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Today, a coalition of public interest organizations – the ACLUs of Southern California and San Diego, Public Counsel, and the Casa Cornelia Law Center – have filed two parallel lawsuits to address a horrific problem in the immigration prison system.

Both cases involve men with serious mental disabilities who have been detained for years – nearly five years in one case and over four in the other. In each case, an immigration judge determined, years ago, that the men were not competent to understand the proceedings against them. But rather than appoint a lawyer to represent them, appoint a guardian to protect their interests, or hold a hearing to determine if they should be locked up at all, the government simply closed the cases and forgot about them. It held no proceedings in either case for years – over two years in one case and over four in another. Meanwhile, the men remained locked away, forgotten, separated from the only people in the world who cared about them – their families.

As awful as these cases are, they were entirely predictable. The government has known for years that it imprisons a significant number of non-citizens with serious mental disabilities in the immigration prisons, but has failed to develop procedures for dealing with them. There are no rules for the appointment of lawyers or guardians, no timetables for competency evaluations – not even the most rudimentary systems in place to deal with this serious problem.

In these lawsuits, we call on the government to release these two individuals immediately, as there are release plans in place with services available for both of them. We also call on the government to immediately conduct a review to identify the cases of detainees who have had competency issues, and to hold hearings in those cases to determine if their detention remains necessary.

