

115TH CONGRESS
2D SESSION

S. 3112

To provide standards for facilities at which aliens in the custody of the Department of Homeland Security are detained, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2018

Mr. BOOKER (for himself, Mr. LEAHY, Ms. WARREN, Ms. HIRONO, Mr. BLUMENTHAL, Ms. DUCKWORTH, Mr. SANDERS, Mrs. GILLIBRAND, Mr. MERKLEY, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide standards for facilities at which aliens in the custody of the Department of Homeland Security are detained, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dignity for Detained
5 Immigrants Act of 2018”.

6 **SEC. 2. STANDARDS FOR DEPARTMENT OF HOMELAND SE-**
7 **CURITY DETENTION FACILITIES.**

8 (a) RULEMAKING.—Not later than 1 year after the
9 date of the enactment of this Act, the Secretary of Home-

1 land Security shall promulgate regulations that establish
2 detention standards for each facility at which aliens in the
3 custody of the Department of Homeland Security are de-
4 tained.

5 (b) MINIMUM PROTECTIONS.—The standards estab-
6 lished under subsection (a) shall provide, at a minimum,
7 the level of protections for detainees described in the
8 American Bar Association’s Civil Immigration Detention
9 Standards (adopted in August, 2012, and as amended in
10 August, 2014).

11 (c) UPDATES.—The Secretary shall review and up-
12 date the standards established under subsection (a) on a
13 biennial basis, as appropriate.

14 **SEC. 3. OVERSIGHT AND TRANSPARENCY FOR DEPART-**
15 **MENT OF HOMELAND SECURITY DETENTION**
16 **FACILITIES.**

17 (a) PERIODIC INSPECTIONS.—

18 (1) IN GENERAL.—Not less frequently than an-
19 nually, the Inspector General of the Department of
20 Homeland Security shall conduct an unannounced
21 inspection of each facility at which aliens in the cus-
22 tody of the Department of Homeland Security are
23 detained in order to ensure that each such facility
24 is in compliance with the standards established pur-
25 suant to section 2.

1 (2) REPORT.—Not later than 60 days after
2 conducting an inspection under this paragraph (1),
3 the Inspector General shall—

4 (A) make a report of such inspection pub-
5 licly available on a website of the Department
6 of Homeland Security; and

7 (B) submit such report to the Secretary of
8 Homeland Security.

9 (3) FAILURE TO COMPLY WITH STANDARDS.—

10 (A) INITIAL FAILURE.—If the Inspector
11 General determines that a facility has failed to
12 comply with the standards established pursuant
13 to section 2 for the first time during any 2-year
14 period, and such noncompliance constitutes a
15 deficiency that threatens the health, safety, or
16 the due process rights of detainees—

17 (i) the Inspector General shall notify
18 the Secretary of Homeland Security of
19 such finding; and

20 (ii) the Secretary shall—

21 (I) impose a fine of not less than
22 10 percent of the value of the contract
23 with a facility that is not owned by
24 the Department of Homeland Secu-
25 rity; and

1 (II) if the facility is owned by the
2 Department of Homeland Security—

3 (aa) issue a written warning
4 to the facility not later than 30
5 days after receiving such notifica-
6 tion from the Inspector General,
7 which shall include proposed re-
8 medial measures to be carried
9 out not later than 60 days after
10 the issuance of the warning; and

11 (bb) not later than 60 days
12 after the issuance of the warning
13 described in subclause (I), certify
14 to the Inspector General that the
15 remedial measures have been car-
16 ried out.

17 (B) SUBSEQUENT FAILURES.—If the In-
18 spector General determines that a facility has
19 failed to comply with the standards under sec-
20 tion 2 in 2 investigations under paragraph (1)
21 during any 2-year period, and such noncompli-
22 ance constitutes a deficiency that threatens the
23 health, safety, or due process rights of detain-
24 ees—

1 (i) the Inspector General shall notify
2 the Secretary of Homeland Security of
3 such finding; and

4 (ii) the Secretary shall—

5 (I) if the facility is not owned by
6 the Department of Homeland Security—
7

8 (aa) transfer each detainee
9 from such facility, not later than
10 30 days after receiving such noti-
11 fication, to a facility that com-
12 plies with such standards; and

13 (bb) terminate the contract
14 with the owner of the facility; or

15 (II) if the facility is owned by the
16 Department of Homeland Security—

17 (aa) transfer each detainee
18 from such facility, not later than
19 60 days after receiving such noti-
20 fication, to a facility that com-
21 plies with such standards; and

22 (bb) suspend the use of such
23 facility until after the Inspector
24 General—

1 (AA) certifies to the
2 Secretary that the facility is
3 in compliance with such
4 standards; and

5 (BB) posts information
6 describing the remedial
7 measures completed at such
8 facility on a publicly avail-
9 able website of the Depart-
10 ment of Homeland Security.

11 (b) INVESTIGATIONS ON DEATH IN CUSTODY.—

12 (1) IN GENERAL.—Not later than 30 days after
13 the death of an alien in the custody of the Depart-
14 ment of Homeland Security, the Secretary of Home-
15 land Security shall conduct an investigation into
16 such death, which shall include a root cause analysis
17 that—

18 (A) identifies any changes to policies or
19 practices that could reduce the probability of
20 such an event in the future; and

21 (B) shall be performed in accordance with
22 professional medical standards for investigating
23 sentinel events in medical care facilities, includ-
24 ing the Sentinel Event Policy promulgated by
25 The Joint Commission in 1996.

1 (2) REPORT.—Not later than 60 days after a
2 death described in paragraph (1), the Secretary shall
3 post a report describing the results of such inves-
4 tigation on a publicly accessible website of the De-
5 partment of Homeland Security.

6 (c) REPORT TO CONGRESS.—The Secretary of Home-
7 land Security shall submit an annual report to the Com-
8 mittee on the Judiciary of the Senate and the Committee
9 on the Judiciary of the House of Representatives that—

10 (1) describes the inspections and oversight of
11 facilities at which aliens in the custody of the De-
12 partment of Homeland Security are detained; and

13 (2) includes information, with respect to the
14 preceding year, relating to—

15 (A) each detention facility that the Inspec-
16 tor General determined was not in compliance
17 with the standards established under section 2
18 pursuant to an investigation conducted under
19 subsection (a)(1);

20 (B) any remedial actions that the Sec-
21 retary has taken, or plans to take, to comply
22 with such standards; and

23 (C) whether the remedial actions described
24 in subparagraph (B) brought the facility into
25 compliance with such standards.

1 (d) CLASSIFICATION OF DOCUMENTS FOR PURPOSES
2 OF THE FREEDOM OF INFORMATION ACT.—The reports
3 required under subsections (a)(2) and (b)(2), and any con-
4 tract between the Department of Homeland Security and
5 a private or public entity that provides for the use of a
6 facility not owned by the Department of Homeland Secu-
7 rity to detain aliens in the custody of the Department of
8 Homeland Security are considered records for purposes of
9 section 552 of title 5, United States Code, and do not
10 qualify for the exception under subsection (b)(4) of such
11 section.

12 (e) FACILITIES MATRIX.—On the first day of each
13 month, the Secretary of Homeland Security shall ensure
14 that a publicly accessible website of the Department of
15 Homeland Security contains information relating to each
16 facility at which aliens in the custody of the Department
17 of Homeland Security may be detained, including—

18 (1) the name and location of each facility;

19 (2) whether the facility houses adults, children,
20 or both;

21 (3) the number of beds available in each facility
22 on the first day of the month, disaggregated by gen-
23 der;

24 (4) whether the facility is used to detain aliens
25 for longer than 72 hours, or for longer than 7 days;

1 (5) the average number of aliens detained in
2 the facility for the current year, and for the pre-
3 ceding month, disaggregated by gender and classi-
4 fication as a child or as an adult;

5 (6) whether the facility is in compliance with
6 the standards established pursuant to section 2;

7 (7) for each facility that is not owned by the
8 Department of Homeland Security, the nature of the
9 contract providing for the detention of aliens at such
10 facility; and

11 (8) the average number of days that an alien
12 has been detained at the facility during the pre-
13 ceding month.

14 (f) ONLINE DETAINEE LOCATOR SYSTEM.—The Sec-
15 retary of Homeland Security shall ensure that the online
16 detainee locator system maintained by the Department of
17 Homeland Security, or any successor system, is updated
18 not later than 12 hours after an alien is—

19 (1) taken into custody or released from custody
20 by the Department of Homeland Security;

21 (2) transferred to, or detained in, a detention
22 facility; or

23 (3) removed from the United States.

24 (g) INFORMATION COLLECTED AND MAINTAINED
25 FOR ALIENS IN THE CUSTODY OF THE DEPARTMENT OF

1 HOMELAND SECURITY.—The Secretary of Homeland Se-
2 curity shall collect and maintain, for each alien in the cus-
3 tody of the Department of Homeland Security—

4 (1) the gender and age of the alien;

5 (2) the date on which the alien was detained;

6 (3) whether the alien is considered a vulnerable
7 person (as defined in section 236(g) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1226(g)) or a
9 primary caregiver;

10 (4) the provision of law under which the Sec-
11 retary is authorized to detain the alien;

12 (5) the location where the alien is detained;

13 (6) any transfer of the alien to another deten-
14 tion facility, and the reason for such transfer;

15 (7) the status and basis of any removal pro-
16 ceedings;

17 (8) the initial custody determination made by
18 U.S. Immigration and Customs Enforcement, and
19 any review of such determination;

20 (9) the date of the alien's release or removal, if
21 applicable, and the reason for such release or re-
22 moval; and

23 (10) whether the alien is subject to a final
24 order of removal.

1 **SEC. 4. CAUSE OF ACTION.**

2 (a) **IN GENERAL.**—An individual who is detained in
3 a facility that is required to comply with the standards
4 established pursuant to section 2, and is injured as a re-
5 sult of a violation of such standards, may file a claim in
6 the appropriate district court of the United States.

7 (b) **RECOVERY.**—In a civil action under this section,
8 the court may—

9 (1) order injunctive relief and compensatory
10 damages; and

11 (2) award the prevailing party reasonable attor-
12 ney fees and costs.

13 **SEC. 5. DEPARTMENT OF HOMELAND SECURITY DETEN-**
14 **TION FACILITY CONSTRUCTION AND MAINTEN-**
15 **NANCE.**

16 (a) **RESTRICTION ON CONSTRUCTION OF DETENTION**
17 **FACILITIES.**—Not later than 180 days before initiating,
18 or entering into a contract for the construction of a new
19 facility or the expansion of an existing facility for the de-
20 tention of aliens in the custody of the Department of
21 Homeland Security, the Secretary of Homeland Security
22 shall submit, to the Committee on the Judiciary of the
23 Senate, the Committee on Homeland Security and Govern-
24 mental Affairs of the Senate, the Committee on the Judici-
25 ary of the House of Representatives, and the Committee
26 on Homeland Security of the House of Representatives,

1 a plan for constructing or expanding such facility, includ-
2 ing—

3 (1) the location, size, and capacity of such facil-
4 ity;

5 (2) the anticipated timeline and cost of con-
6 structing or expanding such facility; and

7 (3) the intended population to be detained at
8 such facility, including the gender and ages of such
9 population.

10 (b) PHASE-OUT OF PRIVATE DETENTION FACILITIES
11 AND USE OF JAILS.—

12 (1) SECURE DETENTION FACILITIES.—

13 (A) IN GENERAL.—The Secretary of
14 Homeland Security—

15 (i) may not enter into or extend any
16 contract with any public or private entity,
17 which owns or operates a detention facility,
18 for the use of such facility to detain aliens
19 in the custody of the Department of
20 Homeland Security; and

21 (ii) shall terminate any contract de-
22 scribed in clause (i) not later than the date
23 that is 3 years after the date of the enact-
24 ment of this Act.

1 (B) OWNERSHIP REQUIREMENT.—Begin-
2 ning on the date that is 3 years after the date
3 of the enactment of this Act, any facility at
4 which aliens in the custody of the Department
5 of Homeland Security are detained shall be
6 owned and operated by the Department of
7 Homeland Security.

8 (2) NON-SECURE DETENTION PROGRAMS.—

9 (A) IN GENERAL.—The Secretary of
10 Homeland Security—

11 (i) may not enter into or extend any
12 contract with any public or private for-
13 profit entity for the operation of a program
14 or the use of a facility for nonresidential,
15 detention-related activities for aliens who
16 are subject to monitoring by the Depart-
17 ment of Homeland Security; and

18 (ii) shall terminate any contract de-
19 scribed in clause (i) not later than the date
20 that is 3 years after the date of the enact-
21 ment of this Act.

22 (B) OWNERSHIP AND OPERATION RE-
23 QUIREMENT.—Beginning on the date that is 3
24 years after the date of the enactment of this
25 Act, any program or facility used for the activi-

1 ties described in subparagraph (A)(i) shall be
2 owned and operated by a nonprofit organization
3 or by the Department of Homeland Security.

4 (3) IMPLEMENTATION PLAN.—Not later than
5 60 days after the date of the enactment of this Act,
6 the Secretary of Homeland Security shall develop,
7 and make publicly available, a plan and a timeline
8 for the implementation of this subsection.

9 **SEC. 6. APPEARANCE OF DETAINED ALIENS FOR OTHER**
10 **LEGAL MATTERS.**

11 The Secretary of Homeland Security shall make rules
12 to ensure that any alien who is detained in the custody
13 of the Department of Homeland Security, and who is re-
14 quired to appear in Federal or State court (including fam-
15 ily court) for another matter, is transported by an officer
16 or employee of the Department of Homeland Security to
17 such court proceeding.

18 **SEC. 7. PROCEDURES FOR DETAINING ALIENS.**

19 (a) PROBABLE CAUSE AND CUSTODY DETERMINA-
20 TION HEARINGS.—Section 236 of the Immigration and
21 Nationality Act (8 U.S.C. 1226) is amended—

22 (1) by amending subsection (a) to read as fol-
23 lows:

24 “(a) ARREST, DETENTION, AND RELEASE.—On a
25 warrant issued by an immigration judge, or pursuant to

1 section 287(a)(2), the Secretary of Homeland Security
2 may arrest an alien, and in accordance with this section,
3 detain the alien or release the alien on bond, subject to
4 conditions, or recognizance, pending a decision on whether
5 the alien is to be removed from the United States.”;

6 (2) by striking subsections (b) and (e);

7 (3) by redesignating subsections (c) and (d) as
8 subsections (b) and (c), respectively;

9 (4) by striking “Attorney General” each place
10 such term appears and inserting “Secretary of
11 Homeland Security”; and

12 (5) by inserting after subsection (c), as redesignig-
13 nated, the following:

14 “(d) BOND DETERMINATION.—An immigration
15 judge who releases an alien on bond under this section
16 shall consider, for purposes of setting the amount of the
17 bond, the alien’s financial position and ability to pay the
18 bond without imposing financial hardship on the alien.

19 “(e) CUSTODY DETERMINATION.—

20 “(1) INITIAL DETERMINATION.—Not later than
21 48 hours after taking an alien into custody under
22 the authority provided under this section or section
23 235, or with respect to an alien subject to a rein-
24 stated order of removal pursuant to section
25 241(a)(5) who has been found to have a credible or

1 reasonable fear of return, the Secretary of Home-
2 land Security shall make an initial custody deter-
3 mination with regard to that alien, and provide that
4 determination in writing to the alien. If the Sec-
5 retary determines that the release of an alien will
6 not reasonably ensure the appearance of the alien as
7 required or will endanger the safety of any other
8 person or the community, the custody determination
9 under this paragraph will impose the least restrictive
10 conditions in accordance with paragraph (4).

11 “(2) TIMING.—An alien who seeks to challenge
12 the initial custody determination under paragraph
13 (1) shall be provided with the opportunity for a
14 hearing before an immigration judge not later than
15 72 hours after the initial custody determination to
16 determine whether the alien should be detained.

17 “(3) PRESUMPTION OF RELEASE.—In a hearing
18 under this subsection, there shall be a presumption
19 that the alien should be released. The Government
20 shall have the duty of rebutting this presumption,
21 which may only be shown based on clear and con-
22 vincing evidence, including credible and individual-
23 ized information, that the use of alternatives to de-
24 tention will not reasonably assure the appearance of
25 the alien at removal proceedings, or that the alien is

1 a threat to another person or the community. The
2 fact that an alien has a criminal charge pending
3 against the alien may not be the sole factor to jus-
4 tify the continued detention of the alien.

5 “(4) LEAST RESTRICTIVE CONDITIONS RE-
6 QUIRED.—If an immigration judge determines, pur-
7 suant to a hearing under this section, that the re-
8 lease of an alien will not reasonably ensure the ap-
9 pearance of the alien as required or will endanger
10 the safety of any other person or the community, the
11 immigration judge shall order the least restrictive
12 conditions, or combination of conditions, that the
13 judge determines will reasonably assure the appear-
14 ance of the alien as required and the safety of any
15 other person and the community, which may include
16 secured or unsecured release on bond, or participa-
17 tion in a program described in subsection (g). Any
18 conditions assigned to an alien pursuant to this
19 paragraph shall be reviewed by the immigration
20 judge on a monthly basis.

21 “(5) SPECIAL RULE FOR VULNERABLE PER-
22 SONS AND PRIMARY CAREGIVERS.—

23 “(A) DEFINED TERM.—In this paragraph,
24 the term ‘vulnerable person’ means an indi-
25 vidual who—

1 “(i) is younger than 21 years of age
2 or older than 60 years of age;

3 “(ii) is pregnant;

4 “(iii) identifies as lesbian, gay, bisexual,
5 ual, transgender, or intersex;

6 “(iv) is a victim of or a witness to a
7 crime;

8 “(v) has filed a nonfrivolous civil
9 rights claim in Federal or State court;

10 “(vi) has a serious mental or physical
11 illness or disability;

12 “(vii) has been determined by an asy-
13 lum officer in an interview conducted in
14 accordance with section 235(b)(1)(B) to
15 have a credible fear of persecution; or

16 “(viii) has been determined by an im-
17 migration judge or the Secretary of Home-
18 land Security to be experiencing severe
19 trauma or to be a survivor of torture or
20 gender-based violence, based on informa-
21 tion obtained during intake, from the
22 alien’s attorney or legal service provider, or
23 through credible self-reporting.

24 “(B) ADDITIONAL REQUIREMENTS.—An
25 alien who is the subject of a custody determina-

1 tion under this subsection and is a vulnerable
2 person or a primary caregiver may not be de-
3 tained unless the Government shows, in addi-
4 tion to the requirements under paragraph (2),
5 that it is unreasonable or not practicable to
6 place the individual in a community-based su-
7 pervision program.

8 “(6) SUBSEQUENT DETERMINATIONS.—An
9 alien who is detained under this section shall be pro-
10 vided with a de novo custody determination hearing
11 under this subsection—

12 “(A) every 60 days; and

13 “(B) by demonstrating a change in cir-
14 cumstances or good cause for such a repeat
15 hearing.

16 “(f) RELEASE UPON AN ORDER GRANTING RELIEF
17 FROM REMOVAL.—The Secretary of Homeland Security—

18 “(1) shall immediately release an alien with re-
19 spect to whom an immigration judge has entered an
20 order providing for relief from removal, including an
21 order granting asylum, or providing for withholding,
22 deferral, or cancellation of removal, which order is
23 pending appeal, upon the entry of the order; and

24 “(2) may impose only reasonable conditions on
25 such alien’s release from custody.

1 “(g) ALTERNATIVES TO DETENTION.—

2 “(1) IN GENERAL.—The Secretary of Homeland
3 Security—

4 “(A) shall establish programs that provide
5 alternatives to detaining aliens, which shall
6 offer a continuum of supervision mechanisms
7 and options, including community-based super-
8 vision programs and community support; and

9 “(B) may contract with nongovernmental
10 community-based organizations to provide pro-
11 grams, which may include case management
12 services, appearance assistance services, and
13 screenings of aliens who have been detained.

14 “(2) INDIVIDUALIZED DETERMINATION RE-
15 QUIRED.—

16 “(A) IN GENERAL.—In determining wheth-
17 er to order an alien to participate in a program
18 under this subsection, the Secretary of Home-
19 land Security, or the immigration judge, as ap-
20 propriate shall make an individualized deter-
21 mination to determine the appropriate level of
22 supervision for the alien.

23 “(B) EXEMPTION.—Participation in a pro-
24 gram under this subsection may not be ordered
25 for an alien for whom it is determined that re-

1 lease on reasonable bond or recognizance will
2 reasonably ensure the appearance of the alien
3 as required and the safety of any other person
4 and the community.”.

5 (b) PROBABLE CAUSE HEARING.—Section 287(a)(2)
6 of the Immigration and Nationality Act (8 U.S.C.
7 1357(a)(2)) is amended by striking “but the alien arrested
8 shall be taken without unnecessary delay for examination
9 before an officer of the Service having authority to exam-
10 ine aliens as to their right to enter or remain in the United
11 States” and inserting “but the alien arrested shall be pro-
12 vided with a hearing before an immigration judge not later
13 than 48 hours after being taken into custody to determine
14 whether there is probable cause to believe that the alien
15 does not have the right to enter or remain in the United
16 States, which burden to establish probable cause shall be
17 on the Government”.

18 (c) MANDATORY DETENTION REPEALED.—The Im-
19 migration and Nationality Act (8 U.S.C. 1101 et seq.) is
20 amended—

21 (1) in section 235(b)—

22 (A) in paragraph (1)(B)—

23 (i) in clause (ii), by striking “de-
24 tained” and inserting “referred”; and

1 (ii) in clause (iii), by striking sub-
2 clause (IV); and

3 (B) in paragraph (2)(A), by striking “de-
4 tained” and inserting “referred”;

5 (2) in section 236, by striking subsection (c);

6 (3) by striking section 236A;

7 (4) in section 238(a)(2), by striking “pursuant
8 to section 236(c)”;

9 (5) in section 506(a)(2)—

10 (A) by amending the paragraph heading to
11 read as follows: “RELEASE HEARING FOR
12 ALIENS DETAINED”; and

13 (B) in subclause (A)—

14 (i) in the matter preceding clause (i),
15 by striking “lawfully admitted for perma-
16 nent residence”;

17 (ii) by striking clause (i); and

18 (iii) by redesignating clauses (ii) and

19 (iii) as clauses (i) and (ii), respectively.

20 (d) ALIENS ORDERED REMOVED.—Section 241(a) of
21 the Immigration and Nationality Act (8 U.S.C. 1231(a))
22 is amended—

23 (1) in paragraph (1), by striking “90 days”
24 each place it appears and inserting “60 days”;

1 (2) by amending paragraph (2) to read as fol-
2 lows:

3 “(2) INITIAL CUSTODY REDETERMINATION
4 HEARING.—

5 “(A) IN GENERAL.—Not later than 72
6 hours after the entry of a final administrative
7 order of removal, the alien ordered removed
8 shall be provided with a custody redetermina-
9 tion hearing before an immigration judge.

10 “(B) PRESUMPTION OF DETENTION.—For
11 purposes of the hearing under subparagraph
12 (A), the alien shall be detained during the re-
13 moval period unless the alien can show by clear
14 and convincing evidence that the alien’s removal
15 is not reasonably foreseeable and that the alien
16 does not pose a risk to the safety of any indi-
17 vidual or to the community.”;

18 (3) in paragraph (3)—

19 (A) in the heading, by striking “90-DAY”
20 and inserting “60-DAY”; and

21 (B) in the matter preceding subparagraph
22 (A), by striking “the alien, pending removal,
23 shall be subject to supervision under” and in-
24 serting the following: “except as provided in
25 paragraph (6), any alien who has been detained

1 during the removal period shall be released
2 from custody, pending removal, subject to indi-
3 vidualized supervision requirements in accord-
4 ance with”; and

5 (4) by striking paragraphs (6) and (7) and in-
6 serting the following:

7 “(6) SUBSEQUENT CUSTODY REDETERMINA-
8 TION HEARINGS.—

9 “(A) IN GENERAL.—The Government may
10 request a subsequent redetermination hearing
11 before an immigration judge seeking continued
12 detention for an alien ordered to be detained
13 pursuant to paragraph (2) who has not been re-
14 moved within the removal period.

15 “(B) STANDARD.—An alien may only be
16 detained after the removal period upon a show-
17 ing by the Government that—

18 “(i) the alien’s removal is reasonably
19 foreseeable; or

20 “(ii) the alien poses a risk to the safe-
21 ty of an individual or the community,
22 which may only be established based on
23 credible and individualized information
24 that establishes objective risk factors, and
25 may not be established based only on the

1 fact that the alien has been charged with
2 or is suspected of a crime.

3 “(C) PERIOD OF DETENTION.—An alien
4 may not be detained pursuant to an order
5 under this paragraph for longer than a 60-day
6 period. The Government may seek subsequent
7 redetermination hearings under this paragraph
8 in order to continue detaining an alien beyond
9 each such 60-day period.”.

○