

Understanding Immigration Detention: Causes, Conditions, and Consequences

Emily Ryo

Gould School of Law, University of Southern California, Los Angeles, California 90089, USA;
email: eryo@law.usc.edu

 **ANNUAL
REVIEWS CONNECT**

www.annualreviews.org

- Download figures
- Navigate cited references
- Keyword search
- Explore related articles
- Share via email or social media

Annu. Rev. Law Soc. Sci. 2019. 15:97–115

First published as a Review in Advance on
May 13, 2019

The *Annual Review of Law and Social Science* is online
at lawsocsci.annualreviews.org

<https://doi.org/10.1146/annurev-lawsocsci-101518-042743>

Copyright © 2019 by Annual Reviews.
All rights reserved

Keywords

immigration detention, immigration enforcement, civil confinement,
criminal incarceration

Abstract

During the summer of 2018, the US government detained thousands of migrant parents and their separated children pursuant to its zero-tolerance policy at the United States–Mexico border. The ensuing media storm generated unprecedented public awareness about immigration detention. The recency of this public attention belies a long-standing immigration enforcement practice that has generated a growing body of research in the past couple of decades. I take stock of this research, focusing on the causes, conditions, and consequences of immigration detention in the United States. I also discuss critical tasks for future research, including (*a*) examining the role of local governments, the private prison industry, and decision makers responsible for release decisions in maintaining the detention system; (*b*) extending the field of inquiry to less-visible detainee populations and detention facility guards and staff, for a fuller understanding of detention conditions; and (*c*) investigating not only direct but also indirect consequences of detention.

INTRODUCTION

Immigration detention in the United States is a vast and growing system of civil confinement that is now closely intertwined with the criminal incarceration system. That this civil confinement has become entrenched in the criminal justice system is unsurprising in light of the many ways that immigration and criminal laws have converged in the past couple of decades (Kalhan 2010, Stumpf 2006). What is surprising is the recency of public attention focused on immigration detention—attention borne out of the intense media storm that emerged in the aftermath of the Trump administration’s zero-tolerance policy implemented at the US–Mexico border in 2018. The zero-tolerance policy refers to the Trump administration’s policy of prosecuting migrants apprehended at the United States–Mexico border (including asylum seekers) for unlawful entry, with a focus on the prosecution of parents arriving with children. The policy led to the separation of families and the detention of parents in separate immigration detention facilities. The recency of public attention on immigration detention belies the long-standing immigration enforcement practice that has generated a growing body of legal and empirical research in the past couple of decades. This article takes stock of this research, focusing on studies that contribute to our understanding of the causes, conditions, and consequences of immigration detention in the United States.

The causes of expansion in immigration detention are likely complex and multipronged. Yet much of the existing research has focused largely on the legal explanations for this expansion. Central to the legal explanations are statutory and policy changes in immigration law—particularly in the mid-1990s—that broadened the list of crimes that could trigger removal proceedings, as well as the categories of noncitizens subject to mandatory detention. But legal and policy changes are only the proximate drivers of expansion, and there is a critical need to develop and test other explanations of contributing causes as well. In particular, more research is needed on the role of local governments and the private prison industry, as well as the administrative and judicial decision makers responsible for release decisions.

Detention conditions constitute another important area of inquiry with substantial gaps in knowledge. Scholarly investigations have been confined largely to the most visible segment of the detainee population. In addition, detention facility guards and staff, who exercise enormous discretionary authority in detention facilities, remain unstudied. These gaps in research exist in part because immigration detention—much more so than criminal incarceration, I argue—is shrouded in secrecy and bureaucratic barriers that obstruct researchers’ access to government data and detention facilities. Nonetheless, expanding the field of inquiry to less-visible detainee populations and frontline officials is essential to understanding the multitude and severity of challenges and marginality that detainees face, as well as the wide-ranging modes of resistance, resilience, and agency that exist within the detainee population (see, e.g., McGregor 2011).

Finally, existing research on the consequences of detention has generated growing evidence on a variety of harms that confinement imposes on immigrant detainees, including mental and physical trauma. Many of these consequences can be characterized as direct consequences of detention. Equally important, however, are the indirect consequences of detention. The latter include civic and democratic costs of detention and deterrence effects of detention. By deterrence effects, I mean the effect of detention in discouraging individuals outside our borders from engaging in migration (legal or illegal) and discouraging individuals who are detained from pursuing legal relief from removal. These types of consequences may be more diffuse and difficult to measure, but their potential implications for governance and the legitimacy of law and legal authorities are significant.

Each of the gaps that I have previewed above and explore in depth in the remainder of this article represents key opportunities for the next generation of research to better inform theory,

policy, and normative debates about detention. My basic aim is to begin to map the evolving field of immigration detention research, rather than to offer a completed blueprint. Given the practical similarities between immigration detention and criminal incarceration (Ryo 2017a), research on criminal incarceration often provides useful reference points in my discussion. In drawing these references, I do not mean to equate immigration detention with criminal incarceration. The law itself draws formal distinctions between the two types of confinement and affords immigrant detainees only a limited set of procedural protections (Legomsky 2007). But there are many ways in which immigration enforcement and criminal justice form part of the same carceral regime and occupy the same carceral space (Hernández 2017, Macías-Rojas 2016, Moran et al. 2013). Thus, this article's broader goal is to illuminate how and why studies of criminal incarceration can inform studies of immigration detention and, conversely, how and why studies of immigration detention present unique opportunities for a better understanding of the shifting aims and nature of the criminal incarceration system.

WHAT IS IMMIGRATION DETENTION?

Immigration detention is a global phenomenon (see, e.g., Conlon & Hiemstra 2017, Flynn & Flynn 2017, Furman et al. 2016, Guia et al. 2016). Silverman & Massa (2012) observe that immigration detention occurs in one form or another in all liberal, democratic states. These observations raise the question, what is immigration detention? International human rights bodies have defined immigration detention as “the holding in detention of individuals suspected of illegal entry, unauthorized arrival, visa violations and those subject to procedures for deportation and removal” (UNHCR & OHCHR 2011, p. 2). As to where detention can occur, “Detention can take place in a range of locations, including at land and sea borders, in the ‘international zones’ at airports, on islands, on boats, as well as in closed refugee camps, in one’s own home (house arrest) and even extraterritorially” (UNHCR 2012, p. 9).

The United States is often described as an “incarceration nation” for having the highest incarceration rate in the world (Enns 2016). By the same token, it may also be accurate to describe the United States as a “detention nation.” Precise cross-national comparisons are difficult owing to intercountry variations in data collection methods and reporting practices. However, officially reported statistics may provide useful basic points of contrast. In fiscal year 2017, the United States admitted 323,591 individuals into Immigration and Customs Enforcement (ICE) detention (US Immigr. Cust. Enforc. 2017a). By contrast, the United Kingdom, another traditional destination country for immigrants, admitted 28,978 individuals into detention in fiscal year 2017 (Home Off. 2018). This means that as a percentage of the respective country’s noncitizen population, the United States admitted over three times as many individuals into detention as the United Kingdom.¹ Comparisons of the average daily populations (ADPs) may also be informative. Both the United States and Canada, another top immigrant-receiving country, report the ADP of immigrant detainees. The United States had an ADP of 38,106 immigrant detainees in fiscal year 2017

¹Calculating the detention admission rate requires knowing the number of individuals apprehended by immigration officials in each country, for which comparable cross-national statistics do not exist. Thus, I used the total number of noncitizens in each country as the denominator for detention admission rates. Using this approach, the admission rate was 1,433 per 100,000 immigrants in the United States (323,591 detainees/22,577,123 total “foreign-born; non-US citizen” estimate in the US Census Bureau’s 2017 *American Community Survey 1-Year Estimates*). In the United Kingdom, the admission rate was 467 per 100,000 immigrants (28,978 detainees/6,210,000 total “non-UK born/non-British national” estimate in the Office for National Statistics’ *Population of the UK by Country of Birth and Nationality: 2017*). The statistics referenced here are on file with the author and available upon request.

(US Immigr. Cust. Enforc. 2018), compared with Canada's ADP of 364 (Can. Bord. Serv. Agency 2018). As a percentage of the respective countries' noncitizen population, the United States detained 11 times as many individuals than Canada on any given day.²

In the United States, detention is officially defined by the Department of Homeland Security (DHS) as "physical custody of an alien in order to hold them pending a determination whether the alien is removable from the United States, or while awaiting transportation to their country of citizenship after a final order of removal has been entered" (US Dep. Homel. Secur. 2018). The DHS further notes that references to detention in official reports generally refer exclusively to detention by ICE during or after removal proceedings and not "short-term periods of time" in the custody of Customs and Border Patrol "during processing, prior to a removal or return, or prior to a transfer of custody to ICE or another appropriate entity" (US Dep. Homel. Secur. 2018). In short, immigration detention is civil confinement, the sole explicit aim of which is to facilitate the removal process. This means that immigration authorities are not authorized to detain individuals for the purposes of punishment (Schriro 2015). The statutory framework and case law governing immigration detention in the United States are complex and discussed in depth elsewhere (Aleinikoff et al. 2016, Gordon et al. 2018). However, two aspects of the system are worth highlighting briefly to set the basic context for my discussion in this review. First, not all apprehended individuals are subject to detention. Many individuals are placed in an informal removal process (e.g., "withdrawal of application for admission") or a summary removal process (e.g., "expedited removal") (see Rosenblum & Meissner 2014, Smith 2018). And those individuals may be processed and removed to their origin countries relatively quickly (Am. Immigr. Counc. 2014; Capps et al. 2017, p. 2).

Second, when individuals are apprehended and placed in immigration court proceedings, the DHS generally must make the initial decision of whether to detain or release them, unless detention is considered to be mandated under the Immigration and Nationality Act. In most cases, DHS custody decisions are subject to custody redetermination hearings by immigration judges. The immigration judges' custody redetermination decisions in turn are appealable to the Board of Immigration Appeals (see generally Gilman 2016, Ryo 2016). This is a simplified depiction of the process, as there are "multiple exceptions and details [that] complicate matters considerably" in the custody determination and custody redetermination processes (Gilman 2016, p. 164; for explanations of these exceptions, see Gordon et al. 2018). As shown in the schematic diagram in **Figure 1**, there are several ways of being released from detention (see generally Ryo & Peacock 2018a). For example, some detainees may be removed to their countries of origin, granted voluntary departure, or granted relief from removal (such as asylum or cancellation of removal). Other detainees may be released while their removal proceedings are pending, if they are not deemed to be a flight risk or a danger to the community (shaded area in **Figure 1**). The last set of individuals remain at risk of rearrest and redetention pending the completion of their immigration court proceedings.

THE CAUSES OF EXPANSION

As highlighted earlier, the United States is not only the top destination country for international migration (Migr. Policy Inst. 2017) but also the top country for immigration detention. The

²In the United States, the ADP rate was 169 per 100,000 immigrants (38,106 detainees/22,577,123 total "foreign-born; non-US citizen" estimate in the US Census Bureau's 2017 *American Community Survey 1-Year Estimates*). In Canada, the ADP rate was 15 per 100,000 immigrants (364 detainees/2,425,480 total "non-Canadian citizens" estimate in the Statistics Canada's 2016 *Census*). The statistics referenced here are on file with the author and available upon request.

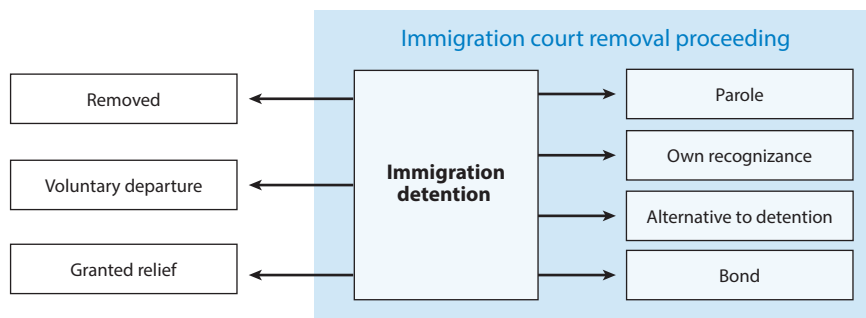


Figure 1

Possible release from detention for individuals in immigration court removal proceedings.

United States did not develop this vast system overnight. Between fiscal years 1994 and 2017, the ADP of immigrant detainees in the United States climbed steadily from 6,785 to 38,106, a more than fivefold increase (Ryo & Peacock 2018a). Did the rise in detention stem from increased apprehensions? Empirical evidence indicates otherwise. As shown in **Figure 2**, the annual total number of individuals admitted into immigration detention increased even as the total number of apprehensions at the border and in the interior declined between 2001 and 2012.³ These diverging patterns require us to look beyond apprehension trends to understand the modern growth in immigration detention.

The dominant explanation in the existing literature focuses on legislative and policy changes. Specifically, scholars have traced the modern expansion of immigration detention to a series of laws that Congress started to enact in the mid-1980s as part of the war on drugs (García Hernández 2014, Legomsky 1999, Stumpf 2006; for an earlier history of US immigration

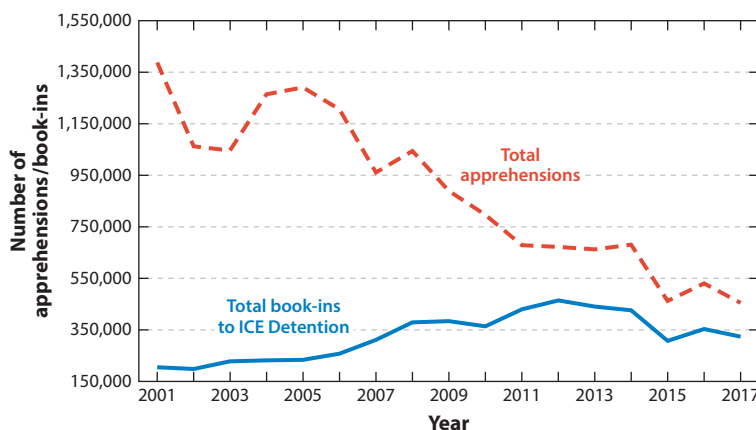


Figure 2

Total apprehensions and book-ins to Immigration and Customs Enforcement (ICE) Detention, fiscal years 2001–2017. Apprehension statistics from US Cust. Bord. Patrol (2017), US Immigr. Cust. Enforc. (2017a), and Off. Immigr. Stat. (2017). Book-in statistics from Baker (2017) and US Immigr. Cust. Enforc. (2011, 2017a).

³Notably, similar trends exist in the criminal incarceration context: Incarceration rates climbed and states continued to build prisons even as crime rates began to decline in the 1990s (Travis et al. 2014).

detention, see Hernández 2017, Wilsher 2012). The Anti-Drug Abuse Act of 1986 allowed immigration officials to detain and deport noncitizens with drug-related offenses. The Anti-Drug Abuse Act of 1988 mandated the detention of noncitizens convicted of an “aggravated felony,” defined as murder, illicit trafficking in firearms, and drug trafficking. Congress subsequently enacted a pair of laws in 1996—the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act—that scholars widely credit as a turning point in the expansion of immigration detention (Chacón 2014, Das 2013, García Hernández 2014). In brief, these two laws substantially expanded the list of crimes that could trigger detention and deportation and broadened the categories of noncitizens subject to mandatory detention.

Under this legal regime, “[p]eople who pose neither flight risks nor danger to the community are nonetheless confined for indeterminate lengths of time” (Anello 2013, p. 365). Some scholars have argued that these policy choices were animated in large part by racial and economic anxieties over immigration, and the social construction of immigrants as criminals and national security threats (Golash-Boza & Hondagneu-Sotelo 2013, Hernández 2013, Welch 2002). Much less examined in the literature are two other forces that influence the scale of immigration detention: (a) the role of local governments and the private prison industry in changing the demand for detention bedspaces and (b) administrative and judicial decision-making processes that result in overdetention. I turn to each of these dynamics next.

Local Governments and the Private Prison Industry

ICE owns and operates only a few of the hundreds of facilities used to confine immigrant detainees. To meet its bedspace needs, ICE contracts with local jails and private prison companies (Off. Insp. Gen. 2018b). The agreements with local governments, known as Intergovernmental Service Agreements, require ICE to pay the local government a per diem for each bedspace that local jails rent out. Some local governments further contract with private prison companies to operate their jails. In addition, private prison companies directly contract with ICE to build and operate facilities dedicated to confining immigrant detainees (Jaeger 2016).

Why might local jails participate in immigration detention? Martin (2017), in her study of family detention facilities, highlights the importance of financial incentives that motivate counties to become involved in detention. Emerging research, however, suggests that economic factors may be only one predictor of county involvement in immigration detention. In my study with Peacock (Ryo & Peacock 2018b), we find that in addition to county unemployment rates, racial and political factors are important determinants of county participation in detention (for a state-level study of the uneven spatial distribution of immigration detention, see Moinester 2018). An important corollary to why and how local jails might serve as suppliers of detention bedspaces is whether and to what extent local governments might be generating the demand for such bedspaces. Research on federal–local partnerships in immigration enforcement has documented the various ways that many local governments and their law enforcement agencies act as “force multipliers” for the federal government (Gulasekaram & Ramakrishnan 2015, Provine et al. 2016). There is little question that local jurisdictions that widen the enforcement net for the federal government are contributing to the growing demand for detention bedspaces. Yet there is currently a dearth of research on the scope and nature of this relationship between local–federal partnerships and expansions in the immigration detention system.

The private prison industry is another critical player in immigration detention (see generally Ackerman & Furman 2013, Doty & Wheatley 2013, Douglas & Sáenz 2013, Homel. Secur. Advis. Counc. 2016). Quite apart from whether detention conditions and outcomes are worse in privately owned or operated facilities (Chacón 2017, Ryo & Peacock 2018a), scholars have begun to examine

whether, to what extent, and how private prison companies and their profit motives might fuel the demand for detention bedspaces. Torrey (2015) examines how the private prison industry lobbies Congress to ensure the continued use and expansion of immigration detention. Collingwood and colleagues (2018) find that the mere presence of a privately owned or operated detention facility in a legislator's district, net of their campaign donations, increases the likelihood that the legislator will cosponsor punitive immigration legislation. Gilman & Romero (2018, p. 145) find that DHS's detention or release decisions are likely influenced by "the need to keep numerous detention beds full to satisfy the contracts made with powerful private prison companies." Taken together, these studies suggest that there are multiple pathways through which private prison companies might be contributing to the growth in detention. In the criminal incarceration context, new empirical studies are investigating the causal effects of private prisons on incarceration rates and sentence lengths (Dippel & Poyker 2018, Galinato & Rohla 2018). Expanding the field of inquiry to consider the causal impacts of the private prison industry in the immigration detention context is an important step for future research.

Release Processes

Release process is another important dynamic in understanding the causes of expansion in immigration detention. Release decisions can determine not only the overall size of the detainee population but also the rate at which the detainee population may contract or expand, and the composition of the detained population. However, to date, empirical research on release decision making remains limited, especially compared with the voluminous literature on risk assessments and bail hearings in the criminal justice context (see, e.g., Arnold et al. 2018, Viljoen et al. 2018).

Empirical studies on DHS officials' custody determination process are rare. In one notable study, Eagly et al. (2018) examine all immigration court cases initiated in family detention between 2001 and 2016. The study finds evidence of overdetention, whereby "families that present no flight risk or danger are unnecessarily detained." It is worth noting that in 2013, ICE launched an analytical tool known as the Risk Classification Assessment (RCA). The RCA is based on an algorithm that purportedly considers factors associated with the apprehended individual's flight and public safety risks (US Gov. Account. Off. 2014). However, the Office of the Inspector General has concluded that "the tool is time consuming, resource intensive, and not effective in determining which aliens to release or under what conditions" (Off. Insp. Gen. 2015, p. 2). Noferi & Koulish (2014), in their study of the RCA program in the ICE Baltimore Field Office, find that ICE detained 82% of individuals upon whom it performed the RCA in 2013. By contrast, only 20–30% of criminal pretrial defendants are detained in jurisdictions employing risk assessment tools. Given the empirical evidence that noncitizen immigration arrestees do not pose a greater risk of danger to the public than criminal pretrial detainees, Noferi & Koulish conclude that ICE's RCA results in overdetention—at least relative to criminal pretrial detention levels (Noferi & Koulish 2014, pp. 70–71; see also Koulish 2016).

Empirical studies of custody redetermination hearings—commonly known as bond hearings—by immigration judges are similarly rare. My prior studies of judicial decision making in immigration bond hearings in the Central District of California suggest that a limited set of factors play a prominent role in bond decisions. In my first study of immigration bond hearings (Ryo 2016), I find that certain types of criminal convictions are the only legally relevant factors that predict the grant/deny and bond amount decisions. In my subsequent study (Ryo 2019a), I examine immigration judges' danger determinations during the bond hearings and find that the only conviction-related measures that predict the outcome are felony and violent convictions. Notably, the recency of criminal convictions and the total number of convictions are not predictive of

danger determinations. In addition, I find that Central Americans are more likely to be deemed dangerous than non-Central Americans, all else being equal. Across both studies, detainees who are legally represented obtain more favorable bond decisions than those who are pro se, controlling for a variety of possible confounders, including the detainees' prior criminal history (for a review of similar findings across other stages of the immigration court process, see Eagly & Shafer 2015).

While these study findings on administrative and judicial decision making establish valuable baselines for understanding who might get released and why, these studies also raise important new questions about the release process. To what extent are release decisions related to the decision makers' identity and background, such as their race, gender, work experience, and political ideology (cf. Ramji-Nogales et al. 2009)? How do performance quotas for immigration judges (Alvarez 2018) impact their bond decisions? To what extent are individuals who are granted bond continuing to be detained because of their financial inability to pay [see *Hernandez v. Sessions* (2017)], and how are indigent detainees impacted by private bond companies and community bail funds? Which detainees are likely to be granted alternatives to detention, such as ankle monitoring and reporting conditions (see Marouf 2017)? How do lawyers matter in the release decision-making process (see Ryo 2018)? These and related questions underscore the critical gaps in our knowledge about the release mechanisms that determine the scale of the detention system and shape the composition of the detainee population.

CONDITIONS AND EXPERIENCES OF DETENTION

As the use of immigration detention has expanded, so too has research documenting the confinement conditions and the experiences of individuals in detention. Given that conditions of confinement vary over time and across facilities, generalizations require caution (cf. Wildeman et al. 2018). It is, however, fair to note that concerns about and litigation over the conditions of confinement have been long-standing across many different detention facilities (see generally Gordon et al. 2018, § 108.04; Taylor 1995). Investigative reports by nongovernmental organizations date back to the early days of the modern immigration detention system. For example, in 1987 the Minnesota Lawyers International Human Rights Committee published a report on the Oakdale Detention Center that detailed “beatings of detainees, illegal strip-searching, inadequate medical care, confiscation of letters, and verbal harassment of detainees” (Minn. Lawyers Int. Hum. Rights Comm. 1987, p. 22).

Thirty years later, the Inspector General (Off. Insp. Gen. 2017) highlighted notably similar conditions in its 2017 report based on its unannounced inspections of several detention facilities across the United States. The Inspector General's report identified a host of conditions—the use of strip searches, the misuse of segregation, and delayed and inadequate medical care—that “undermine[d] the protection of detainees' rights, their humane treatment, and the provision of a safe and healthy environment” (Off. Insp. Gen. 2017, p. 3). An increasing number of nongovernmental organization reports offer corroborating evidence of these and other issues, including labor exploitation, sexual and physical abuse, and deaths in custody (see, e.g., Migr. Refug. Serv. et al. 2015, Penn State Law Cent. Immigr. Rights Clin. 2017, South. Poverty Law Cent. et al. 2016). ICE has reported 185 deaths in detention between October 2003 and July 2018 (Am. Immigr. Lawyers Assoc. 2018, US Immigr. Cust. Enforc. 2017b), and medical experts have concluded that many of these deaths are linked to poor medical care in detention (Hum. Rights Watch et al. 2018). Most recently, government investigations have found that ICE's system of facility inspections “do[es] not ensure adequate oversight or systemic improvements in detention conditions” (Off. Insp. Gen. 2018a, p. 2).

Complementing this extensive body of investigative and governmental reporting is nascent scholarship on the treatment of detainees, their lived experiences, and the consequences of confinement conditions. Phillips et al. (2006) draw on 300 interviews with a random sample of Salvadoran deportees to show that verbal harassment, procedural failings, and excessive use of force are common during detention. Hernández et al. (2018) examine the relationship between confinement conditions and morbidity/mortality in detention and find that the facilities' "punitive capacity" is a significant predictor of deaths, suicide attempts, and health referrals. Finally, an emerging body of research demonstrates that certain detention conditions engender a variety of legal and social harms. Studies show that confinement in remote locations and frequent interfacility transfers separate detainees from their lawyers, families, and basic social support and medical care (Eagly & Shafer 2015; Hiemstra 2013; Mountz et al. 2012; Ryo & Peacock 2018a, 2019; Venters et al. 2011). Other studies show that "volunteer work programs" maintained by some detention facilities are tantamount to forced labor (Sinha 2015, Stevens 2015). Yet significant research gaps remain. Two such gaps that are in pressing need of scholarly inquiry pertain to (a) the less-visible populations of detainees and (b) detention facility guards and staff.

Less-Visible Populations

I begin by emphasizing that all immigrant detainees—by institutional design—are hidden from public view and cut off from the wider society in varying degrees. Nonetheless, some segments of the detainee population are even less visible and less accessible (to the public and researchers alike) than others by virtue of their demographic, social, or legal status. Much of the contemporary empirical research on immigration detention has focused on immigrants from Latin America and, to a lesser extent, the Caribbean (for a history of the detention of Asian immigrants at Angel Island in the late 1800s and the early 1900s, see Lee & Yung 2010). This focus is crucial and warranted given that Mexicans and Central Americans make up the bulk of the detainee population in the United States. In fiscal year 2016, 38% of all individuals admitted into immigration detention were from Mexico, 19% from Guatemala, 16% from El Salvador, and 13% from Honduras (Baker 2017, p. 8). However, there is also considerable heterogeneity within the detainee population that is often overlooked. For example, in fiscal year 2016 alone, 4,088 individuals admitted into detention were from India, and 3,023 individuals were from China (Baker 2017).

Many of these and other non-English and non-Spanish speaking individuals (including indigenous-language speakers from Mexico and Central America) likely face severe language barriers and attendant social isolation and medical neglect within detention facilities (see Gieselman 2018, Wallace & Hernández 2017). For example, the Detainee Handbook that contains basic information for detainees on facility procedures and protocols, including instructions on how to seek medical care and file grievances, is available in only English and Spanish (Hum. Rights Watch & CIVIC 2017, p. 88). Yet contemporary scholarly research in the United States on the nature and scope of challenges faced by non-English and non-Spanish speaking detainees remains limited.

There are many other segments of the detainee population for whom there is a scarcity of scholarly research on the conditions of their confinement and, equally importantly, on how those conditions translate into detention experiences and outcomes. Children are uniquely vulnerable and unable to advocate for themselves in detention given their age and developmental needs (Linton et al. 2017, Terrio 2015). Women face heightened risks of sexual violence and stigmatization in immigration detention (Rabin 2009). Transgender individuals are more likely to be subject to segregation and various forms of discrimination by the facility staff and other detainees (Tabak & Levitana 2014). My reference to these particular subpopulations is intended to be only illustrative rather than comprehensive. But even this brief and incomplete list hints at the diversity of the

detainee population and the varying challenges that these individuals face in detention. Unpacking these issues requires investigating not only the variations in physical conditions of confinement but also how the detainees make sense of those conditions and navigate them. More generally, to understand the full spectrum of detention conditions and their impacts, researchers must attend to the less-visible populations, their subjective experiences, and relational dimensions of detention conditions.

Guards and Staff

Garland (1990, p. 210) argued that “the agents who do most to transform cultural conceptions into penal actions, are, of course, the ‘operatives’ of the penal system—the personnel who staff the courts, the prisons, the probation offices, and the state departments.” In the criminal incarceration context, prison guards and correctional staff are the immediate frontline officials who translate written policy into everyday practices. In recognition of this reality, a long line of research has examined their role in the maintenance of order in prison life. This body of research typically draws on qualitative and quantitative data collected directly from correctional staff and covers a wide range of issues, including job stress and burnout, workplace culture, attitudes about criminal justice policy, and relationships with inmates (Antonio & Young 2011, Gordon et al. 2013, Lambert et al. 2007). Studies also analyze the various ways in which the individual backgrounds, attitudes, and behaviors of correctional staff shape the conditions of confinement for inmates. For example, Vuolo & Kruttschnitt (2008) find in their study of two very different women’s prisons in California that correctional officers’ attitudes and behavior have a profound effect on prisoners’ ability to adjust to prison life, independent of the institutional setting.

In the United Kingdom, scholars have extended this line of inquiry to explore the central role played by correctional officers in shaping the conditions of confinement in immigration detention (Bosworth 2018, Hall 2012). Bosworth (2018), for example, analyzes how correctional staff in several British immigration detention facilities understand their work and the contradictory roles that they occupy within the system. Drawing on interviews with correctional officers, Bosworth (2018, p. 3) offers a rare view of their world and how they relate to the detainees:

Officers report difficulty in forging relationships with those in their care. Communicating across language barriers and cultural differences can be taxing. Detainees are unpredictable, angry and distressed. Nobody knows how long they will be detained, and officers rarely learn what happens to those who leave. Institutionally they are exhorted to maintain distance from detainees, while having to work with them intimately, sometimes for months or even years at a time. As a result, they tend to rely on racialized and gendered stereotypes, which, particularly in these securitized environments, make bonds harder to form.

Strikingly, there is no parallel research on correctional officers in the US immigration detention context. Even rudimentary statistics on the facility guards and staff, such as their race, gender, age, and educational background, are unavailable. While I have examined the role of detention facility guards in shaping some aspects of detention experiences and the legal attitudes of immigrant detainees (Ryo 2017a,b), those studies are based on interviews with and surveys of the detainees. What are the demographic profiles and backgrounds of the guards and staff who work at immigration detention facilities? How are the guards and staff recruited, trained, and promoted, and what is the length of their job tenure? How do they think about their work, immigrants, and their role in relation to immigrant detainees? What are the determinants of their work stress and work conditions? How do their work culture and institutional settings shape their exercise of power and authority over the detainees? How do their everyday interactions with and treatment of detainees

produce unequal confinement conditions and outcomes for the detainees? Answers to these and related questions can advance a deeper, more intimate understanding of detention conditions and lived experiences of detainees.

CONSEQUENCES OF DETENTION

What do we know about the consequences of detention? In the criminal incarceration context, the literature addressing this question has developed in relative isolation from the literature exploring the conditions of confinement (Wildeman et al. 2018). The same is true in immigration detention research. However, scholars in both areas of research have looked at the relationship between the length of confinement and the consequences of confinement. Thus, I begin this section by briefly discussing some of the basic statistics concerning the length of immigration detention. Over the past few decades, the average length of detention has increased considerably in the United States. In 1981, the average length of detention was reported to be 3.6 days (Am. Civ. Lib. Union et al. 1990, p. 5). In comparison, the average length of detention among all adults who were released in fiscal year 2015 was 38 days (Ryo & Peacock 2018a).⁴ With respect to this latter statistic, it is worth noting that thousands of detainees experienced periods of detention much longer than 38 days before being released. For example, 8,671 adults who were released from immigration detention in fiscal year 2015 had been detained 6 to 12 months; 1,800 had been detained 1 to 2 years; 273 had been detained 2 to 3 years; and 117 had been detained more than 3 years (Ryo & Peacock 2018a).

A growing number of studies—largely focused on asylum seekers in countries such as Canada, Europe, and Australia—have examined the relationship between detention and mental health (e.g., Cleveland et al. 2018, Coffey et al. 2010, Kronick et al. 2018, Sen et al. 2018, Silove et al. 2000). An analogous, smaller body of research exists in the US detention context (Keller et al. 2003, Linton et al. 2017, Teicher 2018). Taken together, these studies show that detention is related to a host of serious mental health issues. Some studies suggest that even relatively short-term detention may have significant negative mental health impacts. For example, Cleveland & Rousseau (2013) show that after a median confinement of 18 days, detained asylum seekers in Canada were almost twice as likely as their nondetained counterparts to experience clinical levels of post-traumatic stress disorder and 50% more likely to have clinical levels of depression (see also Robjant et al. 2009). Other studies find that the longer the detention length, the more prevalent and severe the mental health symptoms (Hedrick 2017, Keller et al. 2003).

A growing body of research examines legal and labor market outcomes of pretrial criminal detention and criminal incarceration (for reviews, see Heaton et al. 2017, Travis et al. 2014). Although a parallel body of research is largely lacking in the immigration detention context, there are studies that explore the impact of immigration detention on families and communities. Briefly summarized, these studies document the link between detention/deportation, on the one hand, and negative social, economic, and relational well-being outcomes at the family or community level, on the other (Brabeck & Xu 2010, Brabeck et al. 2014, Rojas-Flores et al. 2017, Rugh & Hall 2016, Valdez et al. 2013, Zayas et al. 2015). These studies, however, do not disentangle the effects of immigration detention from the effects of apprehension and deportation. Consequently, much work remains to be done to identify the unique effects of detention at the level of individuals, families, and communities. More generally, determining whether the relationship between detention and outcomes of interest is causal in nature presents an important methodological challenge

⁴The 2015 statistic is the mean length of detention among all adult detainees released in fiscal year 2015. The 1981 statistic presumably also relates to adult detainees, though the source does not state so explicitly, nor does the source state whether 1981 refers to calendar or fiscal year.

(cf. Kirk & Wakefield 2018). Substantively, a broader conceptualization of detention consequences is needed to guide the next generation of research. To illustrate the value of this broader conceptualization, the remainder of this section discusses (a) civic and democratic costs of detention and (b) deterrence effects of detention.

Civic and Democratic Costs

Studies have documented the various ways in which exclusionary and discriminatory practices within the criminal justice system inculcate antidemocratic values of governmental distrust and civic disengagement on a growing underclass of Americans (Justice & Meares 2014). Weaver & Lerman (2010) show that there is a large and independent effect of individuals' contacts with the criminal justice system on their political attitudes and political engagement. Specifically, Weaver & Lerman (2010, p. 831) find that "those with contact at every level of criminal supervision withdraw from political life—they are less likely to participate in civic groups, they are less likely to express their political voice in elections, and they are less trusting of government." Muller & Schrage (2014) find that experiences with incarceration reduce an individual's trust in the law.

Likewise, immigration detention may be teaching a growing segment of noncitizens a host of delegitimizing beliefs about the US legal system and, more broadly, the rule of law. In my study of individuals in long-term immigration detention (six months or more of continuous detention), I analyze how detention promotes beliefs among detainees that the legal system is punitive despite its purported administrative function, that legal rules are inscrutable by design, and that legal outcomes are arbitrary (Ryo 2017a). The development of this type of legal cynicism may have significant and enduring ripple effects on public safety, civic engagement, and community health, as increasing numbers of immigrants—particularly the most vulnerable and disadvantaged—come to avoid contacts with government agencies and public institutions more generally. In addition, these ripple effects may be intergenerational in character, given that the legal attitudes of parents play an important role in the legal socialization of their children (Cavanagh & Cauffman 2015), and many children in immigrant families—including US citizen children—are part of mixed-legal status families with parents who are at risk of detention and deportation (Menjívar et al. 2016).

Finally, because immigrants are embedded in transnational networks (Menjívar 2014, p. 361), detainees have the potential to widely disseminate distrust and delegitimizing beliefs about the US legal system and authorities in their origin communities abroad. The international diffusion of detainees' legal attitudes has significant policy implications. First, individual decisions to migrate illegally to the United States are shaped not only by economic cost-benefit calculations but also in part by an individual's beliefs about the morality of their actions and the legitimacy of US laws and legal authorities (Ryo 2013). Second, emerging research shows that immigrants "are agents of democratic diffusion" who may help to promote democracy in their origin countries by absorbing and transmitting democratic values and practices from their host societies to individuals in their home countries (Pérez-Armendáriz & Crow 2010). Insofar as legal attitudes operate the same way, international diffusion of detainees' delegitimizing beliefs about the US legal system may undercut US efforts to strengthen democratic governance and the rule of law around the world, especially in traditional sending countries and regions such as Mexico and Central America. The foregoing discussion suggests that detention may engender significant civic and democratic costs, and that such costs are likely to span multiple institutions, time periods, and territorial boundaries.

Deterrence Effects

Another type of detention consequence that has potentially large diffusive and international implications pertains to the deterrence effects of detention. Of concern are two major types of

deterrence. The first type of deterrence relates to the government's policy of detaining migrants with the goal of deterring them and others from engaging in migration to the United States in the future (see Ryo 2019b). This type of deterrence has drawn much public attention recently owing to the Trump administration's repeated pronouncements that its family separation and detention policy will prevent unauthorized border crossings. Simply put, the idea is that detention will send a message that harsh consequences await migrants, and that such a message will discourage migrants from attempting to cross the border. The use of detention to effectuate this type of deterrence long predates the Trump administration (Musalo & Lee 2017). During the Obama administration, for example, Jeh Johnson, the secretary of Homeland Security, announced a "No-Release Policy" in 2014 in response to increased migration from Central America, declaring, "Frankly, we want to send a message that our border is not open to illegal migration, and if you come here, you should not expect to simply be released" (Preston 2014).

Establishing a causal relationship between detention and this type of deterrence requires much more than a mere showing of a correlation between changes in detention policy and changes in border apprehensions (a common proxy for migrant flow). But the existence of such a relationship is an important first step in establishing causality. Researchers who have analyzed such relationships generally have found no evidence of deterrence (Cox & Goodman 2018, Wong 2018). Rather than analyzing border apprehensions, Hiskey et al. (2018) examine emigration intentions of prospective migrants in Central America. Emigration intentions or migration behavior may provide better tests of deterrence than border apprehensions given that border apprehensions conflate enforcement effectiveness with migrant flow (Espenshade 1995, p. 546). In their study, Hiskey and colleagues find that crime victimization is a significant predictor of emigration intentions, and that these individuals persist in their migration plans despite knowledge of heightened risks of detention and deportation.

Although the studies I have discussed above suggest that the first type of deterrence effect may be more limited than what the government may expect or desire, the same may not be true of the second type of deterrence effect. The second type of deterrence relates to the possibility that detention may deter those individuals who are in detention from pursuing valid claims of relief from removal because they cannot withstand the pain of detention. Examples of this type of deterrence effect abound in ethnographic accounts of immigration detention (Hiemstra 2013, p. 71; Riva 2017, pp. 315–18). Martin (2012, p. 327), for example, observes in her study of family detention, "Fed up with long detention stays, some detainees chose to sign voluntary deportation orders and forego legitimate claims and return home in order to avoid continued detention." Insofar as detention deters behavior that is protected under the law, the system undermines the basic legitimacy of immigration law and immigration authorities. What is unknown, however, is the magnitude of this deterrence effect and its short-term and long-term ramifications. For example, what happens to asylum seekers who give up their legal claims despite threats to their lives that they face back home? Nor do we know how long-term US residents who self-deport under these circumstances reintegrate into their origin communities. We also lack systematic knowledge about which groups of detainees are most vulnerable to and impacted by this deterrence effect. Yet these and related issues have critical policy implications that extend beyond our borders.

CONCLUSION

In 1958, four years after Ellis Island closed its doors as a mass detention center for arriving immigrants, the United States Supreme Court declared in *Leng May Ma v. Barber* (1958, p. 190), "Physical detention of aliens is now the exception, not the rule, and is generally employed only as to security risks or those likely to abscond....Certainly this policy reflects the humane qualities

of an enlightened civilization.” Sixty years later, the pendulum has swung, and physical detention of noncitizens is no longer the exception. Entire classes of noncitizens are mandatorily detained without individualized assessments of danger and flight risk [see *Jennings v. Rodriguez* (2018)]. Most of these detainees lack legal representation to assist them in navigating immigration laws, a complex and highly technical area of law that can be daunting even for trained lawyers.

This contemporary context underscores the pressing need to assess the current state of our knowledge and to map new directions for research on immigration detention. This article undertakes those tasks by critically analyzing key questions related to the causes, conditions, and consequences of detention that are in need of more robust theoretical and empirical development. Answers to those questions ought to inform ongoing public and policy debates about the future of immigration detention in the United States.

DISCLOSURE STATEMENT

The author is not aware of any affiliations, memberships, funding, or financial holdings that might be perceived as affecting the objectivity of this review.

ACKNOWLEDGMENTS

This project was supported by the Carnegie Corporation of New York and the California Wellness Foundation. The statements made and views expressed are solely the responsibility of the author. I am grateful to Cindy Guyer, Jane Lah, Paul Moorman, Ian Peacock, and Karen Skinner for their expert research support. I thank Denise Gilman, César Cuauhtémoc García Hernández, Nina Rabin, and Juliet Stumpf for their insightful comments on an earlier version of the manuscript.

LITERATURE CITED

- Ackerman AR, Furman R. 2013. The criminalization of immigration and the privatization of the immigration detention: implications for justice. *Contemp. Justice Rev.* 16:251–63
- Aleinikoff TA, Martin DA, Motomura H, Fullerton M, Stumpf J. 2016. Removal, detention, and judicial review. In *Immigration and Citizenship: Process and Policy*. St. Paul, MN: West Acad. Publ.
- Alvarez P. 2018. Jeff Sessions is quietly transforming the nation’s immigration courts. *Atlantic*, Oct. 17. <https://perma.cc/LE5N-4XEH>
- Am. Civ. Lib. Union, Church World Serv., Lutheran Immigr. Refug. Serv., Natl. Counc. La Raza, San Franc. Lawyers’ Comm. Urban Aff. 1990. *Detention of Undocumented Aliens*. Washington, DC: Am. Civ. Lib. Union
- Am. Immigr. Counc. 2014. *Removal without recourse: the growth of summary deportations from the United States*. Fact Sheet, Am. Immigr. Counc., Washington, DC. <https://perma.cc/4SZU-BVDJ>
- Am. Immigr. Lawyers Assoc. 2018. *Deaths at adult detention centers*. Doc. No. 16050900, Am. Immigr. Lawyers Assoc., Washington, DC. <https://perma.cc/Q2NC-WRST>
- Anello F. 2013. Due process and temporal limits on mandatory immigration detention. *Hastings Law J.* 65:363–403
- Antonio ME, Young JL. 2011. The effects of tenure on staff apathy and treatment orientation: a comparison of respondent characteristics and environmental factors. *Am. J. Crim. Justice* 36:1–16
- Arnold D, Dobbie W, Yang CS. 2018. Racial bias in bail decisions. *Q. J. Econ.* 133:1885–932
- Baker B. 2017. *Immigration enforcement actions: 2016*. Annu. Rep., US Dep. Homel. Secur., Washington, DC. <https://perma.cc/LKY7-NBK3>
- Bosworth M. 2018. Affect and authority in immigration detention. *Punishm. Soc.* In press
- Brabeck KM, Lykes MB, Hunter C. 2014. The psychosocial impact of detention and deportation on U.S. migrant children and families. *Am. J. Orthopsychiatry* 84:496–505

- Brabeck KM, Xu Q. 2010. The impact of detention and deportation on Latino immigrant children and families: a quantitative exploration. *Hisp. J. Behav. Sci.* 32:341–61
- Can. Bord. Serv. Agency. 2018. *Annual Detention Statistics, 2012–2018*. Ottawa: Can. Bord. Serv. Agency. <https://perma.cc/H7F8-5A97>
- Capps R, Hipsman F, Meissner D. 2017. *Advances in U.S.-Mexico border enforcement: a review of the consequence delivery system*. Rep., Migr. Policy Inst., Washington, DC. <https://perma.cc/KD8M-K8BL>
- Cavanagh C, Cauffman E. 2015. Viewing law and order: mothers' and sons' justice system legitimacy attitudes and juvenile recidivism. *Psychol. Public Policy Law* 21:432–41
- Chacón JM. 2014. Immigration detention: No turning back? *South Atlantic Q.* 113:621–28
- Chacón JM. 2017. Privatized immigration enforcement. *Harvard Civ. Rights Civ. Lib. Law Rev.* 52:1–45
- Cleveland J, Kronick R, Gros H, Rousseau C. 2018. Symbolic violence and disempowerment as factors in the adverse impact of immigration detention on adult asylum seekers' mental health. *Int. J. Public Health* 63:1001–8
- Cleveland J, Rousseau C. 2013. Psychiatric symptoms associated with brief detention of adult asylum seekers in Canada. *Can. J. Psychiatry* 58:409–16
- Coffey GJ, Kaplan I, Sampson RC, Tucci MM. 2010. The meaning and mental health consequences of long-term immigration detention for people seeking asylum. *Soc. Sci. Med.* 70:2070–79
- Collingwood L, Morin JL, El-Khatib SO. 2018. Expanding carceral markets: detention facilities, ICE contracts, and the financial interests of punitive immigration policy. *Race Soc. Probl.* 10:275–92
- Conlon D, Hiemstra N, eds. 2017. *Intimate Economies of Immigration Detention*. New York: Routledge
- Cox A, Goodman R. 2018. Detention of migrant families as “deterrence”: ethical flaws and empirical doubts. *Just Security*, June 22. <https://perma.cc/Q5S6-WELR>
- Das A. 2013. Immigration detention: information gaps and institutional barriers to reform. *Univ. Chic. Law Rev.* 80:137–63
- Dippel C, Poyker M. 2018. *Do private prisons affect court sentencing?* Work. Pap., Univ. Calif., Los Angeles, CA. <https://perma.cc/G64H-JVWD>
- Doty RL, Wheatley ES. 2013. Private detention and the immigration industrial complex. *Int. Political Sociol.* 7:426–43
- Douglas KM, Sáenz R. 2013. The criminalization of immigrants & the immigration-industrial complex. *Daedalus* 142:199–227
- Eagly I, Shafer S, Whalley J. 2018. Detaining families: a study of asylum adjudication in family detention. *Calif. Law Rev.* 106:785–868
- Eagly IV, Shafer S. 2015. A national study of access to counsel in immigration court. *Univ. Pa. Law Rev.* 164:1–92
- Enns PK. 2016. *Incarceration Nation: How the United States Became the Most Punitive Democracy in the World*. New York: Cambridge Univ. Press
- Espenshade TJ. 1995. Using INS border apprehensions data to measure the flow of migrants crossing the U.S.-Mexico frontier. *Int. Migr. Rev.* 29:545–65
- Flynn MJ, Flynn MB, eds. 2017. *Challenging Immigration Detention: Academics, Activists and Policy-Makers*. Northampton, MA: Edward Elgar Publ.
- Furman R, Epps D, Lamphear G, eds. 2016. *Detaining the Immigrant Other: Global and Transnational Issues*. New York: Oxford Univ. Press
- Galinato GI, Rohla R. 2018. *Do privately-owned prisons increase incarceration rates?* Work. Pap. 2018–6, Sch. Econ. Sci., Wash. State Univ. <https://perma.cc/XD5Z-H25A>
- García Hernández CC. 2014. Immigration detention as punishment. *UCLA Law Rev.* 61:1346–414
- Garland D. 1990. *Punishment and Modern Society: A Study in Social Theory*. Chicago: Univ. Chic. Press
- Gilman D, Romero LA. 2018. Immigration Detention, Inc. *J. Migr. Hum. Secur.* 6:145–60
- Gilman DL. 2016. To loose the bonds: the deceptive promise of freedom from pretrial immigration detention. *Indiana Law J.* 92:157–225
- Gieselman J. 2018. An invisible wall: how language barriers block indigenous Latin American asylum-seekers. *Transnatl. Law Contemp. Probl.* 27:451–75

- Golash-Boza T, Hondagneu-Sotelo P. 2013. Latino immigrant men and the deportation crisis: a gendered racial removal program. *Latino Stud.* 11:271–92
- Gordon C, Mailman S, Yale-Loehr S, Wada RY. 2018. Detention of noncitizens. In *Immigration Law and Procedure*, Vol. 8, ed. S Yale-Loehr, RY Wada, S Mailman, chapter 108. San Francisco, CA: Matthew Bender & Co.
- Gordon JA, Proulx B, Grant PH. 2013. Trepidation among the “keepers”: gendered perceptions of fear and risk of victimization among corrections officers. *Am. J. Crim. Justice* 38:245–65
- Guia MJ, Koulisch R, Mitsilegas V, eds. 2016. *Immigration Detention, Risk and Human Rights*. New York: Springer Int. Publ.
- Gulasekaram P, Ramakrishnan KS. 2015. *The New Immigration Federalism*. New York: Cambridge Univ. Press
- Hall A. 2012. *Border Watch: Cultures of Immigration, Detention and Control*. London: Pluto
- Heaton P, Mayson S, Stevenson M. 2017. The downstream consequences of misdemeanor pretrial detention. *Stanford Law Rev.* 69:711–94
- Hedrick K. 2017. Getting out of (self-) harm’s way: a study of factors associated with self-harm among asylum seekers in Australian immigration detention. *J. Forensic Leg. Med.* 49:89–93
- Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017)
- Hernández D, Eason JM, Goldsmith PR, Abel RD, McNeely A. 2018. With mass deportation comes mass punishment. In *Routledge Handbook on Immigration and Crime*, ed. HV Miller, A Peguero, pp. 260–69. New York: Routledge
- Hernández DM. 2013. Pursuant to deportation: Latinos and immigrant detention. In *Governing Immigration through Crime: A Reader*, ed. JA Dowling, JX Inda, pp. 199–232. Stanford, CA: Stanford Univ. Press
- Hernández KL. 2017. *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965*. Chapel Hill: Univ. N.C. Press
- Hiemstra N. 2013. “You don’t even know where you are”: chaotic geographies of US migrant detention and deportation. In *Carceral Spaces: Mobility and Agency in Imprisonment and Migrant Detention*, ed. D Moran, N Gill, D Conlon, pp. 57–75. Burlington, VT: Ashgate Publ.
- Hiskey J, Córdova A, Malone M, Orcés D. 2018. Leaving the devil you know: crime victimization, U.S. deterrence policy, and the emigration decisions in Central America. *Lat. Am. Res. Rev.* 53:429–47
- Home Off. 2018. *How many people are detained or returned?* Natl. Stat., Home Off., London. <https://perma.cc/5PTM-A6MS>
- Homel. Secur. Advis. Counc. 2016. *Report of the Subcommittee on Privatized Immigration Detention Facilities*. Rep., Homel. Secur. Advis. Counc., Washington, DC. <https://perma.cc/5FR5-JJY4>
- Hum. Rights Watch. 2018. *Code red: the fatal consequences of dangerously substandard medical care in immigration detention*. Rep., Hum. Rights Watch, New York. <https://perma.cc/MT56-L3GE>
- Hum. Rights Watch, CIVIC. 2017. *Systemic indifference: dangerous & substandard medical care in US immigration detention*. Rep., Hum. Rights Watch, New York. <https://perma.cc/KT38-V53C>
- Jaeger J. 2016. Securing communities or profits? The effects of federal-local partnerships on immigration enforcement. *State Politics Policy Q.* 16:362–86
- Jennings v. Rodriguez*, 138 S.Ct. 830 (2018)
- Justice B, Meares TL. 2014. How the criminal justice system educates citizens. *Ann. Am. Acad. Political Soc. Sci.* 651:159–77
- Kalhan A. 2010. Rethinking immigration detention. *Columbia Law Rev. Sidebar* 110:42–58
- Keller AS, Rosenfeld B, Trinh-Shevrin C, Meserve C, Sachs E, et al. 2003. Mental health of detained asylum seekers. *Lancet* 362:1721–23
- Kirk DS, Wakefield S. 2018. Collateral consequences of punishment: a critical review and path forward. *Annu. Rev. Criminol.* 1:171–94
- Koulisch R. 2016. Using risk to assess the legal violence of mandatory detention. *Laws* 5:1–20
- Kronick R, Rousseau C, Cleveland J. 2018. Refugee children’s sandplay narratives in immigration detention in Canada. *Eur. Child Adolesc. Psychiatry* 27:423–37
- Lambert EG, Hogan NL, Griffin ML. 2007. The impact of distributive and procedural justice on correctional staff job stress, job satisfaction, and organizational commitment. *J. Crim. Justice* 35:644–56
- Lee E, Yung J. 2010. *Angel Island: Immigrant Gateway to America*. New York: Oxford Univ. Press

- Legomsky SH. 1999. The detention of aliens: theories, rules, and discretion. *Univ. Miami Inter-Am. Law Rev.* 30:531–49
- Legomsky SH. 2007. The new path of immigration law: asymmetric incorporation of criminal justice norms. *Washington Lee Law Rev.* 64:469–528
- Leng May Ma v. Barber*, 327 U.S. 185 (1958)
- Linton JM, Griffin M, Shapiro AJ, Counc. Community Pediatr. 2017. Detention of immigrant children. *Pediatrics* 139:1–13
- Macías-Rojas P. 2016. *From Deportation to Prison: The Politics of Immigration Enforcement in Post-Civil Rights America*. New York: NYU Press
- Marouf FE. 2017. Alternatives to immigration detention. *Cardozo Law Rev.* 38:101–52
- Martin L. 2017. Discretion, contracting and commodification: privatisation of US immigration detention as a technology of government. In *Intimate Economies of Immigration Detention: Critical Perspectives*, ed. D Conlon, N Hiemstra, pp. 32–50. New York: Routledge
- Martin LL. 2012. “Catch and remove”: detention, deterrence, and discipline in US noncitizen family detention practice. *Geopolitics* 17:312–34
- McGregor J. 2011. Contestations and consequences of deportability: hunger strikes and the political agency of non-citizens. *Citizensh. Stud.* 15:597–611
- Menjívar C. 2014. Immigration law beyond borders: externalizing and internalizing border controls in an era of securitization. *Annu. Rev. Law Soc. Sci.* 10:353–69
- Menjívar C, Abrego LJ, Schmalzbauer LC. 2016. *Immigrant Families*. Malden, MA: Polity
- Migr. Policy Inst. 2017. *Top 25 Destinations of International Migrants*. Washington, DC: Migr. Policy Inst. <https://perma.cc/GUB6-8BZR>
- Migr. Refug. Serv., US Conf. Cathol. Bishops, Cent. Migr. Stud. 2015. Unlocking human dignity: a plan to transform the US immigrant detention system. *J. Migr. Hum. Secur.* 3:159–204
- Minn. Lawyers Int. Hum. Rights Comm. 1987. *Oakdale Detention Center: The First Year of Operation*. Minneapolis: Minn. Lawyers Int. Hum. Rights Comm.
- Moinester M. 2018. Beyond the border and into the heartland: spatial patterning of U.S. immigration detention. *Demography* 55:1147–93
- Moran D, Conlon D, Gill N. 2013. Introduction. In *Carceral Spaces: Mobility and Agency in Imprisonment and Migrant Detention*, ed. D Moran, D Conlon, N Gill, pp. 1–9. Burlington, VT: Ashgate Publ.
- Mountz A, Coddington K, Catania RT, Lloyd JM. 2012. Conceptualizing detention: mobility, containment, bordering, and exclusion. *Prog. Hum. Geogr.* 37:522–41
- Muller C, Schrage D. 2014. Mass imprisonment and trust in the law. *Ann. Am. Acad. Political Soc. Sci.* 651:139–58
- Musalo K, Lee E. 2017. Seeking a rational approach to a regional refugee crisis: lessons from the summer 2014 “surge” of Central American women and children at the US-Mexico border. *J. Migr. Hum. Secur.* 5:137–79
- Noferi M, Koulish R. 2014. The immigration detention risk assessment. *Georgetown Immigr. Law J.* 29:45–94
- Off. Immigr. Stat. 2017. *2016 Yearbook of Immigration Statistics*. Washington, DC: US Dep. Homel. Secur. <https://perma.cc/PC66-WTYW>
- Off. Insp. Gen. 2015. *U.S. Immigration and Customs Enforcement’s Alternatives to Detention (Revised)*. Washington, DC: US Dep. Homel. Secur.
- Off. Insp. Gen. 2017. *Concerns about ICE Detainee Treatment and Care at Detention Facilities*. Washington, DC: US Dep. Homel. Secur.
- Off. Insp. Gen. 2018a. *ICE’s Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systematic Improvements*. Washington, DC: US Dep. Homel. Secur.
- Off. Insp. Gen. 2018b. *Immigration and Customs Enforcement Did Not Follow Federal Procurement Guidelines When Contracting for Detention Services*. Washington, DC: US Dep. Homel. Secur.
- Penn State Law Cent. Immigr. Rights Clin. 2017. *Imprisoned Justice: Inside Two Georgia Immigrant Detention Centers*. Atlanta: Proj. South. <https://perma.cc/57ZK-SWEY>
- Pérez-Armendáriz C, Crow D. 2010. Do migrants remit democracy? International migration, political beliefs, and behavior in Mexico. *Comp. Political Stud.* 43:119–48

- Phillips S, Hagan JM, Rodriguez N. 2006. Brutal borders? Examining the treatment of deportees during arrest and detention. *Soc. Forces* 85:93–109
- Preston J. 2014. Detention center presented as deterrent to border crossings. *New York Times*, Dec. 15. <https://perma.cc/2L42-8CF4>
- Provine DM, Varsanyi MW, Lewis PG, Decker SH. 2016. *Policing Immigrants: Local Law Enforcement on the Front Lines*. Chicago: Univ. Chic. Press
- Rabin N. 2009. Unseen prisoners: women in immigration detention facilities in Arizona. *Georgetown Immigr. Law J.* 23:695–763
- Ramji-Nogales J, Schoenholtz AI, Schrag PG. 2009. *Refugee Roulette: Disparities in Asylum Adjudication and Proposals for Reform*. New York: NYU Press
- Riva S. 2017. Across the border and into the cold: hieleras and the punishment of asylum-seeking Central American women in the United States. *Citizensh. Stud.* 21:309–26
- Robjant K, Robbins I, Senior V. 2009. Psychological distress among immigration detainees: a cross-sectional questionnaire study. *Br. J. Clin. Psychol.* 48:275–86
- Rojas-Flores L, Clements ML, Koo JH. 2017. Trauma and psychological distress in Latino citizen children following parental detention and deportation. *Psychol. Trauma* 9:352–61
- Rosenblum MR, Meissner D. 2014. *The deportation dilemma: reconciling tough and humane enforcement*. Rep., Migr. Policy Inst., Washington, DC. <https://perma.cc/SRT2-57LZ>
- Rugh JS, Hall M. 2016. Deporting the American dream: immigration enforcement and Latino foreclosures. *Sociol. Sci.* 3:1053–76
- Ryo E. 2013. Deciding to cross: norms and economics of unauthorized migration. *Am. Sociol. Rev.* 78:574–603
- Ryo E. 2016. Detained: a study of immigration bond hearings. *Law Soc. Rev.* 50:117–53
- Ryo E. 2017a. Fostering legal cynicism through immigration detention. *South. Calif. Law Rev.* 90:999–1053
- Ryo E. 2017b. Legal attitudes of immigrant detainees. *Law Soc. Rev.* 51:99–131
- Ryo E. 2018. Representing immigrants: the role of lawyers in immigration bond hearings. *Law Soc. Rev.* 52:503–31
- Ryo E. 2019a. Predicting danger in immigration courts. *Law Soc. Inq.* 44:227–56
- Ryo E. 2019b. Detention as deterrence. *Stanford Law Rev. Online* 71:237–50
- Ryo E, Peacock I. 2018a. A national study of immigration detention in the United States. *South. Calif. Law Rev.* 92:1–67
- Ryo E, Peacock I. 2018b. *Jailing immigrant detainees*. Presented at Incarceration: A Vera Institute of Justice Research Symposium, New York, Oct. 25–26
- Ryo E, Peacock I. 2019. Beyond the walls: the importance of community contexts in immigration detention. *Am. Behav. Sci.* In press
- Schriro D. 2015. Improving conditions of confinement for immigrant detainees. In *The New Deportations Delirium: Interdisciplinary Responses*, ed. D Kanstroom, MB Lykes, pp. 57–88. New York: NYU Press
- Sen P, Arugnanaseelan J, Connell E, Katona CK, Khan AA, et al. 2018. Mental health morbidity among people subject to immigration detention in the UK: a feasibility study. *Epidemiol. Psychiatr. Sci.* 27:628–37
- Silove D, Steel Z, Watters C. 2000. Politics of deterrence and the mental health of asylum seekers. *J. Am. Med. Assoc.* 284:604–11
- Silverman SJ, Massa E. 2012. Why immigration detention is unique. *Popul. Space Place* 18:677–86
- Sinha A. 2015. Slavery by another name: “voluntary” immigrant detainee labor and the Thirteenth Amendment. *Stanford J. Civ. Rights Civ. Lib.* 11:1–44
- Smith HR. 2018. *Expedited removal of aliens: legal framework*. CRS Rep., Congr. Res. Serv., Washington, DC. <https://perma.cc/9EHV-884W>
- South. Poverty Law Cent., Natl. Immigr. Proj. Natl. Lawyers Guild, Adelante Ala. Work. Cent. 2016. *Shadow prisons: immigrant detention in the South*. Rep., South. Poverty Law Cent., Montgomery, AL. <https://perma.cc/2GMD-M9RD>
- Stevens J. 2015. One dollar per day: the slaving wages of immigration jail, 1943–present. *Georgetown Immigr. Law J.* 29:391–500
- Stumpf J. 2006. The crimmigration crisis: immigrants, crime, and sovereign power. *Am. Univ. Law Rev.* 56:367–419

- Tabak S, Levitana R. 2014. LGBTI migrants in immigration detention: a global perspective. *Harvard J. Law Gend.* 37:1–44
- Taylor MH. 1995. Detained aliens challenging conditions of confinement and the porous border of the plenary power doctrine. *Hastings Const. Law Q.* 22:1087–158
- Teicher MH. 2018. Childhood trauma and the enduring consequences of forcibly separating children from parents at the United States border. *BMC Med.* 16:146–48
- Terrio SJ. 2015. *Whose Child Am I? Unaccompanied, Undocumented Children in U.S. Immigration Custody*. Oakland: Univ. Calif. Press
- Torrey PL. 2015. Rethinking immigration's mandatory detention regime: politics, profit, and the meaning of "custody." *Univ. Mich. J. Law Reform* 48:879–913
- Travis J, Western B, Redburn S, eds. 2014. *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, DC: Natl. Acad. Press
- UNHCR. 2012. *Detention Guidelines: Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*. Geneva: UNHCR. <https://perma.cc/8PXV-997Q>
- UNHCR, OHCHR. 2011. *Global roundtable on alternatives to detention of asylum-seekers, refugees, migrants and stateless persons*. Summ., UNHCR, Geneva. <https://perma.cc/VE5U-5SB2>
- US Cust. Bord. Patrol. 2017. *CBP Border Security Report: Fiscal Year 2017*. Washington, DC: US Dep. Homel. Secur. <https://perma.cc/9FX2-6AW5>
- US Dep. Homel. Secur. 2018. *Frequently Asked Questions: Immigration Enforcement*. Washington, DC: US Dep. Homel. Secur. <https://perma.cc/UR43-PDBT>
- US Gov. Account. Off. 2014. *Alternatives to detention: improved data collection and analyses needed to better assess program effectiveness*. Rep. Congr. Comm., US Gov. Account. Off., Washington, DC. <https://perma.cc/EK87-YWLA>
- US Immigr. Cust. Enforc. 2011. *ERO Facts and Statistics*. Washington, DC: US Dep. Homel. Secur. <https://perma.cc/S9V9-2EWE>
- US Immigr. Cust. Enforc. 2017a. *Fiscal year 2017 ICE enforcement and removal operations report*. Rep., US Immigr. Cust. Enforc., Washington, DC. <https://perma.cc/W4JW-EJJD>
- US Immigr. Cust. Enforc. 2017b. *List of Deaths in ICE Custody—Data from 10/01/2003 to 6/05/2017*. Washington, DC: US Immigr. Cust. Enforc. <https://perma.cc/BK4P-SYEL>
- US Immigr. Cust. Enforc. 2018. *U.S. Immigration and Customs Enforcement budget overview: fiscal year 2019*. Congr. Justif., US Dep. Homel. Secur., Washington, DC. <https://perma.cc/Z5JW-NN5B>
- Valdez CR, Padilla B, Valentine JL. 2013. Consequences of Arizona's immigration policy on social capital among Mexican mothers with unauthorized immigration status. *Hisp. J. Behav. Sci.* 35:303–22
- Venters HD, Foote M, Keller AS. 2011. Medical advocacy on behalf of detained immigrants. *J. Immigr. Minor. Health* 13:625–28
- Viljoen JL, Cochrane DM, Jonnson MR. 2018. Do risk assessment tools help manage and reduce risk of violence and reoffending? A systematic review. *Law Hum. Behav.* 42:181–214
- Vuolo M, Kruttschnitt C. 2008. Prisoners' adjustment, correctional officers, and context: the foreground and background of punishment in late modernity. *Law Soc. Rev.* 42:307–36
- Wallace M, Hernández CI. 2017. Language access for asylum seekers in borderland detention centers in Texas. *J. Lang. Law* 68:143–56
- Weaver VM, Lerman AE. 2010. Political consequences of the carceral state. *Am. Political Sci. Rev.* 104:817–33
- Welch M. 2002. *Detained: Immigration Laws and the Expanding INS Jail Complex*. Philadelphia: Temple Univ. Press
- Wildeman C, Fitzpatrick MD, Goldman AW. 2018. Conditions of confinement in American prisons and jails. *Annu. Rev. Law Soc. Sci.* 14:29–47
- Wilsher D. 2012. *Immigration Detention: Law, History, Politics*. New York: Cambridge Univ. Press
- Wong TK. 2018. Do family separation and detention deter immigration? *Center for American Progress*, July 24. <https://perma.cc/EXR5-7VGL>
- Zayas LH, Aguilar-Gaxiola S, Yoon H, Natera Rey G. 2015. The distress of citizen-children with detained and deported parents. *J. Child Fam. Stud.* 24:3213–23