

# NEW MEXICO IMMIGRATION LAWYER BLOG

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## Asylum Seekers will No Longer Face Routine ICE Detention

The Obama administration has announced that it will discontinue the practice of routinely detaining asylum seekers. Director of Immigration and Customs Enforcement (ICE), John Morton, has stated that beginning January 4, 2010 asylum seekers may temporarily enter the United States if they meet certain requirements.

To enter legally, the asylum seeker must establish his or her identity, they must show that they do not pose a flight risk, and they must show a credible fear of persecution or torture if returned to their home country. The current and past policy has been to immediately detain and deport asylum seekers who lacked valid immigration documents.

The United States currently detains more than 300,000 immigrant men, women and children every year including thousands of asylum seekers, torture survivors and victims of human trafficking. Each of these has faced removal proceedings and deportation despite the obvious threats to their safety if they are returned home.

The new policy hopefully will provide relief to asylum seekers and refugees who often face grave dangers including persecution, imprisonment, torture and even death upon return to their homeland. The policy indicates a more humane treatment of those asylum seekers that come to the United States after January 4, 2010.

It is unclear what will happen to the thousands that remain behind bars now as a result of the past policies. Nor is it clear what precipitated this new policy. Hopefully, it was a new found sense of justice, fairness and compassion. It is equally likely that the impetus was financial.

The costs of housing these individuals averages \$95 per day. These numbers quickly add up when you consider the volume of detainees in the United States. ICE, like all other detention facilities throughout the States, is likely facing serious financial strain as a result of the mass detention policies. In addition, ICE often must contract out its detention services to local facilities who universally are now facing enormous budgetary constraints. This most certainly has constrained the ability as well as the inclination to continue these policies.

Whether it was the former sense of justice and compassion, or the latter economic reality that dictated the change, the result is the same. Asylum seekers will be able to once again obtain refuge in the United States rather than routine further persecution at the hands of ICE. The U.S. will again stand as a beacon to freedom and justice around the world. No matter how the new policy arose, I for one am happy to see it as a welcome change from the policies of the recent past.

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