

Spirituality and the Immigration and Naturalization Service Conceptualizing the Counseling of Detainees

Avi Spiegel

WHEN THE U.S. GOVERNMENT made the dramatic move of sending in a Muslim cleric, Navy Lt. Abuhena Mohammad Saiful-Islam, to minister to the now infamous group of alleged Taliban and Al-Qaeda members being held at Guantanamo Bay, religious groups active in refugee resettlement were almost unanimous in their praise (see Perry 2002). While those detained were military prisoners—not refugees—the symbolism of the government’s action transcended even legal definitions.¹ For years, religious groups had been proclaiming that the “unmet spiritual needs of refugees” held in detention represented a “serious health threat” (Kemp 2001).

To the surprise of some, the Immigration and Naturalization Service (INS)—the government agency responsible for the enforcement of U.S. immigration laws—now agrees. Under standards published by the INS in November 2000, all INS detainees now have the right to—what the government terms—a “spiritual advisor” (see INS 2001).²

This paper examines the attempts of one Boston organization to design and implement a training regimen to prepare individuals to fill such a role. This program, called the “Interfaith Spiritual Care Givers for Detainees” of the Refugee Immigration Ministry, was soon chosen as the national model for all spiritual counseling of INS detainees. I ask: How—and by whom—is spirituality here constructed? More specifically, I explore how spirituality, in the context of the spiritual counseling of INS detainees, is construed as a healing force. In the first section of the paper, I look specifically at the role of the Refugee Immigration Ministry and focus on how its training program became the model for the nationwide spiritual counseling of detainees. This section is labeled “The Spiritual Door” (connoting the way in which these counselors gain entry into INS facilities). In the second part of the paper, “Constructing Spirituality,” I consider the specific training of the interfaith spiritual care givers, analyzing the contents of the training and its participants. The findings of this section derive from over

forty hours of participant observation of the training and close analysis of training texts and materials.³ The paper concludes by conceptualizing the link between these two sections. That is, I explore the dichotomous relationship that emerges between advocacy/religion (on the one hand) and healing/spirituality (on the other). Indeed, we will see that the way in which this group was allowed entry into INS facilities—via what I call the spiritual door—has direct bearing on the ways in which the group came to construct spirituality.

I chose to focus my research on questions of spirituality and spiritual care giving, because I felt then, as I do even more now, that there is something at work in American society at large, something spiraling beyond our control that must be noticed and, indeed, observed up close. This something, of course, is called “spirituality.” I believed that this project, set all the while in the context of the “spiritual” counseling of non-Western refugees, would offer a particularly fascinating glimpse into what is commonly referred to as “spirituality.” As scholars around the country attempt to isolate this trend and formulate working definitions of “spirituality,” this group might offer an instructive example—both to scholars of religion and to other religious groups seeking to construct their own model.

The Spiritual Door

The goal of the training for the “Interfaith Spiritual Care Givers” program administered by the Refugee Immigration Ministry was to equip the trainees with the necessary skills to offer “spiritual care” to detainees currently held in INS facilities. The training certifies those attending and allows them access to certain INS detention facilities. The program is now operating nationwide on a provisional basis and has been chosen by the INS as the model for which all “spiritual care giving” of INS detainees will be based.

The INS detainee population includes: those who were detained after entering the United States illegally; those waiting to be considered for refugee or

asylum status; and those picked up on minor immigration charges. With their mandate growing, the INS can “detain almost every person believed to be present in the U.S. in violation of current laws” (Detention Watch Network 1999). The detainees represent a stunning array of nationalities, ethnicities, and, indeed, religious backgrounds.⁴ A main rationale behind this training, I was often told, was the shortage of adequate clergy available from the detainees’ different faiths. There must be some way, this group reasoned, to attend to detainees’ spiritual needs, without being familiar with or being a member of their specific religious community.⁵ These attempts to construct spirituality—and, in the process, to construct a new spiritual community for these immigrants—provide us with a fascinating glimpse into how the American government, in coordination with American religious groups attempts to construct spirituality in our new pluralistic society (specifically in the diverse world of INS detention centers). Indeed, one would be hard-pressed to find a more representative, or at least concentrated, example of this pluralism: the nation’s immigration detention centers, where American-trained spiritual counselors approved by American government regulation now minister to—and seek to heal the wounds of trauma of—refugees from the world over.⁶

The INS regulations governing the spiritual care of detainees are official standards, not mandatory law. That is, 1) each detention facility has a great deal of discretion in implementing these standards; and 2) the INS undertook these changes voluntarily (INS 2001, e.g., “The standards articulate the Immigration and Naturalization Service [INS] *expectations* applicable to every facility housing INS detainees” [emphasis added]). As one religious group notes, “These do not have the power of law, but hopefully, INS district offices will follow these standards” (Refugee and Immigration Ministries Homeland Ministries 2000). While pragmatic concerns remained, the message propagated by the INS policy shift did not go unnoticed. Father Rick Ryscavage of the Jesuit Refugee Service, for example, maintained that the standards “have been made more flexible and state that special attention can be paid to special groups and open the door to non-ordained spiritual counseling that is to apply to all facilities” (Maruskin 2001).⁷

While volunteer spiritual counselors were now permissible under the new INS regulations, the INS could not supply or fund such initiatives itself (see n. 4). National religious organizations and local churches soon rallied to fill this role and cater to the

spiritual needs of detainees. Pleas for assistance soon began appearing in organizational newsletters and journals (see, e.g., United Methodist Church Newsletter; United Church News; Homeland Ministries).

One of the first questions which faces any religious organization seeking entry into INS facilities is: Would the INS allow them access into their detention facilities? As a student of both law and religion, I was especially interested in how an outside religious group would navigate entry into a government facility. There are three ways to be granted access to an INS detention facility. The three ways in the door, we were told, are the medical, the legal, and, now (as a result of the 2000 INS regulations), the spiritual.⁸

The actions of prior religious groups at INS detention facilities may provide a telling window into the kinds of religious activity the INS would *not* allow. In an English-language course offered by a volunteer from the Jesuit Refugee Service, the volunteer teacher gave detainees an assignment to write about “what they’d like to see different about detention” (Crawford 2000). The volunteer had also “mentioned an upcoming immigrant advocacy meeting.” In a separate occasion, a Bible study course led by volunteers also included discussion of detention; in this case the conversation was based around Matthew 25, “a passage that discussed welcoming strangers and visiting those in prison.” The day following this Bible study session, the INS banned the religious volunteers from the detention centers (Crawford 2000). According to one volunteer, “The INS officials . . . found the passage objectionable” (Llorente 1999). According to the *Bergen Record*, “In these cases, the INS claimed that the groups violated an agreement they had made with the INS which prohibited them from ‘discussing detention issues with the detainees’” (see Llorente 1999; U.S. Committee For Refugees 1999). These same volunteers would routinely protest in front of the facilities they were entering, and one of the volunteers active in these efforts was later awarded a prestigious human rights award for his work (Reebok 2001).

Incidents like these may have prompted the INS to rethink the way they allowed these volunteers into their facilities and may have given rise, in many ways, to the “spiritual care givers” program. According to one account of the classes, “the INS suspended . . . the English classes and religious programs, saying that they inspired a false hope among the refugees and could pose a ‘security risk’ if the detainees learned how to demand their rights”

(Forefront 2000). According to Reebok, the INS felt that interactions with religious volunteers “could prove to be ‘subversive’ if the detainees learned how to demand their rights (Reebok 2001). An INS spokesperson stated that programs such as the one described above “was initiated to provide detainees with a positive outlet for their energies that would not deal with detention issues. . . . Jesuit Refugee Service broke the covenant.” The spokesperson went on to say that the INS “has no objection to . . . any Bible passage and does not seek to censor them. We only request that detention issues not be included in the lesson plans” (Llorente 1999).

In short, it remains clear that the INS will not allow anyone access to their detention centers under the rubric of spiritual counseling if they engage in advocacy-related behavior. That is, spiritual counselors cannot demonstrate, march, or protest in front of INS facilities. They cannot offer the detainee legal information, discuss their political situations, or apprise them of their rights in any way. Yes, the detainees would be allowed some spiritual care, but the question soon centered around who could offer this care—and what this care would look like.

With funding from foundations, religious congregations, and individuals, the Refugee Immigration Ministry opened its doors in 1984 as a nonprofit organization charged with administering to the needs of the refugee community in Boston. Their mission: To serve the needs of asylum seekers and those detained by the U.S. Immigration and Naturalization Service through social services, spiritual care, and advocacy. If one could divide the world of refugee spiritual counseling into two ideological camps, there would be those who wish simply to provide “spiritual care” and those who wish to combine this care with advocacy. The Refugee Immigration Ministry surely would belong to the former; they engage in no advocacy.⁹

Advocacy, here, does not entail measures that might include such care giving as speaking with an INS official about getting a toothbrush for the detainee being spiritually counseled. But the advocacy—beyond this very personal sort of assistance—would stop there. Prospective interfaith spiritual care givers are asked to sign a waiver stipulating that they will: “avoid questions about the legal process”; “never handle inmate complaints about the prison facility directly,” for this could “limit access to the whole program, and is very upsetting to the prison program.” In addition, spiritual care givers cannot “carry anything into or out of a prison facility” and they cannot “proselytize” (see “Con-

fidentiality Policy,” Refugee Immigration Ministry 2002, 7; hereafter, Training Manual).

The people who attended this training were there for different reasons, but all had one motive in common: they were there to gain entry to detention facilities through the “spiritual door.” Yet, among this group, there are those who wish simply to provide “spiritual care,” and there are those who wish to combine this care with advocacy.

Some who wished to use their role to advocate were inspired by what they saw as unacceptable conditions at these facilities. They sought to protest the treatment of detainees and the laws regulating their detention and release. Many were especially moved by the events following 9/11 and what they viewed as anti-immigrant and specifically anti-Muslim action by the INS.

But, the Refugee Immigration Ministry also had reasons of its own for this kind of compartmentalization (between advocacy and spiritual care). Its tenets dictate not only that the detainees should receive spiritual care, but that the INS officials, including the correctional officers, deserved and, indeed, required such care. The point would be made many times that the spiritual care givers would be helping the detainees by helping their overseers. In other words, they were treating the INS officials as if they themselves had gone through a trauma.

This group will weed out all those who will not be able to contain their need to advocate. In addition, the group holds that all spiritual care givers be on a “spiritual journey” of their own. That is, they must be secure with the role of faith in their lives. In short, just as they must be secure emotionally, they must also be secure “spiritually.”¹⁰ In this regard, I will now consider how “spirituality” is constructed in this context.

Constructing Spirituality

In order to examine how spirituality is constructed here, I will first look at how spirituality functions in relation—and in opposition—to religion and advocacy. One aspect of the training offers a telling example of this dichotomy. The spiritual care givers are trained to respect a right brain/left brain divide. They are told that they will be utilizing the “right side of their brain.” “While the left side of the brain serves to think, analyze, employ syntax, read and reason, the right side is responsible for sensory emotional nuances, visual-spatial and intuitive capacity, and non-verbal skills.” This right side is what “helps us overcome trauma.” “The right side,” we are told, “is the spiritual side.”

This model put forth by the training posits that spirituality seeks to help detainees heal from trauma because it serves to forge an *emotional* connection that emphasizes—and detaches—the *general over the particular* and the *emotional over the intellectual*. As a result, spirituality as a healing force is disentangled from (and, indeed, stands in opposition to) religion and advocacy.

The Spiritual as the Emotional

Spiritual counselors attempt to heal detainees from trauma by forming a “spiritual connection” with detainees—a sort of community of emotions. In this new community, emotion trumps any particular religion. The “primary role” of these spiritual counselors is to be part of a “Ministry of Listening.”¹¹ In this capacity, its members offer “companionship,” “love,” and “support” (Training Manual, e.g., “You will be a compassionate listener,” 9). The “only way to help” detainees is “to listen. . . . Detainees are lonely, rejected, exhausted, suffered trauma.” In short, “Awareness of one’s own feelings is the first component of good spiritual care” (11).¹²

Hope. The spiritual care givers are told that they will offer detainees hope. “Think about the hope you offer them—it is like praying for someone who is sick in a hospital—you are praying for them and helping them heal from their trauma.” The spiritual care giver is “there for detainee as a caring person.” The training manual reads, “Spiritual care givers offer an opportunity for a detained person to relate to someone who treats him or her with dignity. This can be healing and it can offer hope” (11).

Friendship/Companionship. Trainees are told that their visit to a detainee will provide “a boost in morale, friendship, smiling face, time to put worries on shelf and chat with someone, and an important source of hope in otherwise windowless world.” The role of the spiritual care giver is “to show that the detainee is not forgotten.” “To care and to accept are to love, so listening is an act of love” (15). The Training Manual offers this admonition: “In contemporary urban society, where relationships between people seem to be growing ever more impersonal and dehumanized, there is great need for the ministry of listening. Indeed, refugees who come here from a rural, community centered society often remind us of the value of fellowship and community” (15).

God’s Companionship. Emotional companionship is often subtly linked to conceptions of God, for when

the spiritual care giver tells the detainee that they are not alone, underlying these notions are that God is there with them. Inherent in this kind of support and counseling is relaying the notion and belief that God is there for the detainees. “The dignity of each person is rooted in the fact that persons individually and as a group reflect the image of God” (20). One trainee advised: “Show them the world hasn’t forgotten about them. Ask them about how their God hasn’t forgotten them. Tell them: ‘God loves you; God hasn’t forgotten you.’” The “language of hope is the language of the spirit.” “When someone shares their deepest personal feelings, you are on holy ground. It is as if you should take off your shoes. You are fellow pilgrims.” (See also p. 44, e.g., “The frequent questions is: ‘Why is God doing this to me?’ They have a right to ask this question. But it cannot be heard unless someone listens.”)

Prayer. “Pray for them; intercede for them.” “God will do for them, what I desire for them.” “You will continue to pray for them that they might make their way to their God—greatest tragedy is not to know God.” “We can’t solve all problems but we can pray.” One trainee advises detainees to: “Cast your burden on the lord and he shall relieve you.”¹³

Spirituality as General, Not Particular

As we have seen, particular religious rules and doctrines are subordinated and often put aside in favor of emotional, nonverbal ties with the detainees, including providing companionship (community), love, listening skills, and hope. Spirituality, here, is constructed as a sort of “Oceanic Feeling” (to borrow a phrase from the French critic Romain Rolland)¹⁴ where everyone and everything falls under a rubric of generality and limitlessness (see Freud 1929).¹⁵ In this milieu, boundaries disintegrate: nobody preaches or proselytizes a specific religious faith; nobody advocates for specific causes or individuals; and political distinctions no longer matter: alas, guards are treated the same as detainees. This nondualistic outlook surely does not allow for advocacy, since advocacy (like religion in many ways) requires particular doctrines, or at least particular stances. In another paper in this collection, my colleague Jennifer Hollis alludes to the construction of spirituality in hospital chapels (Hollis, “Lotus Flowers and Rose Windows: A Season of Visits to Hospital Chapels”). There, in some cases, chapels attempt to create an interfaith space by piling as many religious symbols as possible under one roof; here, alas, the opposite occurs: religious sym-

bols disappear and spirituality is constructed by removing all particularized aspects of religion.

Such a general construction of spirituality also, of course, serves practical functions. 1) It allows spiritual care givers to offer spiritual care to detainees of very different faith backgrounds. 2) It creates a bridge across the religious communities of the care givers themselves (and thus, in many ways, enables interfaith work). 3) It allows care to be practiced and administered by volunteer, lay counselors (that is, those who are not professionally trained chaplains). 4) And, of course, it eases entry into government-controlled INS detention centers.

At the same time, spirituality at the Refugee Immigration Ministry could not exist without its religious undercurrent. Belief in God and prayer is fundamental. The spiritual care givers all happen to be deeply religiously affiliated and must themselves be on "spiritual journeys." The model that emerges here is unique from notions of spirituality at work within religious faiths (i.e., Charismatic Catholics) and unique from spirituality that is separate from any religious faith (i.e., New Age movements). Spirituality, here, may embody a new middle ground. It is disentangled from religion, enough, that is, to gain entry to the INS and enough to be interfaith. Yet religion and religious affiliation is not completely separate here from spirituality; religions still hang on by a thread woven throughout.

Thus, we have seen here the difficulties of crossing both the church/state and the interfaith divides. The spiritual care givers are asked to provide care and offer hope and spiritual backing, but not to advocate. Partly because of the difficulties in locating counselors for this diverse group of detainees, they offer a general, religiously inspired spirituality, which is, at the same time, not connected to particular religious doctrine. In order to satisfy an angst-ridden and guarded INS, spiritual care givers are trained to offer emotional support without becoming attached to specific individuals, religions, or political causes. By entering the INS detention centers through the *spiritual door*, these care givers become attached only to their constructions of spirituality.

Notes

1. For the U.S. Government definition of refugee, see the U.S. State Department Fact Sheet, "Who Is a Refugee." According to the State Department: "The basic international law definition of a refugee in the 1951 UN Convention Relating to the Status of Refugees defines a refugee as a person who is outside his/her country and is

unable or unwilling to return to that country because of a well-founded fear that she/he will be persecuted because of race, religion, nationality, political opinion, or membership in a particular social group. This definition excludes persons displaced by natural disasters or persons who, although displaced, have not crossed an international border. Also excluded are persons commonly known as 'economic migrants', whose primary reason for flight has been a desire for personal betterment rather than persecution per se."

2. See specifically the section "Religious Practices" in the INS *Detention Operations Manual*. The term "spiritual advisor" is first used on page 3 under the section labeled "Community Involvement (Contractors, Volunteers)." The standards themselves are dated September 20, 2000. The INS publicly announced their release on November 13, 2000 (see INS 2000).

3. I would like to thank the Refugee Immigration Ministry for opening its doors to me. They were incredibly generous while allowing me to learn of the important work they perform. I would also like to thank the countless number of professionals (it would be impossible to name them all) in the fields of law, refugee resettlement, immigrant mental health, and chaplaincy who helped inform this work. I am particularly indebted to the International Institute of Boston and Mojdeh Rohani for initially directing me to the Refugee Immigration Ministry. I would especially like to thank Dr. Susan Sered of Harvard Divinity School and Michael Cohen, esq., of Harvard Medical School for their invaluable advice and counsel throughout this process.

4. The most recent statistics released by the INS show that in the year 1998, for example, 133,000 foreigners entered the United States as "refugees." The ten countries most represented by the refugee population arriving in the year 2000 include: Bosnia-Herzegovina, the former Soviet Union, Somalia, Iran, Vietnam, Sudan, Cuba, Iraq, Croatia, and Liberia. According to the INS and National Immigration Forum's *Immigration Policy Handbook for 2002*, 75 percent of all immigrants are in the United States legally. As of March 2000, 10.4 percent of the U.S. population was foreign-born (see national Immigration Forum 2002).

5. More pragmatic reasons, of course, also existed. According to the Christian Social Action group of the United Methodist Church's General Board of Church and Society: "The INS is now looking to the religious community to provide for chaplaincy on a much broader level. . . . Without a budget to hire permanent staff or even to contract services, the agency (the INS) is looking for volunteer arrangements" (United Church News 2000). With the release of the new standards, supply and demand seemed at odds. With the number of detainees growing rapidly, the INS needed someone or some group to fill this void. Yet, as we will see later, the INS would not allow just any religious group into its facilities.

6. The numbers of individuals being held in detention is growing rapidly. According to the Detention Watch Network, immigration detention is the "fastest growing incarceration program in the United States." Detention

Watch claims that the INS's detention capacity was 6,259 beds in 1992. The number grew to 13,600 by the end of 1997, and it is currently estimated at around 24,000 (Detention Watch Network 1999). In terms of individuals, it is estimated that the INS currently detains approximately 302,000 people.

7. In a separate project, I will critically examine INS rules and regulations governing the spiritual care and religious life of detainees and seek to explore, from both a legal and a theological perspective, how the INS has constructed spirituality. I will examine legal precedent and government definitions of spirituality and religion. I will explore ramifications of these constructions and definitions on both the law and religion.

8. See also Refugee Immigration Ministry 2002, 10: "You will be in prison as a spiritual presence."

9. The Refugee Immigration Ministry outlines its training and site standards in its Training Manual, making clear that all spiritual care givers must "Not participate in advocacy efforts in the same community where they are spiritual care givers." In addition, they "must be willing to work with all faiths" (8).

10. The training backs up this notion of the spiritual journey by framing it in psychological terms. "As Carl Jung has pointed out, again and again, an analyst can bring his patients no further than he has gone himself" (Training Manual, 46).

11. It is relevant to keep in mind, here, that even listening skills are governed by the group's strict no-advocacy policy. In a section labeled "Secondary Trauma," the training handbook instructs trainees that "A spiritual care giver is there for the detainee as a caring person. The only way to learn about the hope of a refugee is to listen. . . . This is our primary role as spiritual care givers." The next paragraph reminds the trainee of the parameters: "Avoid discussion of the detainee's case. For certain, it is important to listen, allow him or her to ventilate feelings and for you to be validating. However, discussion of the legal case should be referred to a lawyer. Never discuss the case with detention officials" (See "Secondary Trauma," Training Manual, 44).

12. This section includes quotations from the Refugee Immigration Ministry Training Manual and the training itself. References from the Training Manual are followed by page numbers.

13. The Training Manual does recognize that prayer may be used in the spiritual care giving, but that the detainee must be the one who introduces it or requests it (see Training Manual, 10: "You may share spiritual readings or prayer if the client requests it"). Significantly, this warning is included in a paragraph that lists specific things in which a spiritual care giver should not engage.

14. I first came across Rolland's term in Freud's *Civilization and Its Discontents*. Freud, recounting his correspondence with his friend, ultimately dismisses this "Ocean Feeling"—in faithful Freudian style—in psychoanalytic terms and attributes it largely to infantile narcissism. (Significantly, it is not that Freud discounts the existence of such a feeling altogether; he merely does not believe that it substantiates an inherent religiosity or even

spirituality.) What fascinates me is that a term that originated in the early part of the twentieth century to describe one individual's inner rationale for the existence of certain religious feelings might very well describe spirituality in a larger sociological framework. In attempting to pin down a specific construction of spirituality, Rolland's term is especially useful because it stresses the inner (possibly universal) emotional aspect of spirituality. Yet, in attempting to explain it, Rolland still frames much of his language in religious terms (see Freud 1929).

15. An instructive reification of Rolland's notion might be found in a famous Hindu story (not coincidentally, perhaps, Rolland himself was a scholar of Hinduism). The psychoanalyst and author Sudhir Kakar recounts the story of the "salt doll," wherein one enters an ocean of saltwater holding a doll composed completely of salt. What then happens to the doll upon submersion? Does it disappear in the midst of the ocean or does it maintain its form yet simply remain untraceable? (Kakar 1991). For Rolland, this story could signify how, alas, everything is part of the same whole. That is, in the current construction of spirituality examined here, the spirituality or the "oceanic feeling" transcends—and makes it somewhat difficult to discern—particular religious doctrine, and, as a result, applies to a universal emotional sensation. The individuals active in this counseling, the group would argue, are especially connected to these feelings by being in touch with the role of religion and faith in their lives—they are, indeed, required to be on "spiritual journeys."

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