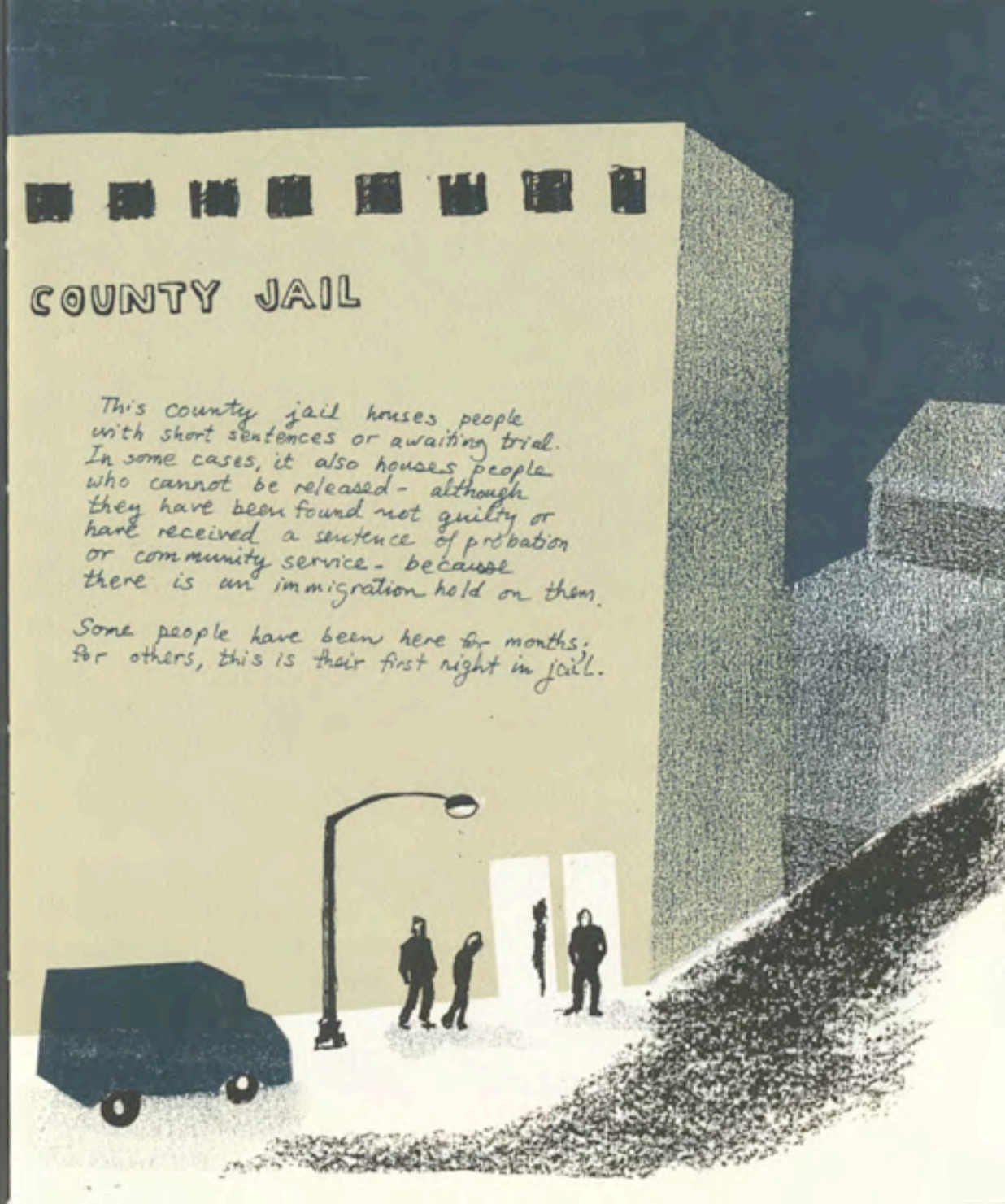
IN JAIL TONIGHT

COUNTY JAIL

This county jail houses people with short sentences or awaiting trial. In some cases, it also houses people who cannot be released - although they have been found not guilty or have received a sentence of probation or community service - because there is an immigration hold on them.

Some people have been here for months. For others, this is their first night in jail.



Marta G.

Charge: Petit larceny

Lost her job at time of arrest.
Lives with her aunt.

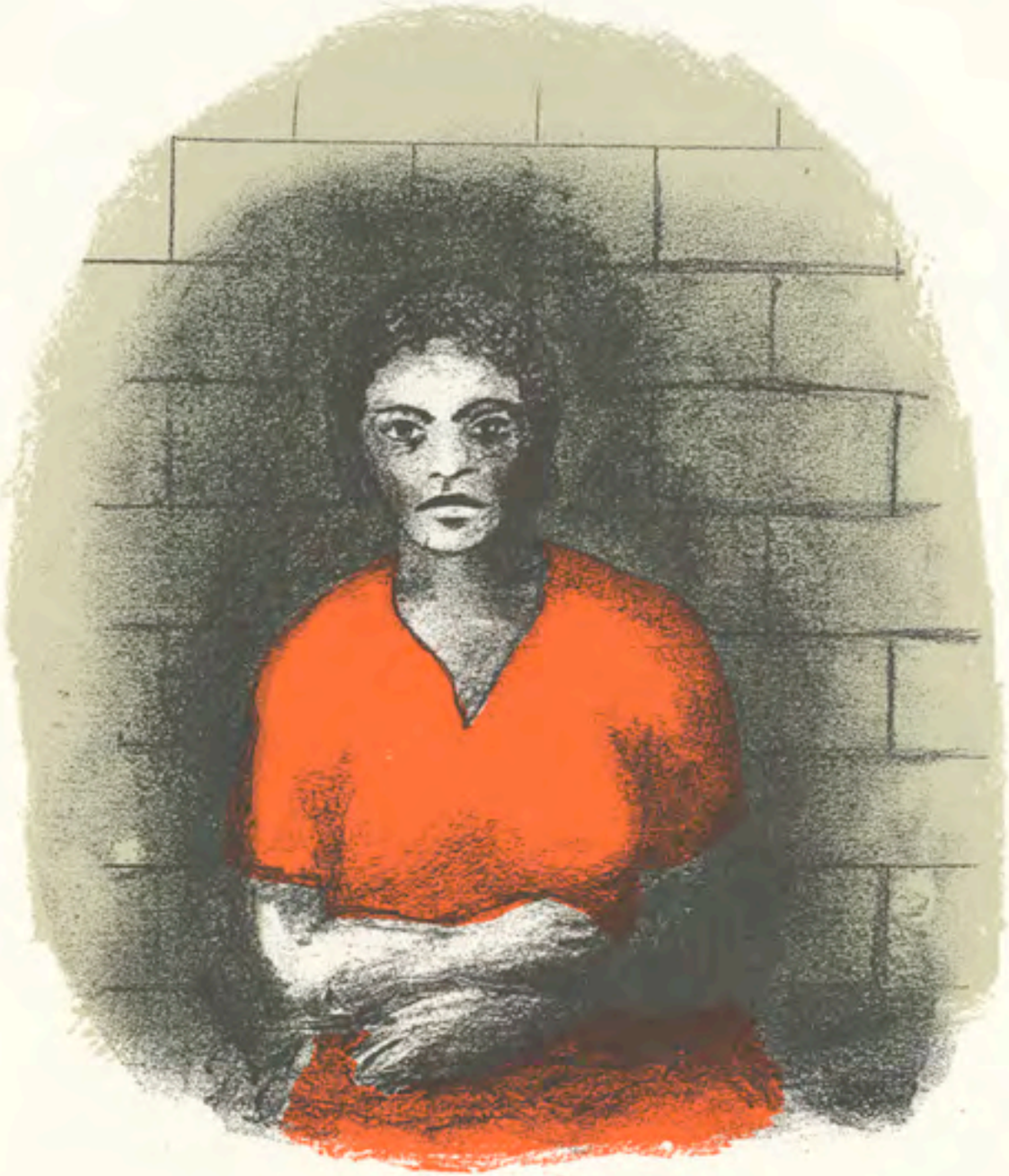
What happened:

Was working at a big box store. Accused of stealing discarded merchandise: she took a coat and three blouses that had been thrown into the garbage.
She had recently complained about not having sufficient bathroom breaks, and thinks her employer wanted an excuse to fire her.

Immigration status: Expired.

ICE* will probably be notified.

* Immigration and Customs Enforcement



José L.

Charges: Right taillight out.
"Criminal Possession of a Forged Instrument"
(He had a fake driver's license.)

Works at "the mushroom place"
$3.25 / hr. (Back home in Mexico, he earned less than $3.00/day
Sends money home to his family.

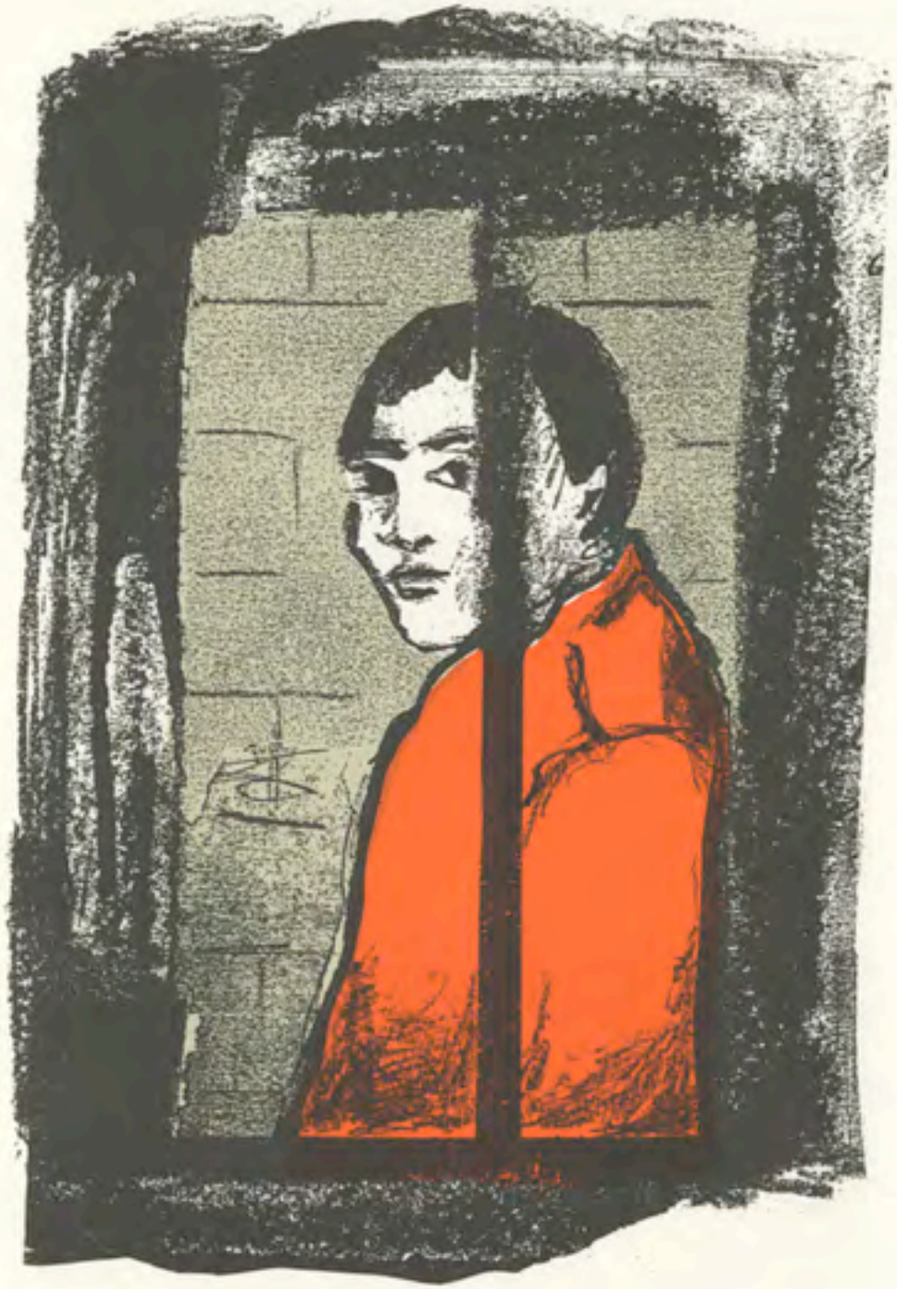
Lives at "the mushroom place," with 5 other men, in the shack attached to the mushroom barn, next to the steaming pile of manure.

What happened: Was driving home from E.S.L. class. Police stopped him: right taillight out. Arrested him when his license was found to be fake. (It was provided to him by a boss.)

Breathalyzer? Yes. Passed.
Miranda rights? Doesn't think so - "they talked a lot in English."
Handcuffed? Yes.

Immigration status: No documents. Crossed the border on foot three years ago.

ICE notified. "Flight risk."



Edgar A.

Charges: Petit larceny
Disorderly conduct

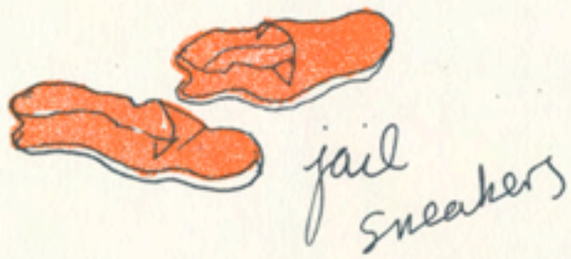
Just arrived in this area, was hoping to stay with his cousins.
Had gotten a job washing dishes at the diner where his cousin works, but hadn't started yet.

What happened:
Stole a pair of $4.99 sneakers. Put them on in the store and left his flip-flops in their place.

Immigration status:
Undocumented.

ICE notified.

"Now I don't have any shoes: just these jail sneakers.



In Jail Tonight
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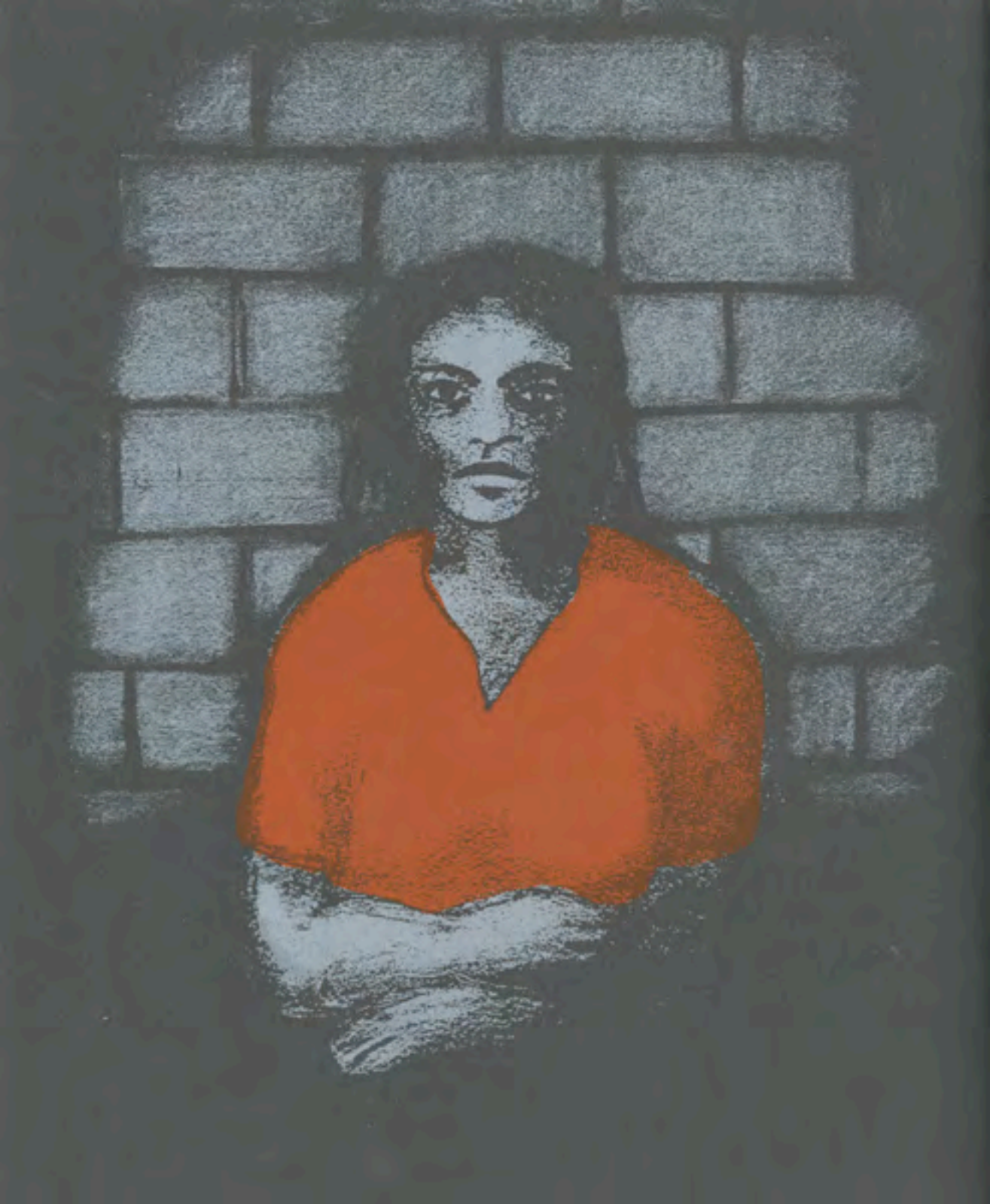


Clippings for Amalia

One day I arrived in court to translate for Amalia, a young woman who was seeking an order of protection against her abusive boyfriend.
I'd helped her fill in some forms just a day or two before.

But she wasn't there.

"She was picked up by ICE agents," I was told. "We think she's at a detention facility somewhere in Arizona."

Amalia was five months pregnant.

Apparently, her boyfriend, who was a US citizen, had turned her in to Immigration and Customs Enforcement (ICE).

As a result of U.S. immigration laws and enforcement, immigrants are now the fastest growing prison population in the U.S.[1]

According to ICE data, more than half of the detainees in ICE custody at any given time have never been convicted of any crime.[1]

Immigrants are jailed in overcrowded detention facilities and suffer inhumane conditions, with no or inadequate medical care and little to no oversight or accountability for abuses ...[1]

The three facilities that currently house women immigration detainees in Arizona are in Florence and Eloy, two small remote desert towns... [ICE] contracts with the private for-profit prison company Corrections Corporation of America [CCA] to run two of the three facilities. The third facility is a county jail in Florence...[2]

ICE's increased detention figures have led to contracts with the nation's largest private prison operators to run eight additional detention facilities. The federal government pays these corporations roughly $180 a day per person detained.[3]

Revenues and stock prices are skyrocketing for private prison companies that build immigration prisons, like Corrections Corporation of America (CCA)... These companies ... regularly lobby in Washington, DC for more detention...[4]

Immigration detainees can spend weeks, months, and even years in detention.... [2]

Women in detention described violations such as shackling pregnant detainees or failing to follow up on the signs of breast and cervical cancer... [5]

Shackling women in labor and during childbirth is extraordinarily dangerous, for both mother and newborn, yet most jails and prisons mindlessly continue the practice, despite a dearth of evidence that any woman has escaped from custody during childbirth.

Most recently, New York joined the list of states that have by statute prohibited this shackling during labor and delivery except in extremely limited circumstances. The federal Bureau of Prisons has also voluntarily reformed its practices; Immigration and Customs Enforcement, however, needs to follow suit... [6]

Over 104 immigrants have died in federal custody since 2003, including deaths of persons seeking asylum or who faced deportation for non-violent civil immigration violations; one-third of those who died in detention were being jailed in privately run facilities. [1]

Shackling pregnant women who are incarcerated is a practice specifically forbidden by the United Nations Standard Minimum Rules for the Treatment of Prisoners, and the United Nations Convention Against Torture. [7]

[Maria], an undocumented 25 year old woman, arrived in detention straight from the hospital, where she was taken after her abusive partner severely beat her and turned her over to ICE. She received no mental health care or counseling during her five months in detention.[2]

Maria is eligible for a special visa for victims of domestic violence. Her deportation proceedings have been placed on hold while she applies for the visa.[2]

Although the visa application can take a significant period of time to process and Maria has no criminal record, the government has refused to release her while her case is pending.[2]

Numerous women interviewed were unable to place even a single call to their families for weeks after their arrival at the detention facility. They described exorbitant rates for phone calls, including calls to attorneys and consulates.[2]

Most women are unable to obtain legal counsel. The legal materials provided in the facilities are limited and some are only available in English.[2]

Attorneys reported that ICE routinely appeals decisions to release pregnant women on bond, rejects or does not respond to applications for humanitarian parole of victims of domestic violence, refugees, or women with serious health conditions, and refuses to reduce bonds for families unable to pay.[2]

"We've never seen the wind at our back like it is today."
-CCA President and CEO John D. Ferguson, May 2006

Corrections Corp. of America

Four months later, I don't know where Amalia is. Was she able to apply for a visa? Has she been released? Has she been deported? Has she given birth?

Here's where I found the "clippings" that have helped me to imagine what may have become of Amalia:

(1) "Guilty by Immigration Status," 2009, National Network for Immigrant and Refugee Rights, nnirr.org

(2) UNSEEN PRISONERS: A Report on Women in Detention Facilities in Arizona," 2009, sirow.arizona.edu

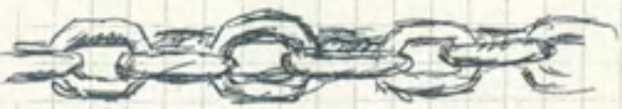
(3) Over-raided, Under Siege, 2008, nnirr.org

(4) "The Money Trail," 2009, detentionwatchnetwork.org

(5) Meghan Rhoad, Human Rights Watch, quoted in "U.S.: Immigration Detention Neglects Health," 3/19/09, hrw.org

(6) Elizabeth Alexander, "Ending the Inhumane Practice of Shackling Prisoners During Childbirth," 10/30/09, aclu.org

(7) Ariel Samach, "New York Governor Pledges to End Practice of Shackling Pregnant Women," 8/20/09, aclu.org



Clippings for Amalia
From *Stories Behind Bars*

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ACRONYMS & Sketches

INS - Immigration and Naturalization Service - in charge of immigration until 2002

ICE - Immigration and Customs Enforcement - in charge of immigration "enforcement" after 2002; part of Homeland Security.

I've worked for many years as a Spanish interpreter. Between 1996 and 2002, I sometimes interpreted in prisons for immigration hearings.

During those years, there were sweeping changes in immigration law.

AEDPA - Antiterrorism & Effective Death Penalty Act - passed in April 1996, after Oklahoma City bombing (crime committed by US citizens)

IIRAIRA - Illegal Immigration Reform And Immigrant Responsibility Act - October 1996

Dec. 1996

"THIS IS ANOTHER SAD CASE," said the judge.

Because of a new law, this man can't even apply for a waiver of deportation. He was convicted of a crime that isn't even a felony under state law, but is now an aggravated felony for immigration purposes.

The judge complains that his hands are tied. He orders the man "removed," meanwhile urging him to appeal the order.

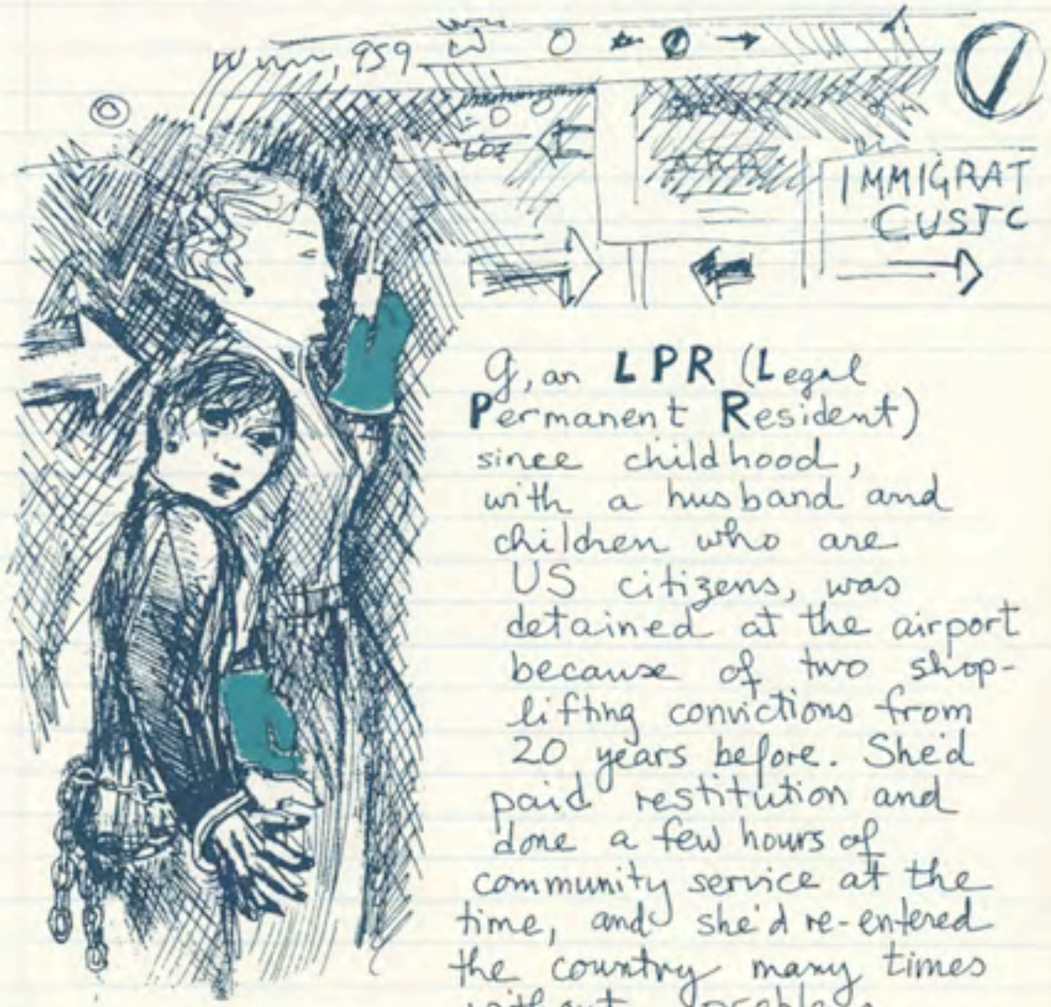
Under AEDPA + IIRAIRA:

- "Deportation" now called "removal"
- Such offenses as shoplifting, turnstile jumping, disturbing the peace, & having false documents are now grounds for deportation as "aggravated felonies" or "CIMTs" (Crimes Involving Moral Turpitude).

D. was detained when ICE agents raided her workplace. She was handcuffed, charged with using fake ID to get a job, and flown to a private prison in another state without having a chance to see her children, who were with a relative at the time of the raid. She served six months in several prisons before being deported ("removed") as a "criminal alien."

AEDPA and IIRAIRA also:

- expand power for airport employees to deport or detain people on the spot
- apply to even long-past convictions



G, an **LPR** (**L**egal **P**ermanent **R**esident) since childhood, with a husband and children who are US citizens, was detained at the airport because of two shop-lifting convictions from 20 years before. She'd paid restitution and done a few hours of community service at the time, and she'd re-entered the country many times without problems.

And the 1996 laws:

- make detention (imprisonment) mandatory in many more cases

Even people with <u>no criminal background</u>, who arrive in the US seeking <u>asylum</u>, are detained <u>at least</u> until their "credible fear interview," the first step in a long process toward possibly obtaining legal status.

K came here seeking asylum after being tortured in his country. Upon arrival, he was handcuffed, shackled and imprisoned. Although his "credible fear" interview was found to be convincing, he was held in prison while his case, and then the government's appeal, was pending. He eventually won, and was allowed to stay in the US, but not until he had spent more than 19 months in immigration prisons.

2001

Uniting
and
Strengthening
America
by
Providing
Appropriate
Tools
Required
to
Intercept
and
Obstruct
Terrorism

ACT

- USA Patriot Act
- (passed in haste, six weeks after 9/11 attacks)
- -Among its many measures, gave INS - and now ICE - right to detain
- people "indefinitely."

Memo:

Please, since I am here for I don't know how long and since it is forbidden to have a photograph of my family, may I be permitted to have a color photocopy of my family?

Response:

PHOTOCOPIES ARE NOT PERMITTED

2002

DHS (Department of Homeland Security, of which ICE is a part) created by the Homeland Security Act

In 2003, the U.S. Department of Homeland Security (DHS) implemented a 10-year plan called "**Operation Endgame**," to create the infrastructures to detect, jail and (according to DHS) deport all "removable" immigrants.

Rushed From Haiti*, Then Jailed for Lacking Visas

– NY Times 3/31/10

*after the 2010 earthquake

Stories Behind Bars was created by Tona Wilson in 2010 during an artist's book residency at Women's Studio Workshop in Rosendale, New York. This publication was made possible with funding from the National Endowment for the Arts and The Andy Warhol Foundation for the Visual Arts. Women's Studio Workshop programs are supported, in part, with public funds from the New York State Council on the Arts, a State Agency.

Stories Behind Bars is a book in four parts. They are: *In Jail Tonight, Being Removed, Clippings for Amalia*, and *Acronyms and Sketches*. The book is silkscreen printed on Stonehenge warm white and Dur-O-Tone papers.

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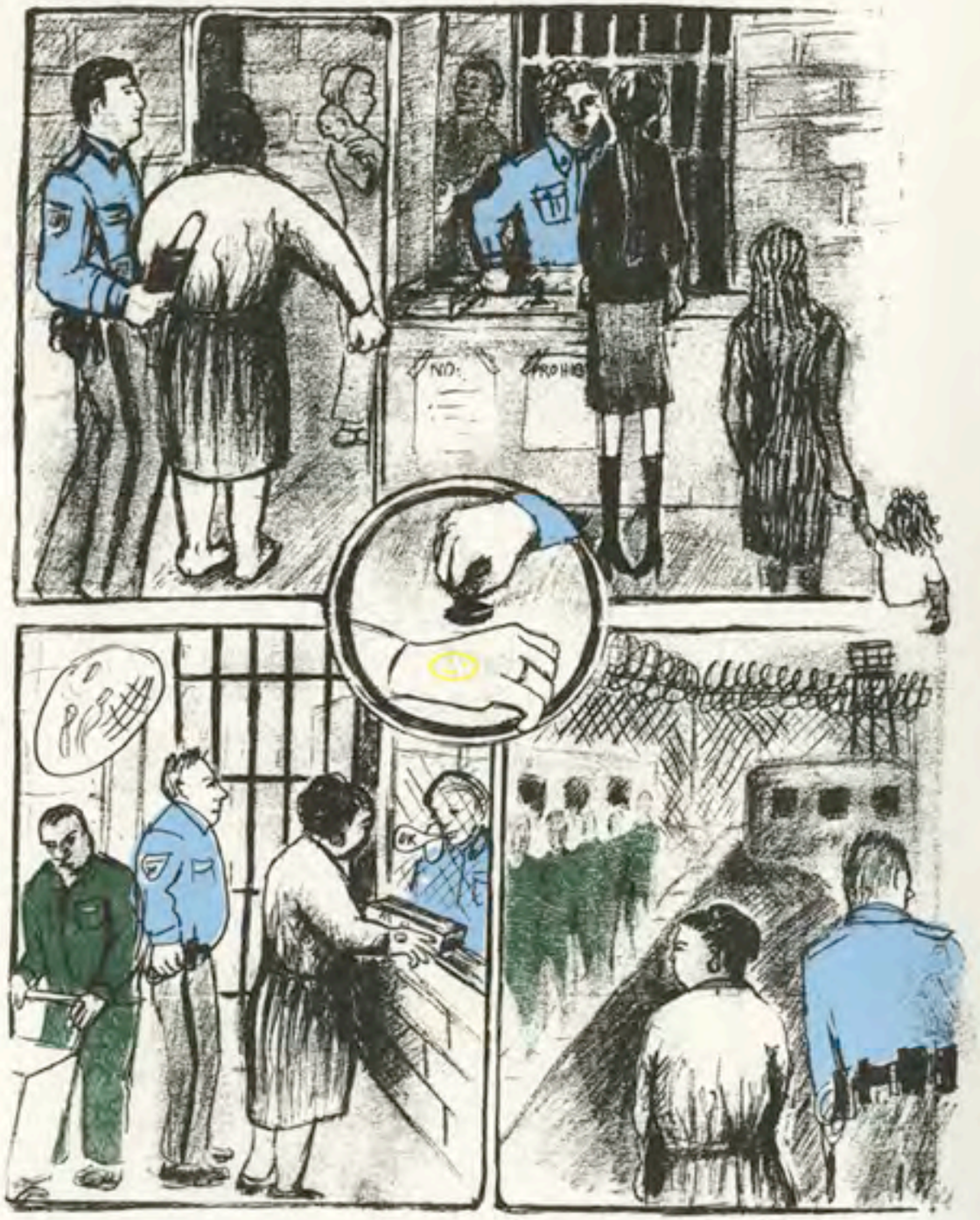
This is _____ of an edition of _____ copies.

Being
REMOVED

SOLEDAD GARCÍA ARRIVES AT THE PRISON ON THE SPECIAL BUS THAT BRINGS FAMILY MEMBERS OF PRISONERS HERE TO VISIT.

IT COST HER $40 AND SHE HAD TO TAKE THE DAY OFF WORK, BUT SHE HAS TO DO IT; HER SON'S IMMIGRATION HEARING IS TODAY. SHE HASN'T SEEN CARLITOS SINCE HE WENT TO PRISON. HE'S IN A FACILITY FAR TO THE NORTH, AND SHE HASN'T BEEN ABLE TO VISIT HIM.



A COURTROOM INSIDE THE PRISON

[1]Executive Office for Immigration Review
[2]Immigration and Customs Enforcement
[3]A Spanish-speaking interpreter translates exactly what the judge tells him or her to translate, and nothing more. When an immigrant does not speak English or Spanish, the judge typically uses a telephonic translation service.

Since 1996, an increasing number of immigration hearings take place by "videoteleconferencing."

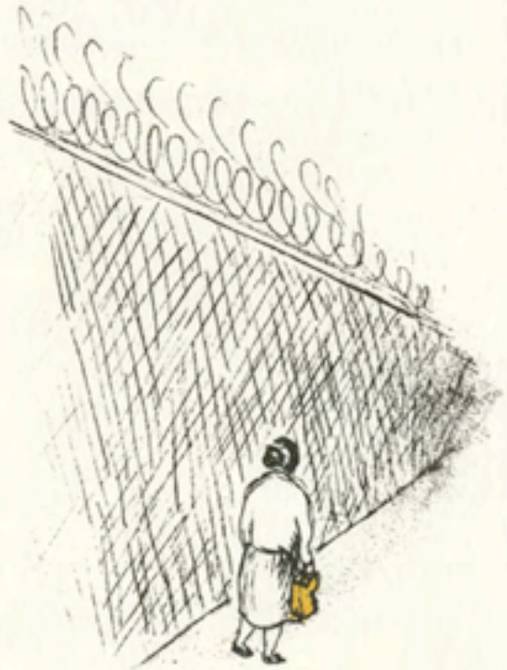
In many immigration courtrooms, family members are no longer able to see or speak with the person in proceedings at any time before, during or after the hearing.

At an inmate's first appearance in this court, the judge tells him: "You will not be given a free attorney. You will not be given a list of free attorneys, since none come to this prison... But you may, if you wish, have an adjournment to look for an attorney at no expense to the government."

An attorney, if there were one, would have had to choose whether to be with Carlos, far from the judge, or in the courtroom, far from the client.

In cases involving virtually all drug convictions, EOIR judges have no discretion and must order deportation.

Although Carlos will appeal
his order of removal,
he has, as the judge puts it,
"about the chance of an
iceberg in hell."
After serving his sentence
in prison, he will be transferred
to immigration detention,
perhaps in a faraway
state. He will be deported,
quite possibly without having
had another chance to
speak with anyone in
his family.



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