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MEDIA

the Visitor

Discussion Guide



the Visitor



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About *The Visitor* Social Action Campaign

The Visitor Social Action Campaign uses the 2008 feature film *The Visitor* to inspire audiences to learn more about the U.S. immigration detention system and connect them with ways to get involved. In addition to critical acclaim, the film has been embraced nationwide by advocates working to achieve policies that reflect our country's values of justice and due process. The Campaign is designed in consultation with the National Immigrant Justice Center and Detention Watch Network, with funding from the Open Society Institute.

ABOUT THE FILM

In a world of six billion people, it only takes one to change your life. In actor and filmmaker Tom McCarthy's follow-up to his award-winning directorial debut *The Station Agent*, 2008 Academy Award® nominee Richard Jenkins (*Six Feet Under*) stars as a disillusioned Connecticut economics professor whose life is transformed by a chance encounter in New York City. Sixty-two-year-old Walter Vale (Jenkins) is sleepwalking through his life. Having lost his passion for teaching and writing, he fills the void by unsuccessfully trying to learn to play classical piano. When his college sends him to Manhattan to attend a conference, Walter is surprised to find a young couple has taken up residence in his apartment. Victims of a real estate scam, Tarek (Haaz Sleiman), a Syrian man, and Zainab (Danai Gurira), his Senegalese girlfriend, have nowhere else to go. In the first of a series of tests of the heart, Walter reluctantly allows the couple to stay with him. Touched by his kindness, Tarek, a talented musician, insists on teaching the aging academic to play the African drum. The instrument's exuberant rhythms revitalize Walter's faltering spirit and open his eyes to a vibrant world of local jazz clubs and Central Park drum circles. As the friendship between the two men deepens, the differences in culture, age and temperament fall away. After being stopped by police in the subway, Tarek is arrested as an undocumented immigrant and held for deportation. As his situation turns desperate, Walter finds himself compelled to help his new friend with a passion he thought he had long ago lost. When Tarek's beautiful mother Mouna (Hiam Abbass) arrives unexpectedly in search of her son, the professor's personal commitment develops into an unlikely romance. And it's through these newfound connections with these virtual strangers that Walter is awakened to a new world and life.

www.takepart.com/thevisitor

The Visitor is a Participant Media-Groundswell Productions presentation, released to theaters in North America by Overture Films and on DVD by Anchor Bay Entertainment.

How to Use *The Visitor*

The Visitor offers a unique glimpse into the U.S. immigration detention system and the people it affects. The story can serve as a springboard for deeper conversations and can be leveraged to move people to action. This guide provides resources for individuals and organizations ready to take that next step. Regardless of your level of expertise – whether you’re a law student, an immigrant rights advocate, or a viewer who simply believes in fair treatment and due process – the stories in this film will prompt you to think more critically about the choices our government makes and how you can act to ensure it lives up to American ideals of fairness and justice.

There are many ways to use the film. These are just a few suggestions:

- **As a public awareness tool** to raise consciousness in your community about detention and deportation and what may be happening in your own backyard
- **As an educational tool*** to give high school, college and law students a snapshot of the U.S. immigration detention system
- **As a recruitment tool** to recruit volunteers and inspire attorneys and healthcare providers to take on pro bono cases
- **As an advocacy tool** to educate legislators and other decision makers about the importance of upholding due process in our legal system
- **As an organizing tool** to mobilize your community in support of detained immigrants in your area
- **As a training tool** for legal staff, social workers and advocates to understand the plight of immigrants in the U.S. at risk of detention and deportation

* To hold a screening at a U.S.-based college or university, contact educational distributor Swank Motion Pictures, Inc. For contact information, please visit www.swank.com.



Taking Action

Educate yourself and others about immigrant detention and the history of U.S. immigration policy by reviewing this guide, researching online, finding out if there is a detention center near you and exploring the materials from the national organizations listed on p. 17-18. Visit www.takepart.com/thevisitor for testimonials from detained immigrants and their family members.

Donate money to a local immigrant aid organization that is committed to defending and securing the rights of detained immigrants and their families. Your contribution, large or small, can make a big difference.

Volunteer your time at a local or national organization (see p. 17-18) that works with detained immigrants or on detention policy. Special skills often needed include pro bono legal services, medical care assessments, translation services and office support. As you'll learn in this guide, offering pro bono legal services is especially helpful since detained immigrants – unlike criminal inmates – are not provided with court-appointed counsel.

Contact your local immigrant aid organization to see if you can support a detained immigrant by offering shelter, money or companionship.

- **Visit a detention center.** Extend friendship to asylum seekers and other immigrants held in detention centers, jails and prisons across the United States. If there are no visitation programs in your community, you should contact a local legal aid organization to see if you can send a letter of support to someone in detention. To find out about getting a visitation program started in your community, go to: www.detentionwatchnetwork.org/visitation.
- **Help raise money for bond.** Mobilize your community and help raise bond for an immigrant in detention so that s/he can pursue his/her case outside of jail, with the help of family members and with better access to legal counsel. If you don't have the capacity to do this on your own, but would still like to help, you can donate to the National Immigrant Bond Fund: www.immigrantbondfund.org.
- **Sponsor a detained asylum seeker.** Many individuals come to the U.S. to seek asylum after fleeing persecution in their home countries. In order to be released from detention, an asylum seeker must have a sponsor who is willing to provide shelter until the case is complete, or until the individual can support him or herself. The sponsor is also required (to the best of her/his ability) to ensure that the asylum seeker appears in immigration court.

Share your story if you or someone you know has experienced a situation similar to Tarek's. Few people realize that this is happening all over the country to their friends, coworkers and neighbors.

Organize a special event to draw attention to the needs of detained immigrants in your community. The event could include a film screening, panel discussion or testimonials from people who have been through the immigration detention system.

Advocate for more humane detention policies and due process by contacting your elected officials, writing opinion pieces in your local newspaper and participating in actions organized by human rights organizations.

Glossary of Terms

Asylee

A person who has been granted asylum.

Asylum

Legal permission to live in a non-native country, which is given to people fleeing danger of persecution in their original homelands. To gain asylum, individuals must show they have suffered persecution in their native countries or that they have a well-founded fear of future persecution on account of their religion, political beliefs, nationality, race or membership in a particular social group. Recently arrived asylum seekers who request asylum upon entry are frequently detained by U.S. Immigration and Customs Enforcement while their cases are pending.

Bag and Baggage Letter

A form letter sent by the Deportation Office asking an immigrant to appear at the office with their luggage on a certain date to be deported.

Department of Homeland Security (DHS)

This U.S. government agency was created in 2003 primarily to deal with heightened threats of terrorism against the United States after September 11, 2001.

Deportation (more recently referred to as Removal)

Requiring a non-citizen to leave the country in which s/he is currently residing. Persons who can be deported from the United States include any non-citizens (including green card holders) with past criminal convictions, visa overstayers, refugee/asylum seekers, those who entered without inspection or those who have in other ways violated the terms of their visa.

Detention

The process by which the U.S. government holds non-citizens in immigration facilities, prisons or jails while their removal proceedings are pending. Asylum seekers who enter the U.S. without proper documentation or request asylum at a point of entry into the U.S. may be detained at a DHS detention facility until they pass a credible fear interview or until the completion of their asylum hearing.

Due Process

An established principle of judicial proceedings or other governmental activities designed to safeguard the legal rights of the individual. More broadly, it implies one's access to the courts and a chance for one's case to be heard before a judge. (Also see **What Exactly is Due Process?** on p. 10)

Green Card

This is the informal term for an "alien registration card" or Form I-551. It is proof that its holder has legal permanent resident status and it allows the holder to live and work in the United States permanently and legally. Green card holders can eventually apply for U.S. citizenship if they satisfy specific requirements, and they can lose their permanent resident status if they are convicted of violating certain federal or state laws. Loss of legal permanent resident status means that the individual will likely face detention and deportation.

Immigrant

A foreign national who has been granted permission to remain in the United States permanently. Legally, an immigrant is a "lawful permanent resident" or "green card holder" and is distinguished from a "non-immigrant" who comes to the United States on a temporary visa to work, visit or study. The term "immigrant" is often used more broadly to mean any person who was born in another country and came to live in the United States.

Parole

Permission for a temporary stay in the United States outside of immigration detention. According to the Department of Homeland Security, parole is granted "on a case-by-case basis for urgent humanitarian reasons or significant public benefit." To get parole, an asylum seeker must first demonstrate to an asylum officer that s/he has a "credible fear" of persecution (until this determination is made, an asylum-seeker will be detained), and typically must show that s/he has a community sponsor, a place to stay, and is not a flight risk. In practice, parole is rarely granted.

Refugee

A person who applies outside the United States to be allowed to migrate to the United States to receive protection from persecution in her or his native country. In the U.S., "refugee" is often shorthand for "resettled refugee," someone who came to the U.S. with the assistance of the highly selective and federally funded refugee resettlement program.

Removal Proceeding (technical term for Deportation Proceeding)

A legal proceeding through which immigration officials seek to remove a non-citizen from the United States for violating an immigration law or some other U.S. law. These administrative proceedings generally take place in immigration court before an immigration judge.

U.S. Immigration and Customs Enforcement (ICE)

This is the enforcement branch of the Department of Homeland Security that includes all detention and removal activities as well as deportation officers and trial attorneys in Immigration Court.



Discussion Questions

CONVERSATION STARTERS

Which of the characters in the film did you relate to most? Why?

In your opinion, who is “the visitor”? In what way is each character “visiting”?

What was the most memorable moment in the film? Why?

Think of someone in your life who immigrated to this country. Why did they come here? What hardships has s/he faced as an immigrant in the U.S.?

What was your impression of the detention center? What did you notice? Is this different from what you expected?

What do we as global/American citizens have to gain or lose by providing immigrants and refugees with the right to due process?

What are arguments for and against detaining immigrants and refugees in prison-like conditions? Can you think of alternative ways the U.S. government could handle cases like Tarek’s?

WALK IN THE SHOES OF THE CHARACTERS



Walter

Why do you think Walter decides to let Tarek and Zainab stay at his apartment even though he knows nothing about them?

In the beginning of the film, Walter struggles to develop a relationship with Tarek. When Tarek invites Walter to see his band or to join in a drum circle, Walter's response is awkward, and he seems to have conflicting emotions about how he "should" respond. What factors influence his uncertainty? Do his reactions surprise you? How would you have responded?

Why do you think Walter decides to stay in New York to help Tarek – someone he has barely known for a week – rather than return to his life back in Connecticut?

When Walter asks the immigration lawyer what he can do for Tarek, the lawyer says "Visit him. He'll need the company." How do you think Walter's visits helped Tarek? How do you think the visits helped Walter?

Walter's reaction to Tarek's arrest and detention evolves over the course of the film. At first he expresses confidence that the whole thing is a misunderstanding and that everything will be fine. Eventually that sentiment develops into uncertainty and desperation. What do you make of Walter's evolving reaction to the situation? What do you think was going on in his head? Have you ever experienced a similar situation?

When Walter discovers that Tarek has been deported he responds with displays of frustration and despair. Yelling at the guard, he says, "We are not helpless children!" What does he mean by this remark? How would you respond?

Through his drum lessons, Tarek teaches Walter a new three-beat language with the djembe, which excites Walter in ways that other parts of his life have not. As a result, Walter sells his piano in a wholehearted embrace of the djembe. What might this change represent?

Both Walter and Mouna have sons living abroad. How do their experiences as parents differ? What factors influence these differences?



Tarek

In the scene where Tarek, Zainab and Walter are eating dinner, Tarek has wine but Zainab refuses. Tarek jokingly says this is because "she is a good Muslim" and he is "a bad one." In your opinion, are some people more legitimate followers of a particular faith because of how they choose to follow religious rules and norms?

When Walter asks the immigration lawyer what he can do for Tarek, the lawyer says "Visit him. He'll need the company." How do you think Walter's visits helped Tarek?

Tarek gets to a point where he becomes extremely reliant upon Walter, even more so than his immigration lawyer. Why is this? How would you feel in Tarek's situation?

When Mouna asks Walter what he would do with his life if he didn't teach, he has no answer. Mouna responds, "It must be very exciting, not knowing." This sentiment contrasts sharply with Tarek's situation in the detention center, uncertain about his own future and wondering to Walter if he will ever see Zainab again. What factors influence the opportunities available to each of them?

In the film Tarek never finds out that his mother received and ignored the "bag and baggage" letter. How do you think he would react if he were to find out? Would he blame his mother? Would you?

How do you think Tarek's deportation will affect each character's view of the world?



Zainab

Zainab seems suspicious of Walter from the onset, even though he has opened his home to her and Tarek. Why do you think this is?

Recall the scene when Zainab tells one of her customers that she is from Senegal and the customer attempts to relate to her by saying that she has been to Cape Town, South Africa, a city 5000 kilometers from Senegal. What does the customer's statement reveal about her perception of the world? Why doesn't Zainab correct her?

When Zainab and Walter first visit the immigration lawyer, he says that just being undocumented is not enough to get Tarek turned over to ICE and that he needs to figure out why he was flagged. Zainab says that Tarek was flagged because he is an Arab. Do you agree or disagree with her statement?

Zainab reveals that when she first arrived in the United States she was held in a detention center for five months. When the detention center was deemed unfit and was subsequently closed she was released along with some of the other women. According to Zainab, none of the men were released. How do you think Zainab feels about this disparate treatment? How does her story compare to Tarek's experience? How do you think her experience shapes the way she envisions Tarek's life in detention?



Mouna

When Mouna first learns of Tarek being detained, why do you think she decided to stay in New York even though she was not able to see him and there was nothing she could do to help?

Unsure if her son has been deported, Mouna voices her frustration with the lack of clarity of U.S. immigration policy, saying, "I feel like I'm in Syria." What are the implications of her comparison? Is her frustration appropriate?

Mouna admits to Walter that she threw away the "bag and baggage" letter from the deportation office because everyone told her "not to worry" and that "the government did not care." Why would Mouna choose to ignore an official government document? What would you have done in her situation? Have you ever been in a situation where you deliberately chose to ignore something important?

Why do you think Mouna decides to go to Syria, knowing that she would never be able to return to the United States? Do you think Tarek would have wanted her to go there to be with him?

Both Walter and Mouna have sons living abroad. How do their experiences as parents differ? What factors influence these differences?

Lawyer

When Walter first meets with the immigration lawyer, the lawyer answers Walter's questions with nonchalance and indifference. Why would the lawyer act this way, even though he himself has an uncle who was deported?

When Mouna asks the lawyer where he is from, he responds that he is from Queens. Why do you think his response surprises Mouna?

The lawyer says that the government used to let cases like Tarek's slide but that now, it is "very black and white, good and evil. You either belong or you don't." Why do you think the government allowed cases like Tarek's to slide in the past? What do you think about the sharp change in the government's approach post-9/11? Why do you think the lawyer continues to defend immigrants despite rigorous enforcement of immigration laws?

What Exactly Is Due Process?

Due process is the principle contained in the 5th Amendment of the U.S. Constitution that the government cannot deprive "any person of life, liberty, or property" without allowing them basic legal protections. Some of these protections include the right to a fair and public trial, the right to an impartial jury and the right to be heard in one's own defense, among others. The Constitution and Bill of Rights apply to everyone in the U.S. regardless of citizenship, and U.S. courts have reviewed many aspects of U.S. immigration law and upheld it as consistent with principles of due process. However, many argue that this is not necessarily true.

For example, the U.S. criminal justice system provides court-appointed lawyers to individuals facing criminal charges to ensure their due process rights are protected regardless of their income. But the U.S. immigration system does not extend the same right to people in civil court immigration proceedings. As a result, immigrants must seek out an attorney on their own, and must pay out of pocket unless they can find pro bono services. Locating and hiring an attorney is even more difficult for immigrants in detention, particularly those who are being held in rural or isolated areas.

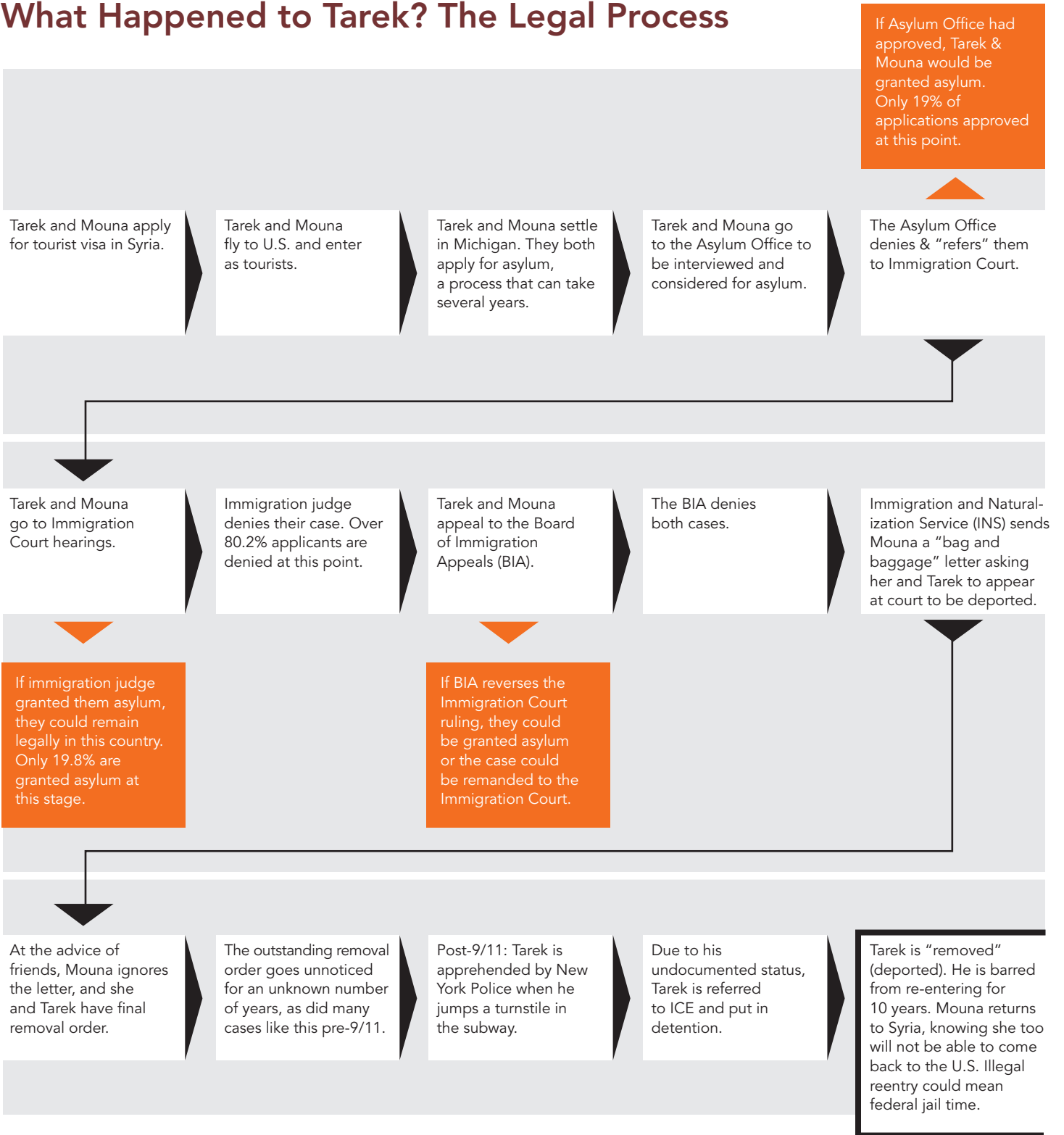
Examples of more direct denial of due process include deportation without a hearing and keeping people in detention indefinitely after an order of removal.

For more information about due process and what you can do to ensure it is upheld in the U.S. Immigration system visit www.rightsworkinggroup.org.

" Whatever disagreement there may be as to the scope of the phrase 'due process of law' there can be no doubt that it embraces the fundamental conception of a fair trial, with opportunity to be heard."

- U.S. Supreme Court Justice Oliver Wendell Holmes, *Frank v. Mangum*, 237 U.S. 309, 347 (1915)

What Happened to Tarek? The Legal Process



*Source: Transactional Record Clearinghouse, <http://trac.syr.edu>

About Immigration Detention

The Visitor offers a unique glimpse into the U.S. immigration detention system, and stories like Tarek's occur every day. Immigrants are being held in jails, prisons and detention centers in record numbers while the government decides whether or not to deport them. There are currently an average of 32,000 people in immigration detention on any given day¹ – a more than fourfold increase in beds since 1994. The increase is largely due to a series of laws and mandatory detention provisions enacted in 1996, which required Immigration and Customs Enforcement (then called the INS) to detain so many additional people that the immigration agency had to ask Congress for extra time to implement the new provisions while personnel and bed space were expanded. The rising number of detention beds and a sharp increase in enforcement activities related to the detention laws post-9/11 has led to a dramatic rise in the number of detainees in recent years. Furthermore, the 2006 abandonment of ICE's "catch and release" policy, which had allowed non-Mexican immigrants who were caught at the border to be released on bond while they awaited the results of their immigration proceedings, significantly increased the use of detention. After this policy was changed, anyone apprehended within 100 miles of the border would be automatically put in detention within 14 days of entry into the U.S.

1. DHS 2009 Detention Reforms Fact Sheet.

2. DHS 2008 Yearbook of Immigration Statistics.

3. DHS 2009 Detention Reforms Fact Sheet.

4. Detention Watch Network, "About the U.S. Detention and Deportation System."

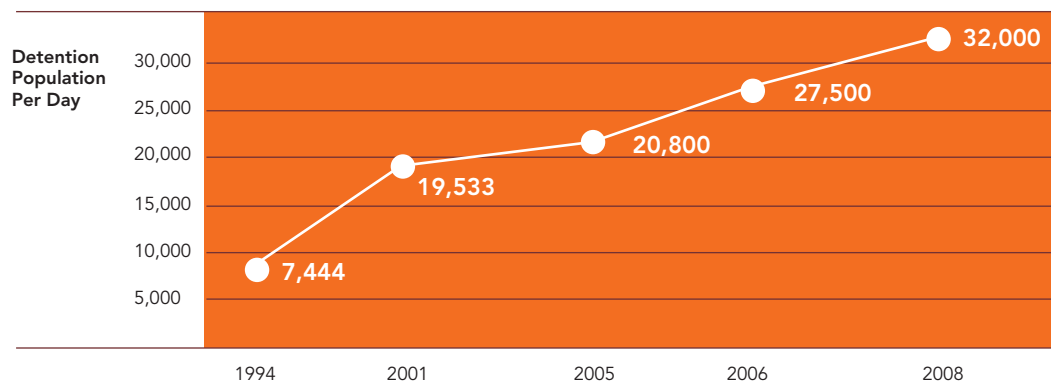
5. Amnesty International, *Jailed Without Justice: Immigration Detention in the U.S.A.*, March 2009.

6. *The New York Times*, "U.S. Rejects Call for Immigration Detention Rules," July 28, 2009.

7. *The New York Times*, "U.S. to Reform Policy on Detention for Immigrants," August 6, 2009.

In fiscal year 2008, the U.S. government held about 379,000 people in immigration custody²; that number is expected to be well over 400,000 in 2009. Men, women, and children are detained in a hodgepodge of more than 350 facilities³ at an annual cost of more than \$1.7 billion.⁴ Many of these facilities are privately run, receive little government oversight, and have been widely criticized for failing to provide for the basic needs of detainees. Although the Department of Homeland Security has enacted standards for the treatment of people subject to immigration detention, these standards are not legally enforceable⁵ and the Obama administration has recently resisted efforts to make them so.⁶

However, there have been recent developments that hint at future legislative changes. The Obama administration recently decided to review contracts with jails and prisons that house detained immigrants and has also expressed desire to find more appropriate placements for detained immigrants (since they face civil, not criminal charges). The administration also stopped sending families to a notorious facility in Texas known for detaining immigrant children.⁷



*Courtesy of Detention Watch Network

IS THERE A DETENTION CENTER NEAR YOU?

Each red symbol on this map represents an immigration detention center. For a more detailed map, including information about nearby community organizations, ICE offices and immigration courts, visit:

www.detentionwatchnetwork.org/dwnmap.



Frequently Asked Questions About Detention

Are only undocumented immigrants detained?

Any non-citizen may be detained if the U.S. government believes s/he does not have proper documentation to be in the United States, or because s/he has been convicted of a crime that makes her/him eligible for deportation. Even some U.S. citizens have been swept up and have had to go to court to prove their citizenship before winning release from detention.

How does ICE determine where to send a person once they're detained?

U.S. Immigration and Customs Enforcement determines where to detain immigrants based largely on bed space, as opposed to where the immigrant actually lives. For example, many of the women arrested in the 2007 raid in New Bedford, Massachusetts, were flown to a detention center in Texas. As ICE detains more immigrants, transfers between detention facilities continue to increase. As a result, detained immigrants can be separated and lose communication with loved ones, visitors and lawyers.

What happens during and after an ICE "raid"?

ICE enforcement actions can take many forms. The actions that have received the most media attention are worksite raids, in which ICE agents enter a workplace and round up people who are included in a list of targets as well as anyone who cannot show proof of immigration status. ICE then transports these men, women and sometimes children to detention centers and places them in removal proceedings. ICE also conducts neighborhood sweeps. These operations can take many different forms as well, but commonly they are the result of collaboration between ICE and local law enforcement officers. Some local police departments help ICE identify individuals who are believed to be deportable because of a past criminal conviction or immigration violation. Officers may enter households or housing complexes and ask for proof of status from everyone present, and then arrest anyone who cannot provide documentation. ICE "raids" have also occurred at bus and train stations, on ferries and at local government agencies such as parole and DMV offices.

Are there regulations for detention conditions?

There are no legally enforceable regulations to ensure humane detention conditions. In 2008, ICE developed Performance-Based National Detention Standards, with input from the American Bar Association and non-governmental organizations, to ensure that detainees' most basic due process and human rights, i.e., access to health care and legal counsel, are respected. However, ICE has steadfastly refused to codify the standards in statute or

8. U.S. Immigration and Customs Enforcement: <http://www.ice.gov/doclib/pi/news/factsheets/2008budgetfactsheet.pdf>.

9. U.S. Immigration and Customs Enforcement: <http://www.ice.gov/partners/dro/details.htm>.

regulation, leaving them legally unenforceable. As a result, detained immigrants and their advocates have little recourse when the government refuses to enforce its own rules. Advocates continue to press for the Department of Homeland Security to enact enforceable rules regarding detention conditions.

Are detention centers different from prisons or jails?

No. In fact, many detention centers are jails – about 57 percent of detained immigrants are held in county jails that rent detention beds to U.S. Immigration and Customs Enforcement. Though county jails are not equipped to house people for long periods of time, many immigrants spend years in jails, often mixed in with the general criminal population, while their immigration cases go through the courts. Most of the remaining detained immigrants are held in large detention facilities, operated by U.S. Immigration and Customs Enforcement and private prison contractors like the Corrections Corporation of America (CCA), that are almost identical to federal prisons that hold criminal inmates.

How much does the immigrant detention system cost U.S. taxpayers?

In 2008, U.S. Immigration and Customs Enforcement's budget for detention bed space was \$1.6 billion.⁸ ICE uses a patchwork of over 350 facilities including ICE and private contract facilities as well as local and county jails, where the majority of immigrants are detained. The average cost of detaining an immigrant is \$95 per day.

Are there any alternatives to detention?

Yes. There are a range of "alternative" programs in which immigrants can be released from detention while ICE continues to monitor and ensure that they are complying with the immigration court process. There are currently two alternative programs used by ICE that use a combination of electronic monitoring, telephonic reporting, home visits, curfews, and community collaborations.⁹ The actual implementation of these alternative programs varies by ICE jurisdiction, and there is an ongoing dispute among advocates and government officials around whether these methods are the best and most humane options. In general, alternative programs have proven to be effective and significantly cheaper, yielding an estimated 93 percent appearance rate before the immigration courts and costing as little as \$12 per day (in contrast to \$95 per person per day in a detention facility).

What happens to the children of detained immigrants?

When parents are detained, children are often left in the care of another relative or member of the community. U.S. Immigration and Customs Enforcement has been sharply criticized by the public and policy makers following raids that left dozens of children alone with no caregivers. In response, ICE has attempted to improve its coordination with social service providers so that children are not left alone and in some circumstances ICE may release immigrants who are primary caregivers.

Did the events of 9/11 affect the immigration detention system?

Despite public perceptions, the U.S. government did not pass new immigration enforcement laws in the wake of September 11, 2001. Instead, it stepped up implementation of existing immigration laws passed in 1996, which has resulted in a significant increase in the number of detained immigrants.

More Frequently Asked Questions

ON THE LEGAL SYSTEM

Do detained immigrants get a chance to present their case to a judge?

Most immigrants who are detained are placed in removal (informally known as deportation) proceedings, where they have the statutory right to retain a lawyer and present their case to an immigration judge, who decides whether they have the right to remain in the U.S. or should be deported. However, in a growing number of exceptions to the rules, ICE alone has the authority to review an individual's case. Moreover, faced with indefinite detention in poor conditions and often unaware of their rights, detainees frequently choose to sign "voluntary" removal agreements.

Do detained immigrants have a right to counsel?

All individuals in immigration proceedings have a right to counsel, but must find and pay for a lawyer on their own. Unlike individuals in criminal proceedings, those in immigration proceedings are not provided court-appointed counsel. In some parts of the country, nonprofit organizations provide free or pro bono legal services to detained immigrants, but in many parts of the country those services do not exist. About 85 percent of detained immigrants go to court without a lawyer.

Is there any way for immigrants to get released from detention while their case is pending?

Individuals have two options for winning release from detention before their court case is completed: bond or parole. Both are difficult to obtain. Individuals who were not arrested at the border or airport and who have not been convicted of a serious crime can request a court hearing to ask for a bond. Sometimes the Department of Homeland Security will set a bond, and a judge can raise or lower that amount. To obtain bond, individuals must show that they are not dangers to the community and are not flight risks. The amount of bond that individuals must pay can range from \$1,500 to many thousands of dollars, and they must pay the full amount to be released. Individuals who were arrested at the border or airport after asking for asylum may request "parole," or release from detention, if they pass a credible fear interview, in which they must convince an immigration officer their case is credible enough to permit them to stay in the United States and pursue it. Parole is rarely granted, and individuals must provide proof of identification, proof that they have a sponsor in the community who can provide shelter and proof that they are not a flight risk.

Does having a lawyer make a difference?

According to the Migration Policy Institute's analysis of data from the Executive Office for Immigration Review 2003 statistical yearbook, "18 percent of represented, detained asylum seekers were granted asylum, compared to three percent of detained asylum seekers who did not have counsel."¹⁰

What can a detained immigrant do to stay in the U.S. legally?

Every immigrant has a different personal experience, and the details of those experiences can determine whether or not an immigrant is eligible to stay in the United States. Some may have an asylum claim or be able to pursue some other form of protection because they have been a victim of violence or trafficking, others may be eligible to stay based on family ties or because their family would face extreme hardship if they were deported. Just because a person is detained does not mean that they cannot stay in the United States legally.

10. Migration Policy Institute, "Revisiting the Need for Appointed Counsel," April 2005, http://www.migrationpolicy.org/insight/Insight_Kerwin.pdf



For real life stories and testimonials from people who have been detained, go to:

www.takepart.com/thevisitor.

ON DEPORTATION

If an immigrant is in the U.S. seeking asylum or fleeing persecution in their home land can they be deported?

Individuals who fear returning to their native countries can ask for political asylum, which would grant them permission to stay in the United States. They must show they are afraid to return to their countries because they have been persecuted in the past or will be persecuted in the future. They must show they have been or will be targeted for persecution because of their religion, political views, race or nationality, or because they are a member of a particular social group. Collecting the documentation needed to win asylum is extremely difficult for people who are isolated in immigration detention, making access to affordable legal aid crucial. By law, immigrants cannot be deported if they have a case pending in immigration court or on appeal to the Board of Immigration Appeals.

What happens after people are deported?

There is no one story to describe the experience of deported immigrants. Some detained immigrants are anxious to be deported so they can be reunited with relatives in their home country and start looking for work again as soon as possible to support their families. For others, deportation means leaving behind children, spouses, parents, siblings and their community of many years in the United States, and facing an uncertain future in a country they may have left when they were small children. For those who came to the United States to escape persecution or violence, deportation may be a death sentence.

Facts and Statistics

Number of immigrants: 1 million entering the U.S. annually. 35 million currently living in the U.S.

Number of undocumented immigrants: 700,000-1.5 million entering the U.S. annually. Approximately 12 million currently living in the U.S.

Top 10 countries from which people emigrate (in order of population): Mexico, India, China, Philippines, Ireland, El Salvador, Dominican Republic, Canada, Korea and Cuba.

As of 2000: 70 percent of the total foreign-born population lives in California, New York, Florida, Texas, Pennsylvania, New Jersey and Illinois. Recently, many immigrants are settling in new gateway communities, including suburbs, the Midwest and the South.

Number of people detained: 379,000 in 2008.

Number of unaccompanied immigrant children placed in federal custody: Over 7,000 per year.

Number of people deported: Approximately 359,000 in 2008. A total of over 2 million since 1998.

Number of deaths in immigrant detention: At least 94 since 2003.

Number of detention centers: Over 350 nationwide. They include county and local jails, Immigration and Customs Enforcement centers and privately contracted facilities.

Cost of detention to taxpayers: \$1.6 billion annually (at an average 32,000 people on any given day at \$95/day per bed).

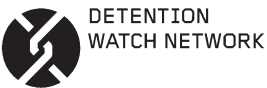
Cost of alternatives to detention: As little as \$12/day, generally including a combination of electronic monitoring and reporting.

Effects of detention on immigrants (research based on asylum-seekers alone): Depression (86%), anxiety (77%), Post-Traumatic Stress Disorder (50%) and worsened psychological health (50%).

Additional Resources

The following organizations provide a range of services and resources related to immigration detention and deportation. Visit their websites to find out more about these issues and learn about ways you can get involved.

NATIONAL CAMPAIGN ASSOCIATES



DETENTION
WATCH NETWORK

Detention Watch Network www.detentionwatchnetwork.org

A national coalition that works to educate the public, media and policymakers about the U.S. detention and deportation system and advocate for humane reform.



HEARTLAND
ALLIANCE
National Immigrant Justice Center

National Immigrant Justice Center www.immigrantjustice.org

The National Immigrant Justice Center, a partner of Heartland Alliance for Human Needs & Human Rights, provides direct legal services to and advocates for immigrants, refugees, and asylum seekers through policy reform, impact litigation, and public education.

CIVIL LIBERTIES

ACLU www.aclu.org/immigrants

Advocates for the rights of immigrants, refugees and non-citizens, challenging unconstitutional laws and practices, countering the myths upon which many of these laws are based.

American Arab Anti-Discrimination Committee www.adc.org

The largest non-partisan, non-sectarian Arab-American civil rights organization founded to protect the civil rights of people of Arab descent in the U.S. and to promote the cultural heritage of the Arabs.

Muslim Advocates

www.muslimadvocates.org

Promotes equality, liberty, and justice for all by providing leadership through legal advocacy, policy engagement, and civic education, and by serving as a legal resource to promote the full and meaningful participation of Muslims in American public life.

South Asian Americans Leading Together

www.saalt.org

Dedicated to fostering an environment in which all South Asians in America can participate fully in civic and political life, and have influence over policies that affect them.

LAW

American Bar Association Commission on Immigration www.abanet.org/publicserv/immigration.html

Advocates for due process, provides continuing legal education and develops and assists the operation of pro bono programs. Also provides information about free and low-cost immigration legal service providers by state.

American Immigration Lawyers Association

www.aiala.org

National association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members.

American Immigration Law Foundation**www.aifl.org**

Dedicated to increasing public understanding of immigration law and policy and the value of immigration to American society, and to advancing fundamental fairness and due process under the law for immigrants.

Catholic Legal Immigration Network, Inc.**www.cliniclegal.org**

Provides a range of legal and non-legal support for low-income immigrants seeking family reunification, citizenship, and protection from persecution and violence.

National Legal Sanctuary for Community Advancement**www.legalsanctuary.org**

Provides legal defense, policy advocacy, and public education to protect the needs of targeted Middle Eastern, Muslim and South Asian communities.

Public Counsel **www.publiccounsel.org**

The largest pro bono public interest law firm in the world.

**HUMAN RIGHTS
AND DUE PROCESS****Amnesty International USA****www.amnestyusa.org**

Advocates for the rights of asylum-seekers in the United States, and for the humane and dignified treatment of refugees and migrants worldwide.

Breakthrough **www.breakthrough.tv**

An international human rights organization that uses the power of popular culture, media and education to transform public attitudes and advance equality, justice and dignity.

Families for Freedom**www.familiesforfreedom.org**

Multi-ethnic defense network by and for immigrants facing and fighting deportation.

National Network of Immigrant and Refugee Rights**www.nnirr.org**

Works to promote a just immigration and refugee policy in the United States and to defend and expand the rights of all immigrants and refugees, regardless of legal status.

Rights Working Group**www.rightsworkinggroup.org**

A national coalition of over 250 local and national organizations dedicated to protecting due process and human rights for everyone in America, regardless of citizenship or immigration status.

Survivors of Torture, International**www.notorture.org**

Dedicated to offering healing services for asylum-seeking torture survivors, including psychological and medical affidavits for submission as evidence in immigration proceedings.

FAITH-BASED**Church World Service****www.churchworldservice.org/Immigration/index.html**

Relief, development, and refugee assistance ministry of 35 Protestant, Orthodox, and Anglican denominations in the United States.

Lutheran Immigrant and Refugee Service**www.lirs.org**

Offers resettlement and protection services for refugees, advocates for fair and just treatment of asylum seekers, seeks alternatives to detention for those who are incarcerated during their immigration proceedings and stands for unity for families fractured by unfair laws.

New Sanctuary Movement**www.newsanctuarymovement.org**

An interfaith, multi-denominational effort to accompany and protect immigrant families facing human rights violations.



Suggested Reading

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the Visitor

Social Action Campaign is a collaboration of
Active Voice and Participant Media with funding from the Open Society Institute.

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Active Voice is a nationally recognized non-profit team of strategic communication specialists who use film, television and digital media to spark social change. From grassroots to grass tops; online or big screen; documentary or narrative; independent or "interdependent" Active Voice works with preeminent filmmakers, funders, advocates and thought leaders to put human faces on the big issues of our times. Since its inception in 2001, Active Voice has built a diverse portfolio of film-based campaigns focusing on a range of issues, including immigration, criminal justice, healthcare and sustainability. www.activevoice.net



Participant believes that a good story well told can truly make a difference in how one sees the world. Whether it is a feature film, documentary or other form of media, Participant exists to tell compelling, entertaining stories that also create awareness of the real issues that shape our lives.

The company seeks to entertain audiences first, then to invite them to participate in making a difference. To facilitate this, Participant creates specific social action campaigns for each film and documentary designed to give a voice to issues that resonate in the films. Participant teams with social sector organizations, non-profits, and corporations who are committed to creating an open forum for discussion and education, and who can, with Participant, offer specific ways for audience members to get involved. These include action kits, screening programs, educational curriculum and classes, house parties, seminars, panels, and other activities, and are ongoing "legacy" programs that are updated and revised to continue beyond the film's domestic and international theatrical, DVD, and television windows. To date, Participant has developed active, working relationships with 112 non-profits reaching over 60 million people. www.participantmedia.com