Pennsylvania Counties Are Less Willing to Hold Immigrants in Jail
New Report Examines County Policies and Practices Related to ICE Detainers

Philadelphia – About half of Pennsylvania counties no longer hold individuals in local jails at the request of U.S. Immigration and Customs Enforcement (ICE) after they are otherwise eligible to be released, according to a new report from the Sheller Center for Social Justice, *A Changing Landscape: Pennsylvania Counties Reevaluate Policies on Immigration Detainers*. Many counties revised their policies in the wake of a 2014 federal court ruling in *Galarza v. Szalczyk*, which found that so-called “ICE holds” or “ICE detainers” are discretionary and leave local agencies that honor them open to legal liability. Others cited the fact that ICE detainers diverted critical resources away from local law enforcement needs.

ICE detainers are issued by a single administrative ICE officer, without any due process or review. The local law enforcement agency is then required to pay for the expense of holding the person named in the detainer until ICE comes to pick him or her up. An individual can be held up to 48 hours, excluding weekends and holidays.

“We commend those counties that have chosen to focus their limited resources on fighting crime rather than on ICE detainers,” said Jody López-Jacobs, a third-year law student and co-author of the report.

Counties from all across the state have adopted new policies and practices. The list includes western counties, such as Westmoreland and Clarion, and eastern counties, such as Bucks and Montgomery.

In March 2014, the U.S. Court of Appeals for the Third Circuit found that Lehigh County could be held liable for wrongfully detaining Ernesto Galarza, a U.S. citizen who, despite posting bail
and telling his jailers that he was born in New Jersey, was held in jail for three days because of an ICE detainer.

This report was prepared in collaboration with the American Civil Liberties Union of Pennsylvania (ACLU-PA) and Pennsylvania Immigration and Citizenship Coalition (PICC).

The report is available at: www.law.temple.edu/Pages/Law_School/csj.aspx.

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Students in the Social Justice Lawyering Clinic at the Sheller Center for Social Justice seek to assist and empower legally underrepresented groups. Under the guidance of Professor Jennifer Lee, students engage in advocacy to benefit the underserved populations in Pennsylvania.