Center

target of criticism

Groups say facility abuses aliens' rights

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OAKDALE - Behind chain-link fences topped with barbed wire and monitored by high-tech cameras and motion sensors, more than 700 detainees clad in khaki uniforms await word on their status in the United States.

While their presence at the $17 million Federal Detention Center here on the edge of town has resulted in relief for economically ravaged Allen Parish, the balances have become enmeshed in legal disputes between human rights groups and the federal government.

More than 2,900 alien detainees have been processed through the detention center since the first alien arrived April 7. Of the 2,500, more than 1,800 either have been deported, bonded out, transferred back to another location in the U.S. or have left the country voluntarily.

The 1,800-bed facility is located on more than 180 acres of property, with 48 acres fenced and currently used. Another 100 acres have been cleared for emergency use for refugees should the need arise.

Being readied as a maximum security unit for several hundred long-term detainees, most of whom now are housed in an Atlanta prison. Although the Oakdale center is classified minimum security, officials said they believe the addition of maximum security, high-risk aliens will not jeopardize the safety of the center.

One Oakdale attorney described the center being run "precisely as most college campuses you set," and the name description often is given by other townpeople and center officials.

But behind the attractive appearance and college campus aura have been episodes of legal challenges and allegations of judicial wrongdoing toward the aliens. Adding to the woes of the fledgling facility have been apparent understaffing problems, particularly in the judicial department, and obvious policy disagreements between the federal agencies located at the center.

After the federal government announced that the center would be built in Oakdale, the American Civil Liberties Union and other human rights groups filed suit to stop construction. The ACLU unsuccessfully claimed the center would be too isolated and the detainees would not have legal representation easily available.

The ACLU and other groups also continue to object to the relatively new detention policy being practiced by INS. Although aliens always have been screened through facilities such as Ellis Island, prior to 1980 a majority of those seeking political asylum could be released on bond until their hearing.

However, after the unexpected arrival of hundreds of thousands of refugees from Cuba and Haiti in 1980-81, the U.S. changed its policy and illegal aliens, even those seeking political asylum, are incarcerated until their case is decided by INS.

While opponents to detention continue to object, the INS claims that detention is a deterrent to other aliens seeking to enter the U.S. illegally. Anticipation of increasing numbers of illegal aliens and claims for political asylum led to the establishment of the Oakdale detention center, which is capable of handling 5,000-plus aliens in an emergency situation.

At Oakdale, an estimated 10 percent of the detainees receive legal assistance, including limited pro bono (free) assistance. Although local attorneys T.J. Davis said he knew of no detainees who have been processed without representation, others associated with the center said they believed a majority do not have access to legal assistance.

Shortly after the center opened, the federal Bureau of Prisons division conducted a survey of the facilities, determining the demographics of detainees, visitors and, in some instances, of attorneys and others coming in contact with detainees.

Again, refugee rights groups protested the strip-searches. Earlier this month, the BOP regional director signed a declaration which halted strip searches because of the absence of the flow of contraband into the center. Put searches were allowed to continue.

However, Ray Rowe, BOP special assistant to the warden, said strip-searching still is done of "inmates" who have had visitors to decrease contraband coming into the center.

Legal representatives of the detainees are forbidden to photograph their clients, although news media are allowed to photograph and interview detainees, Rowe said. Outgoing telephones also can be monitored, something that is being protested by human rights groups.

Challenges of lack of access to local legal counsel, alleged violations of the rights of the detainees and the transfer of detainees to Oakdale without adequate prior notice will continue to be made, according to Martha Kegel, executive director of the ACLU in New Orleans.

"What we’re seeing is callous disregard for the rights of these people," Kegel said. Many of the aliens are potential candidates for political asylum, but because of inadequate legal representation, many face deportation to countries such as El Salvador, Guatemala and Nicaragua where they could be killed or tortured, she said.

Nancy Kelly, the full-time attorney offering free representation through Ecumenical Immigration Services to detainees in Oakdale, said each person must prove his eligibility for political asylum. The person must prove he has a well-founded fear of persecution because of his political opinions, religious beliefs, race or membership in a particular social group, and believes he will be persecuted in his country or the country cannot protect him from persecution.

The U.S. typically welcomes refugees and legal immigrants, particularly those from eastern Europe, Asia and Russia, said Nicholas Rizza with T.J. Davis, Rizza & Partners in San Francisco. But as a result of political controversy surrounding Central America and the uncontrolled arrival of boat people from Cuba and Haiti several years ago, there again is a lack of policy discrepancies and possible discrimination among those aliens, Rizza said.

Several years ago there were documented instances of mass killings.
in El Salvador, resulting in a mass exodus of people, he said. Also, death squads of off-duty government officers kidnapped people who disappeared or were found executed in Guatemala and El Salvador, and reports of killings — although not recent reports of mass killings — continue to be documented, Rizza said.

Because of limited quotas of immigrants and refugees, illegal aliens from those Central American countries flee to the U.S. but face deportation “and possibly death and persecution” should they return to their homeland, he said.

Political unrest, fear of being drafted into government armies or guerilla armies, persecution and death threats are real reasons for flight for many aliens, Rizza said. Economic hardship and criminal flight to avoid prosecution are also reasons for leaving.

A team of representatives from Amnesty International, a worldwide human rights organization, will visit Oakdale to learn more about the center and to review political asylum cases, he said.

For many reasons, the Oakdale center is continuing to draw attention. It is the largest alien detention facility in the nation and is the first to involve three branches of the U.S. Department of Justice.

Housed there are Immigration and Naturalization Service, directed by David Johnston, officer in charge; the Bureau of Prisons, currently overseen by Warden Steve Schwalb, who is resigning and returning to Washington state; and the Executive Office for Immigration Review, currently comprised of a single immigration judge and two legal clerks.

While the INS is responsible for obtaining the detainees, and the EOIR is responsible for deportation and other judicial proceedings, the BOP provides for the operation of the facility and security.

Technically the center is not considered a prison, but the aliens have violated U.S. immigration laws. They have been placed in detention because they have violated a visa requirement, illegally entered the country without inspection, violated a visa or permanent resident status by committing a crime, are considered likely to flee before a judicial hearing or are considered a danger to society, Johnston said during a recent tour of the center.

The majority of the 700-plus detainees at the center are from South and Central America, including El Salvador, Guatemala, Honduras and Nicaragua, Johnston said.