

Solitary Confinement in Immigrant Detention

Solitary confinement, also known as segregation or restrictive housing, refers to the extreme isolation inflicted upon incarcerated individuals for up to 24 hours a day with little to no human contact. A 2023 report by Solitary Watch and Unlock the Box revealed that in 2019, at least 122,840 individuals were locked in solitary confinement daily in prisons and jails across the United States.¹

Solitary confinement is utilized daily on migrants at Immigration and Customs Enforcement (ICE) detention centers across the country, often violating international human rights standards and even the U.S. government's own policies. The practice is used as a method of control and punishment and is frequently applied arbitrarily. This not only enables physical abuse and racial discrimination against detainees, but also causes or worsens mental health damage, often leading to lifelong trauma or even suicide.

Use of Solitary Confinement in ICE Facilities

ICE detention is technically civil detention, meaning captivity within ICE's numerous detention facilities is not supposed to be punishment, but rather a means to ensure that individuals undergoing lengthy immigration proceedings appear at their court hearings. Because the U.S. government doesn't grant individuals in civil detention cases the same legal protections given to criminal defendants, detained immigrants are not afforded the right to court-appointed counsel, a speedy trial, or protections against cruel and unusual punishment.²

Detainees are typically held within ICE facilities until they are legally permitted entry into the United States or, more often than not, deported back to their countries of origin. Despite detention conditions generally being as bad as or worse than typical prisons, detainees within ICE facilities are solely accused of being in the United States without legal permission.³

According to Transactional Records Access Clearinghouse (TRAC) at Syracuse University, as of 2024, ICE detains over 37,000 individuals in detention facilities, a figure that increased by almost 23,000 since the beginning of the Biden administration.⁴ According to ICE's own quarterly reports, the agency's use of segregation is rapidly increasing, with the number of individuals placed in solitary confinement by ICE rising by 61% from 2022 to 2023, and at least 3,000 individuals segregated in 2023 alone.⁵

According to a recent report published by Physicians for Human Rights (PHR), there have been over 14,000 individual cases of solitary confinement use by ICE between 2018 and 2023, with detainees being held in solitary confinement for 27 days on average during this period, well over the 15-day limit set by the United Nations.⁶

An investigation by the Department of Homeland Security's (DHS) Office of the Inspector General (OIG) published in 2019 found that at least two detained individuals were placed in solitary confinement for over 300 consecutive days, which the agency had failed to report.⁷ PHR's report indicates that these torturous conditions have only worsened, with over 680 segregation cases from 2018 through 2023 lasting at least three months, 42 of which lasted over a year.⁸

Solitary Confinement As Punishment

"The guards would punish me for any little thing... One time, they locked me in a solitary cell for an entire day because I didn't have my shirt on when I stood up during the [detainee] count. I felt like the guards were more strict about the rules with us Hispanics. It just felt like the guards punished us more often with solitary confinement." —Kevin, previously detained individual⁹

ICE's policy directs officers to consider other options before placing detained individuals in solitary confinement. According to the agency's Segregation Directive, isolating detainees is a "serious step that requires careful consideration of alternatives."¹⁰

Despite these guidelines, an OIG analysis of 474 segregation cases from 2015 to 2019 and found no evidence that ICE considered alternatives to solitary in 72% of segregation placements in which alternatives may have been applicable. This same report found that officers often threatened detainees with solitary, and sometimes used the punishment as retaliation for filing abuse complaints against ICE officers or participating in hunger strikes, with many individuals being unaware as to why they were being isolated.¹¹

PHR's report found that in addition to retaliation, ICE officers often utilized solitary as punishment for extremely minor disciplinary infractions. These infractions include but are not limited to consensual kissing, providing others with haircuts, being sick, experiencing a mental health crisis, and belonging to the LGBTQ+ community.¹² A survey of 41 LGBTQ+ and HIV-positive migrants held in ICE detention centers, conducted by the National Immigrant Justice Center (NIJC), found that nearly half of the participants had been placed in solitary confinement.¹³

Kelly, a transgender asylum seeker, was placed in solitary for almost four months at the Pine Prairie ICE Processing Center in Louisiana. "The only thing they told me was that it was because of the way I looked," she said. "They claimed it was for security reasons... Every time I closed my eyes... I began to have nightmares, horrible memories, things that I didn't want to remember ... It's still happening to me."¹⁴

A 2024 survey of 77 detainees held within Pennsylvania's largest ICE facility found migrant detainees were routinely

subject to racism, abuse, and solitary confinement. Over 30% of interviewed migrants said they regularly faced racial or derogatory slurs from facility staff, with over 6% facing physical abuse.¹⁵

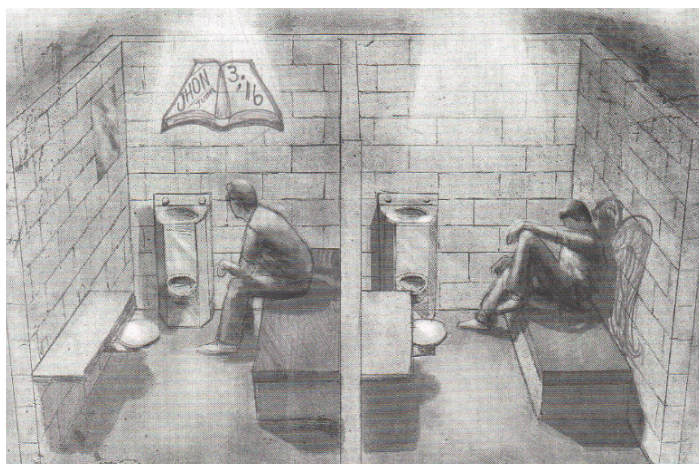
A 2024 report by the *Harvard Law Review* found individuals were often subject to solitary by facility staff for trivial cultural differences. Detainees were “thrown in the hole” for communicating in Spanish, requesting Spanish-language programming on the television, and fasting during Ramadan. The report attributes ICE’s mistreatment in part to punitive bipartisan anti-immigration legislation, which, by “criminaliz[ing] and dehumaniz[ing]” migrants, effectively rationalizes their abuse through methods such as solitary confinement.¹⁶

A 2020 study revealed that between 2013 and 2017, Black immigrants were six times as likely to be placed in solitary than other ethnic groups while detained by ICE.¹⁷

Damage to Mental Health

“I tried to commit suicide...by cutting my wrists. The other girls in detention helped me by putting pads on my wrists. I didn’t tell the guards because I knew they would put me in solitary confinement, and I didn’t want that... I was terrified of being in solitary confinement.” —Maria, previously detained individual¹⁸

Many detainees are placed in solitary confinement at ICE detention centers as a response to mental illness and mental health crises. In a 2017 investigation of Adelanto detention center in California, the Project on Government Oversight (POGO) noted that individuals with mental disorders were “in alarming high numbers in the segregation unit, obviating the need for specific mental health housing.”¹⁹ PHR reported that ICE often utilized solitary on individuals who were experiencing a mental health crisis.²⁰ A 2018 study revealed that despite making up 15% of ICE’s detained population, over 57% of individuals placed in segregation struggled with mental illness.²¹



Adolfo Aguillon added a bible and angel wings to this drawing of solitary confinement cells at the jail originally published in the Orange County Register.

Solitary confinement is known to aggravate pre-existing mental health conditions, which may often lead to self-harm

or suicide.²² In an interview with POGO, psychiatrist Dr. Terry Kupers stated, “There’s no debate that for people with a mental illness, it’s very clear that solitary exacerbates the mental illness.”²³ A 2015 study found that suicide was among the leading causes of death within ICE facilities between 2003 and 2015, citing the agency’s overreliance on placing patients with mental illness in detention rather than treating them with community-based methods.²⁴

“Being in solitary worsened my mental health symptoms. I came to feel in a way that I’d never felt before,” explained Kevin. “Everything came to my mind. I felt so depressed. I cried whenever I was in solitary. I couldn’t sleep at night. We didn’t have the right to do anything. I never seriously thought about taking my life, but I did feel like I didn’t want to live anymore.”²⁵

“Paul tried to end his life twice when he was in solitary confinement. He did not understand why he was detained and lived in constant fear,” said Alma, the mother of a detainee. “It was such a happy moment when a judge ordered Paul’s release. But Paul was never able to heal... Ultimately, it was all too much for Paul and he took his life... Paul couldn’t recover when he was released because of all the harms he suffered from being detained for so long. For not receiving treatment. For being alone.”²⁶

Conditions in Solitary Confinement

“I was basically naked in the cell. The two pieces of cloth they gave me didn’t even cover my private parts. I had to use them together as a small blanket because it was cold inside the cell. They also removed my sleep pad, so I had to sleep on the floor. I remained naked, with no bed, for several days or about a week. I begged the guards to give me my clothes back for days because I was so cold. I felt humiliated like I wasn’t even a human. I was an animal to them.” —Carlos, previously detained individual²⁷

Periods of solitary confinement extending longer than 15 days constitute torture and qualify as a violation of international standards for the treatment of prisoners and detainees, as outlined in the UN’s Nelson Mandela Rules.²⁸

The recent report by PHR described conditions in solitary within ICE facilities as “dehumanizing,” with temperatures said to be freezing and bright lights constantly kept on 24 hours a day. “Being placed in solitary confinement meant experiencing substantially worse living conditions than those in the general population at those same facilities,” the report explains. “While specific descriptions of each cell differed, almost every [interviewee] described minimal furniture, uncomfortable bedding, small room sizes, and small windows... [some] reported... that the ‘bed was made out of cement with no cushion, only a blanket’...or just steel surfaces.”²⁹

The DHSOIG hotline received 1,200 complaints and allegations from detainees about solitary confinement conditions within ICE facilities between 2015 and 2019. Detainees reported being denied access to essential services and resources while in segregation, such as medical attention, showers, and food.³⁰



The cell where a detainee named Efraín Romero de la Rosa took his own life at the Stewart Detention Facility in Georgia. (GBI Investigation Photo)

A man known as Carlos testified to the NIJC that while in segregation, guards attempted to handcuff him through the food hole after denying him food. When Carlos resisted, guards pepper sprayed him in the eyes and shot him in the leg with pepper spray balls. “I already felt like I was being punished by being in the hole. Why did they keep on punishing me? I quickly went to hide in the corner so they could not keep shooting me, but then four guards came in with shields as if they were a SWAT team. Each grabbed my arm or leg and took me out of my cell.”³¹

Unreported Cases of Solitary Confinement

“ICE does not know the full extent of detention facilities’ use of segregation, which hinders its ability to ensure compliance with policy, and prevent and detect potential misuse of segregation.”

—Office of the Inspector General, Department of Homeland Security³²

According to ICE policy, ICE must notify their headquarters whenever an individual with a special vulnerability is placed in solitary confinement or when any detainee has been placed in solitary confinement for 14 or more days. Despite these guidelines, the OIG found no reports were filed with ICE headquarters in over 1 in 10 cases. The agency could not provide the OIG with nearly 10% of the detention files requested, mostly because the files had either been lost or unlawfully destroyed, despite a lawsuit initiated by various government organizations and historians to prevent ICE from destroying these records.³³

ICE notoriously omits and fails to disclose information that may paint the agency in a flawed or otherwise negative light, especially concerning their unwarranted use of segregation within facilities. A recent report by PHR found evidence that internal ICE investigators and oversight staff omitted information that a mistranslation by non-Spanish-speaking detention center staff led a Spanish-speaking detainee undergoing a medical crisis to be placed in solitary confinement instead of receiving medical help for her liver failure. The detainee later died in isolation, with the official report failing to disclose the miscommunication.³⁴

Ending Solitary in ICE Detention

“Despite repeated, loud calls to end solitary confinement over the last decade, nothing appears to have changed. Solitary confinement continues to be used in ICE detention, inflicting serious and sometimes irreparable harm, including death, on people within our borders and in your custody. We echo the sentiments of the nearly 200 diverse organizations that wrote to you with an urgent call to action: the Department of Homeland Security (DHS) must end the practice of solitary confinement (“segregation”) in all immigration detention centers.”

—Excerpt from letter signed by 475 medical professionals³⁵

Amid the increasingly widespread use of solitary confinement within ICE facilities, advocates, health professionals, and many elected officials have called for an end to solitary confinement by ICE.

The 2024 report *Endless Nightmare*, published by PHR, outlined the harms, horrors, and habitual use of solitary confinement by ICE. In response, 475 medical professionals called on the Biden administration to immediately cease its use of solitary confinement within immigration detention. “Our letter shows that medical professionals across the country will not stand for the U.S. government subjecting immigrants to extremely punitive and dangerous conditions,” said physician Katherine Peeler, co-author of the report. “In line with their ethical and professional obligations, health care professionals are calling out the severe physical and psychological impacts of solitary confinement and demanding that ICE end this heinous practice.”³⁶

In March 2024, twelve Senate Democrats signed and sent a letter to DHS and ICE leadership, demanding ICE halt the “misuse” of solitary confinement across their facilities. The letter suggests ICE implement a set of “meaningful alternatives” to gradually replace solitary confinement, while ensuring detainees in segregation are guaranteed the same rights as other detainees in ICE detention, such as “the same access to counsel, telephones, visitation, food, and hygiene.”³⁷

Legislative efforts to end the practice altogether have also been made. The End Solitary Confinement Act, introduced in both the House and the Senate in 2023,³⁸ seeks to put an end to solitary confinement in all federal prisons, jails, and detention settings, which includes ICE facilities.³⁹

However, during Donald Trump’s first term as president, ICE issued a new set of National Detention Standards which, according to the ACLU “weaken[ed] critical protections and lower[ed] oversight requirements, which could have disastrous consequences for the health and safety of thousands of people in immigration detention.”⁴⁰ On the first day of his second term, Trump “launched a wide-ranging crackdown” on undocumented immigrants, with plans to vastly increase detention capacity, including 30,000 beds at Guantanamo.⁴¹ On February 1, 2025, Trump’s “border czar” announced that the “administration aims to lower its detention standards.”⁴² It is highly likely that as the immigration detention system grows, so will ICE’s use of solitary—and the fight to stop it.

Resources

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