Attendees filled Curtin 118 on October 30 for the symposium “Representing the Detained,” an overview of current laws and practices governing the U.S. Immigration Detention system, followed by an exploration into both legal and literary representations of immigrant detainees. Moderated by Rachel Ida Buff (History), the symposium featured Davorin J. Odrcic, an attorney who specializes in removal defense before the immigration court in Chicago, and Kristin E. Pitt (French, Italian, and Comparative Literature; Center fellow 2006-07), whose research explores the discourses of the body in the literature and politics of the Americas.

Appropriate of a pre-Halloween symposium, Davorin Odrcic opened his overview of immigration detention with a troubling photo from Immigration & Customs Enforcement’s (ICE) 2007 Halloween party featuring a white ICE employee in blackface who won the “most original costume” contest dressed as a Jamaican escapee from the Miami detention facility, Krome. Alongside the ICE employee, handing him his award, was then-ICE director Julie Myers. For Odrcic, that the judges on this teambuilding costume party were the three highest ranking administrators at ICE only reinforced the level of indifference to, and lack of accountability for, immigrant detainees that pervades the department, and further inculcates the perception of immigrants as abstractions rather than humans.

After providing the audience with some key legal definitions and some startling statistics—for example, the number of immigration detaineees held per day jumped five-fold from 1996 to 2008—Odrcic focused on “the paradox of immigration detention”: if foreign nationals challenge their deportation, the result will be prolonged detention. In reality, then, the law and practices of ICE—whose stated policy is to remove 100 percent of detained foreign nationals—essentially dissuade anyone from challenging his or her deportation. Additionally, asylum seekers will most likely be subjected to
prolonged detention if they pursue the asylum claim in immigration court. (According to ICE statistics, approximately 1,400 non-criminal asylum seekers are detained daily.)

The plight of the asylum seeker is especially poignant for Haitian-born author Edwidge Danticat, the focus of Kristin Pitt’s presentation, “The Detained Body: Discourse of Detention and Security in Edwidge Danticat’s *Brother, I’m Dying*”

A narrative thread of the autobiographical *Brother, I’m Dying* concerns Danticat’s uncle Joseph, a pastor in Port-au-Prince. Late in 2004, Joseph’s life was threatened by an angry mob after the ouster of President Aristide, and forced to flee his church. The frail, eighty-one-year-old Joseph made his way to Miami, where he thought he would be safe. Although he already had a valid passport and a visitor’s visa (good for a 30-day stay), he felt that he should apply for asylum since he was certain he would be in the United States for a longer period. As an asylum seeker, then, he was detained by U.S. Customs, held by ICE, brutally imprisoned, and refused his medications. He was dead within days.

Of the many troubling aspects of Joseph’s story, one involves the changing perceptions of the body, of the immigrant body. With the advent of the Guantanamo detention facility, the Bush administration erased any legal status of the individual, thereby creating a legally unnamable and unclassifiable being. They are not really prisoners or persons accused, but simply “detainees.” They are objects of a detention that is “indefinite” both temporally but also existentially since the detention is removed from the law and from judicial oversight. The “disappeared” body here is especially problematic since if anything is central to the writ of *habeas corpus*, the foundation of modern democracy, it is that of the corpus—the body—appearing before a court of justice.

With passage of the Patriot Act, increasing weight was provided the government in ferreting out intentionality, that is, the government could deem activities as domestic terrorism if they appeared to be intended to intimidate civilians or to influence government policy by intimidation. And with the passage of the Real ID Act, nearly all discretionary decisions made by either ICE or an immigration judge could not be challenged through the courts. As criminal sanctions for immigration-related conduct continued to expand through the decade, foreign nationals became synonymous with criminals, leaving us with the disparaging portmanteau word “crimmigration.”

“*Our immigration system is rickety and broken.*” —Davorin Odrcic

Interestingly enough, a year before Joseph was detained at Krome, Edwidge Danticat was part of a team allowed to observe its practices. During that visit, she noted how much power ICE had in “reading the bodies” of detainees: to prove they were worthy of asylum, young men would show their scars from tortures in their homelands, or people’s ages, in lieu of birth records, were determined by examining their teeth—an agonizing reminder of the historical judgment of slaves on the auction block.
In Joseph Danticat’s situation, these shifting perceptions and governmental policies conspired to invalidate Joseph as a human being. Although he begged for his medications while being detained, he was not trusted to give an account of his own medical needs. (ICE determined that the medicines he was requesting were a “voodoo-like concoction.”) And even though Joseph went into a seizure, started vomiting, and soiled himself, the medic on duty still considered Joseph to be faking his illness and that he felt confident in his own “interpretation of Joseph's body” because of his many years of experience at Krome.

To conclude the symposium, Odrcic delivered “Obstruction of Justice: How the Immigration Detention System Adversely Affects the Attorney-Client Relationship.” Odrcic related many of the obstacles faced by detainees in appealing their cases, leading him to conclude that “our immigration system is rickety and broken.” Although he approves of the Obama administration’s efforts to improve detention conditions, he doesn’t believe that those efforts address the root cause. Odrcic would prefer that all mandatory detentions should be repealed, and that the law should be amended to require individualized custody determinations based on flight risk or danger to the community. He would welcome a return to the spirit of the courts in the late 1940s which by recognizing the extreme burden deportation places upon an individual and family that the law should be construed as narrowly as possible in favor of the detainee.