

Welcomed, Yet Not Welcome: Exploring Georgia's Role in Immigration Enforcement and Detention

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Executive Summary

Georgia's immigrants enhance Georgia's social fabric through linguistic and cultural diversity and meet the state's growing demand for entrepreneurial business acumen through an ability to navigate complex social dynamics and generate outside-the-box, globally minded business strategies. Immigrants are also an essential part of the state's workforce, occupying C-suite positions in Fortune 500 companies and skilled labor positions where they help build infrastructure from bridges to skyscrapers.

287(g) authorizes "U.S. Immigration and Customs Enforcement (ICE) to delegate to state and local law enforcement officers the authority to perform specified immigration officer functions under the agency's direction and oversight." Through this program, state and local law officers may question individuals about their immigration status and detain people who are undocumented. Participation in the program is voluntary and enacted by a Memorandum of Agreement between the state or local government and the Department of Homeland Security (DHS), which can be terminated at any time.

Despite this, Georgia has the third-largest detained immigrant population in the country. This ranking signifies large-scale community harm and contributes to the state's position globally as a top jurisdiction for the number of individuals behind bars or on probation or parole. Georgia's practice of welcoming immigrant workers and later incarcerating them is interwoven with the state's history of funding prisons to incarcerate individuals of color while foregoing equitable state investments that sustain families. This phenomenon perpetuates a cycle of local reliance on unstable revenue sources.

Multiple local jurisdictions in Georgia continue to support 287(g), a program that enables state and local law administrators to enforce immigration laws on behalf of the federal agency Immigration and Customs Enforcement (ICE).¹ Georgia's use of 287(g) has exacerbated harms for immigrants. The continued use

of 287(g) reflects how immigration enforcement intensified at the turn of the century after the September 11, 2001, terrorist attacks. Many states, including Georgia, passed anti-immigration legislation in response, and reliance on state and local enforcement increased through partnerships with ICE.

Ultimately, the 287(g) program serves as an on-ramp to immigrant incarceration, with private prison companies incentivizing rural Georgia localities to accept immigration detention centers in exchange for the promise of local jobs and economic benefit, which often fail to coalesce. Georgia's largest immigration detention center is in Stewart County, the county with the third highest poverty rate, and recent reports of abuse of detainees should give pause to localities who might consider opening an immigrant detention center.

To help protect Georgia's immigrants from further harm and reduce local incentives to open immigration detention centers, state lawmakers should:

- Invest in Georgia's rural communities to reduce dependence on the private prison industry.
- Provide rural Georgians with the support they need to reject low-quality private prison jobs.
- Pass and implement equitable health care access measures that support the immigrant community.
- Enhance language access across state government to boost mixed-immigrant-status families' access to public benefits and other critical services.
- Oppose anti-immigrant measures that villainize the immigrant community and contribute to a narrative that supports expanding the detention of Georgia immigrants.
- End profit-driven practices that entangle immigrants in the criminal legal system by eliminating revenue-based performance goals for law enforcement and judges.
- Grant immigrant communities the tools to feed their families and avoid deportations, such as access to Drivers Licenses or Driver's Privilege Cards.

Introduction

The ancient practice of migration has allowed people to roam the Earth for millennia. In recent centuries, the modern "nation-state" emerged as a real and aspirational way of governing fixed territories.² As a result, governments across the globe, including the

United States government, have increasingly tried to control migration options despite people's reasons for moving—like survival. These enforcements, often influenced by anti-immigrant rhetoric, have manifested themselves as a patchwork of policies that perpetuate the harmful narrative of the “good” and “bad” immigrant. Ultimately, these narratives impact how people arrive in this country and how they are treated during and after arrival.³

It is important to acknowledge the historical and ongoing impact of immigration policies in the U.S. States like Georgia have passed extensive policies to regulate immigration despite the federal government's authority to set priorities in immigration enforcement.⁴ In the last 20 years, the Georgia legislature has passed numerous laws that create an unwelcoming environment for immigrants.⁵ Georgia has also housed four immigration detention centers and was ranked third in the nation for the number of people held in Immigration and Customs and Enforcement (ICE) detention for the fiscal year 2023.⁶ The state's use of 287(g) has led to the deportation of many immigrants through local police cooperation with ICE, exacerbating abuses faced by communities of color.⁷

Georgia's immigration enforcement and detention reflects the state's broader system of state-funded correctional control, which includes those in prisons and jails and on probation and parole. Georgia's incarceration rate is 2.5 times higher than the national average, and it is a top jurisdiction worldwide for the number of individuals under correctional control.^{8 9} The system also reflects a broader trend of local reliance on the prison industry to help supply local jobs in rural areas that struggle with poverty.^{10 11}

Despite this history, there seems to be progress on the horizon. Some counties are reversing their stance on 287(g), which might eventually encourage the state of Georgia to get out of the immigration detention business entirely.¹² With that goal in mind, this report explores the history and changes in immigration enforcement and detention in Georgia and offers policy recommendations to create a more welcoming state.

Georgia's Evolving Immigrant Population and Workforce

Georgia's immigrant population has continuously evolved, often shaped by human trafficking, forced labor, genocide, land expropriation and white supremacy.

In 1526, people were forcibly taken from Africa and enslaved in what would become Georgia, setting up an abusive system of chattel slavery in which Black individuals were considered legal property until 1865. The 1830 Indian Removal Act authorized European whites to expel and resettle Georgia's Native Americans west of the Mississippi River. In the 1860s, following the Civil War, Chinese workers were hired by white plantation owners in Georgia to harvest crops for low wages, replacing formerly enslaved Black people.¹³ Georgia also saw an influx in Cuban migration during the late 1960s and early 1970s and

then Mexican migration due to the need for agricultural workers.¹⁴ In the years following, immigrant enclaves started to grow, with Latin American immigrants settling in places like Hall County and the City of Dalton, where the poultry and carpet industries kept many employed.¹⁵

The Atlanta metro area experienced a growing immigrant population due to the booming construction industry. This trend continued, especially leading up to the 1996 Olympics when many immigrants helped construct and ready Atlanta to host on the world stage.¹⁶ It was immigrants who paved the way for Georgia to become the state known today.

Up to this point, immigration enforcement— at the federal and state levels—had been virtually nonexistent, with immigration officials and industries reportedly encouraging undocumented laborers to come to Georgia.¹⁷ Many undocumented immigrants came and worked; some left, but others stayed and built families and communities free of the shadow of detention and deportation. Unfortunately, that freedom of movement soon changed.

Post-9/11 Immigration Enforcement

After the September 11, 2001 terrorist attacks, nationwide immigration enforcement intensified, with each presidential administration exercising its discretion over enforcement priorities but continuing a general trend of increased deportations and detention.

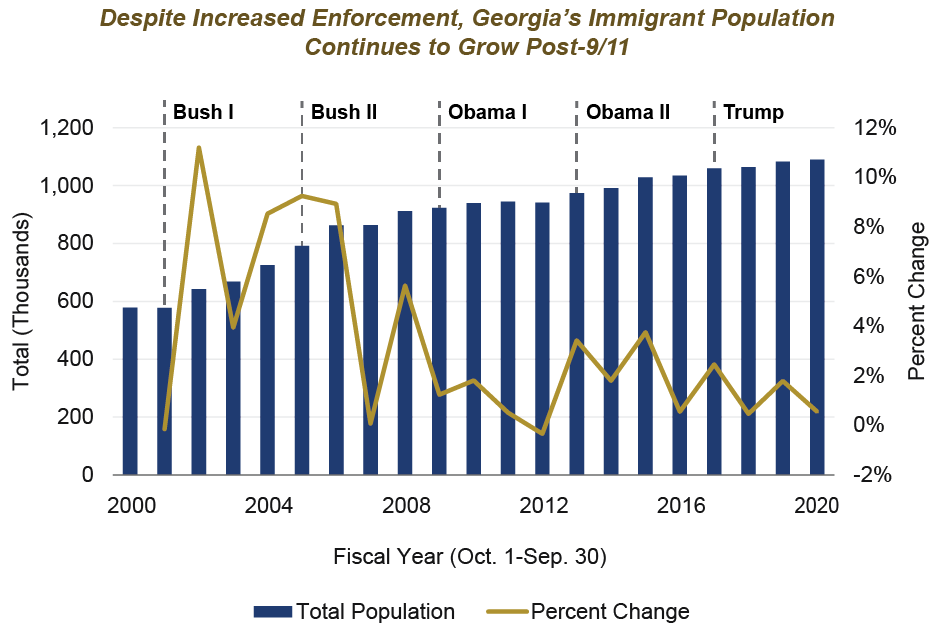
In 2002, the U.S. government established the Department of Homeland Security (DHS) to enhance national preparedness and response to potential future attacks.¹⁸ ICE was subsequently established under the aegis of DHS. ICE effectively replaced the Immigration and Naturalization Service (INS) and the U.S. Customs Service (USCS). As a result, the government's immigration enforcement and investigative functions were combined into one agency.^{19 20} Since its inception, ICE's primary mission has been to find, detain and deport immigrants under the guise of protecting the "homeland."

One hundred thirty-seven jurisdictions nationally have active 287(g) agreements in place, and 41 jurisdictions have ended their agreements. Georgia has 6 jurisdictions with active agreements, and 3 jurisdictions that have ended their agreements. By contrast, Florida has nearly 50 jurisdictions with active agreements, and Texas has over 25.

There was a shift towards increased interior enforcement particularly in the aftermath of the 9/11 attacks.²¹ Law enforcement agencies predominantly relied on the 287(g) program and cooperation with state and local governments to identify and apprehend undocumented immigrants. Consequently, any interaction with law enforcement could lead to potential deportation. Law enforcement officials implemented different models of the

287(g) program in places around the country. Arizona administered a task force model where law enforcement could interrogate anyone suspected of being undocumented. This action led to numerous racial profiling cases and a class action lawsuit.²²

The chart below illustrates general Georgia immigrant population trends throughout the post-9/11 immigration enforcement era.



Source: META Data Census & IPUMS Census Data.

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Despite a significant shift in federal-level enforcement after 9/11, states, including Georgia, played a key and expanding role in the detention and removal of immigrants. ICE's reliance on state and local governments to enforce immigration laws often led states to pass anti-immigrant legislation. According to the National Conference of State Legislatures, the number of immigrant-related bills introduced nationwide surged from 300 in 2005 to 1,562 by 2007, indicating states' increasing involvement in immigration matters.²³

Georgia's Shifting State Policies and Echoes of Historical Racism

In 2006, Georgia saw its first major anti-immigrant bill, SB 529, The Georgia Security and Immigration Compliance Act. This legislation was signed into law requiring individuals seeking employment or public benefits to provide proof of legal status. The law also

required law enforcement professionals who jailed an individual for a felony or for driving under the influence to verify their legal status.²⁴

Building on the anti-immigrant sentiment that drove SB 529, Georgia passed HB 87, the Illegal Immigration Reform and Enforcement Act of 2011. This controversial bill, modeled after a bill passed in Arizona, doubled down on using E-Verify. This legislation emboldened local law enforcement to ask those whom they pulled over or encountered in the course of their duties about immigration status and punished individuals who knowingly transported and harbored undocumented immigrants.²⁵ In the years following, Georgia would go beyond SB 529 and HB 87, passing legislation restricting access to driver's licenses,²⁶ postsecondary education, employment and more, making it difficult to pass any future legislation promoting the well-being and livelihood of immigrants.²⁷

Anti-immigrant sentiments following 9/11 led to an increase in legislation aimed at limiting immigration in Georgia.²⁸ During public comments surrounding the passage of HB 87, it became evident that state laws aimed at limiting immigration can indirectly create racial divisions by highlighting the exclusion or inclusion of individuals based on their ancestry or nationality, even if the legislation does not explicitly mention race. In the case of HB 87, much of the surrounding commentary was perceived to be anti-Latinx, underscoring racialized aspects of Georgia's undocumented population, such as whether undocumented individuals were Spanish-speaking or Mexican nationals.²⁹

Certain Georgia counties became known at the local level for using the 287(g) program. Gwinnett and Cobb Counties, with Georgia's largest Latinx populations, ranked among the top jurisdictions in deportations due to the program.^{30 31 32} At one point, Gwinnett County alone accounted for one-fifth of all 287(g) encounters in the entire country, leading the way in notifying ICE about undocumented immigrants held in Gwinnett's custody.³³ However, in 2021, with the election of two new sheriffs, Gwinnett and Cobb stopped their participation in the 287(g) program. Both sheriffs, responding to pressure from immigrant advocates, businesses and faith leaders, stated that the 287(g) program deterred immigrants who were victims of crime from reporting the crime to law enforcement, and the program does nothing to promote a relationship between the community and law enforcement.³⁴ By dismantling the program in these two counties, the number of Georgians being detained declined.³⁵ However, even with two key players pulling out of the program, Georgia refuses to get out of the immigration detention business. Five counties plus the Georgia Department of Corrections currently have active 287(g) agreements.³⁶

Even when Georgia passes anti-immigrant legislation, the immigrant population continues to increase overall as Georgia's industries, such as the construction and service industries, employ undocumented individuals. It is also true that anti-immigrant state-level

legislation can cause a drop in specific categories of the immigrant population. Such was the case when migrant agricultural workers left the state after the Illegal Immigration Reform and Enforcement Act of 2011. Farmers were short 30%-50% on harvest labor in an industry that required almost 80,000 workers to harvest Georgia's produce.^{37 38}

Underscoring the state's historical connection between carceral control and the forced labor of Black individuals, primarily through "convict leasing" implemented after enslaved people were emancipated, Georgia contemplated using incarcerated individuals to close the workforce gap.³⁹ In November 2011, 62% of Georgia's prison population was Black, compared to the percentage of Georgia's general population, which was 30.5% Black at the time of the 2010 Census.⁴⁰ Black people were overrepresented in Georgia's prison population by more than 2 to 1. This group would have made up most of those working in agriculture to replace underpaid Latinx workers who departed the state due to anti-immigrant policy and sentiment.

The Community Harm of Increased Immigration Enforcement in Georgia

In the U.S., being undocumented is considered a civil offense, and statistically, immigrants are much less likely to commit crimes. However, to apprehend and deport undocumented individuals, law enforcement designed deliberate methods to interact with the immigrant community.⁴¹

During 2003-2020, most of the undocumented people who were apprehended in Georgia committed low-level or nonviolent infractions. This approach to enforcement—focused broadly on the apprehension of all undocumented immigrants, not just those with a criminal record—prioritized immigration enforcement over broader public safety concerns, resulting in significant and compounding harm to the immigrant community. Such

Restrictive immigration policies, carried out against the backdrop of detention and deportation, have been found to negatively affect immigrant health and to decrease academic performance for Latinx K-12 students. Specific negative impacts range from a reduction in immigrant access to healthcare, to increased post-traumatic stress disorder, depression, anxiety, student absenteeism and decreased math scores. With its enforcement mindset, Georgia has some of the most restrictive policies in the country across public health, higher education and labor and employment, creating higher health risks for its immigrant communities.

practices were particularly prominent during 2019-2020, the final years of the Trump administration.^{42 43}

Jessica Colotol described the years leading up to 2010 as worrisome for many immigrant families. She remembers hearing stories of people being picked up for minor traffic infractions and getting sent to immigrant detention centers where many faced deportation proceedings. However, despite the threat of deportation, 287(g) did little to deter her from driving.

Like any Georgian, Jessica needed to drive. She was a commuter student finishing up her senior year at Kennesaw State University, and public transportation was limited. She also felt safe in the fact that though she was undocumented, brought to the U.S. by her parents at age 10, she was a college student trying to do the “right” thing. The idea of getting arrested and possibly deported, especially while trying to get an education, seemed foreign and cruel. However, a minor traffic infraction on the KSU campus caused Jessica to spend time in detention and almost got her deported.

While she was eventually released and received DACA, many other immigrants are not so fortunate.

The apprehension of those with low-level or nonviolent infractions, coupled with rhetoric under the Trump administration, was spine-chilling for many in the immigrant community. Reports circulated throughout the United States, including Georgia, about instances where ICE officials targeted places of employment, state courthouses, places of worship and people’s homes to find undocumented individuals and serve them deportation orders.⁴⁴

In response to these distressing circumstances, immigrant-serving organizations, consulates and advocacy groups held numerous meetings and informational sessions on “know your rights,” offering family crisis planning in case of deportation. Immigrant parents were forced to create contingency plans for their children (including custody transfers, guardianships and other legal arrangements) and extended families in case those parents were apprehended and eventually deported.

Increased immigration enforcement in Georgia generated substantial community harm, particularly for the children of immigrants. The constant threat of enforcement led to children experiencing anxiety and depression. In Georgia, Latinx teens with a family member detained or deported experienced increased suicidal ideation, alcohol consumption and aggressive behavior.⁴⁵ Other community harms included an up to 70% decrease in income for a household with a deported family member and millions of dollars of costs to local communities whose law enforcement professionals cooperated with ICE in the detention of immigrants.⁴⁶

Over the past 17 years, a consistent trend has emerged: most people deported have minimal or no criminal history. The table below illustrates the number of people deported from Georgia between 2003 and 2020 and the official reason for their deportation. The

data displays the total number of those deported each fiscal year and the number of deportations involving no conviction or a Level 3 on the Most Serious Criminal Convictions (MSCC). Level 3 offenses include misdemeanors and petty, minor offenses.⁴⁷ The percentage of those deported with a minor (level 3) offense or no conviction, decreased slightly due to changes in 2014-2015 enforcement priorities designed to “deport felons, not families.” However, that 5% decrease is not enough to say that the shift in priorities achieved its intended goals, as most people deported still had zero-to-little criminal history.⁴⁸

The stark figures in the table raise questions about the rationale for putting ordinary Georgians at risk of deportation. For example, undocumented immigrants often become victims of 287(g) due to minor traffic infractions.^{49 50} In Georgia, the criminalization of driving without a license began in 2008 with the enactment of SB 488, which resulted in undocumented immigrants losing access to driver’s licenses.⁵¹ This restriction provided a pathway for their interaction with law enforcement and subsequent entanglement in the criminal legal system and immigration enforcement.

Georgia Immigrants With Little or No Criminal History Were the Most Frequently Deported



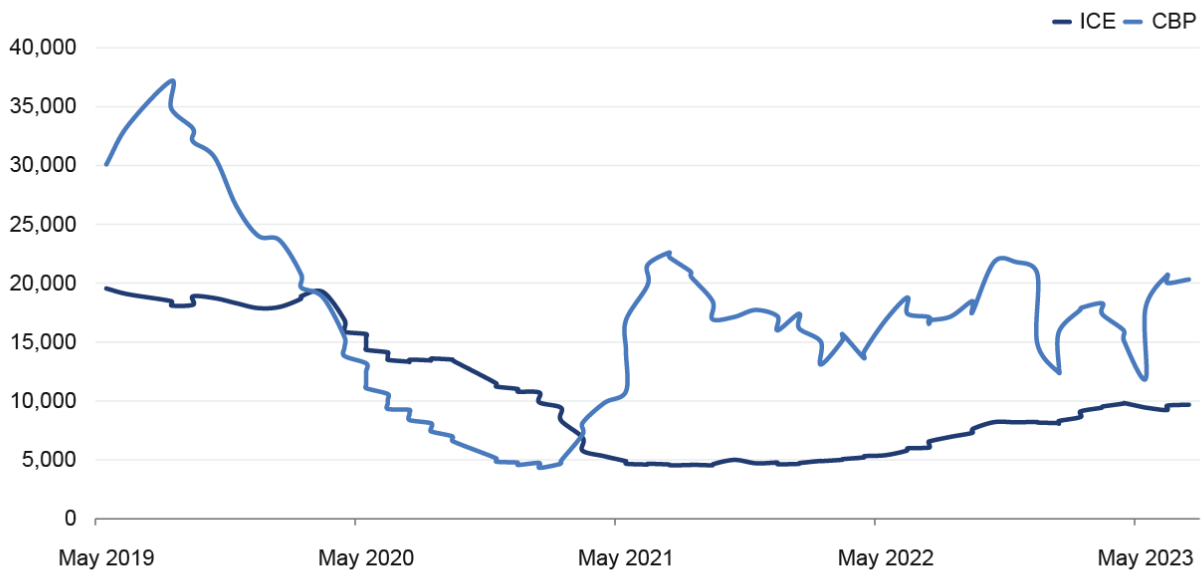
Note 1: Level 1 – Aggravated Felonies; Level 2 – Felonies; Level 3 – Misdemeanors, including petty offenses and minor violations
 Note 2: The Obama presidential administration began on January 20, 2009, and the Trump presidential administration began on January 20, 2017. As a result, fiscal year 2009 (October 1, 2008-September 30, 2009) included part of the Bush administration, and fiscal year 2017 (October 1, 2016-September 30, 2017) included part of the Obama administration.

Source: META Data Census & IPUMS Census Data.

Below are arrests ICE (charged with interior enforcement) and Customs and Border Patrol (CBP) (charged with border enforcement) made between May 2019 and March 2023. During the Trump administration, CBP arrests started declining around mid-2019 and shifted as the pandemic hit in March 2020. The number of CBP arrests decreased even more during this period because of the implementation of Title 42. This policy gives the Director of the Centers for Disease Control and Prevention the authority to stop people or goods from entering the United States when a “communicable disease” from a foreign country threatens public health. Title 42 was lifted on May 11, 2023, when the public health emergency ended. Some worried that this would usher an influx of migrants to the border; however, in the days following the policy change, unauthorized entries were down. This phenomenon was likely due to migrants finally being able to ask for asylum instead of entering the country without authorization.⁵²

A year into the pandemic and a few months into the Biden administration, another shift occurred, with CBP arrests sharply increasing and ICE arrests declining gradually. These trends reflect information GBPI has received from its partners. Amilcar Valencia, Executive Director of El Refugio, states that most people detained in Georgia’s immigration detention centers were coming straight from the border.

Declining Interior Enforcement and Increasing Border Enforcement Reflect Pandemic Policy Shift



Source: Transactional Records Access Clearinghouse (TRAC) Immigration.

For those arrested and confined in Georgia's immigration detention centers, the distance of centers from major metropolitan areas makes it difficult for attorneys to represent their clients appropriately. Further, Georgia has one of the lowest asylum grant rates in the nation.^{53 54} As a result, immigrants experiencing detention often lack adequate access to legal representation. Even when asylum-seekers have representation, many face an uphill climb even in cases where they qualify for deportation relief. Statistically, immigrants represented by an attorney are five times more likely to win their asylum claim. Consequently, Georgia's unrepresented asylum seekers are more likely to be sent back to their home country, where they face persecution for various factors, including political opinion and gender identity. Individuals denied asylum in U.S. immigration courts have been deported and murdered for the very reasons stated in their asylum claims.⁵⁵

Immigration Detention Centers Fail Local Workers, Abuse Detainees and Distort Federal Policy for Profit

In the last 20 years, as immigration enforcement has intensified, the federal government has increasingly relied on states and private companies to carry out immigration enforcement. DHS and ICE often lack the necessary resources to apprehend and detain immigrants, leading to private corporations providing detention services. Seventy-nine percent of all immigrants in detention are held in privately-owned prisons.^{56 57}

The private prison industry relies on funding from ICE to operate, but to access this funding municipalities and counties (local governments) with detention centers must enter into an intergovernmental service agreement (IGSA) with ICE. Under these agreements, ICE provides the funds to local governments, serving as an intermediary and subsequently passing the money on to the private prison company responsible for running the detention center.⁵⁸

These IGSA's can appeal to local governments, particularly in rural areas with high unemployment, significant poverty levels and limited local economies. Private prison companies often come to these areas promising to provide residents with jobs and contribute financially to localities in exchange for their role as intermediaries. The city and county leadership see this as a quick solution to their ongoing

Locking up Georgia's immigrants in the last two decades was made easier by the state's long history of investment in mass incarceration of people of color. The cages, the willingness to fund them, as well as the expertise to make them, were already there. For example, D. Ray James Correctional Facility is a private prison located in Folkston that housed Georgia state inmates under state contract from 1998 through 2010; subsequently, those inmates were transferred to other state facilities with D. Ray James later housing federal inmates and then immigrants at its Folkston ICE Processing Center beginning in 2016.

problems with minimal effort.⁵⁹ However, these private prisons rarely provide the long-term economic stability cities and counties seek. The jobs created by these facilities are often low-paying and unstable, failing to fuel sustainable economic growth.⁶⁰ Additionally, the reliance on private detention centers and the associated agreements face criticism and scrutiny. The profit-driven nature of the private prison industry, the perpetuation of human rights abuses within these facilities and the impacts on the immigrant community are concerns that have been raised.

Currently, Georgia has two main immigration detention centers—Stewart Detention Center and Folkston Detention Center. Georgia also has another smaller center, Robert A. Deyton Detention Facility, which is used by the U.S. Marshal Service to detain people. Stewart Detention Center, the second largest detention center in the United States, is in Lumpkin, Southwest Georgia, near Alabama. Folkston Detention Center, located in Charlton County, South Georgia, close to the Florida border, is said to have plans for an expansion, likely due to the loss of the Irwin Detention Center.⁶¹ Lumpkin, where Stewart Detention Center is located, has a population of less than 6,000, with 31.4% living in poverty and 28.3% foreign-born, likely due to immigrants in detention being counted in the Census.⁶² Charlton County has a population of less than 13,000 with a poverty rate of 25.5 %.⁶³

Job opportunities at these facilities are limited, particularly for residents. Stewart Detention Center provides an example of a detention center with promised economic relief that has not been realized. A 2018 CNN report found that prison jobs are often difficult to obtain due to background checks, and many available jobs end up going to those who live between one and two hours from the detention center.⁶⁴

The issue of inadequate employment is highlighted by anti-detention advocates, including Amilcar Valencia, Executive Director of El Refugio. He states that the center does not do much to employ the residents of Lumpkin and that many employees live in Columbus, a 40-minute drive away. Elliot Lepe, an anti-detention activist working to stop the Folkston Detention Center expansion and former a Southern Poverty Law Center (SPLC) litigation advocate,⁶⁵ highlights that many private prison employees are often overworked due to understaffing and low pay. Lepe also states that most people employed at the private prison are Black women.

Private detention companies often target areas with limited employment opportunities while looking for other advantages that boost their profits in these communities. Detention centers are massive facilities, and rural areas offer more space and lower construction costs. In addition, the location's remoteness makes it difficult for families of detained individuals to access and helps the facility avoid public scrutiny. In Georgia, most detention centers, including Stewart, Folkston and Irwin Detention Centers operate or have operated in rural South Georgia.

Georgia Organizations Opposing Immigrant Detention

The following organizations work to shepherd people through the detention process. Though not an exhaustive list, these organizations provide unique support that helps the person detained, uplifts their family and advocates to end the use of detention.

- [Georgia Latino Alliance of Human Rights](#) (GLAHR) provides resources to Georgia’s Latinx community to defend and promote their civil and human rights. This includes deportation defense by limiting ICE presence in the community, fighting for the expansion of sanctuary cities and ending 287(g) in Georgia. They also provide a hotline where people can obtain information and resources for those in detention.
- [Southern Poverty Law Center – Southeast Immigrant Freedom Initiative \(SIFI\)](#) provides pro bono legal representation to immigrants in detention. Because most immigrant detention centers are in difficult-to-reach areas, having lawyers ready to provide accessible legal representation offers people who are detained a chance at due process.
- [El Refugio](#) is a hospitality house located near Stewart Detention Center that offers the families of those detained a place to stay while they visit. Along with providing a safe place for families to stay, El Refugio also provides support for those in detention as well as when they finally get out, and resources for families for legal services and financial assistance.
- [Georgia Detention Watch](#) is a coalition of organizations working toward the common goal of ending detention in Georgia and stopping the policies that target the immigrant community for deportation.
- [Project South](#) focuses a portion of their work on shutting down immigrant detention centers in Georgia through grassroots community power, legal work and advocacy, and continuously shining a light on the abuses faced by immigrants in detention.

“When you are in detention, you either get deported or you are released. Those are [the] only two outcomes.”

Eliot Lepe, Anti-Detention Activist

The combination of intergovernmental service agreements and geographical distance allows for a lack of transparency, granting immigration detention centers considerable freedom in day-to-day operations. Details surrounding the treatment of people detained often surface due to abuse allegations. Irwin Detention Center has produced the most notorious cases of human rights abuses in Georgia.

In September 2020, a whistleblower employee and detained complainants at Irwin exposed abuses by the local obstetrician and gynecologist employed by La Salle Corrections Corporation, which ran the facility.⁶⁶ The complaints triggered an investigation in which the physician was found to have performed gynecological procedures on detained women without their consent. Allegations included unconsented fallopian tube removal and unwanted hysterectomies.⁶⁷ In May 2021, DHS terminated the detention contract with LaSalle and shuffled the people detained to either Stewart or Folkston Detention centers.⁶⁸

Unfortunately, this is not the first occurrence of reported human rights abuses. Gracie Willis, a lawyer for the SPLC's Southeast Immigrant Freedom Initiative (SIFI), a program that provides pro bono legal representation to detained immigrants, states that SIFI clients who have been detained routinely recount the horrid experiences they've suffered within these centers. Many people detained spend countless days in solitary confinement, which is illegal and causes psychological harm. Some are denied medications, medical attention or preventative care, and others face sexual and physical assault and harm at the hands of prison workers or medical staff. Willis shared that a complaint has been filed with the Office of the Inspector General and Office for Civil Rights & Civil Liberties against Stewart Detention Center on behalf of immigrants who have experienced sexual abuse while at the facility. However, without whistleblowers to corroborate the stories, these abuses will continue to go unpunished, and without justice for the victims.

As detention abuses accelerate in Georgia and nationally, the anti-detention movement gains momentum, with state legislation introduced nationwide to ban private prisons from doing business in their state and prevent municipalities from entering or renewing intergovernmental service agreements.⁶⁹ This movement has successfully stopped immigration detention centers in Illinois, Maryland and California. However, as closures continue, SPLC's Elliot Lepe describes the situation as "whack-a-mole," meaning that when an immigration detention center closes, the people being detained are sent to another facility rather than released from custody. As the number of people detained continues to grow, Georgia and other southern states are willing to accommodate the government's profit-driven detention system.⁷⁰

In recent years, for-profit companies have been critical drivers of federal immigration detention policy. They have lobbied Congress for a 34,000 "guaranteed minimum" of immigration detention beds, with language appearing in federal appropriations bills securing an "at-least-as-high-as-this" funding figure that then allows a company to count on funding for a certain number of detained people in a facility.⁷¹ These guaranteed bed minimums are a contractual agreement between private prison companies and local government operators that require a minimum number of beds to be filled. The bed minimums guarantee a steady revenue stream for the operators to cover costs and regenerate profit. These agreements ensure that bodies fill these prisons regardless of

policy changes.⁷² In 2022, the Biden administration tried, and failed, to reduce the guaranteed minimum from 34,000 to 25,000.⁷³ People in detention already experience harsh conditions, and the practice of guaranteeing bed minimums continues to reduce people to only a number.

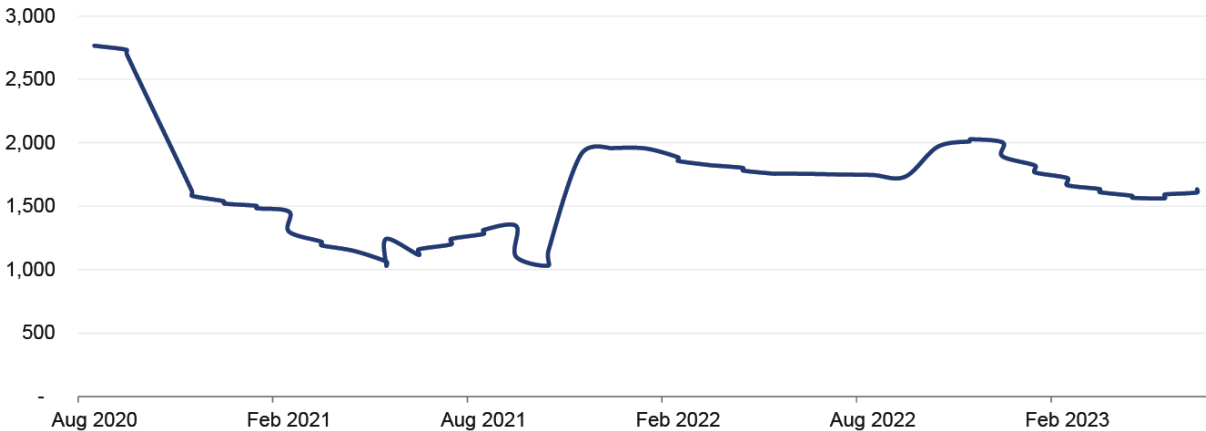
In FY 2022, the bed cost per day per detained adult immigrant was \$162.50, with an FY 2024 projected cost of \$157.20.⁷⁴ Immigrant advocates argue that an individual should only be detained if needed, such as in cases where they pose a threat to the community, and that such determinations, made by law enforcement, should then be submitted for review by an immigration judge. Instead, immigration authorities have little discretion to pursue alternatives to detention and are subject to a statutory quota, with the number of occupied beds determined primarily by legislators.⁷⁵

*Immigration Detention Centers Come and Go, but the Harm Continues
With Guaranteed Minimum Beds Filled Across Multiple Facilities*

Name	Location	Capacity	Guaranteed Minimum Beds	Years Operational	Owners	Estimated Yearly Cost	Estimated Yearly Cost
Stewart Detention Center	Lumpkin, GA Stewart County	1,752	1,600	2006- Present	CoreCivic	\$118,064 - \$260,000	\$43,093,360 - \$94,900,000
Folkston Main IPC (D. Ray James)	Folkston, GA Charlton County	1,118	882	2016- Present	GEOGroup	\$65,082.78 - \$143,325	\$23,755,214.70 - \$52,313,625
Irwin County Detention Center (Closed)	Ocilla, GA Irwin County	1,201	600	2013- 2022	LaSalle	\$44,274 - \$97,500	\$16,160,010 - \$35,587,500
Atlanta City Detention Center (Closed)	Atlanta, GA	200	N/A	2002- 2018	City of Atlanta	No data available	No data available

Source: Global Detention Project, Georgia Detention Watch.

Georgia's Immigrant Detention Population Remains One of the Nation's Highest



Source: Transactional Records Access Clearinghouse (TRAC) Immigration.

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Above is the overall detention population ranging from August 2020 to June 2023. This graph illustrates population growth in Georgia immigration detention centers during the Trump administration, before and during the pandemic, and a portion of the Biden administration. This chart also reflects the closure of Irwin Detention Center in October 2021. The detention population has declined overall, which Willis says is attributed to an injunction that requires ICE to release people with underlying medical conditions. The Georgia detention population experienced a major uptick in November 2021 that stabilized throughout the rest of the year and saw another minor increase in October 2022 before stabilizing again.

Conclusions and Policy Recommendations

Georgia's history of incarceration in general and immigrant detention, in particular, has led Georgia's localities to rely on the private prison industry's hollow promises to support their local economies. Using immigrant detention for economic reasons causes state-sanctioned human suffering. It is morally reprehensible, particularly when individuals who have committed no crime, are detained for civil offenses, like entering the U.S. without documentation. Immigrant detention perpetuates harmful narratives and harms the immigrant community. However, it does not have to be this way. Viable solutions at the state level can help end the caging of immigrants in the long term and help reduce community harms in the short term—if Georgians press for these changes.

- Invest in Georgia’s rural communities to reduce dependence on the private prison industry. Lawmakers must go beyond convoluted state tax credits, like the Georgia Agribusiness and Rural Jobs Act, that promise rural prosperity but fail to ultimately deliver.⁷⁶ Funding rural broadband expansion, affordable housing, and support for small businesses could be a key part of the answer, as well as a refundable earned income tax credit that helps put money in the pockets of rural Georgians and job training that helps rural Georgians obtain quality jobs.⁷⁷
- Provide rural Georgians with the support they need to reject low-quality private prison jobs. For example, pass fully expanded Medicaid, a meaningful state minimum wage, enhanced child care supports and expanded safety net benefits without work requirements to ensure that immigration detention centers cannot gain a foothold elsewhere in the state.⁷⁸
- Pass and implement equitable health care access measures—like the recent elimination of the five-year Medicaid wait for Lawful Permanent Residents—that support the immigrant community by, directly and indirectly, helping reduce community harms triggered by enhanced immigration enforcement and related restrictive immigration policies.⁷⁹
- Enhance language access across state government, like what was previously proposed in the HB 1013 mental health bill during the 2022 Legislative Session.⁸⁰ Such measures could boost mixed-immigrant-status families’ access to public benefits and other critical services.
- Oppose anti-immigrant measures like those introduced in 2023, including HB 136, requiring the Georgia Department of Corrections’ website to spotlight crimes committed by non-citizens, and HB 452 and SB 132, prohibiting certain non-citizens from purchasing real estate.⁸¹ Such measures villainize the immigrant community and contribute to a narrative that supports expanding the detention of Georgia immigrants.
- End profit-driven practices that entangle immigrants in the criminal legal system. A starting point for reforms is strengthening fines and fees safeguards by eliminating revenue-based performance goals for law enforcement and judges.⁸²
- Grant immigrant communities the tools to feed their families and avoid deportations. For example, allowing undocumented immigrants access to Driver’s Licenses or Driver’s Privilege Cards would help immigrant families go to work, take their children to school and the doctor. This action would reduce overall

entanglements in the criminal legal system and lower the risk of deportation for minor traffic infractions.⁸³

By implementing these equitable policy recommendations, Georgia can address its rural economic challenges while promoting justice and equity for all residents, regardless of their immigration status.

Endnotes

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