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School of Social Work
University of Windsor
167 Ferry Street
Windsor, Ontario N9A 0C5
Email: cswedit@uwindsor.ca

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A Snapshot of Immigration Court at Stewart Detention Center: How Social Workers Can Advocate & Advance Social Justice Efforts in the United States

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Lauren A. Ricciardelli¹, Larry Nackerud², Katherine Cochrane¹, India Sims¹, Latifa Crawford¹,
& Demetria Taylor¹

¹Troy University ²University of Georgia

Abstract

Changes to U.S. immigration policy have implications for social work, owing to the ethics-based foundation of the profession. The twin purposes of this mixed-methods case study are to describe the detainment and deportation processes, and their implementation at the Stewart Detention Center in Lumpkin, Georgia (notorious for its disparately high rate of deportation); and, to discuss social work's ethical role in relation to immigrant populations and immigration policy issues. To achieve analysis, we collected data at the Stewart Detention Center, directly observing a sample of 39 immigration court hearings across 4 separate time points between June and September of 2018. We use univariate statistics to describe the sample in terms of hearing duration, demographics of detained persons, characteristics of judge and attorney interactions, removability charges, and hearing outcomes. Our analysis includes mappings of 2 courtrooms and a thick and rich narrative description of our first trip to the Stewart Detention Center in June, 2018. Identified themes across court observations include: (a) lack of uniformity in process, (b) adoption of criminal justice norms and procedures without inclusion of protective factors, (c) layers and barriers to communication that present as isolating, and (d) a seeming emphasis placed on the *voluntary departure* option. We conclude with a discussion of implications for social work and respective recommendations for engagement.

Keywords: Immigrant Detention, Immigration Policy, Immigration Court, Stewart Detention Center

Introduction

The social work profession has a critical role to play in the cultural and legal discourse on immigration policy (Hadair, 2017). Professional organizations, such as the National Association of Social Workers (NASW), recognize that immigrants face unique challenges due to immigration policies (Hadair, 2017). Immigration “policies are important for social workers to consider, as the legal and social statuses of migrants impact social service provision and community well-being in the United States” (Hadair, 2017, p. 25). To wit, social workers are situated across the continuum of care, which includes for example, the community, school systems, government agencies and policy institutes, and penal, medical, and psychiatric institutions. Social workers allocate resources and provide services for children and families impacted by stringent immigration policy, including the implementation of family separation.

It is plausible that: (a) social workers may work as mental health professionals in the immigration detention center, or they may work with children and families in the community or in the school system, or intervene on behalf of state agencies and non-profits providing family and children services; (b) social work professionals may work with other professionals, such as immigration attorneys, in order to allocate resources and to evaluate immigration policy and advocate for those policies that advance social justice efforts; (c) and finally, professors of social work may take up immigration as their research focus and speak to related policy and practice issues at both the undergraduate and graduate levels as students prepare for generalist and specialist practice, respectively. This list of possibilities is by no means exhaustive but is instead intended to illustrate the point that social workers have multiple points of contact with children and families impacted by U.S. immigration policy.

In addition to matters of service provision, at the macro- level, immigration policies have implications for social justice, and human and civil rights. Furthermore, because immigration policy and procedure are not widely known or understood, this arguably amplifies the important role of the social work profession as educator, advocate, researcher, and service broker in the present immigration discourse being had at the national and global levels. It is therefore incumbent upon the social work profession from a competence standpoint to understand where the current immigration policies stand in relation to professional ethics, and accordingly, how the profession should situate itself within both political systems and systems of care working with immigrant populations.

Changes to and enforcement of U.S. immigration policy under the Trump administration since the January 2017 inauguration have been described as unprecedented and draconian (New York Times Editorial Board, 2018). Such practices and policies—some of which emanate from before Trump’s tenure—are at odds with the ethical mandates of the social work profession: from the promotion of a U.S. Southern border wall; to then- Attorney General Jeff Sessions’ announcement of a *Zero-Tolerance* policy in April 2018 that resulted in the separation of children from their families, and their subsequent detainment without a clear means to facilitate reunion (Reid, 2018); to the record low capping of refugees at 30,000 in September 2018 (Chalfant, 2018); to the deployment of 5,000 U.S. soldiers to the Southern border and sanctioned use of teargas on children and families trying to cross it in November 2018 (Cranley, 2018); to reports of industrial tent facilities in Tornillo, Texas housing nearly 3,000 children and adolescents (larger than any federal prison) without due process and without access to important

resources (Maddow, 2018); to marking migrants' arms at the U.S.-Mexico border with identifying numbers in black permanent marker (Hutzler, 2018); to the death of seven-year-old Jakelin Amei Rosmery Caal Maquin from Guatemala while in U.S. custody (Long & Spagat, 2018). If the social work profession were to examine its collective position using the code of ethics promulgated by the NASW, we might draw the following conclusions: *Social justice* is violated by the lack of due process; by the criminalization of those seeking humanitarian aid; by private prisons operating on a for-profit business logic; by forced labor; and by insufficient resources and care. *Dignity and worth of the person* is violated each and every time detained persons are dehumanized and stripped of due process rights. The *importance of human relationships* is violated when family members—children and parents—are forcibly separated from one another and detained.

An example of how social work professionals can take an informed and ethical position in the contemporary discourse on immigration is Colleen Lundy, Professor Emeritus in the School of Social Work at Carleton University. Among Lundy's current research interests is immigration settlement (Lundy, 2018). According to Lundy's textbook, *Social Work, Social Justice, and Human Rights: A Structural Approach to Practice*:

Social work is the only helping profession that has a rich history of social justice as its fundamental value and concern Social justice and equality need to be seen as integrally linked to the need for economic security and access to better social services and programs Human rights are intrinsic to social work; these rights are closely connected to economic, political, environmental, and social forces. (Lundy, 2011, pp. 29, 30, 41)

Lundy's structural, human rights-based perspective of the social work profession resonates with the mission of the Southern Poverty Law Center. A nonprofit organization that files class action lawsuits to fight discrimination and unequal treatment, the Southern Poverty Law Center also tracks hate groups, and facilitates education programs about racism, anti-Semitism, and other forms of intolerance. Among the Southern Poverty Law Center's identified issues is Immigrant Justice, which the Center describes as involving the protection of "rights of immigrants and their children to ensure they are treated with dignity and fairness" (Southern Poverty Law Center, n.d., Immigrant justice). To address the issue of Immigrant Justice, the Center has established the Southeast Immigrant Freedom Initiative, which provides *pro bono* legal representation to detained persons at five immigrant detention centers in the Deep South, including Stewart Detention Center in Lumpkin, Georgia (Southern Poverty Law Center, n.d., Southeast Immigrant Freedom Initiative).

The Stewart Detention Center is notorious for its high rates of detainment, bond denial, and deportation (Project South, 2017; Southern Poverty Law Center, 2016; Thompson, 2016; U.S. Department of Justice, 2016). We describe the Stewart Detention Center in further detail in the Background section that follows. In this vein, the two purposes of the present mixed-methods case study are: (a) to describe the detainment and deportation processes and their implementation at the Stewart Detention Center in Lumpkin, Georgia; and, (b) to discuss social work's ethical role in relation to immigrant populations and immigration policy issues by identifying spaces in which professional power can be meaningfully expressed and leveraged in alignment with ethical standards in practice.

Background: The Stewart Detention Center in Lumpkin, Georgia

Stewart Detention Center is located in Lumpkin, Georgia, a rural town over two hours southwest of Atlanta. The remoteness of the location is reported to impact detained persons' access to legal counsel and family members, transportation, and hotel accommodations (Project South, 2017; Southern Poverty Law Center, 2016; Thompson, 2016; U.S. Department of Justice, 2016). Additionally, a large percentage of the population has been transferred to Stewart Detention Center from other states across the country, which further impedes access to attorneys and family (Project South, 2017; Southern Poverty Law Center, 2016; Thompson, 2016; U.S. Department of Justice, 2016). In addition to limited access to legal counsel and loved ones, persons being detained, and their attorneys have reported frequent complications regarding legal visits that include: communicating through glass, communicating through malfunctioning phones, and communicating through video conference (Project South, 2017). An additional reported barrier is the lack of interpreter services available (Project South, 2017).

Persons being detained at Stewart Detention Center go to immigration hearings at the Stewart immigration court, "which has the highest rate of deportation out of any detention center in the country" (Project South, 2017, p. 28). According to the Southern Poverty Law Center (2016), persons detained in Georgia are more likely to be detained, denied bond, and deported than detainees elsewhere in the United States. Whereas nationally the percentage of detained persons released for deportation in Fiscal Year 2015 was just over 60, at Stewart Detention Center, this figure was just over 87% (Southern Poverty Law Center, 2016). The Southern Poverty Law Center further found that people held at Georgia detention centers are far less likely to be released on bond than detainees nationwide (2016). Nationwide, 10.5% of detained persons were released on bond, as compared to 5.2% at Stewart Detention Center (Southern Poverty Law Center, 2016). Further, in Fiscal Year 2015, the bond amount for detained persons in Georgia was significantly higher than the national average: \$8,200 nationally versus \$13,714 at Stewart Detention Center (i.e., 67% higher). The following quote from the 2017 Project South report is illustrative of Stewart Detention Center's onerous reputation for high deportation rates:

I traveled to America for asylum, but I had no idea I would be detained. I didn't think they would detain asylum-seekers. I just asked to apply for asylum and I didn't know I would be imprisoned.... I have no hope of asylum now that I was transferred to Stewart. Stewart is just a deportation center. This is not a place where you can win asylum. (Project South, 2017, p. 2)

The conditions of Stewart Detention Center, a former prison, are unsurprisingly described as prison-like (Project South, 2017; Southern Poverty Law Center, 2016; Thompson, 2016). For example, detained persons are divided into three classification levels, which determine uniform color, housing, and other privileges (Project South, 2017). People detained at Stewart Detention Center perform a variety of tasks necessary for the operation of the facility, ranging from janitorial to administrative duties (Project South, 2017). As well, people detained at Stewart Detention Center are the sole persons in charge of cleaning the units' bathrooms, being paid between one and two dollars *per diem* (Project South, 2017). This has been the subject of ongoing legal dispute regarding the legality and constitutionality of the detention facility

simultaneously employing individuals who are being detained on the grounds that they do not have citizenship status. According to Project South, “Not only does this implicate employment and labor laws, but also the Thirteenth Amendment, which does not allow slavery or indentured servitude, except if it is being used for criminal punishment. Again, immigration detention centers are supposed to be civil” (Project South, 2017, p. 34). In April 2018, persons being detained at Stewart Detention Center filed a class action lawsuit against CoreCivic for extremely low wages and for being retaliated against for refusing to volunteer their labor (Yu Hsi Lee, 2018).

Stewart Detention Center has made the national news for other facility conditions that include poor hygiene, extreme heat and cold in the facility, facilities remaining lit 24-hours per day, reports of inadequate or inedible meals, lack of access to mental health services and medical care, suicides, harsh treatment by particular guards, inhumane use of solitary confinement (i.e., segregation), and resultant protests over the facility conditions often in the form of hunger strikes (Project South, 2017). According to most of the detained men at Stewart Detention Center, they do not have access to licensed clinicians such as psychiatrists and psychologists (Project South, 2017). Further, the mental health care staff that are present in the facility primarily handle suicide risks, which are reportedly dealt with by placing the at-risk individual in solitary confinement, or segregation (Project South, 2017). Project South reports that, “Of particular concern is the treatment of those suffering serious mental afflictions, who are given pills and then are placed in handcuffs and helmets and put in segregation, a practice discouraged by [Immigration Customs and Enforcement], the [Department of Justice], and human rights standards” (Project South, 2017, p. 36).

According to the United Nations General Assembly in a 2011 report on the use of solitary confinement as retribution and deterrence titled, *Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*:

Solitary confinement is practised in a majority of States. [Juan E. Mendez] finds that where the physical conditions and the prison regime of solitary confinement cause severe mental and physical pain or suffering, when used as a punishment, during pre-trial detention, indefinitely, prolonged, on juveniles or persons with mental disabilities, it can amount to cruel, inhuman or degrading treatment or punishment and even torture. In addition, the use of solitary confinement increases the risk that acts of torture and other cruel, inhuman or degrading treatment or punishment will go undetected and unchallenged. (Mendez, 2011, p. 2)

In solitary confinement (i.e., segregation), detained persons in Stewart Detention Center cannot tell if it is day or night; there is no access to commissary or showers; there is limited or prohibited access to phones, medical attention, and recreation; meals are smaller; and, multiple people have complained of being placed in segregation with no explanation and/ or by mistake, raising due process and oversight concerns (Project South, 2017). Further, detained persons who file grievances report having been placed in segregation until the time of their court hearing as a form of punishment (Project South, 2017). Grievances filed with the Department of Homeland Security are reportedly notorious for not receiving departmental response (Project South, 2017).

In the 2011 United Nations report, Dr. Sharon Shalev presented a list demonstrating a range of possible symptoms that may present in individuals held in solitary confinement, both concurrent with their solitary confinement and post their solitary confinement (Mendez, 2011). Symptoms may present as anxiety, depression, anger, cognitive disturbance, perceptual distortion, paranoia and psychosis, and self-harm including suicide (Mendez, 2011). Persons being housed at Stewart Detention Center report that the segregation unit is used primarily for punishment, but also for those with mental health issues (Project South, 2017). In its description of Stewart Detention Center, U.S. Immigration and Customs Enforcement maintains that, “The facility does not discriminate based on disability and provides detainees with disability-related accommodations, as needed, to access its programs and activities” (U.S. Immigration and Customs Enforcement, 2018, Accessibility for Individuals with Disabilities).

According to the 2017 Project South report, “Many immigrants spoke about how they felt depressed or had trauma from torture or other incidents in their home countries” (p. 36). In January 2018, Yulio Castro-Garrido, a 33-year-old man from Cuba, died while in Immigration and Customs Enforcement custody two weeks after being diagnosed with pneumonia, raising concerns for the adequacy of medical care (Yu Hsi Lee, February 2018). This rendered Castro-Garrido the third person to die while in Immigration and Customs Enforcement custody in a Georgia detention facility since May 2017 (Yu Hsi Lee, February 2018). Others have died by suicide. One such person is 27-year-old Jean Jimenez-Joseph from Panama (WTVM, 2017). Mr. Jimenez-Joseph died by self-inflicted strangulation at Stewart Detention Center in May 2017 (WTVM, 2017). He was in the process of being deported (WTVM, 2017). Social injustices that include a lack of due process, inhumane use of solitary confinement/ segregation, lack of access to resources, inadequate medical and mental health resources, and family separation represent social justice concerns that are regularly, and rightly, taken up by the social work profession. In this way, immigration policies have implications for social justice, and human and civil rights.

Literature Review

U.S. immigration policy is a complex policy arena. This review of the literature begins with examples of major points in the shifting development, interpretation, and implementation of immigration policy. The examples demonstrate how shifts in policy and procedures have occurred throughout the country’s history primarily in response to changing societal norms, unresolved geopolitical conflicts, and international and domestic political developments. The literature review then offers five main points related to the study of detention and deportation at Stewart Detention Center and the overall use of detention and deportation policy and procedures.

Statutes and Case Law

It was in the midst of the civil rights era in the U.S. that the Immigration and Nationality Act of 1965 dropped the bigoted “national origins” concept and replaced it with what was considered a more socially just emphasis on: (a) family reunification, (b) labor economics, and (c), diversity/humanitarian concerns. The Immigration Reform and Control Act (IRCA) of 1986, is a statute that demonstrates how the achievement of a political compromise drove policy innovation in policy and was directed at solving the crisis of a large number of undocumented persons in the country. The Immigration Reform and Control Act (1986) political compromise

led to the largest amnesty for undocumented persons in the history of the country, more than three-million recipients. The other arm of the political compromise was the creation of a system of employer sanctions, thus making it for the first time in the country's history a crime for an employer to knowingly employ an undocumented person (Taylor, Lopez, Passel, & Motel, 2011).

Major pieces of case law have also responded to and contributed to sometimes furthering the complexity of immigration policy. In 1898, well after the passage of the 14th Amendment to the Constitution, the U.S. Supreme Court, in *U.S. v. Wong Kim Ark*, affirmed birthright citizenship. This court action solidified the practice of awarding citizenship to anyone born in the United States, no matter the immigration status of the parent/parents (Jones, 2018). Almost a century later, *Plyler v. Doe*, settled again by the U.S. Supreme Court in 1982, declared it unconstitutional for the state of Texas to charge undocumented children a tuition fee to attend public school (Zayas, 2015). While these two statutes and two pieces of case law exemplify the complexity of immigration policy through the decades, nothing has prepared immigration scholars and advocates for the rapid-fire changes proposed (some implemented, many blocked by federal courts) under the Trump administration. At the heart of the detainment and deportation practice is a change in practice of considering undocumented entrance to the United States to be a crime, and no longer considered merely a civil offense. This represents a major shift towards the crimmigration of U.S. immigration policy and heightened securitization of immigration policy and practice (Bourbeau, 2018).

Five Main Points

Five main points related to this research study of detention and deportation at Stewart Detention Center and the overall use of detention and deportation policy and procedures follow. First, the United States did not always encamp/ incarcerate migrants, whether they were attempting to enter the country without inspection or without the proper documents; whether they were intending to apply for political asylum while or after entering the country, or apply for asylum after they were already in the country (Minian, 2018). Detention of migrants has not been normal practice and was not really imposed until the late 19th Century. For decades, migrants entering the U.S. were released on conditional parole, while their cases were being reviewed. Detention was reserved for migrants who were deemed likely to not cooperate with federal officials or who posed a threat to national security. The current exorbitant use of detention stands in historical contrast to rulings by the U.S. Supreme Court. For example, in 1958 the Supreme Court, in *Leng May Ma v. Barber*, held that physical detention of aliens is now the exception, not the rule. The *Leng May Ma* (1958) decision further eloquently claimed that the policy of releasing migrants reflected the human qualities of an enlightened civilization (Minian, 2018).

Secondly, the shift of not detaining migrants to the policy of doing so can be attributed mainly to the perception and reaction to two major movements of persons into the United States— Haitians fleeing to the United States and Cubans who were allowed/assisted to do so in the Mariel Boatlift. These exoduses included thousands of Cubans and Haitians, viewed by many in the United States as a negative addition to the population. In response the federal government developed plans for detention facilities that would house from 10 to 20,000 migrants. By 1981 all Haitian entrants were being detained. In 1982 the blanket detention of migrants become

standard and the rule established in the *Leng May Ma v. Barber* (1958) Supreme Court case was reversed in procedure and practice. Growth in the number of persons detained grew gradually over the decades but exploded in recent years. In 2016, the government detained nearly 360,000 people in a vast network of over 200 detention facilities, consisting of jails and privately-run prisons. In 2017, the cost of this detention system was 2.6 billion dollars (Minian, 2018).

Thirdly, detention as a policy and procedural practice is more readily accepted/used when two population demographic conditions exist: (a) the number of undocumented persons, currently estimated as 11.3 million by the Migration Policy Institute, is considered so high by the general public and political office holders, as to have created a problem in national identity, and (b) the percentage of foreign-born persons is also perceived as having grown too high and/or influential. The percentage of foreign-born persons, no matter if they be naturalized U.S. citizens, legal permanent residents, humanitarian migrants, and/or unauthorized migrants causes some societal consternation if it rises to high, at present approximately 13.7% or 44.5 million persons (Gelatt & Zong, 2018).

Fourth, detention and deportation are, as well, viewed as more viable policy and procedural actions when there is a high geographic concentration of undocumented persons and when this population has achieved a sense of longevity in the country. Even though unauthorized entrance to the United States has fallen, there is a concentration amongst the Latino population. In fact, 53% of undocumented migrants are from one country, Mexico. Three of the other top countries of origin are El Salvador, Guatemala, and Honduras. While undocumented migration from Mexico has actually plateaued lately, unauthorized movement from Central America, Asia, and Africa has increased. Sizeable increases in immigration enforcement resources have been placed on the Southwest U.S./Mexico border, and also in the interior United States, heightening the likelihood of apprehension (Gelatt & Zong, 2018).

The use of detention and deportation policy and procedure was initiated to a heightened degree under the Obama administration and ramped up considerably under the Trump administration (Perce, Bolter, & Steele, 2018). Undocumented migrants in the U.S. are geographically concentrated and have long and established lives in the country. Three out of every five undocumented migrants in the U.S. during the 2012-2016 period resided in California, Texas, New Mexico, New York, Florida, and New Jersey. California alone had 27% of the U.S. total of undocumented persons. And the overall undocumented population have been here a long time. Sixty-two percent of the undocumented migrants have lived in the U.S. for at least 10 years. Twenty-one percent have lived in the country for 20 years or more. Just over five million U.S. children under the age of 18 lived in a mixed immigration status family. Eighty percent of that group, 4.1 million of these children were born in the United States and have U.S. citizenship by birth (Gelatt & Zong, 2018).

Fifth and finally, as was mentioned earlier there have been a dizzying array of changes both proposed and implemented in U.S. immigration policy since the inauguration of President Trump in January of 2017. President Trump and his policy personnel have dramatically changed the view of immigration as a positive for society (an integral part of our history) and the economy, to viewing migrants, documented and undocumented, as a threat to economic and national security and, even more insidiously, the national identity (Pierce, Bolter, & Steele,

2018). With this changing view has come an amazing reversal of policy and procedure—stepped up enforcement against noncitizens in the interior of the United States. From January 20, 2017 to September 30, 2017, U.S. Immigration and Customs Enforcement (ICE) removed 61,000 migrants from the interior of the country, a 37% increase from those months in 2016. During the same period ICE arrested more than 100,000 people, a 42% increase over that period in 2016. This trend continued through the last three months of the calendar year 2017, with ICE arresting 39,000 more people, 43% more than in the same period in 2016. By prioritizing an expanded population of non-citizens for removal (detention and deportation) and by resuming the practice of arresting people who do not have criminal records or pose a danger to society, the Trump administration has significantly broadened the makeup of who is being removed. Of the 100,000 noncitizens arrested between January, 2017 and the end of FY 2017, 32,000, (29 %) had no criminal convictions (Pierce, Bolter, & Steele, 2018).

The federal government, particularly the U.S. Immigration and Customs Enforcement (ICE) bureau on any given day detains thousands of persons who are accused of violating U.S. immigration and refugee laws. Immigration and Customs Enforcement relies on more than 600 facilities throughout the U.S. to achievement detention. As is true of Stewart Detention Center, these facilities are commonly privately operated, upwards of 60% of all detainees on any given day are in a private facility, and in remote locations, such as Lumpkin, Georgia. Immigration and Customs Enforcement uses a dizzying array of facilities, including, but not limited to: contract detention facilities, holding/staging facilities, service processing centers, facilities under intergovernmental service agreements with the federal government, juvenile facilities, Federal Bureau of Prisons facilities, medical facilities, U.S. Marshals Service facilities, and even contracted motels or hotels. The average daily detained population in the U.S. increased more than five-fold between 1994 and 2017. President Trump's 2019 fiscal year budget request included funding for 52,000 detention beds (Ryo & Peacock, 2018).

Methodology

Mixed-methods case study research design was deemed to be congruent with the research purpose of gaining a deeper understanding of the context and process of detention and deportation at Stewart Detention Center in Lumpkin, Georgia (Yin, 2018). We employed the elements central to the quasi-experimental nature of the case study research design—observational data collection over time, inter-rater reliability between the six researchers, but no assignment to condition or the creation of a basis of comparison between groups and no random selection or sampling of research participants. As well, consistent with the interpretivist or qualitative research paradigm, we considered ourselves as the main data collection instruments and implemented the use of site engagement, emergent design, research description of context and process and triangulation of the data while conducting this single case study (Creswell, 2007). Finally, consistent with case study research, we identified the unit of inquiry as the Stewart Detention Center in Lumpkin, Georgia and bound the case by the physical and geopolitical dimensions of the facility. The Stewart Detention Center case study had three important features consistent with this research design: (a) triangulating descriptions and interpretation using multiple sources of evidence, (b) collecting rich and detailed contextual data, and (c) the case under study is the unit of inquiry (Yin, 2018). This case study had an enhanced

specificity by intensely focusing on the context, process, and experience of being inside the actual courtroom of the Department of Justice's immigration court at Stewart Detention Center.

As is consistent with the mixed-methods case study research design, the achievement of a rich description of the Stewart Detention Center as a whole, and the immigration court specifically, included the collection of both qualitative and quantitative data (Lashua, 2015). Observational data collection was permissible as immigration court at Stewart Detention Center is open to the public. The achievement of human subjects approval through our universities' Institutional Review Board allowed for observation of courtroom procedures, but no actual interview interaction with detained persons was sought.

Observational data collection took place on four separate time points between June and September of 2018. We observed a non-probability, purposeful sample of 39 immigration court case hearings. Each observed case contributed in a purposeful way to the research goal of gaining a deeper understanding of the context and process of immigration court at Stewart Detention Center (Patton, 2015). We used the constant comparative method in data analysis to achieve thematic analysis emanating from the qualitative data (Creswell, 2007).

For the quantitative component of data collection, we used univariate statistics to describe the sample in terms of the research variables of hearing duration, demographics of detained persons, characteristics of judge and attorney interactions, removability charges, and hearing outcomes. Use of the qualitative methods helped achieve a greater understanding of the way the activities and forces within the bounded case of inquiry interrelated (Stake, 2013). It was not our intent to establish causal relationships between identified independent and dependent variables or generalizability across detention centers, but rather to richly describe how the variables of research interest arranged within the bounded context. As well, our analysis included mappings of two courtrooms and a thick and rich narrative description of our first trip to the Stewart Detention Center in Lumpkin, Georgia. With the intent of achieving a triangulation of the data and inter-rater reliability, the six researchers collected and recorded qualitative and quantitative data independent of one another and then compared data points post the four observation time points.

Findings

We observed 39 immigration court case hearings at the Stewart Detention Center in Lumpkin, Georgia. All detainees were male, as per the policy of the detention center. Court case hearings were observed across four time points between June and September of 2018. Study findings, below, include a detailed description of the sample based on the Observational Data Instrument. We observed 12 cases in June, 19 cases in July, respectively, and eight cases in September.

Hearing Duration and Detainee Demographics

Of the 39 court cases, 20 were heard individually (51.28 %). Individual hearings ranged in time between one and 10-minutes in duration, with the average time of all individuals before the judge being 4.62 minutes. The average age of persons being detained was estimated at early

to mid-30s, with all persons being male due to Stewart Detention Center policy. In 18 cases, the country of origin was made known by the judge: 13 persons were from Mexico; three persons were from Guatemala; one person was from El Salvador; and one person was from South Korea. Thirty-five of 39 persons spoke Spanish as their primary language (89.74%); three persons spoke English as their primary language (7.69%); and one person spoke an unidentified language that was neither English nor Spanish (2.56%). A single interpreter was used for all non-English speaking persons; the interpreter was present in-person for 35 of 36 cases. In the case of the person who spoke a language other than English and Spanish, the interpreter participated via telephone. Whereas some in-person interpreters spoke into a device, others did not utilize this practice. Finally, as there was no external check on the validity of the interpretation, and it is unknown if and to what extent others in the courtroom are fluent in Spanish/English translation, it remains unknown each individual's level of comprehension.

Judges, Attorneys, and Removability Charges

The judge participated remotely (*vis-à-vis* a television live feed) in 24 of the 39 observed cases (61.54%), and in-person for the remaining 15 cases. Attorneys participated via telephone in 11 of 39 cases (28.21%); one case in which the attorney did not answer the judge's phone call was excluded from this count. An attorney was present in-person for one case (2.56%). No attorney was present for 26 cases (66.67%), with one detained person opting to represent himself. Removability charges were stated in 29 of the 39 observed cases. The majority of removability charges were for entry without admission or parole ($n = 21$). Other charges included: disorderly conduct ($n = 1$); misdemeanor larceny ($n = 1$); driving under the influence/open container ($n = 1$); driving without a license ($n = 1$); assault ($n = 1$); interfering with emergency services ($n = 1$); forgery ($n = 1$); and, overstaying an agricultural visa ($n = 1$). Of the observed cases, 16 opted for deportation and five opted for voluntary departure, representing a combined 53.85 % of the sample. One detained person responded in Spanish, translated as: "I just want to sign the papers and be deported immediately." He communicated with the assistance of a Spanish/English translator who used consecutive interpretation and he answered to a judge who adjudicated through a television screen. He had no legal representation at the time he opted for deportation and his sole removability charge was entry without admission or parole.

Hearing Outcomes

Most cases resulted in the granting of removal (*i.e.*, deportation). Of the 39 observed court cases, 14 resulted in removal (35.9%). Five cases resulted in the granting of voluntary departure (12.82%). Four cases resulted in the denial of bond (10.26%) and two cases resulted in the granting of bond (5.13%). One case resulted in the granting of an application for asylum (2.56 %); one case in the granting of a change in venue; and finally, for an unknown reason, one case was not heard. Approximately one-third of the observed cases resulted in the setting of a future court date ($n = 12$, 30.77%).

Thematic Analysis

In our analysis, we identified four key findings: (a) a lack of uniformity in process, (b) adoption of criminal justice norms and procedures without inclusion of protective factors, (c)

layers and barriers to communication that present as isolating, and (d) a seeming emphasis placed on the voluntary departure option. Lack of uniformity in process presented as, for example, whether the judge presided in-person or remotely, whether or not interpreters spoke audibly using consecutive interpretation or into a device, and the extent and direction of judicial discretion. With regard to the latter, one judge found that a clinically licensed social worker's diagnosis of Adjustment Disorder in two of three children did not meet the considered threshold for *material change* in the case, whereas another judge may have justifiably ruled otherwise.

Adoption of criminal justice norms and procedures presented as: color-coded jumpsuits, the use of surveillance equipment and signs, the prominent display of razor and barbed wire and the Department of Justice seal, and the processing of people—visitors and detainees alike. However, there was a noticeable incongruence in the adoption of legal procedural safeguards. For example, detained persons are not afforded the right to a free or court appointed attorney. They also have no right to discovery, including basic charging documents like notice to appear. As well, the burden of proof is reversed (i.e., it rests with the detainee) (M. Rosenbluth, personal communication, September 6, 2018). Layers and barriers to communication included: language translation (when interpreters use the speaking device, there is no external check on the validity of the interpretation, as it feeds only to detained individuals through earphones; when interpreters do not use the device and interpreting is consecutive, noise can create misunderstanding and confusion), a judge presiding via video feed, a lawyer—if a lawyer is even obtained—providing representation telephonically or being unfamiliar with the case, and English signs in the facility that do not include Spanish translations.

The final theme we identified was an emphasis on the voluntary departure option. As it was announced in June that six of the nine remaining detained individuals lacked legal representation, the judge looked incredulous as they unanimously opted for deportation. This particular judge and others provided a number of opportunities for the individuals to recant their request and waiver of rights; it was further observed that the option of voluntary departure is seemingly the court's (and state's) preferred outcome, as this option was explained more times than the others (e.g., it is an option offered to detained persons at pre- and post- conclusion time points). It is speculated that finances impacted individuals' stated preference for deportation over the voluntary departure option because voluntary departure requires individuals to pay their own way out of the country.

Discussion

The purpose of this mixed-methods case study was two-fold: (a) to describe the detainment and deportation processes and their implementation at the Stewart Detention Center in Lumpkin, Georgia, and, (b) to discuss social work's ethical role in these processes. It is the hope of the authors that achievement of these two goals contributes to an informed educative process and heightened awareness of the current disarray of immigration policies and implementation processes for social work professionals. While the role of social workers in the development of immigration policy has been historically somewhat limited, the presence of social workers in the interpretation of policy and the implementation of procedures, and in community practice has been quite strong. Therefore, in moments of social rigidity, intolerance, and turbulence, social workers should continue to maintain a sense of vigilance, a sense of what

is going on in regards to immigration policies and processes. These are the moments when social workers and their micro- to macro- skillsets arguably matter most.

The overarching question for the social work profession arguably becomes one of positionality: *where can professional power be most leveraged in order to legitimately disrupt draconian immigration policy and practice?* And to this end, *how does social work achieve legitimate disruption of social injustice without contributing to the exclusionary elements of the underlying zeitgeist?* Even as the achievement of specific positionality seems difficult in this current fluid moment, it is important that social workers embrace a sense of uncertainty and move forward in regards to actions to be undertaken and advocacy efforts to be designed and implemented. We contend that the present research effort in the Stewart Detention Center project exemplify the value of such actions as court observations, data collection, and compiling/creating a knowledge base for further consideration of advocacy tools.

Recommendations

Social workers should make contributions to social justice efforts through research, evidence-based practice, policy practice, and advocacy guided by the ethics of the profession. Speaking up, in whatever socially responsible and constitutionally protected fashion, is necessary to achieving social justice in this moment in the United States and across the globe. Specifically, actions intended to de-legitimize and disrupt draconian immigration policies without in some way contributing to the divisionary aims of the underlying regime, could be thought of as existing across a continuum: on one end of the continuum, the expressed power of presence, of surveillance; on the other, the manifest power of organized action. Figure 1 is an abridged version of this proposed continuum. Accordingly, as our final contribution, we here offer a more extensive list of suggestions for how social workers can ethically position themselves with regard to immigrant populations and immigration policy issues (i.e., allyship):

- Observe immigration court hearings and track data;
- Serve as an external check on courtroom interpreters;
- Assist persons recently released from a detention center (e.g., with resettlement efforts);
- Assess (*pro bono*) individual, family, community, and organizational needs, and intervene accordingly;
- Provide (*pro bono*) program and service evaluation;
- Collaborate with the community and with other professions, including legal advocates, educators, and political lobbyists to advocate for socially just policy;
- Analyze immigration policy, including writing and availing policy briefs;
- Participate in impact evaluations and other research efforts designed to capture the brutal outcomes on individuals and families following detention and deportation practices of the federal government;
- Include peer-review immigration research and current events in course content as appropriate (e.g., social policy courses and related electives);
- Design stand-alone social work courses on immigration policy, practice, research;
- Sign up for courses focused on U.S. immigration policy—both its history and current policy debates;

- Provide education to individuals, families, and various communities and organizations on the role of negative stereotypes and public stigma in the decreased realization of rights;
- Fundraise (e.g., to cover the cost of bond for detainees; to support individuals/families, community programs/ resources, and law advocacy groups);
- Advocate with and on behalf of individuals and families who have experienced stigma, oppression, exclusion, and rights violations; and finally,
- Participate in/ organize social demonstration consistent with U.S. Constitutional law.

Figure 1. Proposed Continuum of Disruption.

Conclusion

The social work profession has a critical role to play in the cultural and legal discourse on immigration policy. The two purposes of this study were to: (a) to describe the detainment and deportation processes and their implementation at the Stewart Detention Center in Lumpkin, Georgia; and, (b) to discuss social work's ethical role in relation to immigrant populations and immigration policy issues by identifying spaces in which professional power can be meaningfully expressed and leveraged in alignment with ethical standards in practice. With regard to the initial purpose, findings included the following: the average hearing duration was less than five minutes; much professional participation occurred remotely, adding potential obstacles to language and communication; and, most cases resulted in the granting of removal. As well, identified themes across court observations include: (a) lack of uniformity in process, (b) adoption of criminal justice norms and procedures without inclusion of protective factors, (c) layers and barriers to communication that present as isolating, and (d) a seeming emphasis

placed on the *voluntary departure* option. Finally, and in consideration of the latter purpose of the study, we recommend that social workers be situated across a continuum of allyship that does not include (i.e., endorse) the carceral setting, but rather works in a unified way to challenge and disrupt draconian immigration policies, dehumanizing practices, and social stigma.

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Appendix A

Courtrooms # 1 and # 4 at Stewart Detention Center

Appendix B

Description of Stewart Detention Center

Divided highways meander through swaths of fields and farmland before leading us into the downtown square of Lumpkin, Georgia, a venue spotted with vacant lots. There are few shops, including restaurants, and few streetlights. The highway eventually winds away from the downtown square, leading us back into the country. There are small country homes and bricked, government housing units scattered along the two-lane road. The roads undulate along the wooded hillsides as we approach the entrance to the detention center on our right. Approximately 20 staff dressed in dark uniform are jogging in loose formation in the opposite lane—perhaps just warming up, as it is not yet 8am. Some return our waves, smiling. Across from the detention center entrance, a red, white, and blue sign announces that we have arrived to the property of CCA, Corrections Corporation of America (though CCA is now known as CoreCivic).

The area is covered in thick brush and appears overgrown, not yet taken over by people and industry. The entrance is windy and looks recently paved. A row of streetlights hovers to our right with no lights to the left. A faded powder blue water tower with the stamp of ‘Stewart Detention Center’ sticks out among the pine trees in the red Georgia dirt and all but points the way to the facility—giving the slight impression we have entered a whole new town, or world. What resembles a guard booth, but is vacant, sits at the end of the narrow road. As we approach the building, what appears as one parking lot gradually divides into two with the nearest lot housing vehicles used for deportation—old buses painted white, maybe about six or so along a hill. The other parking lot hosts facility staff and administrators, lawyers, advocates, state and court officials, and friends and loved ones of those who have been detained. The grounds appear well maintained, and there are a small number of benches along the entrance walkway.

In between the walkway and the initial fence is a paved track that encircles the facility; Stewart staff drive the track on occasion to secure the premises. The glare of the razor wire is immediate and striking as we approach the fence and amplifies the building as the wire coils snake-like along the perimeter fences. The fences closest to the parking lot have multiple layers of razor wire that go approximately six feet high. At the entrance gate, cameras sit like electronic vultures, perched high and staring downward. After we are buzzed through the entrance gate, we are held in a space between the two sets of razor wire as verifications are made. There are no signs signifying how to access the gate or enter the facility. There are metal doorknobs that do not turn, lending to the impression of an omniscient wizard behind the curtain, or Alice’s Wonderland. The second gate does not open until the first one completely shuts. When we are buzzed through the second gate, we scurry across the final threshold—quickly, not wanting to be shut-in again. This process has the odd effect of making the short approach to the detention center seem somehow to be an exercise in liberation. This feeling will quickly fade.

Instead of walking straight ahead to the detention center doors, we turn left down a sidewalk and enter through an adjacent door to the court where we again wait to be admitted. Upon entrance, directly behind us, there are numbered lockers to store personal items. We are asked to provide identifying information and signatures, our drivers licenses, and then remove our shoes, placing them along with our note taking materials into gray, plastic bins before passing through the metal detector ourselves—it is much like an airport...or more accurately, a

prison. When we emerge from the metal detector, we are met with the soft smashing of an invisible ink stamp on the inside of our left wrists. We are not consented prior, and there is no explanation of what the ink consists of or who manufactures it, nor how long the ingredient will remain active on our skin. It is, like all that became before it, just part of the process—of the processing of people. To witness process, we must be made part of it.

The lobby we enter into is comprised by about 10 or so rows of stackable, plastic chairs with thin, shiny, metal legs. Families that include small children punctuate the seats. Inside the lobby there is a bulletin board covered by a thick piece of plexiglass. Underneath the plexiglass is a list of all the individuals who are on the docket for the day. It lists their full legal names and other case-related information. Signs are written in English. Eventually a guard in the door frame opposite the metal detector rhetorically asks if we are observers, waving us forward to enter through the door with her latex-gloved hand. These court hearing are, so far, open to the public. The hallway we are led through is narrow and dripping in fluorescent light. At the very end of it, there is a door that leads to another area of the detention center. The white painted cinder blocks along the walls are a strong contrast to the now-seeming warmth of the lobby; like the streetlights, the four court rooms are lined up all along the righthand side, with no rooms to the left.

We are ushered into a courtroom. Detained persons in tan, navy blue, orange, and red jumpsuits fill the rows of seating opposite us. The seal of the Department of Justice looms above the empty judge bench; it reads: “Executive Office for Immigration Review” and next to it, a well-furled American flag with golden tassels leans forward and spills from the wall. The clerk of the court sits next to the bench, and to her left is a female guard who intermittently rotates out with the same male guard, both of whom look to be in their mid-30s and appear friendly. They carry no visible weapons. To the guards’ left is the representative from the Department of Homeland Security; she is possibly in her late 20s and spends the majority of the morning looking at and typing on her laptop; she rarely looks up. To her left is the table where the interpreter sits with the detainees; it is the table directly in front of the judge’s bench and the table closest to the television set in Courtroom # 1. The television set is utilized when the judge presides remotely, which is today.

We take a seat on the stiff, light wooden benches. Etchings that include initials, dates, presumed countries of origin, and ‘FUCK ICE’ (along with other similar sentiments) adorn the backs and seats. I imagine that these carvings represent their stories—the parts that maybe they were not able to, or not asked to, tell—and speak volumes in what is a jargoned, layered, and barriered sea of interpreters, remote-feed judges, and on-the-phone (if-there-at-all) attorneys. All of these musings are brusquely interrupted by the flick of a switch. The television is turned on, further illuminating an already neon room, and a disembodied judge beams in from parts not immediately known, as though from on high, to dispense the day’s justice.