

# Detained Immigrants in the Southeast Lack Meaningful Access to Lawyers

The U.S. Department of Homeland Security (DHS) imprisons roughly 350,000 people each year while their civil immigration cases are adjudicated.<sup>1</sup> Even though most of these immigrants are not accused of violating any criminal laws, they are often held in prisons, sometimes for months or even years at a time – often far from family, friends and resources. People facing immigration removal proceedings have the right to be represented by a lawyer, but only if they can find and retain one in the isolated communities where many immigration prisons are located.

**A lawyer can make the difference between life and death for a person in immigration prison.**

- 10 ½ x: People in immigration prisons who are represented by counsel are 10-and-a-half times as likely to succeed in their cases.
- 7x: People in immigration prisons are almost seven times as likely to obtain bond as those who try to represent themselves.
- 20x: People who are released from immigration prisons and are able to secure counsel are almost 20 times as likely to succeed in their cases than those without counsel.
- 14%: Nationally, only 14 percent of imprisoned immigrants are represented in removal proceedings – compared to 37 percent of all immigrants.
- 6%: Only 6 percent of detainees at Stewart Detention Center and LaSalle Detention Center are able to secure legal counsel.<sup>2</sup>
- Deportation can be a death sentence.<sup>3</sup>

**DHS intentionally imprisons immigrants in remote rural towns that had no immigration law offices until SPLC created the Southeast Immigrant Freedom Initiative (SIFI).**

- Stewart Detention Center is in Lumpkin, Georgia, a town of about 1,091 people that is a two-and-a-half-hour drive – or about 140 miles – from Atlanta.
- Irwin County Detention Center is in Ocilla, Georgia, a town of about 3,604 people that is a three-hour drive – or about 190 miles – from Atlanta.
- LaSalle Detention Facility is in Jena, Louisiana, a town of about 3,435 people that is a four-hour drive – or about 230 miles – from New Orleans.
- As Chief Judge Robert Katzmann of the United States Court of Appeals for the Second Circuit has observed, DHS’ policy of transferring detainees to these “far-off” detention centers creates “significant obstacles” to securing much-needed legal counsel.<sup>4</sup>

**The conditions at these prisons impede access to and communication with legal counsel.**

- At Stewart, there are only three attorney-visitation rooms for nearly 1,900 detainees.
- Irwin and LaSalle each have only one visitation room for up to 1,200 detainees at each facility.
- Attorneys are frequently subjected to waits of longer than an hour – and sometimes two or three hours – to see their clients.
- The visitation rooms do not have telephones, and attorneys are prohibited from bringing their own, meaning there is no way to call interpreters. There are no contact visits, even though immigration prisons are supposedly civil.

Miles from nearest major metropolitan area



**New Orleans, La.**  
LaSalle Detention Facility  
Jena, Louisiana

**230 mi**



**Atlanta, Ga.**  
Irwin County Detention Center  
Ocilla, Georgia

**190 mi**

Stewart Detention Center  
Lumpkin, Georgia

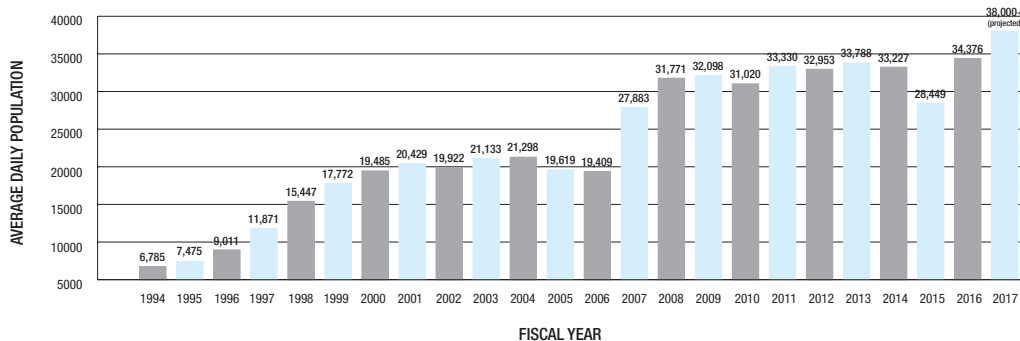
**140 mi**

**The United States leads the world in civil immigration incarceration.**

- The astronomical number of people held in immigration prison is a deliberate policy choice. DHS has construed congressional appropriations for detention as constituting a “bed mandate” since at least 2009, meaning that ICE tries to fill every empty immigration prison bed every night. This is akin to a police department being told to fill local jail beds nightly regardless of criminal activity.
- The private prison companies that operate many immigration prisons reap the benefits of this bed mandate. Because DHS guarantees payment for each bed plus a per diem for every person detained, the bed mandate effectively guarantees that companies will turn a significant profit for imprisoning noncitizens.
- The average daily population of noncitizens held in immigration prisons has steadily increased, thereby expanding the profits of private prison companies.
- These private companies’ primary concern is the financial interests of their stockholders, not the well-being of the people they imprison. Improving prison conditions and hiring additional staff to make operations run more smoothly would cut into these companies’ profits, and therefore they have little incentive to take measures that would protect the constitutional rights of detainees.

FY 1994–2017

**Average Daily Population of Immigrant Detainees**



This graph tracks the average daily population of noncitizens held in immigration detention from FY 1994–2017.<sup>5</sup>

1 Bryan Baker, Immigration Enforcement Actions: 2016, available at [https://www.dhs.gov/sites/default/files/publications/Enforcement\\_Actions\\_2016.pdf](https://www.dhs.gov/sites/default/files/publications/Enforcement_Actions_2016.pdf).  
 2 See Ingrid V. Eagly & Steven Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 U. Penn. L. Rev. 1, 49, 70 (2015); Eunice Cho, Paromita Shah, *Shadow Prisons: Immigration Detention in the South* pp. 29, 38 (2016), available at [https://www.splcenter.org/sites/default/files/leg\\_ipp\\_shadow\\_prisons\\_immigrant\\_detention\\_report.pdf](https://www.splcenter.org/sites/default/files/leg_ipp_shadow_prisons_immigrant_detention_report.pdf).  
 3 See Sarah Stillman, *When Deportation Is A Death Sentence*, (January 15, 2018), available at <https://www.newyorker.com/magazine/2018/01/15/when-deportation-is-a-death-sentence>.  
 4 Hon. Robert A. Katzmann, *Bench, Bar, and Immigrant Representation: Meeting an Urgent Need*, 15 N.Y.U. J. Legis. & Pub. Pol’y 585, 593 (2012).  
 5 Data for FY 1994–2010 available at [https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1712&context=key\\_workplace](https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1712&context=key_workplace); Data for FY 2010–2012 available at [https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1887&context=key\\_workplace](https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1887&context=key_workplace); Data for FYI 2013–2016 available at [https://www.dhs.gov/sites/default/files/publications/CFO/17\\_0524\\_U.S.\\_Immigration\\_and\\_Customs\\_Enforcement.pdf](https://www.dhs.gov/sites/default/files/publications/CFO/17_0524_U.S._Immigration_and_Customs_Enforcement.pdf); Data for FY 2017 available at <https://www.npr.org/sections/thetwo-way/2017/10/26/560257834/as-it-makes-more-arrests-ice-looks-for-more-detention-centers>.

**Additional Resources**  
Read more about [Shadow Prisons](#)  
Learn more about the [Southeast Immigrant Freedom Initiative](#)