

JUSTICE DETAINED

The cases of two Korean women — one dead, the other very ill — shine a shameful light on America's little-known immigration detention facilities.

> By Becky Bae and Sookyung Oh



THERE are days when Yong Sun Harvill cannot write in her journal because of the pain. As a consequence of past surgeries and radiation treatment for cancer, her left leg often swells from fluid build-up and lack of circulation. She also suffers from arthritis in her fingers and worries that a lump below her left knee might be cancerous. However, more than the physical pain, it is the near-constant isolation and separation from her husband, church, community and team of medical specialists back home in Florida that are the hardest to bear.

Harvill, a 52-year-old Korean American legal resident, has been held at an immigration detention facility in Florence, Arizona, for a year and a half, one of 33,000 individuals on any given day awaiting deportation to their home country. These are little-known prisons that were designed to be temporary in theory, but the reality is detainees are often held there for months or even years as the government decides whether to deport them.

Being in detention should not be a death sentence. But recent data made public by the Washington Post shows that over the last five years, 83 people have died while at these facilities. From its own examination of those cases, the Post labeled 30 deaths 'questionable,' positing that inadequate medical attention may have contributed to them.

In 2006 alone, about 257,000 individuals were detained by the Department of Homeland Security (DHS). Detention and deportation rates have increased dramatically after the passage and a stricter enforcement of a 1996 law that allows the government to deport individuals, even legal permanent residents, if they have committed crimes in this country. Under the law, the list of "aggravated felonies" that are grounds for deportation was expanded and, for the first time, individuals were required to be locked up during their deportation proceedings. Access to a hearing in front of a judge is severely restricted in these cases.

In addition, the Immigration and Customs Enforcement (ICE) arm of DHS has reportedly conducted dragnet-style raids of homes and businesses to sweep for immigrants on the alleged grounds of cracking down on undocumented workers. However, the grim reality is that people are being separated from their families — from their children in many cases — and are being held without due process in immigration detention facilities across the country.

In Harvill's case, as she was nearing the end of her 13-month prison term in 2007 for drug possession, she was informed that, following her release from prison, she would be handed over to ICE custody and subsequently deported to South Korea, a country she last saw 32 years earlier. She is married to a U.S. citizen, but is not herself one. ICE agents discovered Harvill had an earlier crime on her record: a felony conviction for buying stolen jewelry. (The judge for that case suspended the sentence and placed her on probation.)

Now that thousands of people are being held at these detention facilities, a major issue that arises is the need to ensure basic and

humane treatment. Being in detention should not be a death sentence. But recent data made public by the *Washington Post* shows that over the last five years, 83 people have died while at these facilities. From its own examination of those cases, the *Post* labeled 30 deaths "questionable," positing that inadequate medical attention may have contributed to them. What this means is that in response to the increased number of detainees, the government merely expanded these lock-ups, but failed to meet its own minimum standards for these people's medical care.

As a consequence, people like Young Sook Kim suffered tragically and unacceptably. Swept up in a raid on a massage parlor, Kim who had pancreatic cancer, deteriorated over her two-week detention to the point where she could not eat. Despite pleas from other Korean American detainees to examine Kim, she never received proper medical care. Only after her eyes turned yellow did detention facility

staff agree to send her to the hospital. She died shortly thereafter around September 10, 2006.

Yong Sun Harvill and Young Sook Kim's cases have served to make our community more vigilant in advocating for the protection of due process rights and calling on DHS to execute immediate steps to provide improved medical care, including mental health services, for detainees. The conduct of DHS as a federal agency reflects the values of America. The life of a seriously ill woman, as well as so many others like her, hangs in the balance. Many who have heard Harvill's story cannot but begin to question whether our nation is in fact going in the right direction of upholding the most cherished of American principles of fairness, justice and civil liberties.

On May 1, U.S. Rep. Zoe Lofgren (D-Calif.) introduced the "Detainee Basic Medical Care Act of 2008," which if passed, would require DHS to provide timely and effective medical and mental healthcare to detainees, ensure that all treatment decisions are made by impartial medical or mental health professionals, and require the reporting of all detainee deaths to the Office of Inspector General and to Congress. Senators Akaka, Durbin, Kennedy, Lieberman and Menendez have introduced equivalent legislation on the Senate side.

Sadly, there is nothing that we can do for Young Sook Kim. But if we act now, we can not only help Yong Harvill, but also salvage America's dignity. ☐

BECKY BAE AND SOOKYUNG OH WORK FOR THE NATIONAL KOREAN AMERICAN SERVICE & EDUCATION CONSORTIUM. FOR MORE INFORMATION ABOUT THE PENDING LEGISLATION MENTIONED IN THIS PIECE, PLEASE VISIT WWW.NAKASEC.ORG. OPINIONS EXPRESSED HERE ARE SOLELY THOSE OF THE AUTHORS AND NOT NECESSARILY OF THIS PUBLICATION.