

Court limits mandatory detention of immigrants in California

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(Reuters) - U.S. immigration authorities cannot detain without a bail hearing California immigrants who have been convicted of certain crimes unless the immigrants are transferred to their custody directly from jail, a judge has ruled.

Under federal law, immigrants who commit crimes including drug offenses and assault can be deported, even if they are in the country legally.

The class-action lawsuit is challenging an element of the practice of mandatory detention, under which prisoners are not given an opportunity to argue before a judge that they should be released or allowed to post bond while fighting deportation.

Judge Yvonne Gonzalez Rogers wrote in an opinion released Thursday that unless the immigrants are transferred directly from jail or prison, they must be allowed such a hearing to see whether they should be held by Immigration and Customs Enforcement (ICE) or allowed to live in the community.

The ruling in the U.S. District Court for the Northern District of California was part of a case filed by the American Civil Liberties Union and others in San Francisco. The civil rights organization has filed similar cases in Washington State and Massachusetts.

"What Immigration and Customs enforcement has been doing is picking them up based on criminal convictions from long, long ago," said Julia Mass, an attorney with the ACLU in San Francisco. "Our lawsuit said the statute only allows mandatory detention when somebody is brought directly into immigration custody from criminal custody."

The ruling applies only to cases in California, Mass said.

ICE and its attorney did not immediately respond to a request for comment.

<http://www.reuters.com/article/2014/05/17/us-usa-courts-immigration-idUSBREA4G00J20140517>