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Beyond the Walls: The Importance of Community Contexts in Immigration Detention

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(Forthcoming, *American Behavioral Scientist* (2018))

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Abstract

Immigration detention facilities are commonly assumed to be insulated microcosms that maintain their existence separate and apart from the surrounding communities. Yet, detention facilities are not hermetically sealed institutions. Drawing on unique and comprehensive data pertaining to all individuals held in immigration detention in the United States in fiscal year 2015, this study explores for the first time the importance of community contexts in immigration detention. Our multivariate analyses show a significant relationship between the characteristics of communities in which the facilities are located and detention length for individuals who were released pending the completion of their removal proceedings. Specifically, we find that the presence of legal service providers and social support networks in the communities is associated with shorter detention length, controlling for a variety of individual characteristics and contextual factors. These findings highlight the need for research on the social ecology of immigration detention—research that moves beyond the walls of detention facilities to consider the broader legal, social, and political contexts of surrounding communities in investigating the nature and consequences of immigration detention.

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"I would rather die than spend one more day in detention," declared Martín Méndez Pineda, a Mexican journalist who had sought asylum in the United States and was detained for over two months at the West Texas Detention Facility in 2017 (Drake, 2017, para. 10). Immigration detention—the civil confinement of individuals apprehended by U.S. immigration authorities for alleged immigration law violations—raises a host of serious due process and humanitarian concerns. Yet, the number of individuals detained by U.S. immigration authorities has grown steadily and dramatically over the past couple decades. The Trump administration has sought to employ detention as a default immigration enforcement strategy with an explicit deterrence goal. This strategy, most recently applied to thousands of migrant parents and children apprehended at the U.S.-Mexico border, has sparked unprecedented nationwide debates and protests (Blitzer, 2018). These developments underscore the critical and urgent need for systematic investigations of how detention might be operating on the ground.

This study presents a new approach to understanding immigration detention. Immigrant detainees are typically confined in secure, and often remote, facilities that impose strictly regimented batch living, and where contact with the outside world is limited. That detention, by policy design, strives to create such a separation between detainees and the general public is undeniable. Iron bars, fences, barbed wires, surveillance, and guards all act as physical and structural barriers that isolate and immobilize detainees. Detainees commonly face numerous challenges in negotiating these barriers to maintain their connections to the outside world (see Ryo, 2017). Nonetheless, detention facilities are not hermetically sealed institutions, and the barriers can be made permeable in varying degrees (Martin & Mitchelson, 2009, p. 464).

We argue that locations of detention facilities matter, and that local contexts of communities on the outside matter, for the outcomes of immigrants confined inside detention facilities. Drawing on unique and comprehensive data pertaining to all individuals detained by Immigration and Customs Enforcement (ICE) in fiscal year 2015, this study explores the links between community characteristics in which the detention facilities are located and what happens to immigrant detainees. This study focuses on two key community characteristics: the presence of legal service providers and social support networks for immigrants in the communities where the detention facilities are located (host communities). We examine whether and to what extent these community characteristics might be related to the length of detention for adult detainees who were released pending the completion of their removal proceedings.

The key aim of this study is to build a basic foundation for what we call the social ecology of immigration detention. This approach moves beyond the walls of detention facilities to consider the broader legal, social, and political contexts of surrounding communities in investigating the nature and consequences of immigration detention. We conclude by discussing the importance of this approach and this study's findings for theory, research, and policy on immigration detention.

BACKGROUND

To contextualize our empirical analysis, we provide a brief historical discussion of immigration detention. We begin with the post 1996 period and conclude with an overview of the Trump administration's use of immigration detention.

MODERN HISTORY: DETENTION AS SOCIAL CONTROL

Scholars widely credit two laws enacted in 1996 as a critical turning point in the expansion of immigration detention in the United States: The Antiterrorism and Effective Death

Penalty Act (AEDPA), and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). The AEDPA broadened the list of crimes defined as an aggravated felony, and also expanded the types of offenses (beyond aggravated felonies) that trigger mandatory detention (García Hernández, 2014). A few months later, Congress enacted the IIRIRA to further broaden the use of immigration detention as a social control tool, including by increasing the categories of noncitizens subject to mandatory detention (García Hernández, 2014).

Aggravated felonies have come to include offenses that are neither aggravated nor a felony, such as simple battery and shoplifting (Morawetz, 2000, p. 1939). The category of individuals who are subject to mandatory detention now extends to not only noncitizens with criminal convictions, but also certain classes of arriving aliens (Siskin, 2012). As expected, the number of noncitizens detained by immigration authorities during the post 1996 period rose steadily and dramatically. In 1994, an average of 6,785 noncitizens were detained on any given day (Siskin, 2004, p. 12). By 2014, that daily average had surpassed 33,200 (U.S. ICE, 2016, p. 9). During the same time period, the annual total number of individuals who entered detention rose from 81,707 in 1994 to 425,728 in 2014 (Baker & Williams, 2016, p. 6; *Containing Costs*, 1995, p. 1058).

THE TRUMP ERA: DETENTION AS DETERRENCE

"This is a new era. This is the Trump era," announced Attorney General Jeffrey Sessions in his speech at the border city of Nogales, Arizona, in April of 2017. Sessions continued: "The lawlessness, the abdication of the duty to enforce our immigration laws, and the catch and release practices of old are over" (Hoover, 2017). Consistent with these announcements, President Trump called for an allocation of "all legally available resources" for the immediate construction, operation, and control of detention facilities near the border with Mexico, or for the

establishment of contracts for such facilities (Executive Orders, 2017a, 2017b). In June of 2017, Thomas Homan, the Immigration and Customs Enforcement (ICE) Acting Director, stated that his budget for the 2018 fiscal year included nearly $4.9 billion to expand the average daily detained population to over 51,000 (Homan, 2017).

The Trump administration has taken an active stance against sub-federal laws aimed at curbing the growth of the immigrant detainee population. For example, the administration sued the state of California in March of 2018 to challenge California's "sanctuary laws," a key component of which prohibited new contracts for immigration detention and gave the state attorney general the power to monitor all immigration detention facilities in California (Halper, 2018). In May of 2018, the Trump administration began implementing a zero-tolerance policy at the U.S.-Mexico border to criminally prosecute and detain all migrants crossing the border illegally. This policy has resulted in the detention of thousands of migrant children separated from their parents (Blitzer, 2018). Underlying this and related enforcement policies of the Trump administration is the view that the pain inflicted through separation and detention will deter unauthorized migration (see Fabian, 2018).

THEORETICAL FRAMEWORK

Two sets of literature inform our empirical analysis. The first is the longstanding body of research on spatial inequality. The second is the emerging body of research on the political economy of immigration detention. We show that integrating insights from these disparate bodies of research has the potential to advance our understanding of how community contexts might shape immigration detention outcomes.

Research on Spatial Inequality

Broadly conceived, research on spatial inequality is concerned with understanding whether and how space and place might influence social inequality. This scholarship is varied in approach, wide-ranging in focus, and embedded in a variety of subfields and disciplines (see, e.g., Lichter & Ziliak, 2017). For example, economists, political geographers, sociologists, and legal scholars have examined such diverse topics as the relationship between geographical space and income/wealth inequality (Glasmeier, 2018), urban poverty (Soja, 2010), educational inequality (Burdick-Will & Logan, 2017), and access to indigent criminal defense (Pruitt & Colgan, 2010). While not all of these studies explicitly situate themselves in the tradition of spatial inequality research, common across these studies are efforts to "examine how and why markers of stratification, such as economic well-being and access to resources as well as other inequalities related to race/ethnicity, class, gender, age, and other statuses, vary and intersect across territories" (Lobao, Hooks, & Tickmyer, 2007, p. 3).

In the criminal justice context, scholars have applied this approach to analyze whether and to what extent various neighborhood or community contexts—such as poverty and racial segregation—help to explain spatial patterns of crime (Morenoff, Sampson & Raudenbush, 2001; Peterson & Krivo, 2010). Other studies of criminal justice have considered the importance of community contexts in explaining spatial patterns of prison development and prison admission rates (see, e.g., Eason, 2010; Simes, 2018), criminal justice sanctions (see, e.g., Sampson & Laub, 1993; Ulmer & Johnson, 2004), and post-release behavior (see, e.g., Kubrin & Stewart, 2006; Mears, Hay, & Bales, 2008).

More directly relevant to the current study, a smaller body of research has examined the impact of various community characteristics on the in-prison experiences and behavior of

inmates. For example, Joshua Cochran and colleagues (2016) found that the more remote the prison from the inmate's home community ("distal placement"), the lower the likelihood of visitation. They also found that the greater the economic disadvantage of the inmate's home community, the greater the adverse effects of distal placement on visitation. Another recent study further showed that distal placement is positively associated with inmate misconduct, and that this relationship was partially explained by the negative effect of distal placements on the inmate's ability to maintain pre-incarceration social ties (Lindsey, Mears, Cochran, Bales, & Stults, 2017).

Research on Immigration Enforcement and Detention

Another body of scholarship that informs our empirical analysis is research on the political economy of immigration enforcement and detention. One important strand of this literature is concerned with the convergence of political and economic forces that determine the shifting location and intensity of immigration enforcement in the United States. In a related vein, a growing number of scholars have investigated the nature and consequences of spatial variation and unevenness in immigration enforcement practices (see, e.g., Coleman, 2012; Johnson et al., 2011; Rugh & Hall, 2016).

Directly relevant to this study, an emerging body of research has focused on the centrality of space and geopolitics in structuring immigration detention experiences and outcomes (García Hernández, 2011; Hiemstra, 2013; Moinester, 2018; Mountz, Coddington, Catania, & Loyd, 2012). Lauren Martin (2012), in her study of family detention practices in the United States, offers the following observation about how ICE made its decision to locate a facility in Hutto, Texas, instead of Austin, Texas, which has a stronger immigrant rights advocacy base. According to Martin, ICE "is acutely aware of detainees' relationships to surrounding

communities" (p. 326), yet ICE considers proximity to such communities and their supporting institutions as a negative trait in selecting detention sites.[1]

Alison Mountz (2012) argues that the practice of holding detainees in remote locations that are outside of and distant from urban areas leads to separation from family, community, and legal support networks that are critical to detainees' chances of achieving favorable case outcomes. Our recent national study of detention in the United States that analyzes the importance of facility location with respect to major urban areas provides evidence consistent with Mountz's argument (Ryo & Peacock, forthcoming).

Social Ecology of Immigration Detention

Considered together, the literature on spatial inequality and research on the political economy of immigration enforcement raise fundamental questions about the relationship between community contexts and detention outcomes. What community contexts might matter for which detention outcomes? This study focuses on one of the most basic and important detention outcomes—detention length. This outcome warrants special attention because even temporary confinement can inflict deep physical and psychological trauma, and lasting financial hardship, not only on the detainees but also their family members. We analyze detention length for adult detainees who were released pending the completion of their removal proceedings. To be so released, an ICE official or an immigration judge must find that the individual does not pose a flight risk nor a danger to the community (see Gilman, 2016; Ryo, 2016).

[1] Although there is a critical need for systematic studies of facility-siting decisions, the Department of Homeland Security does not release information relating to such decisions.

In terms of community characteristics, we draw on existing studies of immigration detention to consider two possible predictors of detention length: the presence of legal service providers and social support networks for immigrants in the host communities. Scholars have argued that "the location of detention directly impacts detainees' access to rights and information" (Martin & Mitchelson, 2009, p. 467). Given the complexity of U.S. immigration laws, attorneys are one of the most important actors who can facilitate detainees' understanding of and access to rights and information. Ingrid Eagly and Steven Shafer (2015) show that represented detainees are more likely than their unrepresented counterparts to request and receive a bond hearing. Eagly and Shafer (2015, p. 71) conclude that this difference in the likelihood of receiving a bond hearing between represented and unrepresented detainees "may indicate that having an attorney is helpful in navigating the complex rules governing eligibility for custody hearings." Studies also show that detainees with legal representation have significantly higher odds of being granted bond, controlling for a variety of detainee characteristics and contextual factors (Ryo, 2016, 2018).

The current study extends these earlier studies of legal representation by conceptualizing the presence of legal service providers as a community characteristic that may advantage detainees both directly and indirectly. In facilities located in communities with a significant population of attorneys practicing immigration law, individual detainees are more likely to be able to find legal representation. The presence of immigration attorneys in the host communities may advantage even the unrepresented detainees to the extent that represented detainees engage in informal transfer and circulation of legal knowledge obtained through their attorneys. More generally, both represented and unpresented detainees in a given facility may benefit from legal orientation programs and pro se (self-representation) workshops that are more likely to be

available in facilities located in communities with a dense network of legal service providers. All detainees in a given facility may also benefit from facility-wide reforms that may result from the work of attorneys in the community advocating for their individual clients. These reforms may involve, for example, improved medical and mental healthcare, and greater access to bilingual staff inside detention facilities. These types of facility-wide reforms may have an immediate bearing on the detainees' ability to prepare and properly present themselves for their bond hearings. In these and related ways, the presence of legal service providers at the community level may be associated with shorter time to release, all else being equal.

Social support networks for immigrants in the host communities is another community characteristic that may play a critical role in the detainees' ability to request bond hearings, obtain favorable bond outcomes, and post the required bond. Social support networks constitute what Mountz (2012, p. 92) has called detainees' "infrastructure for advocacy." This infrastructure may consist of not only legal counsel, but also interpreters, family, friends, and community volunteers who can visit the detainees and serve as an active conduit to the outside world. Strong social support networks for immigrants may promote favorable release outcomes for detainees in a number of direct and indirect ways. Reports show that "[d]etainees rely on visitors for tasks as diverse as articulating a theory of relief [from removal], securing letters of support from the community, and gathering funds for bond and relief applications" (NYU School of Law Immigration Rights Clinic, 2010, p. 1). Moreover, immigration judges commonly construe the presence of family or community members in the courtroom as a signal for whether the detainee will have community accountability once released from detention (Immigrant Legal Resource Center, 2017, p.10).

It is important to note that the relative efficacy of social support networks for detainees may depend on whether and to what extent such networks are embedded in organizational and institutional structures that are responsive to the needs of, and accessible to, immigrants. We highlight two examples to illustrate this point. Some detainees with a history of substance abuse may denied granted bond unless they can show that they have secured a placement in a treatment or a rehabilitation program. Such a showing, which is possible only when relevant programs are readily available to immigrants, is often critical to establishing that the detainee is not a flight risk nor a danger to the community (Immigrant Legal Resource Center, 2017, p.8). Detainees who are granted bond cannot be released if they are financially unable to post the required bond amount. To address this issue, certain cities have developed community bail funds dedicated to financially assisting immigrant detainees (see Paul, 2018). Both of these examples highlight the importance of organizational or institutional structures within which social support networks for immigrants are embedded. In sum, social support networks that can leverage organizational or institutional resources for immigrants may be associated with shorter time to release, all else being equal.

DATA AND METHODS

DATA

We compiled and merged two major datasets for the purposes of our analysis. We describe these datasets and the steps that we took to prepare the data for analysis in detail elsewhere (Ryo & Ian, forthcoming). The primary dataset comes from records that ICE provided to the Transactional Records Access Clearinghouse (TRAC) pursuant to the Freedom of Information Act (FOIA). This dataset consists of individual-level longitudinal information on each noncitizen detained by ICE during fiscal year 2015 (Detention Data). For each detainee in

the Detention Data, ICE generated a new record each time the detainee was booked into a facility. Some detainees were booked in and out of multiple facilities during their detention, leading to multiple records.

To be included in the Detention Data, the individual must have been detained at some point during fiscal year 2015, but his or her detention need not have begun nor ended in fiscal year 2015. For individuals who entered detention before fiscal year 2015, some of their records in the Detention Data pre-date fiscal year 2015. For individuals whose detention continued beyond fiscal year 2015, we do not observe what happened to them and their records are right censored. All of the detainees in this study were released in fiscal year 2015 pending the completion of their removal proceedings, which means that we have their complete set of records. ICE's recorded release reasons for these detainees are: "Alternatives to Detention," "Bonded Out," "Order of Recognizance," and "Order of Supervision."

The second dataset is a compilation of geocoded records that allow us to examine distances between detention facilities and other locations of interest in this study (Geocoded Data). A key predictor of interest in our analysis is the presence of legal service providers in the host communities. Our distance and count measures of immigration attorneys come from the American Immigration Lawyers Association's (AILA) membership data. AILA is a national association of attorneys who practice or teach immigration law. AILA was founded in 1947 and currently has more than 15,000 members.[2] The AILA membership data contains information on

[2] We also collected and coded information pertaining to the accredited representatives in the Executive Office for Immigration Review's (EOIR) Recognition and Accreditation Program (EOIR, 2015). The accredited representatives are authorized to assist noncitizens in immigration

attorneys in wide-ranging practice settings, including law firms of various sizes, nonprofit organizations, and law schools. We geocoded the office addresses of all attorneys who were active members of AILA during fiscal year 2015, and whose practice area included removal defense.

MEASURES

Appendix Table A contains detailed descriptions of all the measures that we discuss below. The dependent variable is detention length or time (days) to release. The key predictors of detention length in our analysis are the presence of: (1) legal service providers, and (2) social support networks for immigrants. To measure the presence of legal service providers, we created two variables that captured the distance (in miles) between each detention facility and the nearest immigration attorney in the AILA database who practice removal defense. The first distance variable, *Miles to Nearest Nonprofit Immigration Attorney*, includes only those attorneys who work at legal services/nonprofit organizations or law schools. The second distance variable, *Miles to Nearest Attorney*, includes all attorneys regardless of their practice setting (solo practitioner, legal services/nonprofit organizations, etc.). This first distance variable might be an especially important measure of the level of access to legal services for the detained population

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proceedings (8 C.F.R. § 1292.1(a)(4)). Our regression results using the accredited representatives variables (miles to the nearest accredited representative and the number of accredited representatives within 15 miles of a given facility) are similar to the results we obtained using the AILA membership variables. We present the latter results given that accredited representatives are not attorneys and are much more limited in the type of services that they are allowed to provide.

given that many immigrants often lack resources to hire private attorneys. We also created two count variables that capture the total number of attorneys located within 15 miles of a given detention facility.[3] The first count variable, *Number of Nonprofit Attorneys within 15 Miles*, pertains to only those attorneys at legal services/nonprofit organizations or law schools. The second count variable, *Number of Attorneys within 15 Miles*, pertains to all attorneys regardless of their practice settings.

We measured the presence of social support networks using the best proxy that we have available—the total number of conationals residing in the host community (measured at the city level). We created *Conational Population* using the 2015 American Community Survey, which provides information on the places of birth for the residents of each city.[4] Recall that our expectation is that the efficacy of social support networks likely depends on the existence of

[3] The radii for these count variables are based on straight-line distance. Though straight-line distance measures are common in geographic studies, one disadvantage of such measures is that they cannot account for the existence or non-existence of roads, freeways, interstates, mountains, bodies of water, and other geographical features of land. Thus, our attorney count variables do not approximate the actual distances that attorneys would have to travel to reach a given facility. By contrast, our distance to the nearest attorney variables are based on distance estimates from Google Maps' driving routes between facilities and attorney addresses.

[4] A more nuanced measure of social support networks might capture the political and economic incorporation of relevant conational groups at the city level, but we are not aware of data sources that would allow us to generate such measures for all the national origin groups represented in the Detention Data.

organizational or institutional structures that are responsive to the needs of, and accessible to, immigrants. To test this idea, we created an indicator variable called *Restricted ICE Cooperation*. This variable denotes whether a given facility was located in a jurisdiction (city or county) that had adopted (before fiscal year 2015) a policy limiting local law enforcement's cooperation with ICE (for the list of such jurisdictions, see U.S. ICE, 2017). These and related policies are commonly referred to as "immigrant-protective policies," and jurisdictions with such policies are often referred to as "sanctuary cities." We recognize that "sanctuary cities" is a contested term, and that jurisdictions may have varied reasons for adopting these types of policies. On the whole, however, jurisdictions with such policies are more likely to be inclusive or integrationist in their approach to immigrant communities (see Lasch, Chan, Eagly, Haynes, & Lai, 2018, p. 1709).

The covariates we use in our analysis include the following detainee characteristics: (1) gender, (2) region of origin, (3) age at the time of entry into detention, (4) legal status at the time of last entry into the United States (entry status), (5) whether or not the detainee has been classified as an aggravated felon by ICE, and (6) the count of inter-facility transfers. Our analysis also controls for a number of facility-level or city-level characteristics, including: (1) whether a facility is operated by a for-profit company, (2) the region of the United States in which the facilities are located, (3) whether a facility is located outside of a major urban area as indicated by the facility's location outside of Metropolitan Statistical Areas' (MSA) principal

cities,[5] and (4) the city-level economic disadvantage index score based on percent unemployed, percent in poverty, and median household income ($\alpha = 0.77$).

ANALYTICAL STRATEGY

As we noted earlier, our analysis focuses on adult detainees who were released pending the completion of their removal proceedings. This analytical strategy reduces the risk that our findings might be confounded by fundamental dissimilarities across individuals who experienced different types of release from detention. For example, detainees who were released from detention because they were removed to their countries of origin, or because they were granted the legal relief that they sought, are likely to differ systematically from detainees who were released pending the completion of their removal proceedings. The arguments that we presented earlier on how community contexts might matter for detention outcomes are specific to this last subpopulation.

We examine detention length by conducting survival analysis, which allows researchers to analyze the expected duration of time until one or more event of interest occurs. We use the Weibull model, which we selected based on a series of tests of model fit. We fit the Weibull in the accelerated failure-time metric (AFT) rather than the hazard-rate metric for the ease of interpretation. While the hazard-rate metric focuses on how the risk of an event changes with the

[5] MSAs consist of "at least one urbanized area that has a population of at least 50,000" (U.S. Office of Management & Budget, 2010, p.37252). The largest city in each MSA is called a principal city. Principal cities constitute "the more significant places in each MSA. . . in terms of population and employment" (U.S. Office of Management & Budget, 2013, p.3).

values of covariates in the model, the AFT metric allows us to model survival times directly (Cleves, Gould, & Marchenko, 2016, p. 243). The AFT model takes the form:

$$\log(T) = \beta_0 + \beta_1 x_1 + \ldots + \beta_p x_p + \log(\varepsilon), \qquad (1)$$

where T is the time-to-event or the "failure time," $x_1,\ldots, x_p$ are predictor variables with β regression coefficients, and ε is the error term. In our analysis, the "failure" or the event of interest is obtaining release from detention pending the completion of removal proceedings. The coefficients in the Weibull models we present below can be interpreted as a percent change in the expected detention length with every unit increase in the covariate. As observations within each detainee are not independent, we adjusted the standard errors for clustering at the detainee level. We also included a region variable in our models to absorb any within-region clustering.[6] In addition, we stratified the estimates on the detainees' region of origin given that different national origin groups may face varying baseline hazards of release (see Ryo, forthcoming).

RESULTS

DESCRIPTIVE ANALYSIS RESULTS

Appendix Table B shows some of the key basic characteristics of the cities included in our analysis. Table 1 presents descriptive statistics for the variables used in our analysis. We report the means and medians for the continuous variables, proportions for the categorical variables, and the minimum and maximum values for each variable. Table 1 shows that the average number of days detained for adults who were released pending the completion of their

[6] Many detainees are transferred between facilities, and some of those transfers involve inter-city or inter-state movements. We are not aware of an ideal approach or a statistical software package for survival analysis that deals with this type of non-nested multiway clustering.

removal proceedings was over 55 days, although the maximum value of 2,943 days indicates that some individuals in this group were detained for years.

[Table 1 about here]

Next, we examine the first set of independent variables of interest, the attorney variables. We focus our discussion here on *Miles to Nearest Nonprofit Attorney* and *Number of Nonprofit Attorneys within 15 Miles*. Table 1 indicates that the mean driving distance to the nearest nonprofit immigration attorney is about 52 miles. The range for *Miles to Nearest Nonprofit Attorney* is substantial (0.03 to 497 miles). Because legal service providers can be extremely sparse in some locations, distance to the nearest immigration attorney may not be as meaningful a measure of availability of legal services as the number of immigration attorneys within a certain distance of a given facility. Table 1 shows a mean of 7, and a median of zero, nonprofit immigration attorneys within 15 miles of any given facility. The range of zero to 119 for *Number of Nonprofit Attorneys within 15 Miles* highlights the highly uneven spatial distribution of low cost or free legal services. On the one hand, a total of 349 detention facilities had zero nonprofit immigration attorneys within their 15-mile radii (not shown in Table 1). On the other hand, large cities such as New York City, Washington D.C., San Francisco, Chicago, and Los Angeles, had some of the highest density of nonprofit immigration attorneys.

Next, we turn to the second set of independent variables of interest, *Conational Population* and *Restricted ICE Cooperation*. Because some detainees were confined in multiple facilities during their detention, *Conational Population* is a time varying variable for some detainees. To generate the mean for this variable presented in Table 1, we first calculated the mean number of conationals for each detainee. We then summed these individual-detainee means and divided that grand sum by the total number of detainees in our analysis sample. The

Conational Population variable in Table 1 shows that on average, detainees have a little over 19,000 conationals in the city in which they are confined. The median for the *Conational Population* variable, however, is substantially lower, at 237 conationals. Table 1 shows that about 13 percent of the jurisdictions had adopted (before fiscal year 2015) policies that limit local law enforcement's cooperation with ICE.

KAPLAN-MEIER FAILURE ESTIMATES

Before turning to our survival analysis results, it is helpful to consider the Kaplan-Meier failure estimates (see Cleves, Gould, & Marchenko, 2016, p. 93-96) presented in Figures 1 through 4. These are nonparametric unadjusted estimates showing the cumulative proportion of detainees released at various time intervals between zero to 200 days of detention (approximately 95 percent of the analysis sample). In Figure 1, we show separate estimates for the group that is "at or below average" and another that is "above average" for *Miles to Nearest Nonprofit Attorney*. Figure 1 shows that the timing of release is substantially later for the detainees who are "above average" in their distances to the nearest nonprofit immigration attorney (that is, further away from the nearest attorney than those "at or below average"). For example, at 25 days of detention, while about 50 percent of detainees "at or below average" in their distance to the nearest nonprofit immigration attorney had been released, only about 25 percent of detainees "above average" in their distance to the nearest nonprofit immigration attorney had been released. Figure 2 shows the same pattern of estimates for *Miles to Nearest Attorney*.

[Figures 1 and 2 about here]

In Figures 3 and 4, we again divide up the groups as "at or below average" and "above average"—this time, in terms of the size of the conational population. Figures 3 and 4, respectively, show that the timing of release is later for the detainees who are "at or below

average" in their conational population than the detainees who are "above average" in their conational population. The gap between these two groups, however, is more pronounced in jurisdictions with immigrant-protective policies (Figure 4) than in jurisdictions lacking such policies (Figure 3). To determine whether these patterns persist controlling for possible confounders, we next turn to the results of our multivariate survival analysis.

[Figures 3 and 4 about here]

Survival Analysis Results

Model 1 of Table 2, which includes only the *Miles to Nearest Nonprofit Attorney* variable, shows that every 10-mile increase in driving distance to the nearest nonprofit immigration attorney increases expected detention length by about 26 percent (100 x [exp(0.228)-1] = 25.609). Model 2, which adds the *Conational Population* variable, shows that every 10,000 person increase in the conational population in the host city decreases expected detention length by about 7 percent (100 x [exp(-0.076)-1] = -7.318). Model 3 includes both of these independent variables, the interaction between *Conational Population* and *Restricted ICE Cooperation*, and a full set of control variables shown in Table 1. This full model shows that the interaction between *Conational Population* and *Restricted ICE Cooperation* is negative and significant at $p < 0.001$. This result suggests that decreases in detention length predicted by increases in the conational population are significantly greater in jurisdictions with immigrant-protective policies than those lacking such policies.

[Table 2 about here]

In Models 4 through 6 of Table 2, we replaced *Miles to Nearest Nonprofit Attorney* with *Number of Nonprofit Attorneys within 15 Miles*. Model 4 shows that the greater the number of nonprofit immigration attorneys, the shorter the detention length. This result indicates that the

negative effect of the increasing number of legal service providers in the host community on detention length is not a mere artefact of the distance measure chosen. Model 5 shows that the greater the conational population, the shorter the detention length. Model 6, the full model, adds the interaction between *Conational Population* and *Restricted ICE Cooperation*. Model 6, similar to Model 3, shows that the interaction between *Conational Population* and *Restricted ICE Cooperation* is negative and significant at $p < 0.001$.

In Table 3, we re-estimated Models 1 through 6 of Table 2 using the distance and count variables pertaining to all AILA member attorneys regardless of their practice settings (solo practice, law firms, legal services/nonprofit organizations, law schools, etc.). As shown in Table 3, our analysis that uses all AILA member attorneys produced substantially the same results as what we have presented in Table 2. This result suggests that the relationship between legal service providers and detention length that we have found are broadly applicable, rather than constrained specifically to the nonprofit legal services sector.

[Table 3 about here]

DISCUSSION AND CONCLUSION

This study advances an approach that attends to the local contexts and community dynamics in investigating what happens to immigrants confined in detention facilities. We refer to this approach as the social ecology of detention and illustrate how such an approach can be used to better understand the experiences and outcomes of immigrant detainees. The first contribution of this study is the development of a theoretical framework that brings spatial-inequality research to bear upon important, yet underappreciated, questions about immigration detention. An approach that focuses exclusively on the internal dynamics of detention facilities

without considering the relevant local contexts that might contribute to those dynamics may produce critical gaps in our understanding of detention practices and their impacts on detainees.

More broadly, the cross-fertilization of literatures that we advance promises a fuller understanding of the interdependent and interconnected nature of local communities and the U.S. immigration enforcement system more generally. At the outset of this article, we observed that detention by design seeks to physically and socially separate immigrants from the general public. This aspect of detention is consistent with, and reflective of, the broader set of immigration-related policies that seek to isolate and exclude unauthorized immigrants from civil society (see Kanstroom, 2010; Motomura, 2014). Increasingly, these policies are being implemented not only at the federal level, but at the local level. Such a trend underscores the importance of developing a social ecology approach that elucidates the role of local community contexts in shaping a diverse array of immigration enforcement outcomes beyond detention.

The second contribution of this study is empirical. Using a unique dataset that we compiled on immigrant detainees, detention facilities, and host communities, we identified significant relationships between key community characteristics and detention length. These findings and their limitations raise important questions for future research. First, while our findings suggest that certain legal and social resources matter for a particular type of detention outcome, much work remains to be done to understand which other community characteristics (or a combination of characteristics) matter, and *how* they might matter for various detention outcomes.

Does the availability of hospitals and religious organizations in surrounding communities matter for detainees' mental and physical health? Are abuses and deaths in detention spatially clustered, and are those clusters associated with areas of high rates of crime or racial/economic

inequality? Do detainees who are released into cities that promote immigrant integration fare better than detainees who are released into cities that do not promote integration? These and many other related questions about what dimensions of community contexts are important have evaded empirical scrutiny despite their importance to research and public policy. In addition, future research should systematically examine *the ways* that various community characteristics might impact how detainees are treated in detention and what happens to them after they are released. As Xavier de Souza Briggs (2006) has observed: "The preponderance of the American research evidence indicates that place does matter but also that the *mechanisms* for place effects are very difficult to pin down" (p. 408 (emphasis added)).

Second, although we draw on the most comprehensive data on detention in the United States that is currently available, our data does not allow us to make direct causal inferences about the relationships we found between community contexts and detention outcomes. Given that randomized experiments are not feasible in the detention context, future research should focus on analyzing government policies and practices that determine the initial placement of detainees into certain facilities, and when and under what conditions detainees might experience inter-facility transfers.

Finally, this study prompts us to consider an important question that is converse to the one we have addressed in our current analysis. More specifically, do detention facilities affect the health and development of host communities? In the criminal justice context, we know that prisons have proliferated—particularly in small, rural towns—over the past few decades. This phenomenon, commonly referred to as the prison boom, has produced a growing body of research on the negative economic, social, and political impacts of prison development on host communities (Eason, 2010; Krause, 1992; Thorpe, 2015). These studies on the impact of the

growth of prison industrial complexes in rural areas throughout the United States provide a rich foundation for future research on how the expansion of immigration detention facilities across the United States might be impacting their respective host communities.

We conclude by discussing a number of policy implications of this study. That detainees' access to resources may be spatially variant suggests that an assessment of community characteristics should be an important component of government decisions about where to locate detention facilities. Why should policymakers care about ensuring detainees' basic access to community resources? We highlight at least two reasons. First, providing detainees access to legal, social, and economic resources is in the government's self-interest. Detention is extremely costly. The DHS's budget for the fiscal year 2017 estimated an average rate of $126.46 per day for adult detention beds, and an average rate of $161.36 per day per person for family detention beds (U.S. DHS, 2017). Ensuring the detainees' access to essential community resources that could shorten their detention length is likely to result in substantial cost savings.

Second, the U.S. government has basic moral and legal obligations under both domestic and international laws to provide humane and fair treatment to all individuals who are detained or imprisoned. Our findings suggest that piecemeal reform efforts to meet those obligations that focus narrowly on internal conditions within specific detention facilities may produce only limited or fleeting improvements. Although detention happens to individuals, the local contexts in which it happens may shape the length and nature of that detention. This understanding requires us to rethink the inside/outside distinctions that predominate conventional understandings of immigration detention. Equally importantly, a recognition of the interconnectedness of detainees and the communities in which they are confined will promote greater democratic engagement on the part of community members with policy decisions that

implicate one of the most difficult civil and human rights challenges currently facing the United States.

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Figure 1. Kaplan-Meir Failure Estimates by Miles to Nearest Nonprofit Attorney

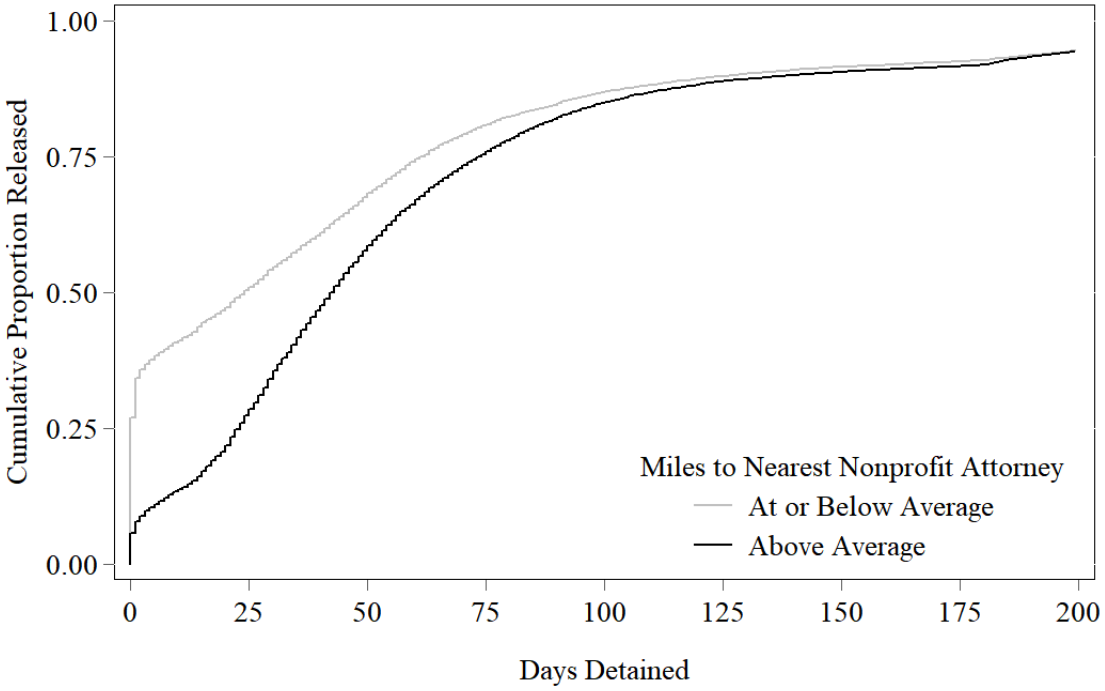

Figure 2. Kaplan-Meir Failure Estimates by Miles to Nearest Attorney

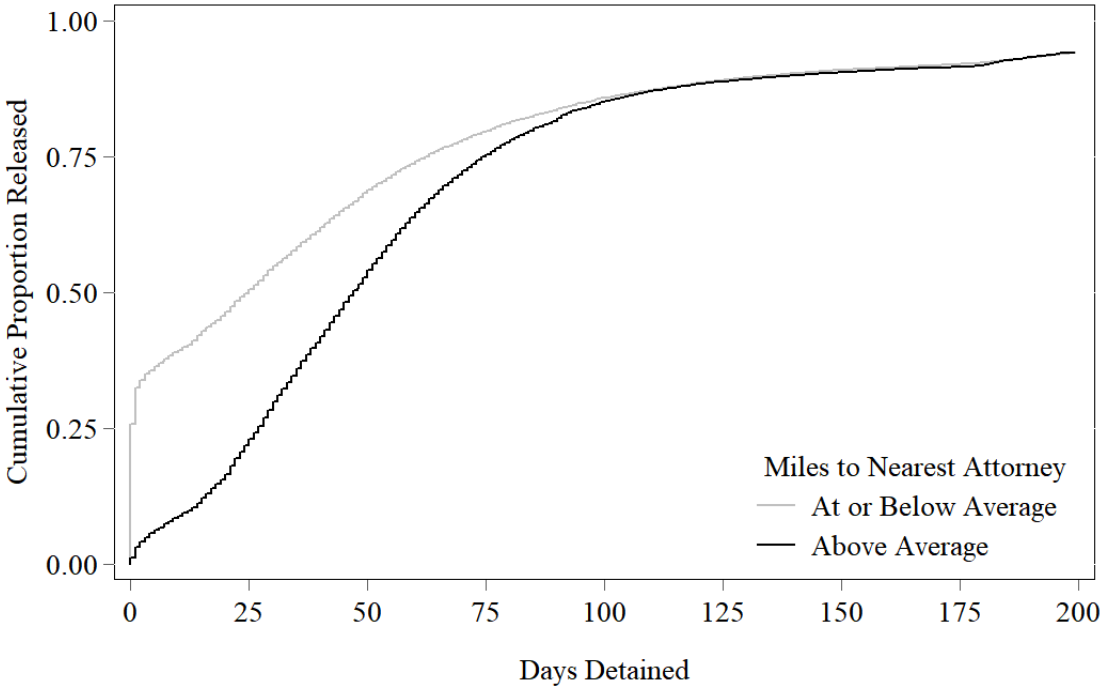

Figure 3. Kaplan-Meir Failure Estimates by Conational Population, Non Sanctuary Cities

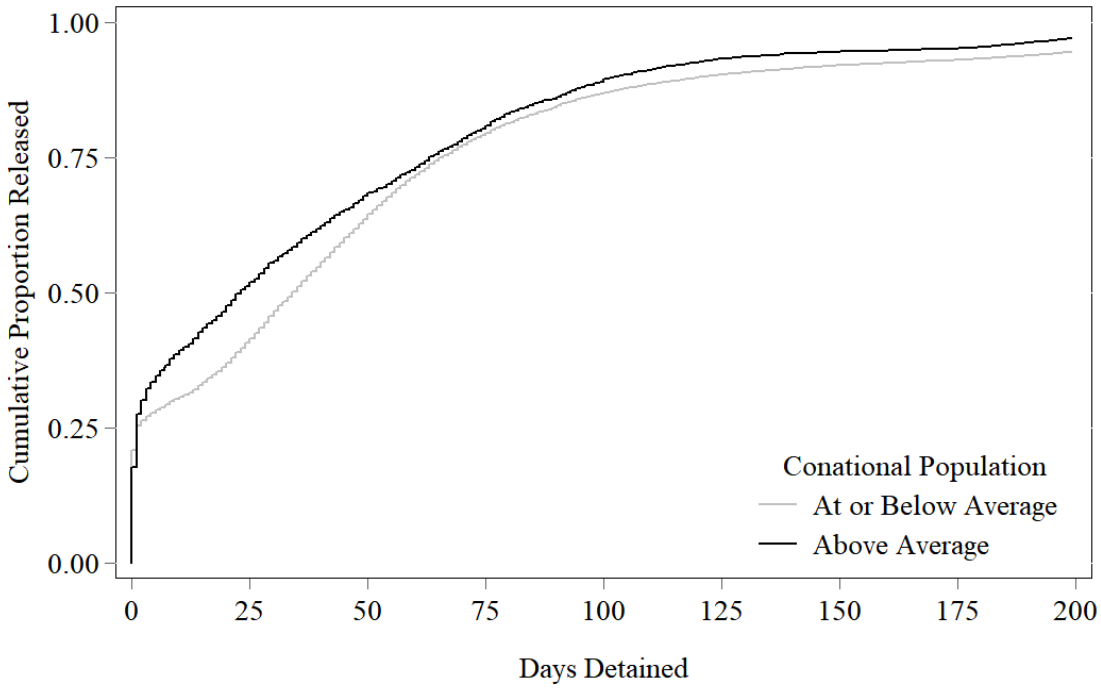

Figure 4. Kaplan-Meir Failure Estimates by Conational Population, Sanctuary Cities

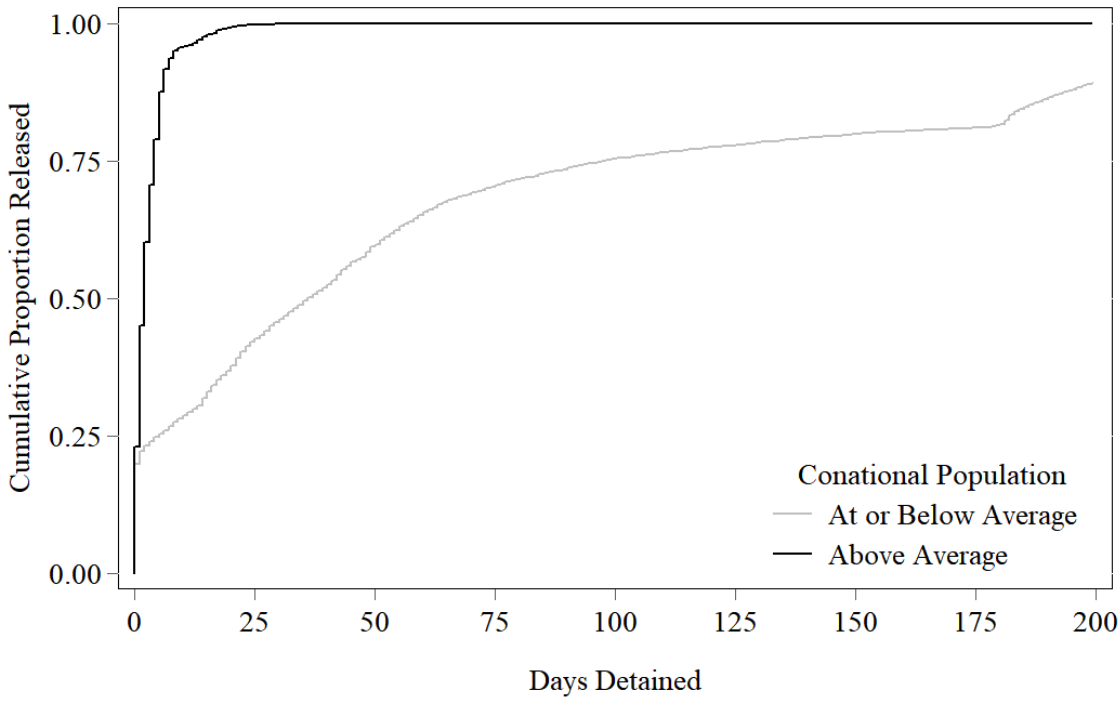

Table 1: Descriptive Statistics on Variables Used in Survival Analysis

Variable	Proportion/ Mean	Median	Min	Max
Dependent Variable				
Days Detained	55.354	33.021	0	2943
Independent Variable				
Miles to Nearest Nonprofit Attorney[a]	52.270	22.062	0.030	496.810
Miles to Nearest Attorney	20.759	4.469	0.001	407.770
Number of Nonprofit Attorneys within 15 Miles	7.220	0	0	119
Number of Attorneys within 15 Miles	50.152	5	0	714
Conational Population	19,077	237	0	533,870
Restricted ICE Cooperation	0.127		0	1
Control Variable				
Male	0.631		0	1
Region of Origin				
Africa	0.029		0	1
Asia Pacific	0.107		0	1
Europe & North America	0.013		0	1
Mexico	0.246		0	1
Northern Triangle	0.506		0	1
Latin America	0.098		0	1
Age at First Entry into Detention	30.661	29	18	89
Entry Status				
Seeking Asylum/Refugee	0.050		0	1
Lawful Permanent Resident	0.017		0	1
Present without Admission	0.689		0	1
Other/Unknown	0.243		0	1
Has an Aggravated Felony	0.006		0	1
Count of Transfers	1.008	1	0	51
Privately Operated Facility	0.135		0	1
Regional Location of Facilities				
Midwest	0.156		0	1
Northeast	0.129		0	1
South	0.392		0	1
West	0.314		0	1
Outside MSA Principal City	0.513		0	1
Economic Disadvantage Index	0.477		-2.027	3.512

Notes: N=58,580 detainees, 474 facilities, and 354 cities. The sample is restricted to adult detainees who were released in fiscal year 2015 pending the completion of their removal proceedings. [a]We excluded cities in Puerto Rico, Guam, and Hawaii because traveling to the nearest nonprofit immigration attorney from the facilities located in these cities requires traversing oceans.

Table 2: Coefficients from Weibull Models Predicting Time to Release Using Nonprofit Immigration Attorney Variables

Variable	Model 1 coeff. (s.e.)	Model 2 coeff. (s.e.)	Model 3 coeff. (s.e.)	Model 4 coeff. (s.e.)	Model 5 coeff. (s.e.)	Model 6 coeff. (s.e.)
Miles to Nearest Nonprofit	0.228***	0.210***	0.218***			
Attorney (tens)	(0.004)	(0.004)	(0.005)			
Number of Nonprofit				-0.074***	-0.071***	-0.182***
Attorneys within 15 Miles (tens)				(0.004)	(0.004)	(0.008)
Conational Population (ten thousands)		-0.076***	-0.011**		-0.102***	-0.042***
		(0.003)	(0.004)		(0.003)	(0.004)
Restricted ICE Cooperation			-0.012			-0.141*
			(0.062)			(0.058)
Conational Population (ten thousands)			-0.118***			-0.082***
x Restricted ICE Cooperation			(0.007)			(0.006)
Control Variables			√			√
Log pseudolikelihood	-138703.00	-138226.68	-125040.34	-141782.37	-140853.02	-127555.29

Notes: N=117,509. Standard errors are clustered by detainees. Estimates are stratified on Region of Origin. Control variables include: Male, Region of Origin, Age at First Entry into Detention, Entry Status, Has an Aggravated Felony, Count of Transfers, Privately Operated Facility, Regional Location of Facilities, Outside MSA Principal City, and Economic Disadvantage Index.
* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$ (two-tailed tests).

Table 3: Coefficients from Weibull Models Predicting Time to Release Using All Immigration Attorney Variables

Variable	Model 1 coeff. (s.e.)	Model 2 coeff. (s.e.)	Model 3 coeff. (s.e.)	Model 4 coeff. (s.e.)	Model 5 coeff. (s.e.)	Model 6 coeff. (s.e.)
Miles to Nearest Attorney (tens)	0.224***	0.196***	0.187***			
	(0.005)	(0.005)	(0.006)			
Number of Attorneys				-0.013***	-0.012***	-0.025***
within 15 Miles (tens)				(0.001)	(0.001)	(0.001)
Conational Population (ten thousands)		-0.086***	-0.053***		-0.101***	-0.043***
		(0.003)	(0.004)		(0.003)	(0.004)
Restricted ICE Cooperation			-0.274***			-0.142*
			(0.057)			(0.058)
Conational Population (ten thousands)			-0.061***			-0.080***
x Restricted ICE Cooperation			(0.006)			(0.006)
Control Variables			√			√
Log pseudolikelihood	-141097.56	-140437.48	-127849.9	-142183.03	-141270.39	-128150.11

Notes: N=117,729. Standard errors are clustered by detainees. Estimates are stratified on Region of Origin. Control variables include: Male, Region of Origin, Age at First Entry into Detention, Entry Status, Has an Aggravated Felony, Count of Transfers, Privately Operated Facility, Regional Location of Facilities, Outside MSA Principal City, and Economic Disadvantage Index.
* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$ (two-tailed tests).

Appendix Table A. Description of Variables Used in Survival Analysis

Variable	Description	Coding
Days Detained	Cumulative number of days spent in detention at the end of a given detention stint.	Days
Miles to Nearest Nonprofit Attorney	Driving distance from a given facility to the nearest AILA attorney who practices removal defense at legal services/nonprofit organizations or law schools.	Miles
Miles to Nearest Attorney	Driving distance from a given facility to the nearest AILA attorney who practices removal defense.	Miles
Number of Nonprofit Attorneys within 15 Miles	Number of nonprofit AILA attorneys who practice removal defense and who are within 15 miles of any given facility.	Count
Number of Attorneys within 15 Miles	Number of AILA attorneys who practice removal defense and who are within 15 miles of any given facility.	Count
Conational Population	Number of people residing in a city who share the same country of birth as the detainee who is confined in that city.	Count
Restricted ICE Cooperation	Indicator of whether a given facility is located in a jurisdiction (city or county) with policies that limit local law enforcement's cooperation with ICE.	1 = Yes; 0 = No
Male	Detainee's recorded gender.	1 = Male; 0 = Female
Region of Origin	The world region in which detainee's recorded country of birth is located. Asia Pacific includes Asia and Oceania regions. Northern Triangle includes El Salvador, Guatemala, and Honduras.	1 = Africa 2 = Asia Pacific 3 = Europe & North America 4 = Mexico 5 = Northern Triangle 6 = Latin America
Age at First Entry into Detention	Detainee's recorded age at book-in for a given detention stint.	Years
Entry Status	Detainee's recorded legal status at the time of last U.S. entry.	1 = Seeking Asylum/Refugee 2 = Lawful Permanent Resident 3 = Present without Admission 4 = Other/Unknown
Has an Aggravated Felony	The recorded status for "Aggravated Felon" is a "yes."	1 = Yes; 0 = No
Count of Transfers	Number of inter-facility transfers experienced by a detainee	Count

(continued on next page)

Appendix Table A. Description of Measures Used in Survival Analysis (continued)

Variable	Description	Coding
Privately Operated	Facility is operated by a for-profit company.	1 = Yes; 0 = No
Regional Location of Facilities	The U.S. Census Bureau region in which a given facility is located.	1 = Midwest 2 = Northeast 3 = South 4 = West
Outside MSA Principal City	Facility is located outside of an MSA principal city.	1 = Yes; 0 = No
Economic Disadvantage Index	Index score combining percent unemployment, percent in poverty, and normalized median household income at the city level.	Higher the value, higher the disadvantage

Appendix Table B: Descriptive Statistics on Cities Included in the Analysis

Variable	Proportion/ Mean	Median	Min	Max
City Location and Size				
U.S. Region				
Midwest	0.172		0	1
Northeast	0.144		0	1
South	0.370		0	1
West	0.308		0	1
Outside MSA Principal City	0.605		0	1
City Population	250,572	42,647	332	8,426,743
Proportion Foreign Born	0.133	0.100	0	0.727
Economic Context				
Unemployment Rate	0.093	0.086	0.009	0.275
Proportion in Poverty	0.199	0.193	0.029	0.537
Median Household Income	47,237	45,457	18,182	145,879
Political Context				
Restricted ICE Cooperation Policy	0.126		0	1
Proportion Voting Democrat in 2012	0.489	0.495	0.076	0.853
Legal Context				
Miles to Nearest Nonprofit Attorney	59.008	30.468	0.246	496.810
Miles to Nearest Attorney	24.681	6.330	0.059	407.770
Number of Nonprofit Attorneys within 15 Miles	5.213	0	0	118
Number of Attorneys within 15 Miles	36.301	3	0	703.170

Notes: N=354.