

# Panel discussion on “human rights of migrants in detention centres”

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As delivered

Thank you, Mr. President. Distinguished Delegates, it is my pleasure to be here today to participate in this panel discussion on detention.

The United States endorses the spirit of resolution 11/9 on the human rights of migrants in detention centers. The United States is strongly committed to the protection of human rights of all persons, including in the context of the detention of migrants. We take this responsibility very seriously and urge other States to do so.

I would like to reiterate that all States have the sovereign right to control admission to their territory and to regulate the admission and expulsion of foreign nationals. While international law permits the detention of persons who have violated a country’s immigration or criminal laws, we recognize that States must respect the human rights of migrants, consistent with their obligations under international law, in particular under relevant treaties relating to human rights.

The purpose of temporarily detaining immigration violators should not be to imprison them, but to ensure public safety and remove them from the country as expeditiously as possible. As such, we call attention to the well-established principle that States have an affirmative duty to accept the return of their nationals who have been expelled from the territory of another state. The expeditious return of irregular migrants to their countries of origin is key to significantly decreasing detention periods.

Non-citizens enjoy substantial protections under the U.S. Constitution and other domestic laws, regardless of their immigration status. Additionally, many special provisions exist which afford additional protections for especially vulnerable populations like asylum seekers, refugees, victims of domestic violence, victims of particularly severe forms of trafficking, and children.

Notwithstanding that there are already many protections for migrant detainees under United States law, President Obama recently directed a review of our immigration detention system.

The Department of Homeland Security is refashioning its current detention system into a new model that is better suited to the civil detention authority of ICE Immigration and Customs Enforcement agency. It is a model that takes into account the fact that the majority of the ICE detention population is non-criminal, and that the average length of detention is just one month. It will be designed to flexibly adjust the degree and kind of custody used to match the wide variety of aliens ICE detains. In all cases, it will ensure humane treatment of detainees, including access to needed medical care and legal resources.

A few of the specific changes currently underway to initiate this shift in approach include, formation of a two new offices within ICE, one with the sole function of planning and designing a civil detention system tailored to ICE's needs—and another to conduct routine and random inspections and investigate detainee grievances. In addition, we are hiring a number of experts on health and other elements of conditions in custody, as well as detention managers to oversee significant facilities. Advisory groups of local and national organizations focused on detention practices will advise policy. Further, the ICE reforms underway will be seeking to maximize the availability of alternatives to detention.

The United States is a nation with a strong history of welcoming immigrants, and we are proud of this tradition. Our experience shows the incredible value of orderly and humane migration. We are committed to protecting the human rights of migrants, and will continue to work vigorously to uphold safe and humane

standards in our policies and practices.

Thank you, Mr. President.