

CREATIVE LOAFING

News

Immigrants seeking asylum face long odds in Stewart County Detention Center

'My only crime is being an immigrant'

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Stewart County Detention Center Corrections Corporation of America

Wilhen Barrientos was at home in Guatemala celebrating his younger sister's birthday in October 2014 when gang members drove by and fired shots into the house.

Barrientos and his sister escaped unscathed. But the shooting was just one incident of the persistent violence and intimidation their family faced by the gang. With their father absent from their lives and their mother working in the United States, the children were targeted by the gang since their parents weren't around, says Britt Thames, Barrientos' attorney.

Now Barrientos, the eldest of four children, is the last of their immediate family to be seeking asylum. He's been in detention for a year and a half, denied asylum once already and denied release on bond three times, all by one federal immigration judge. The 21-year-old business graduate has no criminal background. He just wants to join his family already living in Atlanta.

On Wednesday, Barrientos will go before the same judge, Judge Dan Trimble, where a decision will be issued on Wilhen's asylum case.

Georgia is home to the largest detention facility in the country, Stewart Detention Center, called "a detention center for asylum seekers" by a local attorney. The facility is run by Corrections Corporation of America, a private company similar to the ones the U.S. Department of Justice has said should no longer run the country's prisons. (Immigration detention falls under the purview of the Department of Homeland Security and Immigration and Customs Enforcement, not the Department of Justice.) Judges operate the immigration court inside the facility.

Barrientos and detainees like him in Georgia face extraordinarily low odds; just 2 percent of seekers are granted asylum compared to elsewhere in the country.

Recent studies have found that immigration detainees in Georgia are worse off than those in other states in many ways: access to legal representation is “disturbingly low” with just 6 percent of Stewart’s detainees obtaining counsel; detainees at Stewart are twice as likely to be deported and half as likely to be released on bond. When bond is granted, it’s often set at such a burdensome cost that the immigrant’s family and community aren’t able to pay it. The national average of bond last year was just over \$8,000; at Stewart it was nearly \$14,000. One judge even told a courtroom that people from Central America would not receive political asylum before hearing their cases, according to the Southern Poverty Law Center.

“Our legal system is grounded in principles of fairness, equal treatment and due process of law – principles which are violated on a regular basis at Stewart Detention Center, according to the reports we have received,” says Lisa Graybill, SPLC’s deputy legal director.

The challenges Georgia’s immigration detainees are up against are all part of a much bigger issue in the United States: the over-detention of immigrants, many of whom are fleeing violence in their home countries and come to the U.S. seeking safety and security, but instead wind up detained indefinitely and denied legal rights.

In 2010, 15,683 people seeking asylum were held in immigrant detention. By 2014, that number had nearly tripled, at 44,228. That number is expected to reach 45,000 in the coming weeks, which would be an all-time high, according the Department of Homeland Security.

Federal officials, however, say people like Barrientos do not need to be detained while they await their asylum case to be completed. In 2009, DHS issued the Asylum Parole Directive, noting that an asylum seeker who has a credible fear of persecution at home should be released on parole if they do not pose a threat to society and have ties to the community. According to Human Rights First, some ICE officials do not follow this directive and choose to detain asylum seekers, adding to a program that costs taxpayers over \$2 billion a year. The “inconsistent, unnecessary” detention of immigrants isn’t just costly to the system, but to individuals’ lives and their families.

Barrientos stayed behind in Guatemala to raise his younger siblings amidst harassment and abuse by gang members. When he finally left, with his younger sister in tow, he wound up in Georgia’s detention centers only to face more violence, including sexual abuse, according to a letter he wrote to the Guatemalan Consulate. Officials at Stewart transferred him to Irwin County Detention Center, the second largest facility in the state, where Thames says he has faced further physical abuse. (A CCA representative was not immediately available for comment about Barrientos' claims.)

His mother describes through tears her fear of his deportation: “I am so scared that Wilhen is going to be returned to Guatemala,” she says. “I know that he will face great danger and will be killed if he returns.”

“My only crime is being an immigrant,” Barrientos says, baffled by the way he’s been treated as an asylum seeker here. He says he wants to find a career helping people who have been detained like him if he is granted asylum.

“Remember that I’m not the only one going through this,” he says. “There are a lot of people going through this.”

<http://www.clatl.com/news/article/20839497/immigrants-seeking-asylum-face-long-odds-in-stewart-county-detention-center>