



## PRIVATIZED IMMIGRATION DETENTION

### Social Criteria Investment Screen

#### AUTHORITY

“Detention is a severe, under-scrutinized and expensive method of migration control. ... The outdated and inadequate U.S. immigration system is highly complex, controversial and difficult to address, both in terms of its origin and in terms of solutions. In a social message and in a social policy resolution the ELCA, nevertheless, repeatedly has articulated principles for just and wise treatment of immigrants. Consistent with these documents, this church urges that arbitrary and indefinite detention and dehumanizing isolation of migrants should be discontinued and the use of humane alternatives expanded” (*Criminal Justice*, pp. 14-15).

“We support efforts to ensure that due process is followed and that the conditions of detention are humane” (“*Immigration*,” p. 10).

#### WORDING OF SCREEN

The ELCA recommends no investment in corporations involved in the private, for-profit detention of migrants.

#### DEFINITION OF PROBLEM

The concerns of this church about privatizing migrant detention are economic, moral and theological. Economically speaking, privatizing the immigrant detention system creates an economic incentive that encourages for-profit corporations to expand detention regardless of the actual need for detention. Humans are treated as economic goods with dollar figures attached rather than as beings created in the image of God whose detention should be a last resort. The economic motivation to engineer higher margins of profit for private stakeholders can also lead to attempts to cut down costs that result in overcrowding and understaffing, which manifest as poor conditions, inadequate medical care, vulnerability to sexual abuse and neglect, and sometimes death.

Morally speaking, our social teaching guides us to advocate for humane alternatives and to speak in opposition to the inhumane detention of migrants. Giving custody of people detained by the government to a private entity that then profits from that detention blurs the “sharp distinction between public service and private gain” (“*Government and Civic Engagement*,” p. 10) that guides our sense of the proper

**Corporate Social Responsibility in the ELCA uses the tools of screening of investments, shareholder advocacy and community investing to work with corporations, calling them to ensure that people are treated fairly and with dignity and to create sustainable communities.**

**More at [ELCA.org/CSR](http://ELCA.org/CSR).**

role of government vis a vis private industry. Furthermore, the poor conditions and psychological, emotional and financial toll imposed on families impacted by detention compel the church to speak and take action in the spirit of neighbor love to ensure our neighbor has enough.<sup>1</sup>

Theologically, the human rights message holds that “human dignity is God’s gift to every person” (“[Human Rights](#),” p. 2) and commits the church to upholding human rights. Within the criminal justice system, “Each participant is a human being with dignity who deserves to be heard” (*Criminal Justice*, p. 8) and yet individuals detained for immigration purposes routinely lack “adequate due process and meaningful access to legal counsel” (p. 15). Without representation and adequate due process, people detained for immigration purposes are not being afforded the dignity of their basic rights in the decision to detain them.

The ELCA recommends no investments be made in private, for-profit migrant detention corporations; however, we recognize that various investors will implement these criteria along a continuum. The ELCA also includes in the recommendation for screening investments that could be made in for-profit companies involved in the marketing of or supplying of key components or services to private, for-profit prison corporations.

## **SOCIAL POLICY AND STUDIES**

*The Church and Criminal Justice: Hearing the Cries* (ELCA social statement, 2013)

*Freed in Christ: Race, Ethnicity and Culture* (ELCA social statement, 1993)

“Government and Civic Engagement in the United States: Discipleship in a Democracy” (ELCA social message, 2020)

“Human Rights” (ELCA social message, 2017)

“Immigrants, Refugees and Asylum Seekers” (Social Policy Resolution CA03.05.10)

“Immigration” (ELCA Social Message, 1998)

*Sufficient, Sustainable Livelihood for All* (ELCA social statement, 1999)

**RECOMMENDED** by  
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**APPROVED** by the  
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<sup>1</sup> *Sufficient, Sustainable Livelihood for All*, p. 11; *Faith, Sexism, and Justice*, p. 49.