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## **Reform plan will escalate detention of immigrants**

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A little-noticed provision in the sweeping intelligence reform that Congress passed last month paves the way for the U.S. government to triple one of its most controversial operations: the detention of foreign nationals.

The legislation dramatically expands the existing number of detention beds, slightly more than 20,000, by about 40,000 over the next several years. Approximately 8,000 beds would be added each year for five years.

The plan for expansion has drawn bitter criticism from human rights organizations, who call it a serious mistake to pump more resources into a system that has been rife with abuse and mismanagement.

Groups that favor strict immigration policies say they are glad to see the federal government take steps to broaden detention, but pointed out that the system of holding foreign nationals has a checkered past and pledged to monitor the expansion.

The expansion plan follows several scandals involving the government's handling of post-Sept. 11 detainees at the Army base at Guantanamo Bay, Cuba, and the Abu Ghraib prison in Iraq.

The Justice Department has begun an investigation into reports that the military has used excessive force on prisoners in its custody in Cuba and Iraq. Human rights groups are pressing for a special prosecutor to investigate the charges.

Closer to home, rights groups have voiced concern about the treatment of post-Sept. 11 detainees held at the Passaic County Jail on immigration violations.

Last month, the Department of Homeland Security Office of the Inspector General informed rights groups that it was planning an audit of the immigration detention system. The list of facilities it plans to investigate include - but are not limited to - the jails in Hudson and Passaic counties.

Efforts to contact the Homeland Security Department were unsuccessful.

Concern about how immigration detainees are treated and the conditions under which they are held date to at least 1995, when a riot at a federal facility in Elizabeth drew attention to the system. Some 100 detainees - most of them asylum seekers - staged the riot over inhumane conditions and abuse by guards.

The riot gutted the detention center, forcing its closing for two years. A federal inquiry into charges of abuse confirmed many of the detainee complaints, and led to some reforms nationwide. But reports of abuse and substandard living conditions have persisted.

"The idea of giving more resources, more detention beds, to the immigration service - which for so long has been known for discrimination, lawlessness and incompetence in running its prison system - is just unconscionable," said Mark Dow, an expert on detention and author of the book "American Gulag: Inside U.S. Immigration Prisons."

"The immigration service is running its own prison system, for which it is not accountable to anyone," Dow said. "When it comes to who it detains and why it detains them, the immigration service is judge, jury and jailer. This system needs to be changed, not expanded."

Those who favor tighter immigration control, however, praised the expansion, albeit with some caution.

Jack Martin of the Federation for American Immigration Reform, or FAIR, in Washington, D.C., said his organization long has pushed for additional detention beds. He said additional beds would reduce the number of detainees who are released and never show up for court hearings.

"Many of them are never seen again," he said.

At the same time, Martin said, federal officials still must address the problems that have arisen at county jails, which collect often high fees from the U.S. government for holding detainees who are under the custody of immigration officials.

"Immigration contracts out many of its detainees to non-federal facilities, where supervision over immigration detention provisions may not be adequate," he said.

The detention expansion plan is part of an intelligence overhaul that allows for the largest buildup to date in border guards and adds nearly 5,000 immigration and customs agents by 2010.

Legislators who supported the expansion plan described it as a step toward improving the nation's security.

During the debate over the intelligence reform measure, House Homeland Security Committee Chairman Christopher Cox, R-Calif., said: "A major problem along our borders today is the lack of detention space to hold illegal aliens who are awaiting deportation. The indefensible policy of 'catch and release' that this necessitates is threatening our national security."

He praised the detention expansion as a significant move "to address this problem."

But human rights advocates objected to the attempt to link the immigration detention system - of which detainees held as part of terrorism investigations form a small minority - to national intelligence reform.

They argue that of the record 157,000 foreign nationals deported from the United States last year, the vast majority - 70 percent - were from Latin America and had not been linked to terrorism. The majority of detainees arrested and detained after the Sept. 11 attacks were not charged with terrorism-related activities.

"These provisions have no place in national security legislation," the American Immigration Lawyers Association said. "They will not make America safer. Most of the provisions in question were never subject to hearings, debates or meaningful consideration prior to their passage."

Immigrant detention is the fastest-growing facet of the U.S. prison population. It grew by leaps and bounds in the mid-1990s, when the number of people held under the custody of immigration officials soared to more than 21,000 from just 6,000 near the beginning of the decade. The growth was caused largely by 1996 laws that broadened the government's powers to detain foreign nationals indefinitely pending a judge's decision.

"Most of the detention system has nothing to do with terrorism," Dow said. "The blurring of undocumented aliens and terrorism actually goes back to several administrations. But this administration has taken full advantage of this confusion, especially after the Sept. 11 attacks."

