarceration in the state.

2. Immigration detention routinely places fundamental rights in jeopardy. Dignity Not Detention would stop ICE from harming detained individuals

Legislative action is important to prevent ongoing abuses by federal actors against Maryland residents. ICE and its contractors are notorious for abusive and inhumane conditions and for a lack of accountability. The ICE detention system delivers senseless harm and death to countless immigrants,³⁰ including in Maryland.³¹

²⁵ Peter Montgomery, “The Scandal Cuccinelli Can’t Dodge: His Extremist Positions,” HuffPost, September 18, 2013, https://www.huffpost.com/entry/the-scandal-cuccinelli-ca_b_3943922.

²⁶ Randolph Walerius and Tanvi Misra, “GAO says Wolf, Cuccinelli appointments at DHS invalid,” Roll Call, August 14, 2020, <https://www.rollcall.com/2020/08/14/gao-says-wolf-cuccinelli-appointments-at-dhs-invalid>.

²⁷ See Zolan Kanno-Youngs and Charlie Savage, “Trump Official’s Last-Day Deal With ICE Union Ties Biden’s Hands,” New York Times, February 1, 2021, <https://www.nytimes.com/2021/02/01/us/politics/cuccinelli-biden-ice.html>. See also, Alex Ward, “What to make of the DHS whistleblower’s shocking complaint,” Vox, September 11, 2020, <https://www.vox.com/21429671/whistleblower-dhs-russia-interference-border-chad-wolf>.

²⁸ Susan Ferriss & Madeline Buiano, “Despite Outrage Over Immigrant Detention, Private Prisons’ Bottom Line is Still Strong,” The Center for Public Integrity, September 2, 2018, <https://publicintegrity.org/immigration/despite-outrage-over-immigrant-detention-private-prisons-bottom-line-is-still-strong>.

²⁹ Jesse Franzblau, “The Dark Money Trail Behind Private Detention: Immigration Centers of America-Farmville,” National Immigrant Justice Center, October 7, 2019, <https://immigrantjustice.org/research-items/policy-brief-dark-money-trail-behind-private-detention-centers-america>.

³⁰ See, i.e., Chris Outcalt, “When a Family Separation Becomes Permanent,” The Atlantic, August 2, 2021, <https://www.theatlantic.com/politics/archive/2020/08/ice-family-separation-death/614335>.

³¹ Anthony Oluseye Akinyemi, 56, a Nigerian citizen, died on December 21, 2019, at the Worcester County Jail in Snow Hill, Maryland, after he was found unresponsive in his cell and efforts to revive him were unsuccessful. See “Deaths at Adult Detention Centers,” AILA, *AILA Doc. No. 16050900*, January 31, 2021, <https://www.aila.org/infonet/deaths-at-adult-detention-centers>.

ICE detention in Maryland is part of a sprawling patchwork of more than 200 prisons, jails, and prison-like complexes rife with systemic racism and abuse.³² In Maryland, ICE currently detains immigrants in Howard County, Worcester County, and Frederick County, all of which have a record of abuse and impunity. The Howard County facility, for example, was cited in October 2020 for violations by the DHS Office of the Inspector General.³³ The detention center was found to excessively strip-search people in the center and failed to provide two hot meals a day, despite requirements to do so.³⁴ Worcester was the subject of Congressional investigations in September 2020 into ICE's failure to meet basic standards of care.³⁵ Frederick's Sheriff's office has an inter-governmental agreement whereby they receive money from ICE for each person they detain and hold in its county jail.³⁶ Frederick also has a 287(g) program, creating perverse financial incentives for local police officers to execute detainers under their 287(g) authority in order to fill up their jails, increasing the likelihood of racial profiling in local arrest practices.³⁷ In fact, Frederick County Sheriff Chuck Jenkins has cost Maryland taxpayers thousands of dollars in lawsuit settlements over discriminatory policing practices; the most recent of which, in January 2021, cost the county over \$100,000.³⁸

³² Aida Chavez, "'No One Will Believe Baboon Complaints' - Racist Abuse in Immigration Detention on the Rise in Trump Era, Report Says," the Intercept, June 26, 2018, <https://theintercept.com/2018/06/26/immigration-detention-center-abuse-ice>. See also, Eunice Cho, Tara Tidwell Cullen, and Clara Long, *Justice-Free Zones: U.S. Immigration Detention Under The Trump Administration*, National Immigrant Justice Center, ACLU, & HRW, April 30, 2020, <https://immigrantjustice.org/research-items/report-justice-free-zones-us-immigration-detention-under-trump-administration>.

³³ U.S. Department of Homeland Security Office of the Inspector General, *ICE Needs to Address Concerns about Detainee Care and Treatment at the Howard County Detention Center*, OIG-21-03, October 28, 2020, <https://www.oig.dhs.gov/sites/default/files/assets/2020-10/OIG-21-03-Oct20.pdf>.

³⁴ Ana Faguy, "ICE violations found at Howard County Detention Center, Department of Homeland Security report says," Baltimore Sun, November 6, 2020, <https://www.baltimoresun.com/maryland/howard/cng-ho-ice-dhs-violations-20201106-xysr52tirfg2jlqh6g6j4pghxu-story.html>.

³⁵ U.S. House of Representatives, Committee on Homeland Security, "ICE detention facilities Failing to Meet Basic Standards of Care," Majority Staff Report, September 21, 2020, <https://homeland.house.gov/imo/media/doc/Homeland%20ICE%20facility%20staff%20report.pdf>.

³⁶ See Randy Capps, Marc R. Rosenblum, Muzaffar Chishti and Cristina Rodríguez, *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement*, Migration Policy Institute, (January 2011) <https://www.migrationpolicy.org/pubs/287g-divergence.pdf>.

³⁷ Nayna Gupta, "Disentangling Local Law Enforcement From Federal Immigration Enforcement," National Immigrant Justice Center, January 13, 2021, <https://immigrantjustice.org/research-items/policy-brief-disentangling-local-law-enforcement-federal-immigration-enforcement>.

³⁸ See, i.e., Dominique Maria Bonessi, "ACLU Settles Discrimination Lawsuit Against Frederick County's Sheriff Over Immigration Enforcement," DCist, January 21, 2021, <https://dcist.com/story/21/01/21/aclu-settles-lawsuit-frederick-county-sheriff-discrimination>.

The existence of these centers fuel immigration enforcement and are harmful to Maryland residents.³⁹ Getting caught in the immigrant detention dragnet means exposure to immeasurable harm and potentially death.⁴⁰ The number of people who have died in ICE custody in 2020 is more than double the prior year.⁴¹ Sexual assault,⁴² violent abuse,⁴³ medical neglect,⁴⁴ unsanitary conditions,⁴⁵ and lockdowns⁴⁶ are commonplace in ICE jails. The opaque web of intentionally corrupted contracts⁴⁷ and inspections⁴⁸ breed impunity for ICE and its contractors.⁴⁹ Independent medical experts have *repeatedly* found that approximately half of all deaths in ICE custody are attributable to medical negligence.⁵⁰ Yet in the very same facilities where multiple

³⁹ For example, Frederick county's Hispanic population dropped by 61 percent in the years following the implementation of its 287(g) agreement. See Randy Capps, Marc R. Rosenblum, Muzaffar Chishti and Cristina Rodríguez, "Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement," Migration Policy Institute, (January 2011) <https://www.migrationpolicy.org/pubs/287g-divergence.pdf>.

⁴⁰ Hamed Aleaziz, "A Child's Forehead Partially Removed, Four Deaths, The Wrong Medicine - A Secret Report Exposed," BuzzFeed News, December 12, 2019, <https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrant-surgeries-deaths-jails-whistleblower-secret>.

⁴¹ Hamed Aleaziz, "A 50-Year-Old Honduran Immigrant Who Died In ICE Custody Had Tested Positive For COVID-19," BuzzFeed News, August 30, 2020, <https://www.buzzfeednews.com/article/hamedaleaziz/a-50-year-old-honduran-immigrant-who-died-in-ice-custody>.

⁴² Lomi Kriel, ICE Guards "'Systematically' Sexually Assault Detainees in an El Paso Detention Center, Lawyers Say," ProPublica, August 4, 2020, <https://www.propublica.org/article/ice-guards-systematically-sexually-assault-detainees-in-an-el-paso-detention-center-lawyers-say>.

⁴³ Monsy Alvarado *et. al.*, "Deaths in custody. Sexual violence. Hunger strikes. What we uncovered inside ICE facilities across the US," USA Today, December 19, 2019, <https://www.usatoday.com/in-depth/news/nation/2019/12/19/ice-asylum-under-trump-exclusive-look-us-immigration-detention/4381404002>.

⁴⁴ Katherine Hawkins, "Medical Neglect at a Denver Immigration Jail," Project On Government Oversight, May 21, 2019, <https://www.pogo.org/investigation/2019/05/medical-neglect-at-a-denver-immigration-jail>.

⁴⁵ U.S. Department of Homeland Security, Office of the Inspector General, *Management Alert on Issues Requiring Immediate Action at the Theo Lacy Facility in Orange, California*, OIG-17-43-MA, March 6, 2017, <http://www.endisolation.org/blog/wp-content/uploads/2017/05/Management-Alert-on-Issues-Requiring-Immediate.pdf>.

⁴⁶ *Id.* See also, e.g., Southern Poverty Law Center and National Immigration Project, *Shadow Prisons: Immigrant Detention in the South* (2016), https://www.splcenter.org/sites/default/files/ijp_shadow_prisons_immigrant_detention_report.pdf.

⁴⁷ U.S. Department of Homeland Security, Office of the Inspector General, *ICE Does Not Fully Use Contracting Tools to Hold Detention Facility Contractors Accountable for Failing to Meet Performance Standards*, OIG-19-18, January 29, 2019, <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>.

⁴⁸ U.S. Department of Homeland Security, Office of the Inspector General, *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements*, OIG-18-67, June 26, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>.

⁴⁹ See Detention Watch Network and National Immigrant Justice Center, *Lives in Peril, How Ineffective Inspections Make ICE Complicit in Immigration Detention Abuse* (2015), <http://immigrantjustice.org/lives-peril-how-ineffective-inspections-make-ice-complicit-detention-center-abuse-0>.

⁵⁰ Detention Watch Network and National Immigrant Justice Center, *Code Red: The Fatal Consequences Of Dangerously Substandard Medical Care In Immigration Detention*, June 20, 2018, <https://immigrantjustice.org/research-items/report-code-red-fatal-consequences-dangerously-substandard-medical-care-immigration>.

deaths have occurred, egregious lapses in medical care and unconscionable delays in treatment persist.⁵¹

The COVID-19 pandemic further unveiled ICE's callous disregard for the lives of those it detains and the public health of surrounding communities. Throughout the pandemic, ICE has recklessly and unnecessarily transferred people between facilities,⁵² creating new outbreaks inside jails and in surrounding communities.⁵³ In the town of Natchez, Mississippi, for example, an outbreak in the local immigrant detention center caused a 200% increase in the town's COVID-19 case load in one week.⁵⁴

3. ICE detention undermines rather than protects public safety. Community-based alternatives to detention are cheaper, effective, and humane.

ICE detention serves no public safety function. On the contrary, a *reduction* of the use of jails and prisons for immigrants in favor of release and community-based alternatives to detention would promote family unity, and save taxpayers millions. More immigration detention beds mean more families separated, lifelong trauma inflicted on individuals⁵⁵ and more communities torn apart.

Immigrants should be permitted to live in the safety of their homes and communities while navigating their court proceedings. Approximately 90% of asylum seekers arriving at the southern border have a loved one with whom they can stay in the United States.⁵⁶ Immigrants facing court proceedings due to interior enforcement operations are established community residents, many of whom have jobs that have been deemed "essential" during the coronavirus pandemic, and whose earnings help support families and children.

⁵¹ See, e.g., Eunice Cho, Tara Tidwell Cullen, and Clara Long, *Justice-Free Zones: U.S. Immigration Detention Under The Trump Administration*, National Immigrant Justice Center, ACLU, & HRW, April 30, 2020, <https://immigrantjustice.org/research-items/report-justice-free-zones-us-immigration-detention-under-trump-administration>.

⁵² Mica Rosenberg, Kristina Cooke, Reade Levinson, "U.S. immigration officials spread coronavirus with detainee transfers, Reuters," July 17, 2020, <https://www.reuters.com/article/us-health-coronavirus-immigration-detent/u-s-immigration-officials-spread-coronavirus-with-detainee-transfers-idUSKCN2411G0>.

⁵³ Hamed Aleaziz, "ICE Moved Dozens Of Detainees Across The Country During The Coronavirus Pandemic. Now Many Have COVID-19," BuzzFeed News, April 29, 2020, <https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrant-transfer-jail-coronavirus>.

⁵⁴ Gaby Del Valle and Jack Herrera, "Like Petri Dishes for the Virus': ICE Detention Centers Threaten the Rural South," May 5, 2020, Politico, <https://www.politico.com/news/magazine/2020/05/05/coronavirus-ice-detention-rural-communities-186688>.

⁵⁵ American Immigration Council, "U.S. citizen children impacted by immigration enforcement," March 28, 2017, <https://www.americanimmigrationcouncil.org/research/us-citizen-children-impacted-immigration-enforcement>.

⁵⁶ Tom K. Wong, *Seeking Asylum: Part 2, U.S. Immigration Policy Center*, October 29, 2019, <https://usipc.ucsd.edu/publications/usipc-seeking-asylum-part-2-final.pdf>.

For immigrants and asylum seekers who do need social services or case support, many community-supported case management programs are available, though currently underfunded. Evidence-based studies consistently show that community-based programs are up to 80% less expensive than detention, and that 90% of participants comply with obligations imposed by courts or agencies.⁵⁷ Most importantly, community-based alternatives along the border and throughout the United States offer a framework for migration processing that keeps families together and *makes all our communities safer*.⁵⁸

Any expansion of ICE detention in Maryland will largely correspond to ramped-up interior enforcement operations. These operations will in no way reflect the “public safety” mission ICE touts. A spectrum of alternatives to detention has long existed as a better option to the mass incarceration of immigrants.⁵⁹ Many communities have already developed smart models for a better and more humane way to support immigrants during case processing.⁶⁰ The billions of tax dollars that are currently funding the immigrant detention system can be better invested in communities willing and able to provide an alternative approach.

The National Immigrant Justice Center is unequivocally opposed to immigration detention in Maryland and elsewhere. We urge you to support the Dignity not Detention Act to protect Maryland residents from the harms of ICE detention to embrace community alternatives to detention. NIJC urges a favorable report on SB 478.

Please direct any response or inquiries to:

Jesse Franzblau, NIJC Senior Policy Analyst, mflaming@heartlandalliance.org
Mark Fleming, NIJC Associate Director of Litigation, mflaming@heartlandalliance.org
Heidi Altman, NIJC Policy Director, haltman@heartlandalliance.org

⁵⁷ International Detention Coalition, *There are Alternatives: A handbook for preventing unnecessary immigration detention*, (2015) <https://idcoalition.org/publication/there-are-alternatives-revised-edition>.

⁵⁸ David Secor, Heidi Altman and Tara Tidwell Cullen, *Community-Based Programming as an Alternative to Immigrant Incarceration*, National Immigrant Justice Center, (April 2019) <https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2019-04/A-Better-Way-report-April2019-FINAL-full.pdf>.

⁵⁹ For a review of the existing literature on ATDs, see American Immigration Lawyers Association *et al.*, “The Real Alternatives to Detention,” June 27, 2017, <https://www.aila.org/infonet/the-real-alternatives-to-detention>.

⁶⁰ David Secor, Heidi Altman and Tara Tidwell Cullen, *Community-Based Programming as an Alternative to Immigrant Incarceration*, National Immigrant Justice Center, (April 2019).