

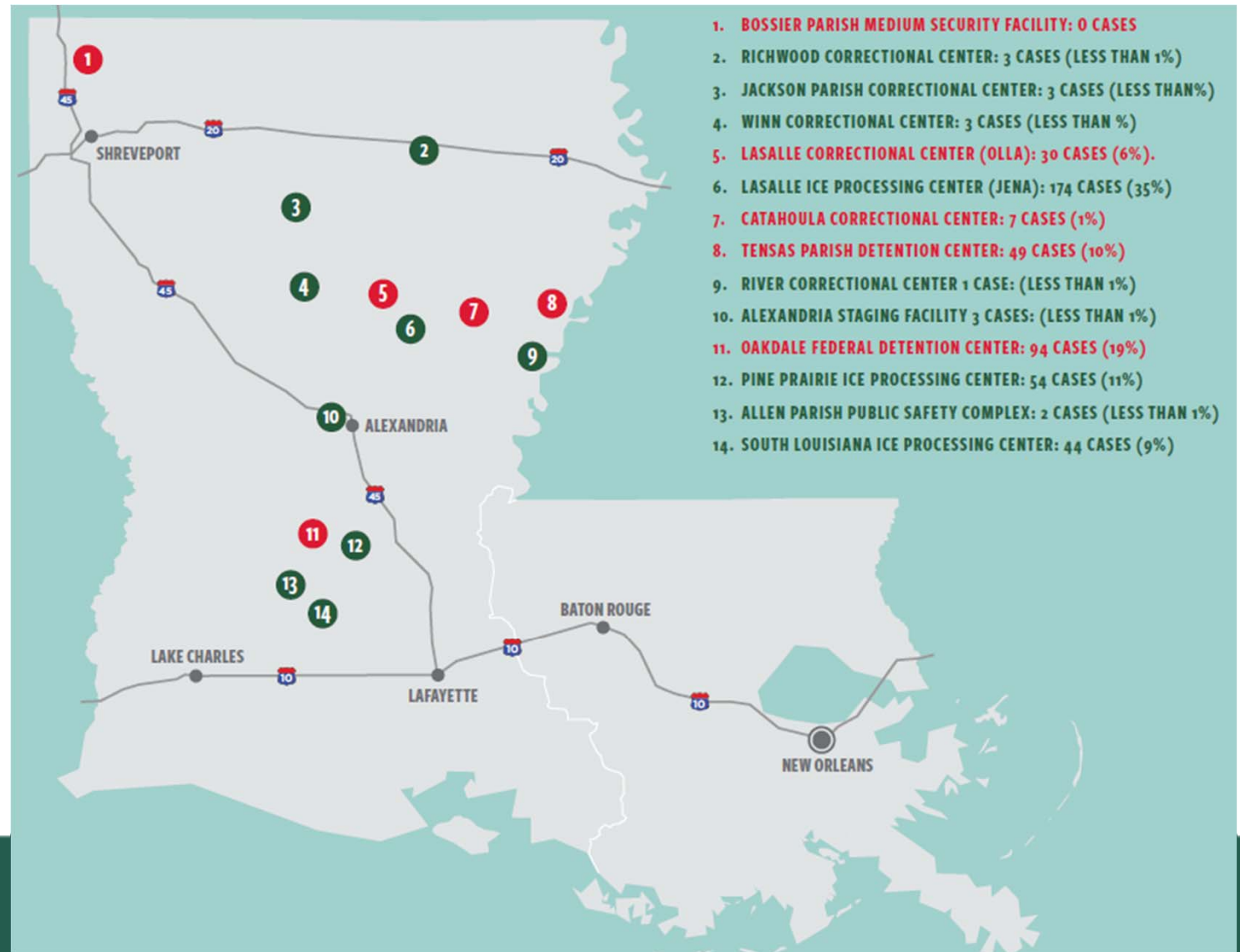
No End in Sight:

Prolonged and Punitive Immigration Detention in Louisiana

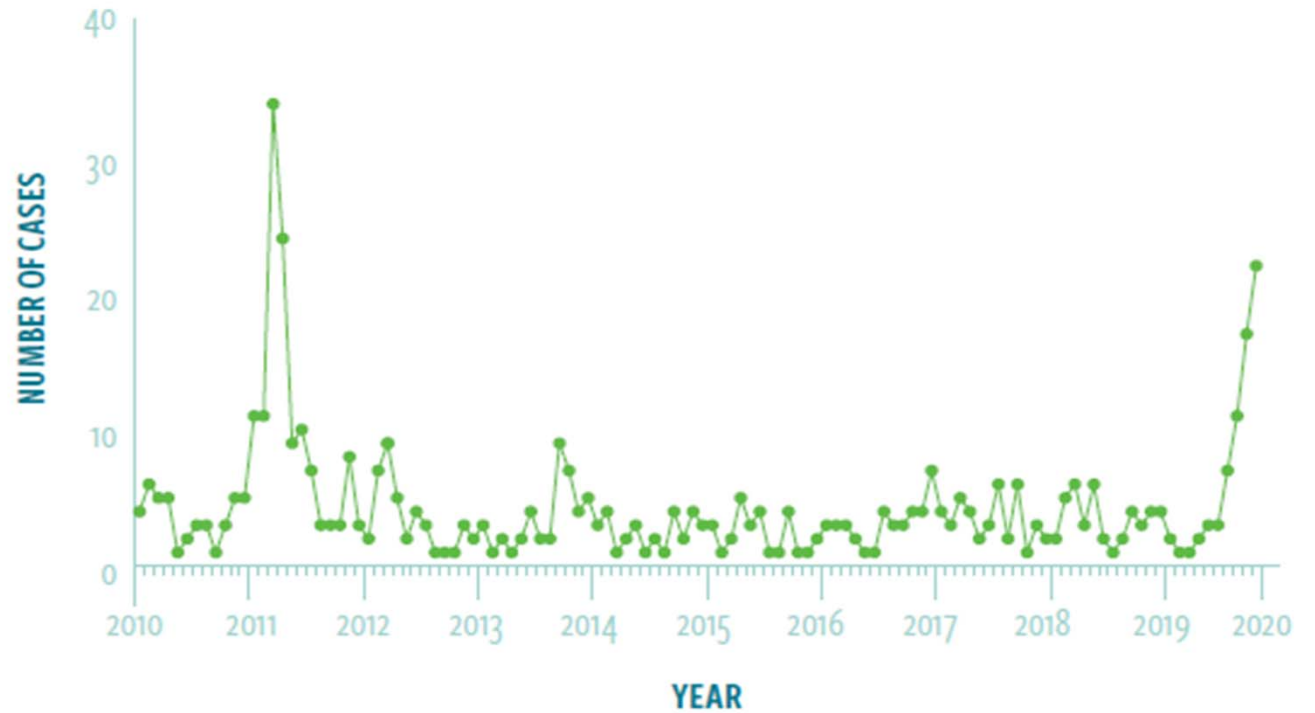
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TULANE IMMIGRANT RIGHTS CLINIC
May 25, 2021

Expansion of Immigration Detention in Louisiana



Seeking Release from Detention: Writ of Habeas Corpus



HABEAS CASES FILED BY DETAINED IMMIGRANTS IN LOUISIANA FROM 2010 TO 2020

Case Study: Prophete Alexis, Haitian immigrant

April 2010:
Ordered
deported
to Haiti.

Aug. 2010:
Redetained
and held in
Tensas
Parish.

Feb. 2011:
Files for
habeas
corpus

Apr. 2011:
Judge
appoints
lawyer,
sets
hearing

Aug.
2011:
Released
from
detention
after
judge
order

Detained for nearly a year before winning release.

METHODOLOGY

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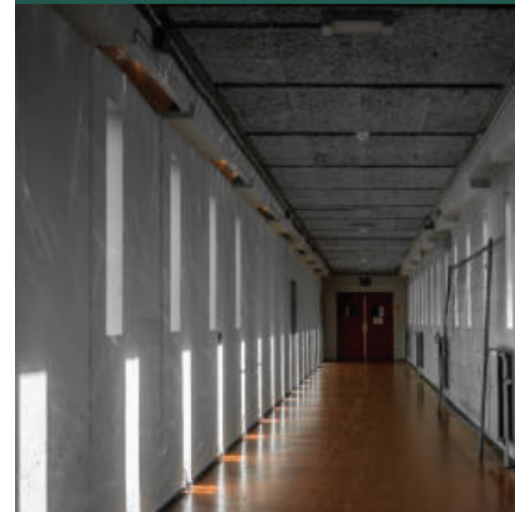
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No End in Sight:

Prolonged Detention of
Immigrants in Louisiana

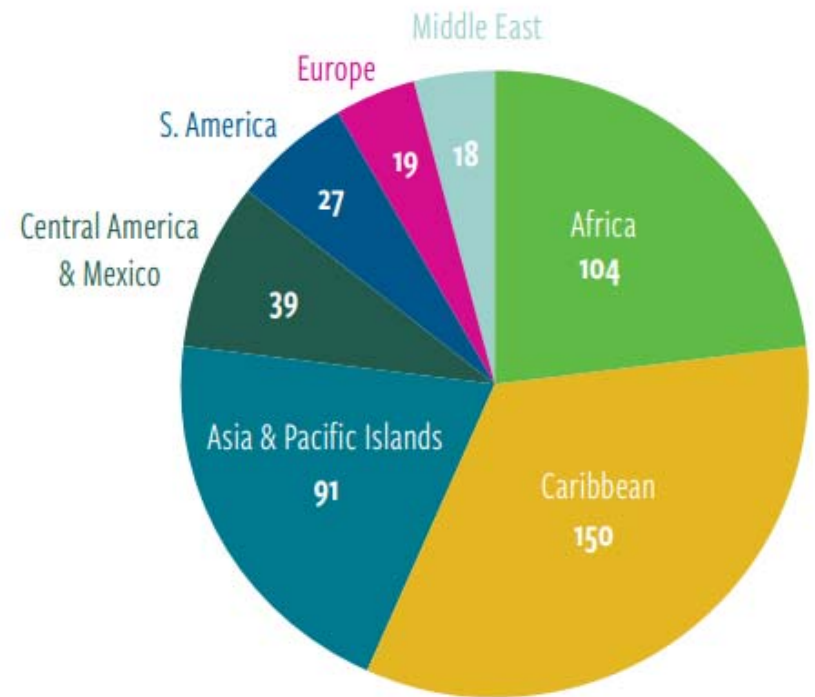


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No End in Sight: Prolonged and Punitive
Detention of Immigrants In Louisiana

Profiles of Immigrants Filing Habeas Petitions: Race

Detained Immigrants Filing Habeas Petitions Are Largely Black Immigrants, and Almost All Male.



COUNTRY OF ORIGIN FOR DETAINED IMMIGRANTS FILING HABEAS PETITIONS BY REGION⁹

Profiles of Immigrants Filing Habeas Petitions: Ties to the U.S.

On average, detained immigrants lived in the U.S. for sixteen years before they filed their habeas petition.

Forty Percent of Petitioners Previously Held Lawful Status, Many as Long-term Lawful Permanent Residents.



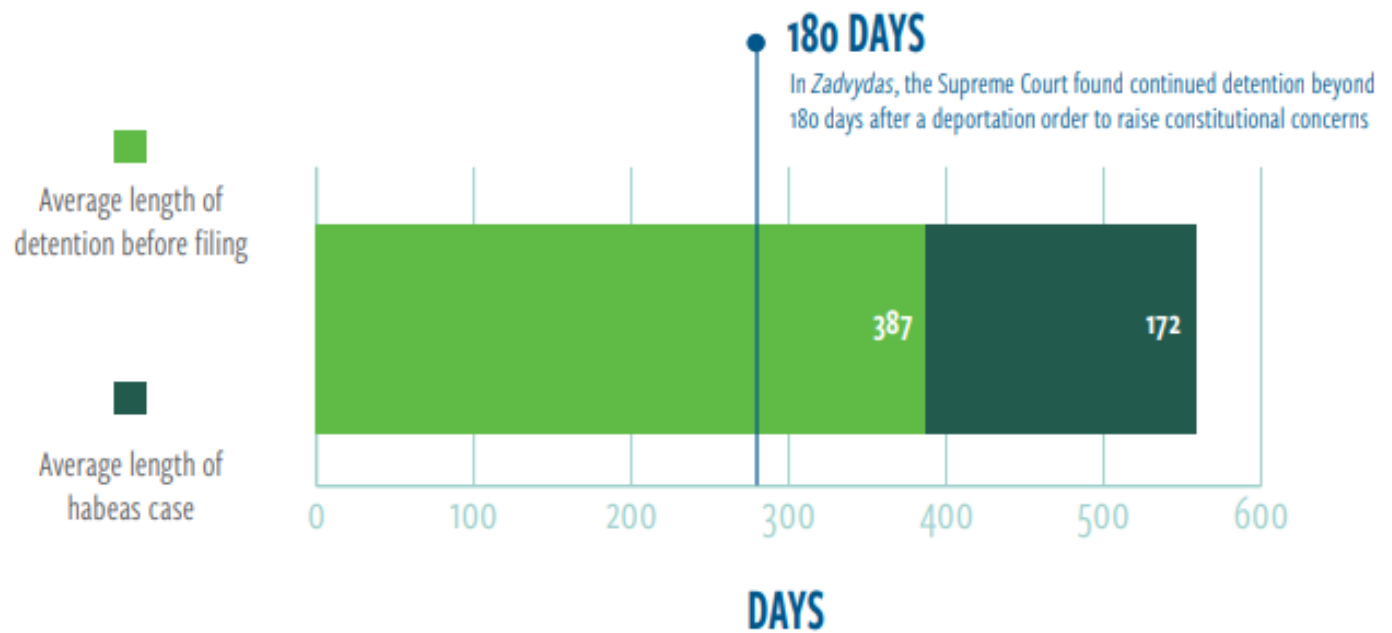
Almost **1 out of 4** habeas petitioners were previously lawful permanent residents.
Almost half of habeas petitioners previously held some form of lawful status.

Length of Detention

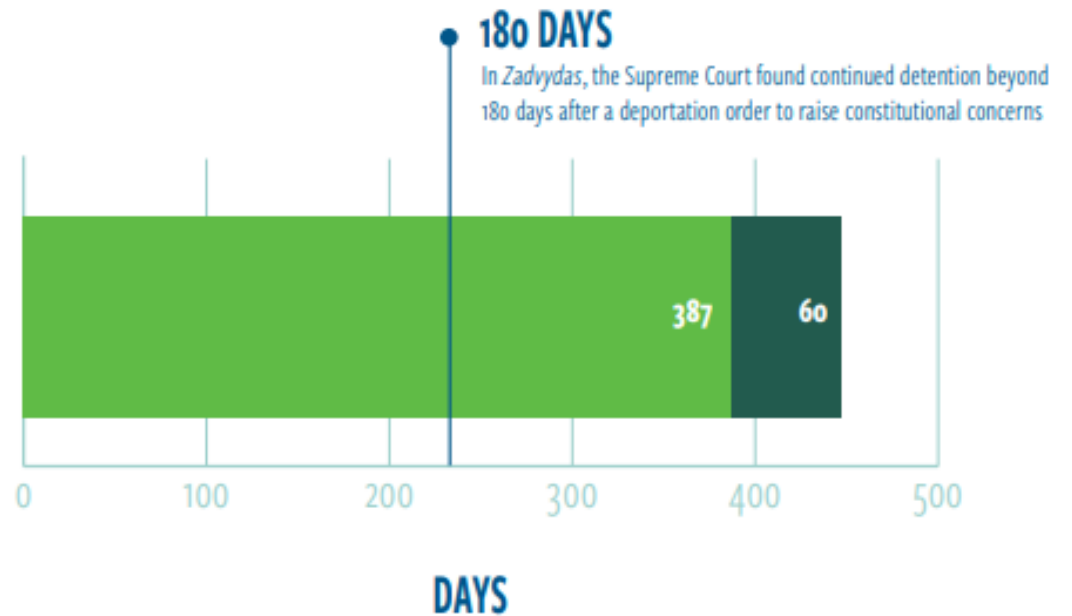


On average, detained immigrants already are detained for **nearly one year and one month** when they file a habeas petition. [387 days]

Length of Detention & Length of Habeas Case



Length of Detention & Default Length of Time for Government Response



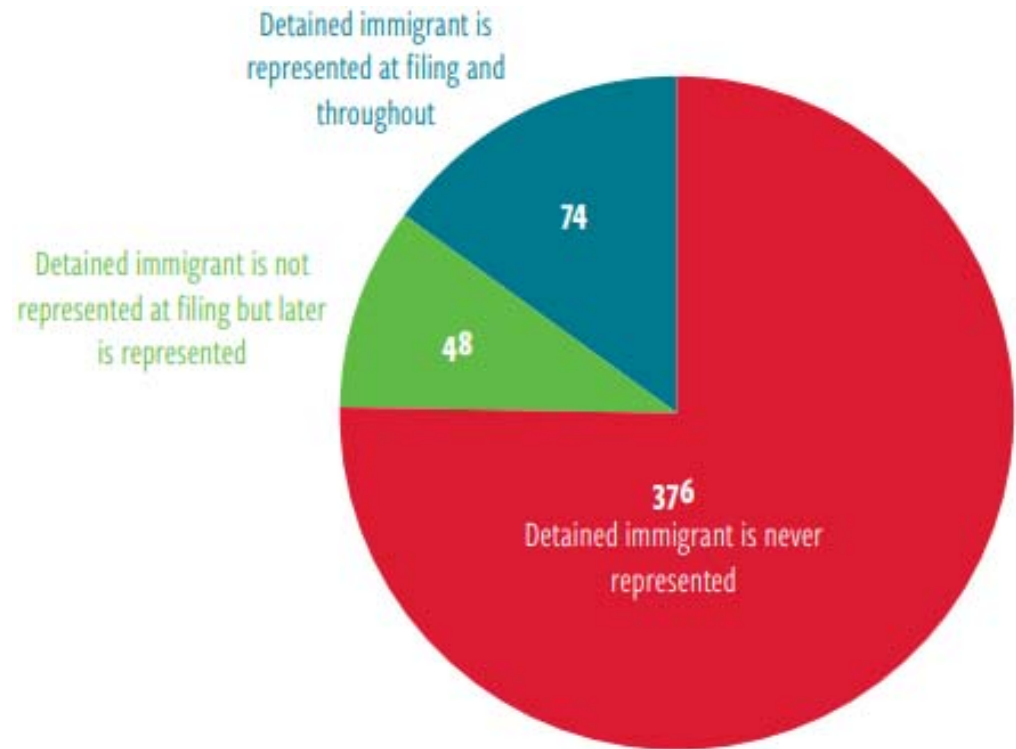
DEFAULT LENGTH OF TIME FOR ICE RESPONSE AND LENGTH OF DETENTION

- Average length of detention before filing
- Default length of time government is given to respond to the case in recent years

Rates of Representation



85% of detained immigrants filed their habeas petitions without the help of a lawyer. (425 out of 499)



LEGAL REPRESENTATION FOR DETAINED IMMIGRANTS FILING HABEAS

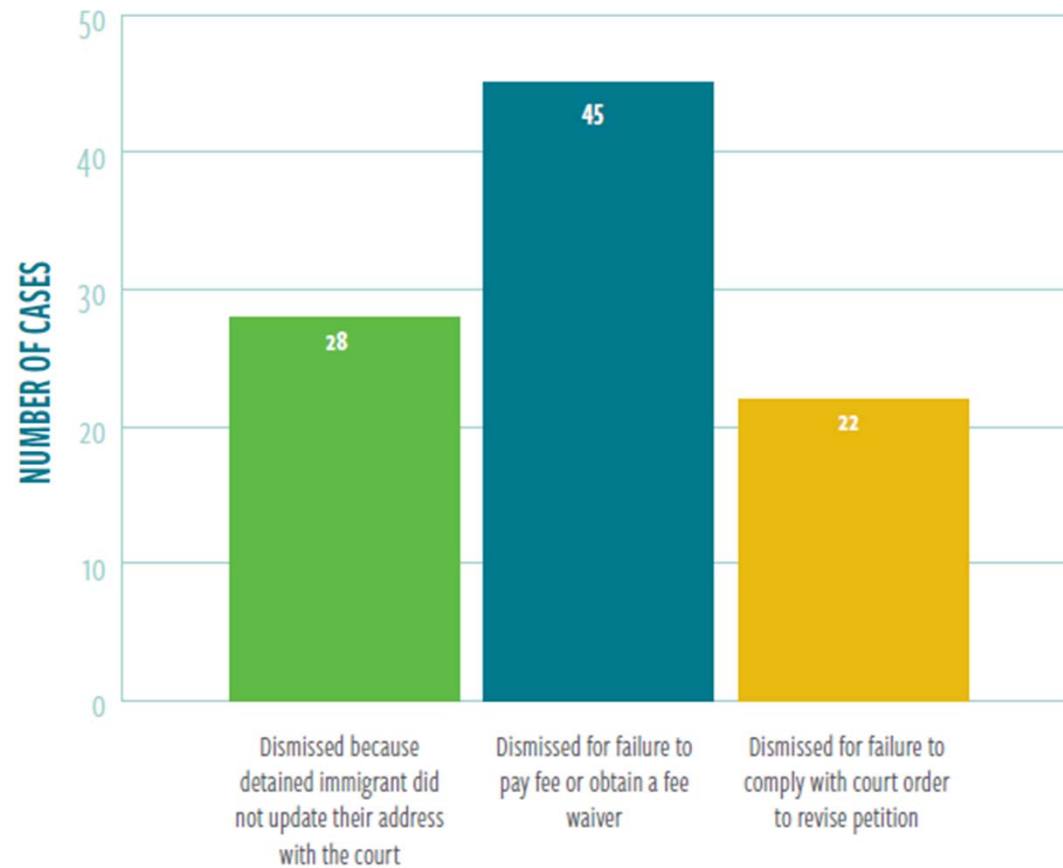
Case Outcomes: Wins, “Shadow Wins,” and Losses



In **only 5 cases**, detained immigrants won court-ordered release from detention through habeas.

- 22% of cases—release during the habeas case (“shadow win”)
- 26% of cases—deported

Procedural Barriers & Dismissals



BREAKDOWN OF CASES DISMISSED FOR PROCEDURAL MISTAKES

Some cases were dismissed for multiple procedural errors

Recommendations

- **Congress** should restrict immigration detention, ban private immigration detention centers, and permit custody review before an immigration judge for every detained immigrant.
- **ICE** should close detention centers, especially those that are remote and not accessible to attorneys, advocates, and detainees' families.

Recommendations

- **The Court** should consider shorter deadlines for ICE and issuing orders quickly in these cases given the stakes.
- **The Court** should resolve claims expeditiously based on evidence submitted by each party. **The Court** should act quickly to use all available tools for fact-finding under the habeas statute.

Recommendations

- **The Court** should appoint counsel for unrepresented petitioners with regularity.
- **Any detention center holding immigrants should** contain a legal library with resources in multiple languages and offer presentations that include habeas corpus information through **DOJ's Legal Orientation Program (LOP)**.
- **ICE** should publicly report the number of people detained longer than 6 months at each detention center. **ICE** should give any detained immigrant who is denied release legal information about their rights.



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Questions?