

For a Mentally Ill Immigrant, a Path Clears Out of the Dark Maze of Detention

By NINA BERNSTEIN

Holding tight to her sister's hand in the bustling streets of New York's Chinatown last week, Xiu Ping Jiang looked a little dazed, like someone who has stepped from a dark, windowless place into a sunny afternoon.

In a sense, she has. For a year and a half Ms. Jiang, a waitress with no criminal record and a history of attempted suicide, was locked away in an immigration jail in Florida. Often in solitary confinement, she sank ever deeper into mental illness, relatives say, not eating for days, or vomiting after meals for fear of being poisoned.

With no lawyer to plead for asylum on her behalf, she had been ordered to be deported to her native China, from which her family says she fled in 1985 after being forcibly sterilized at age 20. Too ill to obtain the travel documents needed for the deportation to take place, she was trapped in an immigration limbo: a fate that detention advocates say is common to a system that has no rules for detaining immigrant competitors and no obligation to provide anyone with legal representation.

Then, through a fluke, her case came to the attention of The New York Times, which published an article on May 4 about her ordeal and the efforts of her sisters in New York to help her. An immigration judge in Florida reopened the case.

Now Ms. Jiang, 36, is free on bail, living in Brooklyn with her older sister, Yun, a United States citizen, and receiving the medical and psychiatric help she needs while awaiting a fresh immigration hearing close to home — this time with a lawyer. And her case is being held up as an example of the system's worst and best approaches toward the mentally ill, as advocates press the Obama administration for change.

If immigration courts were required to offer the same basic protections for the mentally disabled as any other court, advocates say, Ms. Jiang's prolonged

detention — which cost hundreds of thousands of dollars and put her life at risk — could have been avoided.

Hers is one of several cases cited in a 15-page letter to Attorney General Eric H. Holder Jr. that asks for such protections, including the appointment of counsel to anyone with a mental disability in deportation proceedings, and the appointment of guardians ad litem to speak on behalf of those found mentally incompetent. The letter, signed by 77 mental health experts, civil rights lawyers and immigration advocates around the country, was sent July 24, but not made public until Thursday.

The Justice Department has made no formal response, but Matthew A. Miller, a spokesman, said the department provided specialized training on handling the mentally ill at the annual conference of immigration judges last month.

Persons with mental disabilities face significant challenges in removal proceedings, and these cases also present substantial challenges for immigration courts, he said in an e-mail message. "We recognized our obligation in this regard, and we will continue to review how we can improve our efforts to provide due process and reasonable accommodation."

Sunita Patel, a lawyer at the Center for Constitutional Rights who signed the letter, said such training was a positive step, but insufficient.

"As Ms. Jiang's case demonstrates," she said, "these difficult cases require all of the proposed protections. And change should happen fast, before more people with mental disabilities disappear into the detention maze."

Ms. Jiang was held at the Glades County Detention Center in December 2007, after immigration agents stopped her at a Greyhound bus station in West Palm Beach, Fla., where she was traveling to a restaurant job. She had no immigration papers.

At her first brief hearing, the immigration judge, Rex J. Ford, issued an order of deportation from a window showed she was a

flight risk.

On July 17, she went home to Brooklyn with her sister Yun, 38. "But she was too scared," the sister recalled. "I had to bring her to the hospital." — Bellevue Hospital Center, which has treated immigrants regardless of their ability to pay since 1736.

There, after 17 days as a voluntary psychiatric inpatient, she was visibly on the mend when a reporter visited on Aug. 3. Her cheeks were round.

Only months before, when her older sister had visited her in the Florida jail, she had been disoriented and incoherent, had scratched her face and refused to speak to her, the sister said. Now she added, laughing, "She calls me on the phone, and says, 'Visit and bring me some food!'"

That afternoon, the older sister had brought a feast culled from fruit stands and Chinese restaurants: melon, bags of peaches, sticky rice wrapped in banana leaves, noodles with duck, even

a second operation on her neck until her emotional state was more stable, her sister said. Meanwhile, she does simple chores in the restaurant where her sister is a cashier: cutting broccoli, watching the employees' children.

"When they locked me up, I was very cold," she said softly through an interpreter. "I asked for a blanket, but they didn't give me one. It was dark. I got scared, so I think I went crazy."

Her reason for jumping from a detention center window? "I wanted to stay in the United States," she said. "I like the United States. China had the sterilization — nothing is good."

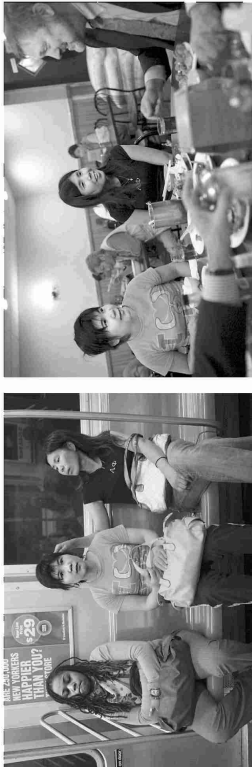
Her sister eyed her anxiously. "Whenever she talks about the past, her hands start to tremble and she gets this faraway look in her eyes," she said.

Since her discharge from Bellevue in August, Ms. Jiang has been receiving weekly treatment. Doctors recommended delaying

Freed on bail, a woman at last gets needed medical and psychiatric help.
Awaiting a fresh hearing, this time with a lawyer to plead for asylum.



Xiu Ping Jiang, right, with her sister, Yun, in Chinatown. Ms. Jiang, 36, was released from a detention center in July after spending more than a year in custody.



At left, Ms. Jiang, center, with Yun on the subway to Brooklyn, and at right, the sisters with Ms. Jiang's lawyer, Theodore Cox, at a restaurant in Chinatown.