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UNITED STATES

Immigration

When home is prison

Aug 13th 2009 | EL PASO
From The Economist print edition

Slow improvements in the processing of immigrants

WHICHEVER way they go, Barack Obama's battles for health-care reform and a carbon-trading regime will make it hard for him to tackle any other large issue this year. So it was no real surprise this week when he announced, at a summit with the presidents of Mexico and Canada, that his administration will not pursue immigration reform until 2010 at the earliest. Many watchers were still disappointed. During the campaign Mr Obama said immigration would be a priority, and in April the administration said it would raise the issue this year.

At an annual conference on border security held by the University of Texas-El Paso this week, the president's backtracking was on everyone's mind. David Aguilar, the chief of the federal Border Patrol, said that comprehensive reform would help his agency focus on the more dangerous types of illegal cross-border activity. Bob Filner, a congressman from California, hoped that Congress could at least reach for some "low-hanging fruit" such as the proposed DREAM Act, which would provide a path to citizenship for undocumented adults who were brought to America as children. And Janet Napolitano, the secretary for homeland security, said that she shared the interest in reform; though, for the present, her agency's job was to enforce existing law more intelligently.

Her department has already made changes. The administration has scaled back the workplace raids that were so controversial during the Bush years. It is opting instead to focus on auditing employers and expanding E-Verify, an electronic system that lets employers check the immigration status of potential employees.

But the biggest shift concerns family detention. In 2006 George Bush said he would end a policy known as "catch and release", whereby illegal immigrants were allowed to go free after being caught because so many of them failed to turn up for subsequent court proceedings. But detaining children and families proved more delicate than holding lone adults. Later that year, Immigration and Customs Enforcement (ICE) opened a facility specifically for families in Taylor, a small town north of Austin.

The T. Don Hutto Family Residential Centre was formerly a medium-security prison. In its new incarnation it is still run by the Corrections Corporation of America, a private prison company. And inside, Hutto used to be just like a jail. Barbara Hines, director of the Immigration Clinic at the University of Texas's law school, says that she was shocked when she started visiting: children were wearing prison uniforms and the parents were depressed and desperate. Everyone was cooped up in cells for most of the day, and the children had only an hour or so of lessons.

In March 2007 the Immigration Clinic and the American Civil Liberties Union sued Michael Chertoff, then the head of the Department of Homeland Security, over the conditions at Hutto. In August that year the parties settled, with the government agreeing to a list of reforms. That agreement was set to expire later this month, but on August 6th ICE announced an overhaul of America's approach to detention. As immediate steps, the government would put monitors in many of the adult facilities, and immediately stop detaining families at Hutto.

The announcement raises questions. For one thing, it is not clear where the families are going to go. ICE said that it would move them to the Berks Family Residential Centre in Pennsylvania, but that facility is full. And

although Berks is somewhat nicer than Hutto, immigrants'-rights groups are still sceptical about keeping children in detention at all.

Planning large-scale reform next year may still be too ambitious: it is an election year, which makes politicians even more skittish about controversy. But some reform advocates are more optimistic: at least, reckons Charles Foster, an immigration lawyer in Houston, immigration reform is still on the agenda.

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