

Serving Detained Torture Survivors: Some Legal and Clinical Challenges and Solutions

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Session Objectives

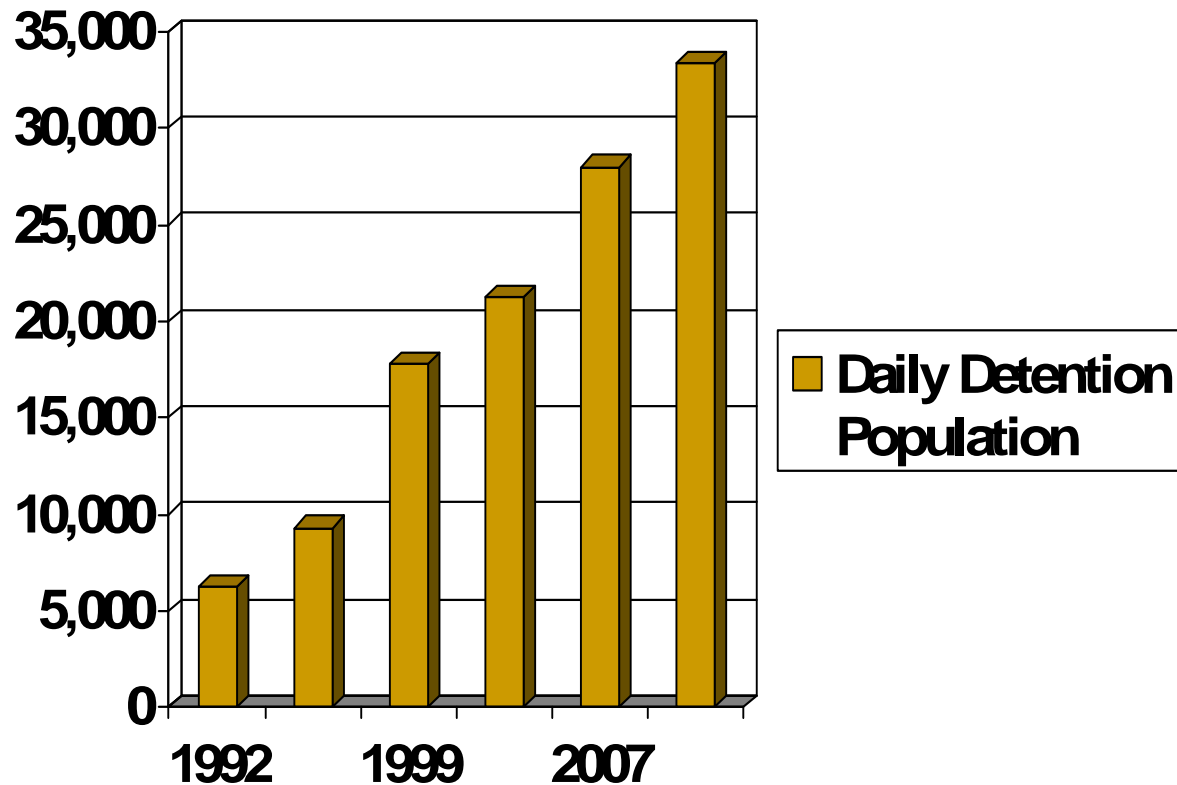
Goal: Increase awareness of the plight of detained survivors of torture.

- Legal challenges unique to detained SOTs
 - Clinical issues unique to detained SOTs
 - Clinical services to detained SOTs
 - Legal resources and services
 - Creative efforts/Promising Practices
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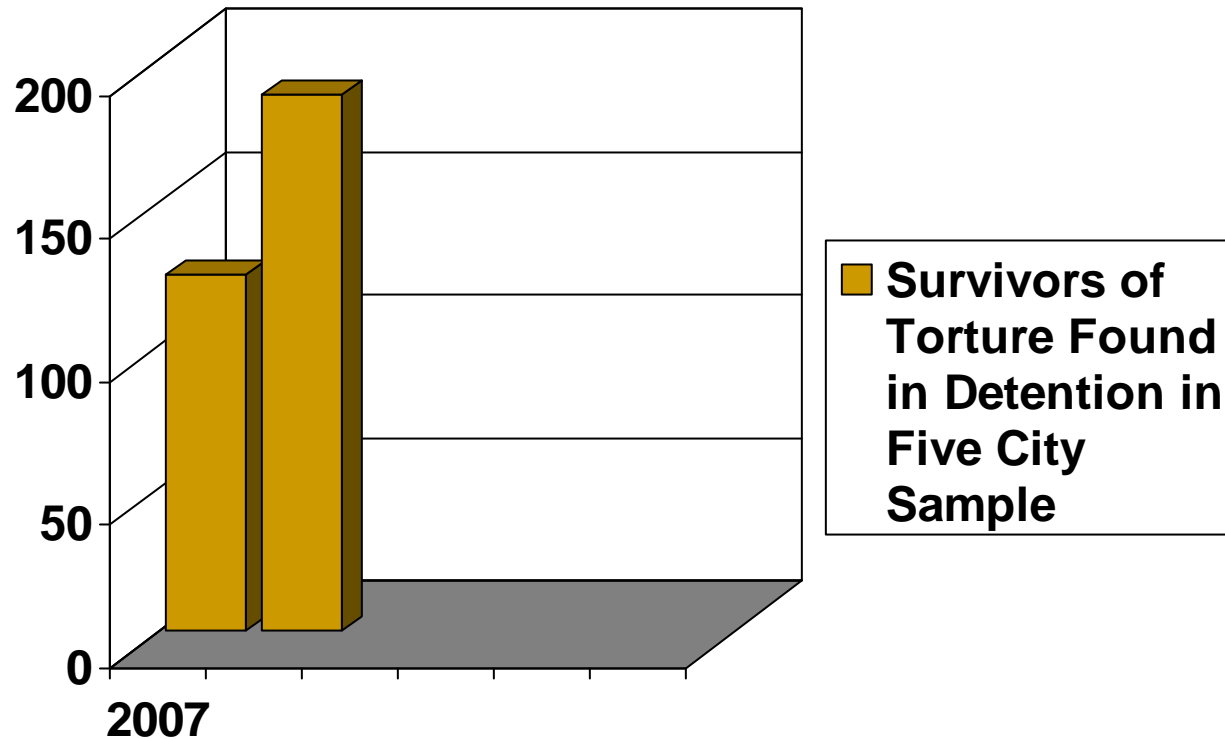
Understanding US Detention History

| | |
|-------------------|--|
| 1776-1890s | No Federal Detention |
| 1891-1954 | Ellis Island & similar sites |
| 1954-1970 | Virtually no detention |
| 1973 | 2,370 beds |
| 1980 | 4,260 beds |
| 1980's | Increased detention--Cuban Mariels and Haitians |
| 1992 | 6,259 beds |

Detention Growth as Tool for Immigration Enforcement



Increasing Trend of Detained Survivors



How do survivors intersect with immigration detention?

- Most common: People come to the U.S. with hopes of asylum after fleeing persecution. Their need may be immediate and many cannot wait for lengthy overseas refugee processing.
- Refugees are under an obligation to become a legal permanent resident within a year, or ICE has the authority to detain them.
- Any violent or criminal behavior will likely result in detention and removal proceedings.

Legal Issues for Detained Survivors

- Their life remains jeopardized as they are in formal removal proceedings.
 - Impossible to think about rehabilitation when you are in survival mode.
 - Challenge to secure pro bono counsel
 - Inability to document/substantiate claims because the survivor cannot access the documentation he needs
 - Extremely challenging to obtain medical and mental health evaluation in detention context (capacity and access to jail)
 - Self-deportation trends: People are giving up.
 - The lawyer tends to be the only emotional outlet
 - Risk of retraumatization (environment, interview)
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Clinical Issues for Detained Survivors

- Fear, uncertainty
 - Concern for family members
 - Re-traumatization
 - Dehumanizing environment
 - Social isolation
 - Culture shock
 - Effect on healing process
 - Relative safety; food and shelter provided
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Psychological Symptoms

■ PTSD

- Re-experiencing the trauma
- Avoidance behaviors
 - Hyperarousal, hypervigilance

■ Depression

- deep sense of loss
- insomnia, appetite loss, lack of energy
- hopelessness; worthlessness
- powerlessness

Treatment Issues

- Access to medical treatment - inconsistent
 - Access to mental health treatment - uncertain
 - Limited access to medical records
 - Limited coordination of care
 - Language barriers
 - Cultural barriers
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Clinical Services for Detained Survivors: A Model from SURVIVORS, San Diego

- Medical Evaluations
 - Psychological Evaluations
 - Mailings
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Medical Evaluations

- Purpose: Documents physical consequences/evidence of torture
 - Conducted by network of volunteer physicians trained by an MD and SURVIVORS staff
 - Client is transported out of detention center to SURVIVORS office or community partner facility
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Psychological Evaluations

- Purpose: documents psychological consequences of torture
 - Helps establish “well-founded fear”
 - Conducted at detention facility by in-house or contracted licensed clinicians
 - Methodology: clinical interview, supplemented by symptom checklists
 - Therapeutic effect—seeks to understand the whole person, respectful, honors clients strengths, coping abilities and resiliency
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Mailings

- Thoughtfully worded greeting cards to show care and support
 - Written and sent monthly to detained clients by SURVIVORS interns
 - Clients have expressed deep gratitude in writing or upon release from detention
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Direct Legal Services/Resources:

Detained Torture Survivor Legal Support Network

- Legal services amongst the network are concentrated in areas with high volume detention centers.
 - DTSLSN works with 10 organizations in the following cities:
 - New York, NY (Catholic Charities NY, Hebrew Immigrant Aid Society)
 - Newark, NJ (Catholic Charities Newark,
 - Miami, FL (Catholic Legal Services, Florida Immigrant Advocacy Center)
 - Florence, AZ (The Florence Project)
 - New Orleans, LA (Loyola University/CLINIC)
 - York, PA (Pennsylvania Immigrant Resource Center)
 - Legal services specific for detained survivors also available in
 - San Diego (Casa Cornelia)
 - Washington, DC (CAIR Coalition)
 - St. Paul, MN (Advocates for Human Rights)
 - Los Angeles, CA (LAFLA)
 - Pocket Knowledge: <http://www.lirs.org/What/programs/pocketknowledge.htm>
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Coordinated efforts for systemic change

Big Picture Changes

- Begins with broader awareness of immigration detention practices and the survivors caught up in the system
 - Increase capacity to serve survivors in other areas by sharing challenges and best practices, and
 - Change detention practices by informing decision makers about the effect on vulnerable populations.
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Long-term—Get Shock Populations Out of Detention

- **Children**
 - **Families**
 - **Asylum seekers/torture survivors**
 - **Victims of trafficking**
 - **People with US citizenship claims**
 - **LPRs with relief**
 - **Others (e.g., elderly, mentally/physically ill)**
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Immediate Questions

- How do we make sure that the 13-19% of population that *can* be released now--if no flight risk and no danger--*is* released?
 - Increasing options for release (national and local)
 - Parole
 - Release on own recognizance
 - Bond
 - Alternative Detention Programs
- For those who cannot be released, how do we work within the system to serve these extremely vulnerable survivors?

Creative Solutions and Promising Practices

- Develop Local Relationships: The Key to Accessing the Detention Centers
 - Trainings for Detention Staff and Immigration Judges on the needs of survivors
 - Visitation Efforts:
 - Sojourners in New York
 - Manual for visitation (Detention Watch Network)
 - Information Sharing to Effect Change
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Thank You and Contacts

- Thank you for your interest in how detention impacts survivors!
 - **Contacts:**
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 - Discussion Questions?
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