

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a bold, serif font, centered between two horizontal blue bars.

NEW YORK  
CITY BAR

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August 20, 2014

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

**Re: Denial of Access to Counsel and Fair Hearings for Immigrant Mothers and Children Detained in Artesia, New Mexico**

Dear President Obama:

The New York City Bar Association (the “City Bar”) and its Committee on Immigration and Nationality Law write to express our serious concern about reported denials of due process and access to counsel for immigrant mothers and children detained at the Federal Law Enforcement Training Center in Artesia, New Mexico. We urge the Administration to take immediate action to ensure that these families, many of whom have fled persecution and extreme violence in their home countries, are afforded fundamentally fair hearings that comply with U.S. and international law, rather than being detained and processed rapidly for deportation without the fair procedures necessary to determine whether they are entitled to protection in the United States.

The City Bar has a longstanding commitment to promoting the fair and effective administration of justice, including in the immigration system. Our Committee has deep knowledge of issues affecting women, children, and asylum seekers in removal proceedings. Our Chair, Professor Lenni Benson, is the Director of New York Law School’s Safe Passage Project, which works with volunteer attorneys to provide pro bono representation to unaccompanied immigrant children and has worked in immigration law for more than thirty years. Collectively, our members have many years of experience in providing pro bono representation to immigrant children and in representing asylum seekers and survivors of domestic violence. Our members include private counsel who practice in this field, and scholars and attorneys who have served in prominent non-governmental organizations dedicated to protecting human and civil rights. In addition, our City Bar Justice Center has long provided direct assistance to those seeking asylum, and also addresses immigration issues affecting immigrant women and children, including victims of human trafficking and domestic violence.

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK  
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DHS-011-000001

In light of the experiences of families currently detained at Artesia and the well-documented history of inhumane treatment of families detained at the T. Don Hutto Residential Center<sup>1</sup>, the City Bar strongly believes that DHS should reconsider its decision to categorically detain arriving immigrant mothers and children. The City Bar is particularly concerned by repeated and credible reports of the following problems described by non-profit providers, *pro bono* volunteers from the American Immigration Lawyers Association (AILA), other attorneys who have been volunteering at the site, and members of the media:

**Phone access.** At the most basic level, lawyers have reported that the women and children detained at Artesia have extremely limited access to the cell phones used to call outside the facility and contact their lawyers, family members, or other individuals who can help them document their cases. Women have reported that they are allowed only very short calls with minimal privacy and are denied phone access if their children misbehave. Without access to telephones, these women and children are denied their right to be represented by counsel at no cost to the government,<sup>2</sup> and are unable to gather critical evidence to support their claims of justifiable fear of returning to their home countries.

**Presence of counsel.** On a large number of occasions, lawyers have reported being present at Artesia and trying diligently to see their clients while DHS or EOIR held interviews or court hearings without those lawyers. This is a serious violation of clients' statutory and regulatory right to be represented by counsel at no expense to the government.<sup>3</sup> This deprivation of counsel is particularly concerning given reports that DHS officers are (1) conducting unusually short credible fear interviews and asking traumatized, unrepresented immigrants with no legal training inappropriately technical questions such as "Are you a member of a particular social group, and if so which one?" and (2) conducting credible fear interviews and hearings in the presence of young children, a practice that causes mothers to be afraid or ashamed to fully disclose past violence, sexual assault, or death threats they or their children experienced. At a minimum, the court or asylum office should facilitate the availability of appropriate volunteers who would assist with childcare at the request of the mothers. Lawyers also reported that DHS no longer allows immigrants to wait for hearings with their lawyers, thereby cutting off important time for counsel to consult on their cases.

Attorney access to the facility is also critical to permit lawyers to identify those women and children who may be entitled to protection (for example, as asylees, as survivors of trafficking or domestic violence, or due to a risk of torture, abuse, neglect, or abandonment). EOIR and ICE must allow *pro bono* attorneys a means to identify and assist unrepresented

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<sup>1</sup> The American Civil Liberties Union, the ACLU of Texas, and the University of Texas School of Law Immigration Clinic brought ten lawsuits challenging inhumane conditions of family detention at the T. Don Hutto Residential Center ("Hutto"). In 2007, the parties reached a detailed settlement requiring humane detention conditions. American Civil Liberties Union, ACLU Challenges Prison-Like Conditions at Hutto Detention Center, Mar. 6, 2007, available at [www.aclu.org/hutto](http://www.aclu.org/hutto). In 2009, as a result of this lawsuit, DHS stopped detaining families with children at Hutto and announced an end to its plans to create new family detention facilities. Nina Bernstein, U.S. to Reform Policy on Detention for Immigrants, N.Y. Times, Aug. 5, 2009, available at [www.nytimes.com/2009/08/06/us/politics/06detain.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2009/08/06/us/politics/06detain.html?pagewanted=all&_r=0).

<sup>2</sup> 8 U.S.C. § 1229a(4)(a); 8 C.F.R. § 1240.10(a)(1).

<sup>3</sup> *Id.*

women and children in advance of their credible fear interviews and hearings. As they have done in other settings, EOIR and DHS should provide *pro bono* counsel with advance copies of the court docket and credible fear interview schedules, with names and Alien numbers.

At the White House briefing on August 6, 2014, the government encouraged the private bar, nonprofits and corporations to step forward to aid in the representation of these individuals. In order for volunteer lawyers to provide this assistance, the government must afford them full access to families detained at Artesia, and full access to immigration proceedings at that location.

**Conduct of interviews and hearings, and ability of counsel to participate.** Lawyers report that the immigration court and asylum officers deciding cases at Artesia often fail to provide prior notice of hearings or interviews. They also report that the few individuals who have legal counsel are often brought to credible fear interviews or hearings without notice to their counsel, violating their right to be represented.<sup>4</sup> Given the long delays faced by attorneys trying to enter the facility, counsel must be notified well in advance of any scheduled interviews or court dates.

Moreover, even when attorneys are allowed into a credible fear hearing or court hearing, sometimes they are not allowed to represent their clients fully. For example, at times counsel have been sometimes barred from speaking on the record about certain topics. Such conduct would constitute another troubling violation of clients' right to be represented by counsel.

**Time to research and prepare cases with life-and-death stakes.** Lawyers report judges are allowing only about four to six weeks for complete preparation of asylum cases, even where more time is needed to obtain critical evidence. Asylum cases regularly require thorough documentation of country conditions, legal briefing on the theory of the case, and consultation with country and/or medical experts. The Supreme Court has explicitly noted how difficult it is for detained immigrants to collect evidence for their cases,<sup>5</sup> and the Board of Immigration Appeals has held that compliance with EOIR "case completion goals" is not a proper ground for denying continuances.<sup>6</sup> Since asylum seekers have the burden to prove a well-founded fear of persecution, it is essential that courts allow immigrants and their lawyers time to meet that burden through adequate preparation. Adequate preparation time is especially important given reports that immigrants have struggled to access the "law library," which contains limited computer resources but no books; to complete English asylum forms when they are native Spanish speakers; and to access their own property, which may contain essential documents for their cases.

**Reliance on videoconference hearings in sensitive asylum cases.** All court hearings at Artesia are being conducted by videoconference with judges from out of state. Video hearings make it extremely difficult for judges to assess credibility and understand the claims of the very stressed and often traumatized women seeking bond and asylum before the court. Video hearings also create an atmosphere of fear for the women and children who must testify about

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<sup>4</sup> Id.

<sup>5</sup> See *Moncrieffe v. Holder*, 133 S.Ct. 1678, 1690 (2013).

<sup>6</sup> *Matter of Hashmi*, 24 I&N Dec. 785, 793-94 (BIA 2009).

traumatic experiences. If the government insists on holding these mothers and children in a remote detention center, fully staffed by ICE agents, judges should be detailed there to conduct these important hearings in person.

**ICE categorically opposing release on bond regardless of whether a person poses any danger or flight risk.** Finally, we are deeply concerned that ICE counsel and immigration judges are categorically denying and opposing bond based upon the contention that the mothers and children at Artesia pose a national security threat. That assertion derives from former Attorney General Ashcroft's post-9/11 decision in *Matter of D-J-*, 23 I&N Dec. 572 (A.G. 2003). Denying bond to women and children seeking asylum on this categorical basis, rather than looking at whether each individual poses a danger or a flight risk, violates due process. The City Bar urges ICE to discontinue application of this unfair position and urges EOIR to ensure judges have true independence to apply bond criteria fairly.

## CONCLUSION

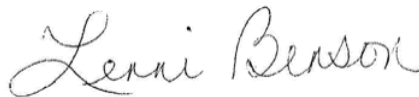
We believe that the United States can and must treat the families at Artesia humanely and fairly, in accordance with due process, the ICE 2011 Performance-Based National Detention Standards, and domestic and international law on the treatment of children and asylum seekers. The above reports raise serious concerns that we are falling short of our legal and moral obligations to these families.

Indeed, all of these due process concerns are separate and apart from reports that the mothers and children at Artesia are cold, under-nourished, and often sick, without meaningful access to mental health treatment, and that some mothers with valid asylum claims are so worried about the immediate health of their children that they are giving up and accepting deportation orders just to take their children out of detention. We respectfully and strongly urge the Administration to pause deportations of families, and to conduct individualized custody determinations for all women and children detained at Artesia or other family detention facilities. For all families, the Administration must ensure true access to justice, including access to counsel and fundamentally fair opportunities to seek release and safety in the United States.

Respectfully submitted,



Debra L. Raskin  
President



Professor Lenni B. Benson  
Chair, Immigration & Nationality Law Committee



Cc: Attorney General Eric H. Holder, U.S. Department of Justice  
Secretary Jeh Johnson, U.S. Department of Homeland Security  
Director Juan P. Osuna, Executive Office for Immigration Review  
Commissioner R. Gil Kerlikowske, U.S. Customs and Border Protection  
Principal Deputy Assistant Secretary Thomas S. Winkowski, U.S. Immigration and Customs Enforcement  
Director Leon Rodriguez, U.S. Citizenship and Immigration Services  
Associate Director Joseph Langlois, Refugee, Asylum and International Operations, U.S. Citizenship and Immigration Services  
Chief John Lafferty, Asylum Division, U.S. Citizenship and Immigration Services  
Public Advocate Andrew Lorenzen Strait, U.S. Immigration and Customs Enforcement  
Principal Legal Advisor Peter S. Vincent, U.S. Immigration and Customs Enforcement  
Field Office Director Katrina S. Kane, Phoenix Field Office, U.S. Immigration and Customs Enforcement  
Assistant Field Office Director Jon Gurule, U.S. Immigration and Customs Enforcement  
Phoenix Field Office  
Assistant Field Office Director Martin E. Zelenka, Phoenix Field Office, U.S. Immigration and Customs Enforcement  
Monitoring Team for *Reno v. Flores* Settlement:  
Carlos Holguín, General Counsel, Center for Human Rights and Constitutional Law  
Tamara Lange, Senior Attorney, National Center for Youth Law  
Rebecca Gudeman de Ortiz, Senior Attorney, National Center for Youth Law  
Francis Guzman, Soros Fellow, National Center for Youth Law  
Alice Bussiere, Staff Attorney, Youth Law Center

## Ongoing Attorney Access and Due Process Issues at Artesia (as of August 20, 2014)

### Facilitating Access to Counsel/Logistics:

- **The initial intake process should include a question as to whether residents either (1) have an attorney; or (2) would like to speak to an attorney.** The intake process does not currently include questions regarding right to counsel. A list of individuals who do not have an attorney but would like to speak to one should be provided to the LOP service provider (DMRS) so that they can be matched with a pro bono attorney.

*This is not happening as of yet, but the need for it has been greatly reduced as the volunteer attorneys (and detainees) have found work around systems to communicate their interest in speaking with a pro bono attorney. This includes boxes that have been put in the dorm rooms, word of mouth, access to attorneys while waiting for court proceedings due to the space issues, and the LOP. However, it would still be helpful if ICE gave DMRS the full list of detainees entering Artesia, particularly since ICE has told the volunteer attorneys that they may not distribute flyers to detainees with instructions on how to seek pro bono assistance.*

- **Need clear instructions for the admission of interpreters and paralegals to Artesia.** There has been no clear instruction from the facility as to whether interpreters and paralegals can accompany an attorney to facilitate communication and case preparation. Note: We understand and appreciate that at least one individual was admitted this morning (July 28, 2014) to assist an attorney, but clear guidelines must be issued.

*This has been resolved by our attorneys on the ground working with ICE staff. As of now, the volunteer attorneys have been able to bring in support staff including interpreters and paralegals.*

- **The process for attorney/LOP admission to Artesia must be streamlined and consistent.** The amount of time it takes for an attorney to gain admission to the facility varies wildly. It can take anywhere from 15 minutes to an hour or more (sometimes much more) for individuals to be admitted once they have arrived at the facility. As a result, LOP meetings are being cut drastically short and attorneys are missing interviews and hearings, even though they arrive 30 minutes or more prior to the scheduled event. This morning, a group of attorneys arrived at 6:45 am to accompany clients to 7:30 am credible fear interviews. The attorneys were advised that they would not be admitted until 8:00 am. After AILA called the facility, the attorneys were admitted, albeit late for the interviews.

*While this has greatly improved, it is by no means perfect. The attorneys still often wait long periods of time to either enter the facility and/or to have clients delivered to the law library. We have been assured by ICE that they are working on a separate entrance for the facility, but understand that as of today, that is not operational.*

- **The facility must provide at least two hours for each LOP presentation.** We have been informed that LOP presenters were delayed for approximately one hour at the Artesia gate and as a result, the normal two-hour LOP presentation was cut-off by facility staff after 20 minutes. If delays at the gate, a head count, or other facility scheduling issue conflicts with a prescheduled LOP presentation, two hours must still be provided.

*Following up with LOP provider, not sure if this is still an issue.*

- **Additional confidential spaces must be established for attorney meetings with detainees.** At present, we understand that 2-3 attorneys can be accommodated in the current visitation space, but this is not sufficient to meet the demand for legal services and the current space is partitioned with dividers that do not protect the confidentiality of attorney-client communications. Furthermore, residents and staff regularly come and go through these areas to access an adjoining room. Additional spaces must be established and such spaces must be sufficiently private so that confidentiality and the attorney-client privilege are not compromised. Attorneys must also have reasonable access to phones, fax, computers, Internet and a copy machine/scanner.

*ICE has been very accommodating in the use of electronics by our attorneys in the facility, which we greatly appreciate. However, the lack of adequate space to meet the demand for legal services continues to be an issue. Although ICE has provided additional tables and chairs, the physical space of the law library has not changed. This means that an ever growing number of attorney-client meetings are happening in a cramped, sometimes chaotic, and decidedly non-confidential environment. That being said, the attorneys have made the space work as best as they can.*

- **Attorneys must be able to interview clients without their children (or parent) present if needed.** The attorney frequently will need to elicit information from a parent that she does not wish the child to hear. Similarly, a child may have an independent basis for relief and needs to be able to speak candidly to the attorney.

*The last update that AILA received was that managed child care would be forthcoming, but was not yet available. We are checking with our attorneys on the ground for updates.*

- **Need clear instructions permitting attorneys to bring cell phones, laptops, and wifi hotspots into the facility.** Some attorneys have been told that they cannot bring their cell phones into the facility. This means, among other things, that attorneys are unable to call their offices or ICE or EOIR officers on the site if needed, and that pro bono attorneys who are not experts in the specific immigration issues that arise are unable to consult with volunteer mentors. Moreover, phones can be damaged from the extreme heat because they must be locked in enclosed automobiles. Attorneys must also have Internet access, either through their own wifi hotspots or through wifi at the facility. There needs to be improved access to technology at Artesia and clear guidelines must be provided.

*After initial problems and resistance by ICE, this was successfully negotiated at the local level.*

- **Attorneys must have a quick and reliable method for contacting their clients by telephone.** At present, attorneys who need to get in touch with their clients are instructed to call the main Artesia phone line and ask an ERO officer to give a message to their client and have the client call them back. If the attorney does not receive a call back, they are instructed to contact the Artesia ICE Office of Chief Counsel. That number often just rings and rings, with no answer. Given the difficulties accessing telephones, a better system must be created to allow attorneys to contact their clients by telephone.

*Access to clients by telephone, or vice versa, is still highly problematic. Because the AILA volunteer attorneys are in the facility, everyday workarounds have been developed. However, as*

*cases continue to merits hearings and more attorneys who are not physically present in Artesia continue with cases, this will be an ongoing issue.*

- **The ability to conduct video interviews should be established so that Artesia residents can meet remotely with pro bono lawyers.** This could be done through Skype or other technology and would greatly increase the pool of pro bono lawyers.

*This has not been discussed at the local level yet with ICE.*

- **Residents must have better access to telephones and the ability to make calls in private rooms.** At present, residents have access to cell phones which are carried by ICE officers. Though we are told access is unrestricted, residents report that they have been told they are allowed only one call per day, or they do not seem to understand that they may use the phone at any time. Moreover, residents may easily be intimidated by the prospect of asking for a cell phone from a law enforcement officer. Residents should have unrestricted access to telephones that are not in the personal possession of ICE officers and should be informed that they may use the phones at any time (including to call an attorney).

*We have been told that a phone system is in the process of being installed, and that detainees will be able to use these phones confidentiality. We were advised that it would take 2-3 weeks for the system to be in place but understand that it is not yet functioning.*

- **An Artesia-specific EOIR list of free legal services providers must be created and widely distributed.** At present, the only EOIR list of free legal services providers that is being circulated at Artesia is the El Paso list. The El Paso list consists of only three providers, one of which does not accept refugee or asylum cases. A revised list of Artesia-specific free legal services providers must be created and widely distributed. The list must be provided to Artesia residents prior to the credible fear interview and at the time a negative credible fear finding is communicated to the resident. The list should also be posted in common areas and in the individual dormitories. The list should include the following language in both Spanish and English: "Free legal services may be available."

*We have not heard of any movement to expand the free legal service provider list offered to Artesia detainees.*

- **The law library should have printed pro se legal information and preparation materials in Spanish.** The Florence Project and other nonprofit legal service organizations have developed these materials already. Access to Lexis/Nexis alone is insufficient.

- *This has not happened.*

#### **Necessary Steps to Ensure Adequate Due Process Protections**

- **Artesia residents must have meaningful opportunities to obtain counsel.** Nobody should be removed unless and until they are afforded an opportunity to attend an LOP presentation and have an individualized consultation with the LOP provider or other legal service provider, where the right to claim fear (and the process for doing so) is explained and facilitated, if needed. The KYR video that residents view during the intake process, by itself, is inadequate. Moreover, per the *Orantes* injunction, Artesia residents from El Salvador should be advised in writing and orally of their right to apply for asylum, to be represented by counsel, and to request a deportation hearing.



*It is still unclear if all detainees have access to LOP.*

- **Proceedings before the Asylum Officer or IJ should not take place without the presence of the attorney if the individual is represented.** If an attorney has filed a G-28 or EOIR-28, no credible fear interview or IJ proceeding may take place without the attorney's presence or knowledge, unless the represented party knowingly and intentionally waives representation. We have been informed of instances where scheduled proceedings for represented individuals were moved without ever notifying the attorney, even in at least once instance where the attorney was actually onsite at the Artesia facility.

*This process has been greatly improved, and asylum officers do what they can to inform attorneys of interviews as soon as possible; however, the rushed nature of the proceedings still makes it very difficult for attorneys to meet with clients before they go into interviews or proceedings.*

- **A fair and reasonable process for quickly filing stays of removal and optional fee waivers with ICE must be established.** At present attorneys are instructed that stays of removal (Form I-246) must be filed in-person with the \$155 filing fee at the Midland, Texas ICE office or, though reports conflict, possibly at the El Paso ICE office or other remote offices. We also have been informed that fee waivers are not being granted. Midland, Texas is the closest ICE office and that is an approximate 3 hour drive from Artesia. Attorneys must have a clear, straightforward method for filing a stay request with ICE either on-site at the Artesia facility or via facsimile to another office, including the ability to file a stay request without the signature of the detained client. Given the vulnerability of this population and the fact that many of them have no access to funds, ICE must give due consideration to fee waiver requests or create a method whereby fees can be accepted remotely. Attorneys must also have a means of receiving proof of filing, such as a date stamp.

*We are checking on filing procedures and issues.*

#### **Credible Fear Interviews**

- **Attorneys and residents must be provided sufficient notice of credible fear interviews.** Attorneys and residents must be provided sufficient written notice (at least 3 days) of a credible fear interview that has been scheduled. Residents must receive such notice in their native language and the notice must include language regarding the right to counsel. Given the speed with which proceedings are taking place, regular mail is not an adequate means of providing notice to attorneys.

*The asylum officers are providing detainees and attorneys (where there is a G-28 on file) on average, 48 hours' notice before interviews take place.*

- **Residents must be afforded adequate time to obtain counsel if they request it.** We have been informed that at present, individuals who express the desire to consult with an attorney prior to the commencement of the credible fear interview are given 48 hours to obtain counsel. An individual who states that he or she would like to speak to an attorney prior to a credible fear interview should be permitted adequate time to locate and consult with an attorney without the imposition of artificial and unrealistic time limits.

*Detainees are still generally only given 48 hours to find counsel.*

- **Accommodations must be made to conduct credible fear interviews in private, without the presence of children or parents, if that is the interviewee's wish.** Currently, Asylum

Officers are conducting credible fear interviews of mothers with their children present. Accommodations must be made to conduct credible fear interviews in private. Providing distractions or headphones while the child remains in the room is not sufficient. Interviewers must always ask a parent if they would like to speak privately; it should not be left up to the individual to affirmatively request a private interview. In addition, children must also be asked if they would like to speak to an interviewer without their parent.

*We are grateful for the efforts the asylum officers have made to provide child care during the credible fear interview when necessary. However, we note that we were recently informed that the Asylum Office granted a motion filed by an attorney requesting re-interview of a detainee who was issued a negative credible fear finding when she was unable to explain that people were threatening to kill her children while her children were sitting in the room with her. Though it is unclear how long ago the initial interview took place, it is possible that problems persist in this area.*

- **Children, in appropriate circumstances, must also be interviewed for credible fear.** We understand that currently, Asylum Officers are only interviewing the mother for credible fear and are not interviewing any children unless the officer is unable to make a determination and the child is 14 or older. When a parent expresses fear, all children who are capable of understanding should also be asked if they are afraid and if they want to be interviewed separately from their parents. Even children under 14 may have very serious and valid fears that they do not wish to discuss in front of their mother. If current training practice does not provide the expertise to interview young children, suitable experts must be provided. Any child who divulges trauma in the interview should be provided with appropriate mental health services and a child advocate and attorney.

*This issue has been resolved.*

- **Attorneys must be afforded meaningful opportunities to represent the client in the credible fear interview process.** We understand that some attorneys are being informed that they are not permitted to speak during the credible fear interview and that their role is as a mere “observer.” While understanding that attorneys are not permitted to answer questions for their client or otherwise disrupt the interview, attorneys must be permitted to provide meaningful representation during the credible fear interview. Under no circumstances should an attorney be barred from speaking at the interview.

*This issue has been resolved.*

- **Asylum officers must understand the comprehension level of the individuals they are interviewing.** We have received reports of mothers being asked questions like “to what particular social group do you belong?” These are not the kinds of questions that the average migrant will understand. Interviewers should be able to ask questions in terms that the interviewee will understand, and/or allow the attorney in represented cases to clarify the question for the client.

*We are following-up with the volunteers at Artesia on this issue.*

### ***IJ Proceedings***

- **Attorneys and residents must be provided sufficient notice of IJ proceedings.** Attorneys and residents must be provided sufficient written notice (at least 5 days) of IJ proceedings to review a negative credible fear determination, master calendar hearing, or bond

redetermination hearing. Residents must receive such notice in their native language and the notice must include language regarding the right to counsel. Given the speed with which proceedings are taking place, and the fact that the court, attorney, and client may be in up to three different locations around the country, regular mail is not an adequate means of providing notice to attorneys. Electronic notice should be considered.

*We are following-up with the volunteers at Artesia on this issue, however it does not appear that attorneys are receiving notice of hearings electronically.*

- **ICE and EOIR must give due consideration to reasonable requests for release on bond following a positive credible fear determination.** We have heard from attorneys on the ground at Artesia that ICE and/or IJs are not granting bond to Artesia detainees, even in cases where a positive credible fear determination has been made. Artesia detainees who will be presenting a full claim for asylum in proceedings, who have demonstrated that they are not a flight risk or a danger to the community, must be considered for and granted release on bond while they pursue their claims.

*This continues to be a high priority issue. ICE is still not setting bond for individuals who have demonstrated a credible fear of persecution. . Bond has been set by immigration judges in some cases, but the amount of the bond varies wildly, and has been as high as \$36,000. Two of the IJs hearing cases have not approved any bonds. It appears only one judge at Artesia is setting bond amounts that are comparable to the national average. In order for these families to make effective asylum cases they must be able to access resources not available to them while in detention.*

<b>From:</b>	Hoy, Serena </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>To:</b>	"Mack, Megan </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>"; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>; "Kessler, Tamara </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>"; "Groom, Molly </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>"
<b>Subject:</b>	FW: Artesia
<b>Date:</b>	2014/08/05 14:59:03
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Fyi – from Dan re phones

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**From:** Ragsdale, Daniel H  
**Sent:** Tuesday, August 05, 2014 2:52 PM  
**To:** Hoy, Serena  
**Subject:** Re: Artesia

The cell phones yes but Talton is on site today to begin the cabling and expect the phones to be completely installed within the next two weeks.

Sent from my BlackBerry 10 smartphone.

**From:** Hoy, Serena  
**Sent:** Tuesday, August 5, 2014 2:43 PM  
**To:** Ragsdale, Daniel H  
**Subject:** RE: Artesia



Thanks. Do you know if ICE officers are still the holders of the phones (such that residents have to ask an ICE officer for one if they want one)?

Also, any update on this piece: Additionally, I asked our "family facilities team" to have the ERO telephone vendor survey AFRC and move forward with having our normal phone system (pro bono platform). This will also assist with standardizing telephone access throughout the AFRC campus.

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**From:** Ragsdale, Daniel H [mailto:(b)(6),(b)(7)(C)@ice.dhs.gov]  
**Sent:** Tuesday, August 05, 2014 2:37 PM  
**To:** Hoy, Serena  
**Subject:** Re: Artesia

The 40 cell phones arrived and have been put into use.

Sent from my BlackBerry 10 smartphone.

**From:** Hoy, Serena  
**Sent:** Tuesday, August 5, 2014 2:19 PM  
**To:** Ragsdale, Daniel H  
**Subject:** RE: Artesia

Dan – Megan Mack and I are going to a conference at the WH tomorrow where we anticipate this could come up. Is there an update with respect to your response a couple of weeks ago on the improved availability of phones? thanks

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**From:** Ragsdale, Daniel H [mailto:(b)(6),(b)(7)(C)@ice.dhs.gov]  
**Sent:** Friday, July 25, 2014 2:34 PM  
**To:** Hoy, Serena  
**Subject:** Artesia

Following up on your questions:

- Phones

- ERO is in the process of adding an additional 40 cellular phones (with international capability) to its inventory. These additional phones will move AFRC into compliance with the 1:16 telephone-resident ratio. Phones are on their way to Artesia and should be operational this coming week.
- Currently, based on phone availability, residents may be limited to 5 minute calls. There is **no** time limit on calls to attorneys or representatives (legal calls).
  - Once the additional 40 phones arrive, AFRC management does not intend to limit the length of any calls.
- Additionally, I asked our “family facilities team” to have the ERO telephone vendor survey AFRC and move forward with having our normal phone system (pro bono platform). This will also assist with standardizing telephone access throughout the AFRC campus.

- Disciplinary

- AFODs had no knowledge of phone access being restricted as a form of discipline.
- SDDOs were going to reiterate with officers/special agents at today’s musters that such practices are not allowed and will not be tolerated.
- FYI... to date there have been no incidents of resident misconduct and no disciplinary hearing have taken place.

- Attorney-client visitation

- There are two cubes in the attorney-client visitation area. Two additional cubes have been identified and will be installed.
- We will procure white noise generators to enhance attorney-client privacy (best practice from other facilities).

Sent from my BlackBerry 10 smartphone.

<b>Sender:</b>	Hoy, Serena </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>Recipient:</b>	"Mack, Megan </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>" ; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)> ; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)> ; "Kessler, Tamara </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>" ; "Groom, Molly </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>"
<b>Sent Date:</b>	2014/08/05 14:59:03

**Generator:** Microsoft Word 14 (filtered medium)



July 29, 2014

**Re: ACLU Views on S. 2648, the Emergency Supplemental Appropriations Act, 2014**

Dear Senator:

For nearly 100 years, the American Civil Liberties Union (ACLU) has been our nation's guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country.

On behalf of the ACLU, we write to express our views on the Emergency Supplemental Appropriations Act of 2014 (S.2648) and specifically on the provisions of the bill in Title I that would provide funding to address the humanitarian crisis on the Southwest border. The legislation, which is expected to receive a procedural vote on the Senate floor this week, would provide critical funding to help handle the influx of children from Central America, and would do so without attaching harmful policy riders. It would provide funding for immigration courts and legal services to improve due process for unaccompanied children. However, it also includes funding that would exponentially increase family detention—a major step backwards—as well as funding that could lead to further militarization in the southwest border region. This letter will detail those elements of the bill that we support as well as those that raise significant concerns.

**I. ACLU Supports the Omission of Policy Changes to the 2008 Anti-Trafficking Law.**

The ACLU applauds Senate appropriators for introducing a clean supplemental bill, free of policy changes to the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). According to the United Nations High Commissioner for Refugees, an interview of 400 children fleeing to the United States from Honduras, Guatemala, El Salvador, and Mexico revealed that 58 percent may have a valid claim to asylum or other legal protection.<sup>1</sup> This means that they could face serious harm or even death, if returned to their home countries. The TVPRA helps to ensure that those children from the Northern Triangle region of Central America—who may be victims of human trafficking, sexual violence, or other persecution—have a meaningful

<sup>1</sup> UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, CHILDREN ON THE RUN (2014), available at [http://www.unhcrwashington.org/sites/default/files/UAC\\_UNHCR\\_Children%20on%20the%20Run\\_Executive%20Summary.pdf](http://www.unhcrwashington.org/sites/default/files/UAC_UNHCR_Children%20on%20the%20Run_Executive%20Summary.pdf).



opportunity to present their protection claims before an immigration judge. We oppose any provision that would weaken the due process protections in the TVPRA.

## **II. S. 2648 Would Provide Much Needed Funding for Immigration Judges and Legal Services, but Still Falls Short of Providing Sufficient Resources to Reduce Longstanding Backlogs in an Overloaded Court System.**

ACLU welcomes the additional funding in S. 2648 for immigration courts in Title I, Chapter 1, including \$61.2 million in funding for 40 new immigration judge teams as well as \$50 million for legal representation for unaccompanied children. While we are pleased that these funding levels exceed the administration's request, they still fall far short of the amount needed to address longstanding challenges. Chronic underfunding of the DOJ Executive Office for Immigration Review (EOIR), coupled with a steady increase in DHS Immigration and Customs Enforcement (ICE) and DHS Customs and Border Protection (CBP) enforcement budgets, have created a massive bottleneck in immigration courts. There is a current backlog of over 375,000 cases and people endure waits lasting years for immigration court hearings. Senate appropriators estimate that the 40 new judge teams funded in this bill would only reduce that caseload by an estimated 32,000<sup>2</sup>—barely making a dent. More is needed.

Similarly, the funding for legal services provided in the bill would serve an estimated 20,000 children according to Senate appropriators,<sup>3</sup> but 90,000 unaccompanied children are expected by the end of FY 2014 and as many as 145,000 new arrivals in FY 2015. None of these children should face immigration court alone. Traumatized children cannot reasonably be expected to mount complex claims for legal relief, without immigration counsel. Legal representation is necessary to ensure that children receive full and fair adjudication of their cases through meaningful hearings. In addition, representation makes immigration proceedings more efficient.<sup>4</sup> Children with attorneys are more likely to appear for their court dates<sup>5</sup> and more likely to obey court orders, thereby alleviating pressures on overburdened immigration courts.

## **III. ACLU Opposes Funding for Expansion of Family Detention.**

We are deeply concerned that Title I, Chapter 2 of S. 2648 would provide funding to

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<sup>2</sup> Press Release, Chairwoman Mikulski Releases Summary of Emergency Supplemental Funding Bill (July 23, 2014), <http://www.appropriations.senate.gov/news/chairwoman-mikulski-releases-summary-emergency-supplemental-funding-bill>.

<sup>3</sup> *Id.*

<sup>4</sup> Letter from Dana Marks, National Association of Immigration Judges, to Members of Congress, March 22, 2013 (on file with the ACLU) (“when noncitizens are represented by attorneys, Immigration Judges are able to conduct proceedings more expeditiously and resolves cases more quickly.”); *see also* Charles H. Kuck, Legal Assistance for Asylum Seekers in Expedited Removal: A Survey of Alternative Practices, p. 8, in U.S. Commission on International Religious Freedom, *Asylum Seekers in Expedited Removal* (2005), available at [http://www.uscirf.gov/images/stories/pdf/asylum\\_seekers/legalAssist.pdf](http://www.uscirf.gov/images/stories/pdf/asylum_seekers/legalAssist.pdf) (DOJ's Executive Office for Immigration Review has noted the challenges created by non-represented cases for court efficiency).

<sup>5</sup> Mark Noferi, *Taking Attendance: New Data Finds Majority of Children Appear in Immigration Court* (Jul. 15, 2014), <http://immigrationimpact.com/2014/07/18/taking-attendance-new-data-finds-majority-of-children-appear-in-immigration-court/#sthash.AI9ZUFVt.dpuf> (citing data from the Transactional Records Access Clearinghouse showing that 95.4 percent of children represented by lawyers have not been designated in absentia).

support the rapid expansion of family detention, with the \$586 million (according to the Senate bill summary) that would be dedicated to ICE for the detention, prosecution, and removal of families. In 2009 ICE stopped detaining families at the T. Don Hutto facility in Texas following years of ACLU litigation challenging deplorable conditions that were inappropriate for families with children.<sup>6</sup> That course has been completely reversed in the summer of 2014, as the administration has taken major strides to aggressively expand the inhumane practice of locking up families with children.

Already, a hastily opened 646-bed facility in Artesia, New Mexico,<sup>7</sup> is detaining families, including very young children and infants. A second massive family detention facility with a 532-bed capacity is slated to open in Karnes County, Texas, in mid-August.<sup>8</sup> The Senate bill summary announces that ICE funds will be used to expand and operate both these facilities, as well as one in Berks County, Pennsylvania, which until recently held the only 96 family detention beds in the country. All told – the administration is pursuing a dramatic expansion of family detention beds, from fewer than 100 beds nationwide as recently as May 2014, to over 1300 beds in the very near term.

The administration's new blanket policy of detaining and deporting families represents a radical departure from the Obama administration's prior commitment to immigration detention reform and in particular, humane treatment of families and vulnerable populations.

In addition, expanding family detention puts the U.S. at odds with broader international trends. In May, the U.N. Secretary-General said that he was especially concerned about the administrative detention of migrants, including very young children.<sup>9</sup>

Beyond the general objections to institutional detention of families, the new Artesia family detention facility specifically presents many problems that threaten child health welfare and due process.<sup>10</sup> On July 22, over 20 child welfare and immigrants' rights organizations visited Artesia and interviewed detained mothers. Following the visit, medical experts and child welfare specialists reported that many children had lost considerable weight after entering Artesia and many children were displaying symptoms of depression.

Human rights experts report a systematic denial of due process for all Artesia families. The vast majority of Artesia families – including those already deported – have no legal representation. Artesia is located in remote rural New Mexico, over a three-hour drive from

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<sup>6</sup> Hannah Rappleye and Lisa Riordan Seville, *Flood of Immigrant Families at Border Revives Dormant Detention Program*, NBC News (Jul. 25, 2014), <http://www.nbcnews.com/storyline/immigration-border-crisis/flood-immigrant-families-border-revives-dormant-detention-program-n164461>.

<sup>7</sup> Dara Lind, *Inside the remote, secretive detention center for migrant families*, Vox (Jul. 24, 2014), available at <http://www.vox.com/2014/7/24/5932023/inside-the-remote-secretive-detention-center-for-migrant-families#interview>.

<sup>8</sup> Susan Carroll, *Feds will house immigrant families at detention center near San Antonio*, HOUSTON CHRONICLE (Jul. 18, 2014), available at <http://www.chron.com/news/article/Feds-will-house-immigrant-families-at-detention-5630925.php>.

<sup>9</sup> *In Stockholm, Ban calls for optimizing benefits of 'journey of hope' for migrants, society as a whole*, UN News Centre (May 14, 2014), <http://www.un.org/apps/news/story.asp?NewsID=47786#.U9eIPFbAjZq>.

<sup>10</sup> Press Release, *Advocates Call For Moratorium On Deportation Of Refugee Women And Children At Artesia Detention Center Until Basic Due Process Needs Addressed*, National Immigrant Justice Center (Jul. 24, 2014), [http://www.immigrantjustice.org/press\\_releases/advocates-call-moratorium-deportation-refugee-women-and-children-artesia-detention-ce](http://www.immigrantjustice.org/press_releases/advocates-call-moratorium-deportation-refugee-women-and-children-artesia-detention-ce).



Albuquerque and El Paso. The only list of legal services providers provided to Artesia parents is a list of El Paso providers, and one of them does not accept asylum cases. The Artesia facility has no quiet space for private attorney-client meetings; all attorney consultations take place in one designated room filled with other detainees and attorneys. The only telephones inside Artesia are the blackberries belonging to the facility guards. Mothers report that they are permitted to use the blackberry only once a day for a short two-minute call. Some mothers reported that the guards punished child misbehavior by denying blackberry access to the child's mother, thereby cutting off the family's access to legal services.

In short, the families detained at the Artesia facility are subjected to detention practices unsuitable for children, and are systematically denied due process including access to counsel and fair hearings.

#### **IV. ACLU Supports Funding for Alternatives to Detention.**

We are pleased with the language in the bill summary accompanying S. 2648 endorsing ATDs as cost-effective and appropriate for families, and we urge the Senate to encourage the administration to direct any funds for the detention, prosecution, and removal of families included in Title I, Chapter 2 of S. 2648 towards expansion of ATDs.

Institutional detention is wasteful. The United States spends about \$2 billion annually on immigration detention, and the Senate estimates that family detention costs an average of \$266 per person per day. Humane, effective, and far less costly ATDs – widely used in the pre-trial criminal justice context<sup>11</sup> – start at just pennies per day, and include a spectrum of supervision options ranging from community-based alternatives, to bond, to ankle monitors. They have proven effective in ensuring compliance with immigration court proceedings—the sole purpose of immigration detention— with those on alternatives to detention appearing in court 99 percent of the time and complying with removal 84 percent of the time.<sup>12</sup>

#### **V. ACLU Opposes Provisions That Would Exacerbate Militarization for Southwest Border Communities.**

Provisions in the bill in Title I, Chapter 2 would exacerbate a state of militarization for border communities by adding to already-excessive drone surveillance and border enforcement personnel. There is no threat to border security from the current migration of children and families. These children and families are, in fact, turning themselves in to Border Patrol agents. Moreover, there are already more agents than ever before and overall apprehensions, despite the current migration crisis, remain near historic lows, further evidencing that heightened surveillance and enforcement would simply be a waste of federal funds.<sup>13</sup>

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<sup>11</sup> Julie Myers Wood and Steve J. Martin, Smart alternatives to immigrant detention, *The Washington Times* (Mar. 28, 2013), available at <http://www.washingtontimes.com/news/2013/mar/28/smart-alternatives-to-immigrant-detention/>.

<sup>12</sup> Hearing before the H. Comm. on the Judiciary, 113<sup>th</sup> Cong. (May 22, 2013), [http://judiciary.house.gov/\\_cache/files/3498f4a0-82f4-4902-a73b-da2d54055f44/113-30-81174.pdf](http://judiciary.house.gov/_cache/files/3498f4a0-82f4-4902-a73b-da2d54055f44/113-30-81174.pdf) (Statement of Julie Myers Wood, former ICE Assistant Secretary).

<sup>13</sup> Alex Nowratesh, Unaccompanied Minors Crossing the Border—The Facts, *The Cato Institute* (June 17, 2014), <http://www.cato.org/blog/unaccompanied-minors-crossing-border-facts>.

Instead, Congress should direct funds toward improving oversight and accountability for CBP, the nation's largest law enforcement agency. CBP's well-known failings on excessive use-of-force,<sup>14</sup> inhumane short-term custody for adults and children,<sup>15</sup> and the agency's non-responsive complaint process<sup>16</sup> must be addressed as top priorities.

Thank you for the opportunity to express our views on this important piece of legislation. Please don't hesitate to contact Joanne Lin (202/675-2317; [jlin@aclu.org](mailto:jlin@aclu.org)) or Georgeanne Usova (202/675-2338; [gusova@aclu.org](mailto:gusova@aclu.org)) with any questions.

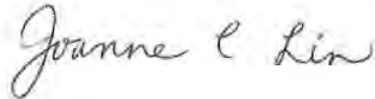
Sincerely,



Laura W. Murphy

Director

ACLU Washington Legislative Office



Joanne Lin

Legislative Counsel



Georgeanne M. Usova

Federal Policy and Research Associate

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<sup>14</sup> ACLU Use of Force Recommendations for CBP Officers (Feb. 24, 2014),

[https://www.aclu.org/sites/default/files/assets/14\\_02\\_24\\_aclu\\_use\\_of\\_force\\_recommendations\\_final.pdf](https://www.aclu.org/sites/default/files/assets/14_02_24_aclu_use_of_force_recommendations_final.pdf)

<sup>15</sup> Mariana Dale, *ACLU: Agents mistreating unaccompanied migrant children*, THE ARIZONA REPUBLIC (June 11, 2014). <http://www.azcentral.com/story/news/politics/immigration/2014/06/11/immigration-children-aclu-abuse/10326531/>.

<sup>16</sup> Coalition Recommendations to DHS to Improve Complaint Processing (May 6, 2014).

<https://www.aclu.org/immigrants-rights/coalition-recommendations-dhs-improve-complaint-processing>



**DHS Civil Rights Civil Liberties Committee**

**Attendees:**

1. (b)(6) Director of Advocacy, CLINIC's
2. (b)(6) NIJC (call in)
3. (b)(6) Just Detention
4. (b)(6) Senior Liaison Associate, AILA
5. (b)(6) Policy and Advocacy Associate, National Immigration

**Forum**

6. (b)(6) Manager of Policy and Advocacy, National Immigration Forum
7. (b)(6) Policy Counsel, Detention Watch Network
8. (b)(6) Assistant Protection Officer, U.S. Protection, UNHCR
9. (b)(6) ACLU
10. (b)(6) National Immigration Law Center

**AGENDA**

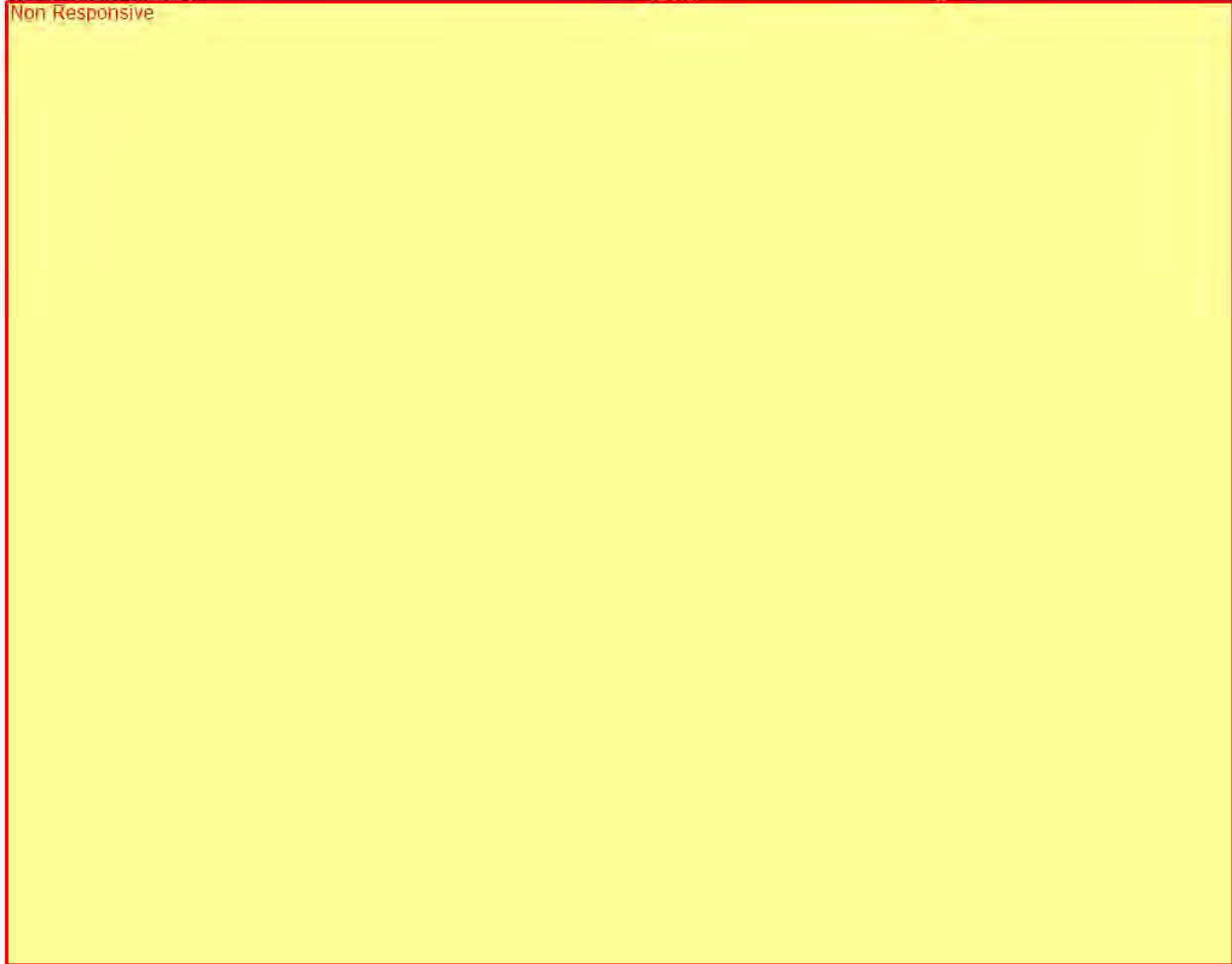
- I. Introductions and transitions
  - 1. Apologies – Megan on the phone, Tamara, (b)(6) and (b)(6) all on leave or travel
  - 2. Introductions of guests:
    - i. Ted Kim, Acting Chief, USCIS Asylum Division
    - ii. (b)(6), (b)(7)(C) from ICE Office of Diversity and Civil Rights
  - 3. Transitions:
    - i. (b)(6) as Acting Director of Programs
    - ii. (b)(6) as Detention Coordinator
    - iii. Note (b)(6) transition to ICE as Deputy Assistant Director in ODP
  - 4. UPR consultation (rescheduling to early September) and CERD (next week – Ronnie Venture and (b)(6) leading the DHS delegation)
  - 5. Note regarding last-minute addition of New Orleans case (b)(6)
- II. New Items
  - 1. ICE apprehensions at criminal court hearings: (b)(6)
  - 2. ICE management directive on CRCL: (b)(6) handing off to (b)(6), (b)(7)(C)
  - 3. Artesia: (b)(6) handing off to Ted Kim to discuss asylum issues
  - 4. Family detention expansion/CRCL role: Megan and (b)(6)
  - 5. On site at Artesia: (b)(6)
  - 6. Artesia grievance and oversight procedures: (b)(6)
  - 7. Artesia staffing: (b)(6)
  - 8. OIG UAC findings: (b)(6)
  - 9. ORR reports of allegations in ICE/CBP custody: (b)(6)
  - 10. CBP investigations: (b)(6)
  - 11. Access to CRCL grievance processes for UAC: (b)(6)
  - 12. Child welfare/trafficking experts in CBP facilities: (b)(6)
- III. Recurring items
  - 1. Secure Communities: (b)(6)
  - 2. 287(g): (b)(6)
  - 3. PREA audit tool and certification: (b)(6)
  - 4. Credible fear complaints: (b)(6)
  - 5. Credible fear complaints part 2: (b)(6)

6. UAS: (b)(6)

AGENDA ITEMS:

**A. New Items**

Non Responsive



**Artesia Family Detention Center and Family Detention [AILA, LIRS, WRC, NIJC, ACLU, UNHCR, DWN, FORUM]** request a separate meeting with CRCL. Below are a few of our concerns. **COMPLIANCE** (b)(6) **AND I-SECTION** (b)(6)

3. Note: in late July, a number of NGOs visited the Artesia detention center and observed various civil rights and civil liberties concerns. We would welcome the opportunity to discuss the below concerns in more depth at a separate meeting, to learn whether CRCL has observed or received complaints of similar and other concerns, and to hear from CRCL what steps the agency can take to respond. (Please note that we are also discussing these and other concerns with ICE HQ at a meeting that will occur after the CRCL meeting questions have been submitted.) Some of these concerns are outlined here. In addition, we also have more general questions on CRCL's involvement at Artesia and on the expansion of family detention.

(b)(5)

Concerns based on Artesia Family Detention Center Visit

(b)(5)

- a) Access to counsel was extremely limited given the remote location of the facility and the facility itself was had no confidential and adequate attorney-client visitation.

(b)(5)

- b) Facility had inadequate signage for key DHS phone numbers and other critical numbers, e.g. UNHCR, attorneys, etc. Some reported seeing signs in trailers that they toured, others toured different spaces and saw no signs.
- c) Courts, credible fear interviews, consular interviews, and attorney interviews appear to take place in non-confidential, potentially crowded conditions.
- d) Groups have serious concerns over medical and mental health care; e.g. mental health care is provided via video, including to children
- e) Detainees reported inadequate access to phones, with officials limiting calls to two minutes, and in one case preventing a detainee from calling her lawyer.



(b)(5)

- f) Access to protection screenings is limited and inadequate; we heard multiple reports that individuals have been referred only after interviews with their consular officers, raising protection concerns and suggesting they may have been improperly screened for fear earlier in the process.

(b)(5)

**Questions regarding CRCL's role in family detention and expansion of family detention (Megan)**

- 4. Please describe CRCL's involvement in the ICE's expansion of family detention, including efforts at Artesia, Karnes, Berks, or any other potential locations, if any.
  - a) At what stage is CRCL informed of and involved in the opening and operation of a new detention facility?

(b)(5)

- b) Is CRCL aware of any further family detention facilities beyond Artesia and Karnes?

(b)(5)

- 5. Has CRCL been on site at the Artesia family detention center?
  - a) If so, please describe any changes or follow up resulting from the visit?
  - b) Does CRCL have plans to visit Artesia and Karnes and conduct oversight on a regular basis?

(b)(5)

(b)(5)

6. We are concerned about the access of Artesia residents to meaningful grievance and oversight procedures.
  - a) Please explain how residents at Artesia are informed of their ability to contact CRCL or other DHS complaint channels, such as the DHS OIG.

Has CRCL received any complaints by detainees or on behalf of detainees at Artesia? If so, please describe.

(b)(5)

7. Many officials at Artesia have been detailed from adult detention facilities and reported having little to no experience with family detention care and facilities.
  - a) Please describe to what extent CRCL is involved in training and oversight of officials and implementation of Family Detention Standards and other relevant standards at Artesia, Karnes, and any other forthcoming family detention facility.

(b)(5)

**New OIG report on conditions in UAC facilities: Forum**

**Compliance** (b)(6)

8. The OIGs findings are very concerning with children being held over 72 hours, there not being enough food at facilities. However many of the recommendations do not address the findings and have small recommendations like post policy and show videos. OCRCL is conducting its own reviews of facilities.

a. What is the status of those visits? We are concerned suggest recs do not correct some of the findings and what is CRCL doing to make sure that's corrected. Also do these findings change OCRCLs thinking about future visits or suggest follow up

(b)(5)

(b)(5)



Non Responsive



**Credible Fear/Protection Screenings Compliance** (b)(6)

4. At our most recent meeting, groups shared with CRCL concerns over inadequate protection screening and referrals for credible/reasonable fear interviews by Customs and Border Protection officials at and between ports of entry. Many groups have reported instances where an individual fearing persecution was either not asked about a fear of return, or that fear of return was either not at all or incorrectly recorded. These concerns are even more urgent given the considerable increase in recent months of adult asylum seekers, family units arriving and seeking asylum, and unaccompanied children who are required to be screened for trafficking and other protection concerns.

a) Please provide an update on CRCL's work investigating the credible fear screening process.

(b)(5)

b) In light of the increase not only in adult asylum seekers but also unaccompanied minors at the border, what is CRCL's involvement, if any, in evaluating CBP's screenings under TVPRA requirements?

(b)(5)

c) Since our last meeting, has CRCL received complaints specifically regarding credible fear, TVPRA, or other protection screenings by CBP or other DHS officials? Please describe the types of and how many complaints you are receiving if so. What steps is CRCL taking to follow up on such complaints?

(b)(5)



(b)(5)

- d) Is CRCL aware of any additional training on protection screenings for CBP or other DHS officials, in light of previous concerns and the recent increases? If so, how has CRCL been involved in any new training?

(b)(5)

- 5. **(AILA)** At our last meeting, CRCL indicated that it was beginning a broad investigation of the credible fear process. The investigation is partially in response to reports of individuals who entered without inspection along the U.S./Mexico border and were stopped by CBP or ICE and questioned either without being asked about fear of returning to their home country or forced to sign statements saying they have no fear of return despite clearly expressing such fear.

- a) Can CRCL provide an update on the investigation? Has there been any further movement on this issue, either through individual complaints or through the broader investigation?

(b)(5)

- b) What is the timeline of the investigation?

(b)(5)

Non Responsive

Non Responsive

**From:** Mack, Megan  
**Sent:** Monday, September 01, 2014 12:10 AM  
**To:** Kessler, Tamara; (b)(6)  
(b)(6)  
**Subject:** FW: Documentation Request

Artesia handbook, attached. (b)(6) would you please print a copy for me? Thank you

---

**From:** (b)(6),(b)(7)(C) [mailto:(b)(6),(b)(7)(C)@ice.dhs.gov]  
**Sent:** Wednesday, August 27, 2014 7:32 PM  
**To:** Mack, Megan  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** Documentation Request

Good afternoon,

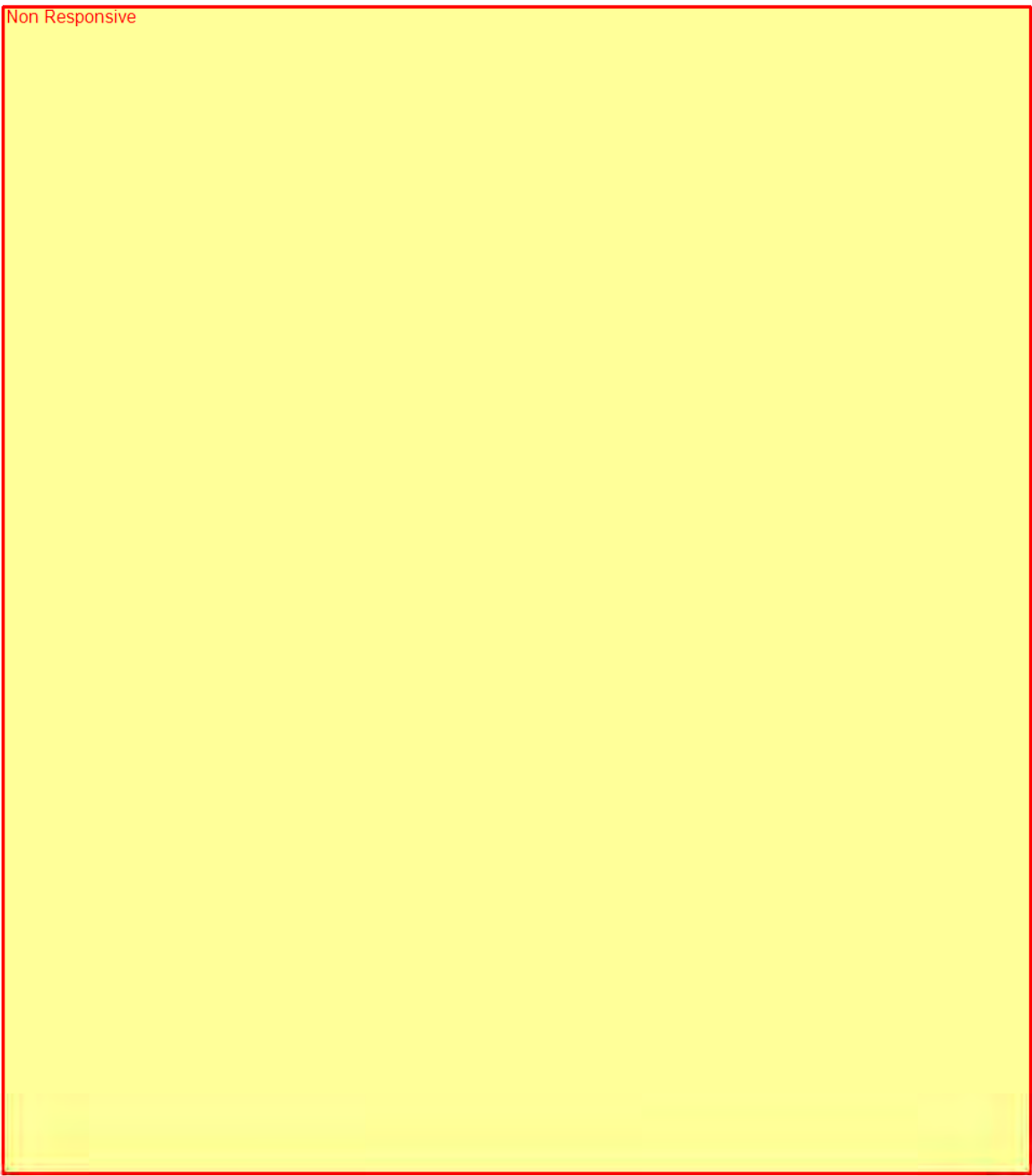
I have attached the current handbook. Currently policies are being vetted by the Juvenile and Family Residential Management Unit prior to implementation. Upon its completion I will be more than willing to forward a copy to you.

(b)(6),(b)(7)  
(C)

Non Responsive



Non Responsive



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**From:** (b)(6)

**Sent:** Friday, August 22, 2014 10:00 AM

**To:** (b)(6)

**Cc:** (b)(6)

(b)(6)

**Subject:** RE: FOR REVIEW: CRCL Artesia Complaint Number 14-11-ICE-0331

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**From:** (b)(6)  
**Sent:** Friday, August 22, 2014 9:16 AM  
**To:** (b)(6)  
**Subject:** RE: FOR REVIEW: CRCL Artesia Complaint Number 14-11-ICE-0331

I'm fine with this. Thanks (b)(6)

(b)(6)

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**From:** (b)(6)  
**Sent:** Thursday, August 21, 2014 6:48 PM  
**To:** (b)(6)  
**Subject:** RE: FOR REVIEW: CRCL Artesia Complaint Number 14-11-ICE-0331

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(b)(6)

**Good work putting this draft together! Thank you!**

**I have added a few things below. If neither (b)(6) have anything else to add, you can send back to the group, or to (b)(6)**

(b)(6)

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**From:** (b)(6)  
**Sent:** Thursday, August 21, 2014 4:38 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** FOR REVIEW: CRCL Artesia Complaint Number 14-11-ICE-0331

Hello (b)(6)

Non Responsive

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**From:** (b)(6)  
**Sent:** Thursday, August 28, 2014 1:22 PM  
**To:** (b)(6)  
(b)(6)  
**Subject:** Re: GAO UAC audit

Yes, we should.

Thanks-

(b)(6)

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**From:** (b)(6)  
**Sent:** Thursday, August 28, 2014 09:22 AM  
**To:** (b)(6)  
(b)(6)  
**Subject:** RE: GAO UAC audit

Should we try to set up a meeting with GAO to brief them on our findings and get a better idea of how their review will progress, etc.? I think it would be helpful to at least open communication lines with them since we're all looking at the same issues.

Adding

(b)(6)

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**From:** (b)(6)  
**Sent:** Thursday, August 28, 2014 11:38 AM  
**To:** (b)(6)  
(b)(6)  
**Subject:** GAO UAC audit

(b)(6)

et al.,

Following up on your questions after last week's meeting with GAO – see below and the attached on GAO's upcoming site visit plans. It seems you heard correctly that they are still going to do extensive south Texas visits.

(b)(6)

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**From:** (b)(6),(b)(7)(C) (IA)  
**Sent:** Thursday, August 28, 2014 11:33 AM  
**To:** (b)(6)  
**Cc:** (b)(6) (b)(6),(b)(7)(C)  
**Subject:** FW: Item of Interest for GAO #441218, "Effectiveness of Border Screenings for Unaccompanied Alien Children"

Good morning,

I entered the following information in ePMO in the Watch List Comments yesterday for GAO's review of Border Screenings for Unaccompanied Alien Children:

GAO is finalizing their agenda for their trip to South Texas the week of September 15, 2014. GAO plans to visit the Rio Grande Valley Sector, McAllen Station, Falfurrias Station, Weslaco Station, Rio Grande City Station, and the Hildago Port of Entry. GAO would like to meet with officials from the Office of Border Patrol, Office of Field Operations, and Enforcement and Removal Operations, observe screenings, tour the Central Processing Center, and tour the detention facilities. GAO also plans to meet with Mexican Consulate officials.

I've attached the first draft of GAO's agenda. This is the most current information I have on this review. Please give me a call if you would like to discuss further. Thanks.

(b)(6),(b)(7)(C)

CBP Audit Liaison

Management Inspections Division

U.S. Customs and Border Protection

U.S. Department of Homeland Security

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**From:** (b)(6)

**Sent:** Thursday, August 28, 2014 11:24 AM

**To:** (b)(6) (b)(6),(b)(7)(C) (IA)

**Subject:** FW: Item of Interest for GAO #441218, "Effectiveness of Border Screenings for Unaccompanied Alien Children"



FYI

I received your email and am including (b)(6),(b)(7)(C) from CBP who would be able to discuss in more detail if GAO has scheduled anymore site visits. I have included your email as an attached so (b)(6), (b)(7) can read what you sent me.

The email below is what I received from my Director in regards to legal concerns.

Respectfully,

(b)(6)

Program Analyst

Departmental GAO-OIG Liaison Office

U.S. Department of Homeland Security

202- (b)(6) work phone

202- (b)(6) cell phone

(b)(6) @HQ.DHS.GOV

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**From:** Crumpacker, Jim

**Sent:** Thursday, August 28, 2014 10:20 AM

**To:** (b)(6)

**Cc:** (b)(6),(b)(7)(C); Palmer, David; Mathias, Susan;

(b)(6)

**Subject:** FW: Item of Interest for GAO #441218, "Effectiveness of Border Screenings for Unaccompanied Alien Children"

(b)(6)

Please file this email exchange in ePMO. Thank you. Jim

JIM H. CRUMPACKER, CIA, CFE

Director

Departmental GAO-OIG Liaison Office

U.S. Department of Homeland Security

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**“Liaison = Relationships + Communication”**

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**From:** (b)(6) [mailto:(b)(6)@gao.gov]

**Sent:** Thursday, August 28, 2014 10:06 AM

**To:** Crumpacker, Jim

**Subject:** RE: Item of Interest for GAO #441218, "Effectiveness of Border Screenings for Unaccompanied Alien Children"

Hi Jim,

I am doing well and hope the same is true for you.. Thank you for sending this information. I really appreciate it!

I hope you have a nice Labor Day weekend!

(b)(6)

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**From:** Crumacker, Jim [mailto:(b)(6)@HQ.DHS.GOV]  
**Sent:** Tuesday, August 26, 2014 4:51 PM  
**To:** (b)(6)  
**Subject:** Item of Interest for GAO #441218, "Effectiveness of Border Screenings for Unaccompanied Alien Children"

(b)(6)

I thought that you would appreciate receiving a summary of a new and significant lawsuit filed last week against DHS by the ACLU, which may impact GAO work in the subject area. I know GAO generally tries to steer clear of issues being litigated.

In short, the plaintiffs allege that "In response to [the] recent flow of Central American families and children entering the United States, the government has created a new further-accelerated and results-oriented expedited removal system that deprives asylum applicants of their constitutional, statutory, and regulatory rights to a fair and meaningful hearing."

Hope all has been well on your end. Let's talk and catch up with one another soon.

v/r

Jim

***M.S.P.C. v. Johnson*, No. 14-1437 (D.D.C. filed Aug. 22, 2014):** In a 60-page complaint, ten plaintiffs identified by their initials (their lawyers gave the A-numbers to OIL under seal) seek declaratory and injunctive relief with respect to the asylum process at the Artesia Family Residential Center (Artesia), which the plaintiffs characterize as a “deportation mill that is sending mothers and children back to their home countries to face serious harm without ever having given them a meaningful opportunity to present their claims.” The gist of the complaint is stated in paragraph 46: “In response to this recent flow of Central American families and children entering the United States, the government has created a new further-accelerated and results-oriented expedited removal system that deprives asylum applicants of their constitutional, statutory, and regulatory rights to a fair and meaningful hearing.” The plaintiffs allege that asylum officers and immigration judges are “applying a substantively more demanding – and unlawful – credible fear standard to these individuals’ claims,” with the result that the rate of positive credible fear findings at Artesia (37.8%) is about one-half the nationwide rate that USCIS reported for the period March 2013-June 2014 (77%). The plaintiffs also allege there are procedural obstacles to successful asylum claims: Artesia’s isolated location; restricted telephone access; inadequate information about their legal rights; the lack of near-by counsel; various policies that restrict detainees’ ability to meet with counsel (e.g., “When a volunteer attorney contacted ICE management and a representative of [OPLA] at Artesia about the know-your-rights flyer, she was advised that the flyers would not be allowed and that passing them out was in violation of the facility’s rules.”); lack of privacy when detainees are able to meet with counsel (“ICE officers are routinely present in the attorney visitation area, precluding confidential conversations between attorneys and clients.”); inadequate time for detainees to prepare for credible fear interviews; the lack of child care, which means mothers must present their credible fear claims to asylum officers in the presence of their children; no screening of children for independent asylum claims; and, policies that undermine the effective representation by counsel at credible fear hearings and subsequent reviews by IJs, such as not providing lawyers with timely notice of their clients’ hearings, rescheduling hearings without notifying the detainees’ lawyers and preventing detainees’ lawyers from effectively participating in credible fear interviews and IJ reviews. The complaint alleges that “The asylum process at Artesia and its consequence—a dramatic drop in the number of families who are found eligible to apply for asylum—is the direct result of policies announced at the highest levels of our government,” and includes quotations from President Obama, Vice President Biden and Secretary Johnson in support of that allegation.

The policies and procedures at Artesia allegedly violate the INA, the Convention Against Torture, the Foreign Affairs Reform and Restructuring Act of 1998, the Administrative Procedures Act and the Due Process Clause of the Fifth Amendment.



The plaintiffs ask the court to: 1) enjoin the continuation of the “unlawful system of expedited removal”; 2) order the defendants “to submit a plan for corrective action for approval by the court’ and to provide plaintiffs with “a meaningful opportunity to apply for asylum, withholding of removal, and CAT relief”, 3) return any deported Plaintiff to the United States for new proceedings that comply with the law; and, 4) award EAJA fees.

The plaintiffs’ lawyers come from the ACLU; the National Immigration Project of the National Lawyers Guild; the National Immigration Law Center; the American Immigration Council; Jenner & Block; and, Van Der Hout, Brigagliano & Nightingale. The defendants, all in their official capacities, are Secretary Johnson, Attorney General Holder, PDAS Winkowski, USCIS Director Leon Rodriguez, CBP Commissioner R. Gil Kerlikowske and Martin E. Zelenka, an AFOD from Florence, Arizona who is identified in the complaint as the Acting Director of Artesia. OIL will represent the government.

The plaintiffs filed the suit in the District of Columbia pursuant to 8 USC 1252(e)(3): “Challenges on (*sic*) validity of the system. (A) In general. Judicial review of determinations under section 1225(b) of this title and its implementation is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—(i) whether such section, or any regulation issued to implement such section, is constitutional; or (ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Attorney General to implement such section, is not consistent with applicable provisions of this subchapter or is otherwise in violation of law. (B) Deadlines for bringing actions. Any action instituted under this paragraph must be filed no later than 60 days after the date the challenged section, regulation, directive, guideline, or procedure described in clause (i) or (ii) of subparagraph (A) is first implemented.”

JIM H. CRUMPACKER, CIA, CFE

Director

Departmental GAO-OIG Liaison Office

U.S. Department of Homeland Security

(202) (b)(6) (office)

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**“Liaison = Relationships + Communication”**

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Non Responsive

## **Ongoing Attorney Access and Due Process Issues at Artesia (as of July 28, 2014)**

### **Facilitating Access to Counsel/Logistics:**

- **The initial intake process should include a question as to whether residents either (1) have an attorney; or (2) would like to speak to an attorney.** The intake process does not currently include questions regarding right to counsel. A list of individuals who do not have an attorney but would like to speak to one should be provided to the LOP service provider (DMRS) so that they can be matched with a pro bono attorney.
- **Need clear instructions for the admission of interpreters and paralegals to Artesia.** There has been no clear instruction from the facility as to whether interpreters and paralegals can accompany an attorney to facilitate communication and case preparation. Note: We understand and appreciate that at least one individual was admitted this morning (July 28, 2014) to assist an attorney, but clear guidelines must be issued.
- **The process for attorney/LOP admission to Artesia must be streamlined and consistent.** The amount of time it takes for an attorney to gain admission to the facility varies wildly. It can take anywhere from 15 minutes to an hour or more (sometimes much more) for individuals to be admitted once they have arrived at the facility. As a result, LOP meetings are being cut drastically short and attorneys are missing interviews and hearings, even though they arrive 30 minutes or more prior to the scheduled event. This morning, a group of attorneys arrived at 6:45 am to accompany clients to 7:30 am credible fear interviews. The attorneys were advised that they would not be admitted until 8:00 am. After AILA called the facility, the attorneys were admitted, albeit late for the interviews.
- **The facility must provide at least two hours for each LOP presentation.** We have been informed that LOP presenters were delayed for approximately one hour at the Artesia gate and as a result, the normal two-hour LOP presentation was cut-off by facility staff after 20 minutes. If delays at the gate, a head count, or other facility scheduling issue conflicts with a prescheduled LOP presentation, two hours must still be provided.
- **Additional confidential spaces must be established for attorney meetings with detainees.** At present, we understand that 2-3 attorneys can be accommodated in the current visitation space, but this is not sufficient to meet the demand for legal services and the current space is partitioned with dividers that do not protect the confidentiality of attorney-client communications. Furthermore, residents and staff regularly come and go through these areas to access an adjoining room. Additional spaces must be established and such spaces must be sufficiently private so that confidentiality and the attorney-client privilege are not compromised. Attorneys must also have reasonable access to phones, fax, computers, Internet and a copy machine/scanner.
- **Attorneys must be able to interview clients without their children (or parent) present if needed.** The attorney frequently will need to elicit information from a parent that she does not wish the child to hear. Similarly, a child may have an independent basis for relief and needs to be able to speak candidly to the attorney.

- **Need clear instructions permitting attorneys to bring cell phones, laptops, and wifi hotspots into the facility.** Some attorneys have been told that they cannot bring their cell phones into the facility. This means, among other things, that attorneys are unable to call their offices or ICE or EOIR officers on the site if needed, and that pro bono attorneys who are not experts in the specific immigration issues that arise are unable to consult with volunteer mentors. Moreover, phones can be damaged from the extreme heat because they must be locked in enclosed automobiles. Attorneys must also have Internet access, either through their own wifi hotspots or through wifi at the facility. There needs to be improved access to technology at Artesia and clear guidelines must be provided.
- **Attorneys must have a quick and reliable method for contacting their clients by telephone.** At present, attorneys who need to get in touch with their clients are instructed to call the main Artesia phone line and ask an ERO officer to give a message to their client and have the client call them back. If the attorney does not receive a call back, they are instructed to contact the Artesia ICE Office of Chief Counsel. That number often just rings and rings, with no answer. Given the difficulties accessing telephones, a better system must be created to allow attorneys to contact their clients by telephone.
- **The ability to conduct video interviews should be established so that Artesia residents can meet remotely with pro bono lawyers.** This could be done through Skype or other technology and would greatly increase the pool of pro bono lawyers.
- **Residents must have better access to telephones and the ability to make calls in private rooms.** At present, residents have access to cell phones which are carried by ICE officers. Though we are told access is unrestricted, residents report that they have been told they are allowed only one call per day, or they do not seem to understand that they may use the phone at any time. Moreover, residents may easily be intimidated by the prospect of asking for a cell phone from a law enforcement officer. Residents should have unrestricted access to telephones that are not in the personal possession of ICE officers and should be informed that they may use the phones at any time (including to call an attorney).
- **An Artesia-specific EOIR list of free legal services providers must be created and widely distributed.** At present, the only EOIR list of free legal services providers that is being circulated at Artesia is the El Paso list. The El Paso list consists of only three providers, one of which does not accept refugee or asylum cases. A revised list of Artesia-specific free legal services providers must be created and widely distributed. The list must be provided to Artesia residents prior to the credible fear interview and at the time a negative credible fear finding is communicated to the resident. The list should also be posted in common areas and in the individual dormitories. The list should include the following language in both Spanish and English: "Free legal services may be available."
- **The law library should have printed pro se legal information and preparation materials in Spanish.** The Florence Project and other nonprofit legal service organizations have developed these materials already. Access to Lexis/Nexis alone is insufficient.

#### **Necessary Steps to Ensure Adequate Due Process Protections**

- **Artesia residents must have meaningful opportunities to obtain counsel.** Nobody should be removed unless and until they are afforded an opportunity to attend an LOP presentation and have an individualized consultation with the LOP provider or other legal service provider, where



the right to claim fear (and the process for doing so) is explained and facilitated, if needed. The KYR video that residents view during the intake process, by itself, is inadequate. Moreover, per the *Orantes* injunction, Artesia residents from El Salvador, should be advised in writing and orally of their right to apply for asylum, to be represented by counsel, and to request a deportation hearing.

- **Proceedings before the Asylum Officer or IJ should not take place without the presence of the attorney if the individual is represented.** If an attorney has filed a G-28 or EOIR-28, no credible fear interview or IJ proceeding may take place without the attorney's presence or knowledge, unless the represented party knowingly and intentionally waives representation. We have been informed of instances where scheduled proceedings for represented individuals were moved without ever notifying the attorney, even in at least once instance where the attorney was actually onsite at the Artesia facility.
- **A fair and reasonable process for quickly filing stays of removal and optional fee waivers with ICE must be established.** At present attorneys are instructed that stays of removal (Form I-246) must be filed in-person with the \$155 filing fee at the Midland, Texas ICE office or, though reports conflict, possibly at the El Paso ICE office or other remote offices. We also have been informed that fee waivers are not being granted. Midland, Texas is the closest ICE office and that is an approximate 3 hour drive from Artesia. Attorneys must have a clear, straightforward method for filing a stay request with ICE either on-site at the Artesia facility or via facsimile to another office, including the ability to file a stay request without the signature of the detained client. Given the vulnerability of this population and the fact that many of them have no access to funds, ICE must give due consideration to fee waiver requests or create a method whereby fees can be accepted remotely. Attorneys must also have a means of receiving proof of filing, such as a date stamp.

#### ***Credible Fear Interviews***

- **Attorneys and residents must be provided sufficient notice of credible fear interviews.** Attorneys and residents must be provided sufficient written notice (at least 3 days) of a credible fear interview that has been scheduled. Residents must receive such notice in their native language and the notice must include language regarding the right to counsel. Given the speed with which proceedings are taking place, regular mail is not an adequate means of providing notice to attorneys.
- **Residents must be afforded adequate time to obtain counsel if they request it.** We have been informed that at present, individuals who express the desire to consult with an attorney prior to the commencement of the credible fear interview are given 48 hours to obtain counsel. An individual who states that he or she would like to speak to an attorney prior to a credible fear interview should be permitted adequate time to locate and consult with an attorney without the imposition of artificial and unrealistic time limits.
- **Accommodations must be made to conduct credible fear interviews in private, without the presence of children or parents, if that is the interviewee's wish.** Currently, Asylum Officers are conducting credible fear interviews of mothers with their children present. Accommodations must be made to conduct credible fear interviews in private. Providing distractions or headphones while the child remains in the room is not sufficient. Interviewers must always ask a parent if they would like to speak privately; it should not be left up to the individual to affirmatively request a private interview. In addition, children must also be asked if they would like to speak to an interviewer without their parent.

- **Children, in appropriate circumstances, must also be interviewed for credible fear.** We understand that currently, Asylum Officers are only interviewing the mother for credible fear and are not interviewing any children unless the officer is unable to make a determination and the child is 14 or older. When a parent expresses fear, all children who are capable of understanding should also be asked if they are afraid and if they want to be interviewed separately from their parents. Even children under 14 may have very serious and valid fears that they do not wish to discuss in front of their mother. If current training practice does not provide the expertise to interview young children, suitable experts must be provided. Any child who divulges trauma in the interview should be provided with appropriate mental health services and a child advocate and attorney.
- **Attorneys must be afforded meaningful opportunities to represent the client in the credible fear interview process.** We understand that some attorneys are being informed that they are not permitted to speak during the credible fear interview and that their role is as a mere “observer.” While understanding that attorneys are not permitted to answer questions for their client or otherwise disrupt the interview, attorneys must be permitted to provide meaningful representation during the credible fear interview. Under no circumstances should an attorney be barred from speaking at the interview.
- **Asylum officers must understand the comprehension level of the individuals they are interviewing.** We have received reports of mothers being asked questions like “to what particular social group do you belong?” These are not the kinds of questions that the average migrant will understand. Interviewers should be able to ask questions in terms that the interviewee will understand, and/or allow the attorney in represented cases to clarify the question for the client.

#### ***IJ Proceedings***

- **Attorneys and residents must be provided sufficient notice of IJ proceedings.** Attorneys and residents must be provided sufficient written notice (at least 5 days) of IJ proceedings to review a negative credible fear determination, master calendar hearing, or bond redetermination hearing. Residents must receive such notice in their native language and the notice must include language regarding the right to counsel. Given the speed with which proceedings are taking place, and the fact that the court, attorney, and client may be in up to three different locations around the country, regular mail is not an adequate means of providing notice to attorneys. Electronic notice should be considered.
- **ICE and EOIR must give due consideration to reasonable requests for release on bond following a positive credible fear determination.** We have heard from attorneys on the ground at Artesia that ICE and/or IJs are not granting bond to Artesia detainees, even in cases where a positive credible fear determination has been made. Artesia detainees who will be presenting a full claim for asylum in proceedings, who have demonstrated that they are not a flight risk or a danger to the community, must be considered for and granted release on bond while they pursue their claims.

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**From:** Kessler, Tamara  
**Sent:** Thursday, July 31, 2014 07:14 AM  
**To:** Mack, Megan  
**Subject:** Fw: Artesia issues

Fyi.

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**From:** Groom, Molly  
**Sent:** Thursday, July 31, 2014 12:48 AM  
**To:** Kessler, Tamara; (b)(6)  
**Subject:** Fw: Artesia issues


Fyi--what front office is raising with ice

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**From:** Hoy, Serena  
**Sent:** Wednesday, July 30, 2014 10:03 PM  
**To:** Ragsdale, Daniel H  
**Cc:** Rosen, Paul; Olavarria, Esther; Shahoulian, David; Groom, Molly  
**Subject:** Artesia issues

Dan – I think I mentioned to you I'd have a more complete list of Artesia-related issues coming. Attached is a list of issues from AILA, and at the bottom of this message is a list from another advocate. I believe the recommendations are drawn both from the advocates' visit to Artesia last week and the experiences of a group of AILA-organized attorneys volunteering there.

The advocates have asked if an LOP /attorney coordinator at Artesia could be appointed. If that were possible, I think that might help address a lot of the issues raised, a few of which I'll highlight here:

- Childcare during credible fear interviews and attorney visits (and, to a lesser extent, LOP), so parents can speak freely without concern about traumatizing their kids. The (b)(5)  

- Attorney meeting space – I know you are working on this one, but any additional space or more privacy would be helpful (advocates say people are frequently walking through the space they're using now to access an adjoining room).

- Improved access for lawyers to technology, including cell phones and other electronic devices. There is a note in the email below as well as the attached about this.
- Phones – thank you for working on this one. It sounds like it will get much better soon.

(b)(5)

- The attorneys list (b)(5)

(b)(5)

- Better space and more time for LOPs. Because of space issues, LOPs are being time limited, and advocates are asking that they be allowed 2 hours, because of high demand.
- Better access for attorney/LOP admission to Artesia – (b)(5)

(b)(5)

I will also forward this list to USCIS and EOIR, because some of these issues are for them. Thank you, Dan, for anything your folks are able to do to address some of these concerns.

Serena

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**From:** (b)(6) [mailto:(b)(6)@aila.org]  
**Sent:** Wednesday, July 30, 2014 10:46 AM  
**To:** Hoy, Serena; (b)(6)  
**Subject:** It's the little things....

Serena,



As mentioned when we met, it's the little things that are killing us. Can we make a priority of the first bullet on the second page of the attached? **Need clear instructions permitting attorneys to bring cell phones, laptops, and wifi hotspots into the facility.**

In particular, the issue about cell phones. Attorneys need to be able to bring them in. So many circumstances arise that could be resolved easily if the attorney could just call someone. But to do so involves an ordeal of at least an hour, because they have to leave the facility, make the call, then come back. And, if they have to leave a message, the attorney has the option of waiting outside for the return call or going back in and missing it. The biggest issue is when they need to contact the ICE OPLA representative to resolve matters on the ground.

Any chance we can get a clear OK for attorneys to bring in their phones?

---

## LOP

- LOPs - At least a few planeloads were deported before LOP even arrived at Artesia. The current LOP provider has to drive almost 4 hours to do presentations and does not have the resources to come often enough. They also do not have funding to provide any actual legal services, which is also a problem. EOIR or DHS has to do something about providing support for more LOP at Artesia. All residents (even those not scheduled for CFIs) should get an LOP upon arrival and before any court appearances or CFIs - specifically - no one should be removed or deported until they have had an LOP presentation.

- LOPs are currently conducted in the cafeteria. Demand is high so the groups are very large and chaotic. This emphasizes the need for more LOP support but also they need a better space and need more time. Because of space issues they are being cut off at around 45 minutes. Given the complexities and number of people interested they need at least 2 hours. They also need more privacy. The other room used besides the cafeteria is a waiting room for court and also the same room in which attorney interviews take place, and where detainees meet with their consulates over v-tel.



- Consular v-tel seems inappropriately public as well. Consulates meet with their citizens in a large public room, as a group, over v-tel. There is no privacy and no reasonable opportunity to tell a consulate about any personal issues.

- more and better attorney/client interviewer space. There are currently two cubicles- IF you can even call them that, in a common area that afford no privacy at all. Also, the same issue regarding speaking in the presence of children exists here. parents must be allowed to leave their children with a friend or someplace while they speak to their attorney privately.

#### Telephone access and attorney communication:

- Detainees are having a very difficult time contacting attorneys. The attorneys list provided is insufficient. It is the El Paso list. It should include a broader list from the area and should include in big print at the top information that assistance free of charge may be available. People are very confused about this. there are also not enough phones available - or at least detainees are not able to make the calls they need.

- Telephone access is being limited or denied as a disciplinary measure - in direct violation of the standards. Even worse, this punitive measure is being implemented broadly. we heard from numerous detainees, that if one child misbehaves, or if the bathrooms are not cleaned adequately - the whole dorm loses phone access. This is unacceptable and must stop immediately

- Due to the extreme remoteness of this facility, and difficulty in attorney access, attorneys must be provided with a way to contact their clients by phone without have to come in person, or wait for their client to find a way to call them.

- Attorneys must be given notice of all activity, court dates, interviews, etc in their clients cases, and must be given sufficient notice and time to appear with their client. Despite claims by ICE and CIS that hearings and appointment are always rescheduled to accommodate attorney presence, several attorneys told us otherwise and gave accounts of interviews and hearings that proceeded without them. I can personally attest to how difficult it is to get to this facility. many attorneys representing families have done so

from far away - like Colorado, California, and even Virginia. Flights are not easy to get, and it is a long drive from all practical airports.

## CFIs

- everyone must be asked about credible fear. This is currently done only at arrival at the border by CBP and never again while at Artesia. Given the chaotic conditions at the border, and the pressure all officers are under to deter, detain, and deport, this amounts to a shout test and is not sufficient. CIS told us that anyone can express fear anytime, and will automatically be referred for a CFI. However, on this visit we were all bombarded by women and even children, expressing fear, who had not been referred. Better screening is required. (lop for everyone might help here)

- asylum interviews are problematic. Children are always in the room during the interview. This has to stop. It is apparently done this way because the facility has no child care license. However, I know there were ways around this after we pointed the problem out at both Hutto and Berks. At both those facilities parents can have another mother, or a friend watch her children for a couple of hours. I am not sure why this is strictly forbidden during the CFI. It was clear from walking around the facility that this was happening in the common areas as children walked around freely in groups without adults. (this is a good thing)

- Parents must be given the opportunity to speak to an asylum officer during a CFI in private, without their children present. Earphones and toys in the corner are not sufficient. Parents must also specifically be asked about whether they fear harm to their children if deported. Children over 14 (and even under that age ) should be provided the opportunity to speak privately without a parents present. Finally there is currently no interviewing of children under 12. This is problematic because many of these children could have claims. They should be given the opportunity to be interviewed by asylum officers trained to interview young children.

<b>Sender:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)
<b>Recipient:</b>	"Kessler, Tamara </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)";

	"Mack, Megan </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)"
<b>Sent Date:</b>	2014/07/31 09:43:47

**Generator:** Microsoft Word 14 (filtered medium)

<b>From:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>To:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)> "
<b>Subject:</b>	RE: It's the little things....
<b>Date:</b>	2014/08/05 15:54:14
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Yeah, I think he'd be happy to mention the updates.. I can call him tomorrow and let him know. It will only take a few minutes, I think.

---

**From:** (b)(6)  
**Sent:** Tuesday, August 05, 2014 3:53 PM  
**To:** (b)(6)  
**Subject:** Re: It's the little things....

I only want him to come if he can do a little talk - we have guests but not general Component hang-outs at these meetings - so I'd like him to speak to those issues even if many of the groups just heard him say the same thing. Should we call him briefly tomorrow?

(b)(6),(b)(7)(C) of ICE is coming to discuss the CRCL ICE directive too.

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**From:** (b)(6)  
**Sent:** Tuesday, August 05, 2014 03:50 PM Eastern Standard Time  
**To:** (b)(6)  
**Subject:** FW: It's the little things....

Let's talk tomorrow about what we should ask of (b)(6) - to just listen, or to say a few remarks? I'm guessing they won't even bring up USCIS now that (b)(6) gave them such good updates yesterday, but perhaps we can ask (b)(6) to go over what changes they've made? Up to you....

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**From:** (b)(6)  
**Sent:** Tuesday, August 05, 2014 3:49 PM  
**To:** (b)(6)  
**Subject:** RE: It's the little things....

Hi (b)(6)

I'm sorry you were sick. I'm so glad you'll be able to join us! I was at a meeting that (b)(6) was at yesterday and it sounds like Asylum has already addressed all the concerns, so you should have some good updates to share. Some of the groups probably overlap with who was there yesterday, but not all. Our office is at 131 M Street NE, 6<sup>th</sup> Floor. You could take red line to Gallaudet/NOMA stop (just one up from Union Station) but it's probably just as quick to walk down First St NE a couple blocks.

I'll give you a call tomorrow to touch base – I'm buried in prepping our officer for a meeting at the WH tomorrow on family detention. Never a dull moment....

Thanks so much for being willing to come.

(b)(6)

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**From:** (b)(6)  
**Sent:** Tuesday, August 05, 2014 11:23 AM  
**To:** (b)(6)  
**Subject:** RE: It's the little things....

Hi Amy—Sorry, I was out sick yesterday. I'm happy to participate in the CRCL NGO quarterly on Thursday. Can you please remind me of your address? Also, if you'd like to talk beforehand, I'm around. I'm at 202 (b)(6) Thanks, (b)(6)

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**From:** (b)(6)  
**Sent:** Monday, August 04, 2014 10:53 AM  
**To:** (b)(6)  
**Subject:** RE: It's the little things....

Hi (b)(6)



I just had a thought that I wanted to run past you. This Thursday at 9 am, CRCL is hosting one of our quarterly NGO Committee meetings and I wondered if Asylum wanted to come listen in/respond. One of the main agenda items is family detention at Artesia and one of those concerns (in a long list of concerns, the rest of which are not Asylum-related) is: *Access to protection screenings is limited and inadequate; we heard multiple reports that individuals have been referred only after interviews with their consular officers, raising protection concerns and suggesting they may have been improperly screened for fear earlier in the process.*

I don't know if Asylum is already meeting with groups to hear concerns, but if it makes sense from your end we'd be happy to have you or someone from Asylum come to hear concerns related to CR screening at Artesia, and provide any responses if you think it's appropriate. The following are the groups who have RSVPed. We meet regularly with these folks and while they often pose challenging questions, they are all professional and don't try to burn us.

1. (b)(6) Director of Advocacy, CLINIC's
2. (b)(6) NIJC (call in)
3. (b)(6) Just Detention
4. (b)(6) Senior Liaison Associate, AILA
5. (b)(6) Policy and Advocacy Associate, National Immigration Forum
6. (b)(6) Manager of Policy and Advocacy, National Immigration Forum
7. (b)(6) Policy Counsel, Detention Watch Network

8. (b)(6) Assistant Protection Officer, U.S. Protection, UNHCR
9. (b)(6) ACLU
10. (b)(6) National Immigration Law Center

If you're interested, I'd be happy to forward you the invitation. If not, no worries – I just thought it might add some efficiency. The meeting will be held at CRCL, which is very close to 20 Mass Ave.

Thanks,

(b)(6)

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**From:** (b)(6)  
**Sent:** Thursday, July 31, 2014 6:37 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: It's the little things....

Hi (b)(6) – Good to hear from you. Do you have time to chat about this tomorrow?  
Thanks, (b)(6)

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**From:** (b)(6)  
**Sent:** Wednesday, July 30, 2014 4:16 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** FW: It's the little things....

Hi (b)(6)

I hope you're doing well. I wanted to reach out to forward to you a list of issues AILA has brought to the Department's attention with regard to access to counsel for families being detained in Artesia. I know the facility just stood up so hopefully a lot of these will be ironed out in the next week or so. Most of the issues are ICE-related but I wanted you to see the list because page 3 has some issues that pertain to Credible Fear interviews. I will also paste only the CF section below. Please let us know if any of these are issues that Asylum can/will easily resolve. I know it's an incredibly busy time for Asylum so please let us know how or if CRCL can help.

Thanks,

(b)(6)

### *Credible Fear Interviews*

- **Attorneys and residents must be provided sufficient notice of credible fear interviews.** Attorneys and residents must be provided sufficient written notice (at least 3 days) of a credible fear interview that has been scheduled. Residents must receive such notice in their native language and the notice must include language regarding the right to counsel. Given the speed with which proceedings are taking place, regular mail is not an adequate means of providing notice to attorneys.
- **Residents must be afforded adequate time to obtain counsel if they request it.** We have been informed that at present, individuals who express the desire to consult with an attorney prior to the commencement of the credible fear interview are given 48 hours to obtain counsel. An individual who states that he or she would like to speak to an attorney prior to a credible fear interview should be permitted adequate time to locate and consult with an attorney without the imposition of artificial and unrealistic time limits.
- **Accommodations must be made to conduct credible fear interviews in private, without the presence of children or parents, if that is the interviewee's wish.** Currently, Asylum Officers are conducting credible fear interviews of mothers with their children present. Accommodations must be made to conduct credible fear interviews in private. Providing distractions or headphones while the child remains in the room is not sufficient. Interviewers must always ask a parent if they would like to speak privately; it should not be left up to the individual to affirmatively request a private interview. In addition, children must also be asked if they would like to speak to an interviewer without their parent.



- **Children, in appropriate circumstances, must also be interviewed for credible fear.** We understand that currently, Asylum Officers are only interviewing the mother for credible fear and are not interviewing any children unless the officer is unable to make a determination and the child is 14 or older. When a parent expresses fear, all children who are capable of understanding should also be asked if they are afraid and if they want to be interviewed separately from their parents. Even children under 14 may have very serious and valid fears that they do not wish to discuss in front of their mother. If current training practice does not provide the expertise to interview young children, suitable experts must be provided. Any child who divulges trauma in the interview should be provided with appropriate mental health services and a child advocate and attorney.
- **Attorneys must be afforded meaningful opportunities to represent the client in the credible fear interview process.** We understand that some attorneys are being informed that they are not permitted to speak during the credible fear interview and that their role is as a mere “observer.” While understanding that attorneys are not permitted to answer questions for their client or otherwise disrupt the interview, attorneys must be permitted to provide meaningful representation during the credible fear interview. Under no circumstances should an attorney be barred from speaking at the interview.
- **Asylum officers must understand the comprehension level of the individuals they are interviewing.** We have received reports of mothers being asked questions like “to what particular social group do you belong?” These are not the kinds of questions that the average migrant will understand. Interviewers should be able to ask questions in terms that the interviewee will understand, and/or allow the attorney in represented cases to clarify the question for the client.

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**From:** (b)(6)  
**Sent:** Monday, July 28, 2014 5:55 PM  
**To:** 'Hoy, Serena'; (b)(6)  
**Subject:** RE: Karnes

Attached is the list of issues. It's a moving target, so we'll likely have updates.

Re the pro bono efforts in Artesia, here's what I can tell you at this moment:

We are planning to coordinate attorney groups to Artesia each week for the foreseeable future.

8. AILA attorneys are currently on the ground there, many from Colorado and Nevada, including one who is acting as a pro bono coordinator.

The coordinator will need to leave on Wednesday, and we are currently recruiting another to take her place for a couple of weeks.

Another group of 5 attorneys from our Oregon chapter are poised to go next week.

Two attorneys from the law firm Jones Day are on site now and assisting in our pro bono efforts.

We are currently recruiting other volunteers, both from our membership and from large law firms.

We have set up an office for the volunteers at the Chamber of Commerce office for two weeks, and then will move to a local church.

We are partnering with a number of other NGOs in trying to coordinate the activities of non-profits and pro bono attorneys.

(b)(6)

*Executive Director*

Direct: 202 (b)(6) Email: (b)(6)@aila.org

[American Immigration Lawyers Association](#)



Main: 202.507.7600 | Fax: 202.783.7853 | [www.aila.org](http://www.aila.org)

1331 G Street NW, Suite 300, Washington, DC 20005

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[YouTubeIcon YouTubeIcon](#) [LinkedInIcon LinkedInIcon](#)

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**From:** Hoy, Serena [[mailto:\(b\)\(6\)@hq.dhs.gov](mailto:(b)(6)@hq.dhs.gov)]  
**Sent:** Monday, July 28, 2014 9:20 AM  
**To:** (b)(6)  
**Subject:** Karnes

Thanks for your very helpful thoughts last week on Artesia. I know you all are working on a list for us of issues with Artesia, and I look forward to receiving it. Also, if there's anything you can share about the plan you've put in place with respect to the attorneys that are out there (i.e., how many, are they already there, etc.), I would find that useful.

In case you missed it, I wanted to flag for you that Karnes will be up and running soon (see the statement below we put out earlier this month), so that you all could bear that in mind for your attorney recruitment efforts. Thank you - Serena

“On July 11, 2014, ICE modified its contract with Karnes County, Texas, in order to transition the Karnes County Civil Detention Center (Karnes) from an existing immigration detention facility housing adults to a residential facility to house adults with children. This was done in order to expand the agency's capacity to house Central American adults with children who have been apprehended at the border and placed into expedited removal proceedings. It is anticipated that Karnes will begin receiving Central American female adults with children within the next several weeks.”

Serena Hoy

Senior Counselor

Office of the Deputy Secretary

U.S. Department of Homeland Security

(202) (b)(6)

<b>Sender:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
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<b>Delivered Date:</b>	2014/08/05 15:54:14

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<b>CC:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>Subject:</b>	RE: quick question
<b>Date:</b>	2014/08/04 08:40:41
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Hey (b)(6),(b)(7)(C)

Just wanted to follow up on the email below. We are meeting with NGOs this Thursday and would love more background/info to counter the allegations. Let me know if you have time to chat today.

Thanks,

(b)(6)

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**From:** (b)(6)  
**Sent:** Wednesday, July 30, 2014 11:26 AM  
**To:** (b)(6),(b)(7)(C)  
**Cc:** (b)(6)  
**Subject:** quick question

Hi (b)(6),(b)(7)(C)

I attended a listening session for the White House Council on Women and Girls yesterday and the NGOs were raising concerns about the families being detained in Artesia not having access to the Credible Fear process. (b)(5)

(b)(5)

Thanks for your help.

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<b>Subject:</b>	Re: Agenda items
<b>Date:</b>	2014/07/30 09:12:01
<b>Type:</b>	Note

Agreed. I think this isn't the whole agenda, but the agenda items they got on time.

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**From:** (b)(6)  
**Sent:** Wednesday, July 30, 2014 09:00 AM Eastern Standard Time  
**To:** (b)(6)  
**Subject:** RE: Agenda items

Wow. These agendas have become considerably shorter. It might be worthwhile asking them to brief us on the other issues they saw at Artesia, including the phones. A group of them recently took a trip down to check it out.

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**From:** (b)(6)  
**Sent:** Tuesday, July 29, 2014 4:56 PM  
**To:** (b)(6)  
**Subject:** FW: Agenda items

Here are the initial agenda items for the 8/7 CRCL Committee meeting. I already sent them to Compliance; for the time being, only the Secure Communities one seems to be one for I-team to answer (and the answer is pretty much nil, alas). Will keep you updated on other requests.

(b)(6)

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**From:** (b)(6) [mailto:(b)(6)@immigrationforum.org]  
**Sent:** Tuesday, July 29, 2014 1:55 PM  
**To:** (b)(6)  
**Subject:** Agenda items

Hi (b)(6)



I know CRCL wanted to get agenda items ahead of time. Here are a few from CLINIC. Some old ones but some knew.

As a heads up groups really want to ask a lot about Artesia and CRCLs role there. That's going to be a major part of this meeting

CLINIC offers the following proposed questions for the meeting:

Long Standing question:

1. OCRCL has been working towards the public release of statistics generated through its monitoring of the Secure Communities program. We understand there have been data issues that have delayed this release. At our last meeting in February of 2014, OCRCL reported it was still working on getting the data released and determining what constitutes a "problem" Secure Communities jurisdiction based on the data. If there are any updates OCRCL could share on this, we would appreciate hearing them.

New Issues:

2. We have been receiving complaints from our affiliates about ICE entering courthouses to locate individuals who may be attending a parole appointment or a preliminary criminal court hearing in which charges are ultimately dismissed. This includes individuals who may not meet the Prosecutorial Discretion Memo criteria as enforcement priorities. We understand that OCRCL may be investigating complaints from various parts of the country about ICE enforcement in courthouses. If so, is there anything that OCRCL can share with us about its investigation or work with ICE on this issue?
3. At the February 2014 meeting, OCRCL shared that prior to leaving ICE, Acting Director Sandweg had finalized a detailed management directive relating to OCRCL's mission. Would it be possible to share this management directive publicly?
4. It is our understanding that the officers staffing the facilities in Artesia and Karnes are largely taking on new roles and may not have been previously working in a detention center or with families seeking asylum. We have received reports of families being referred for a Credible Fear Interview at the very last moments before removal, and only after their consulate intervened to request asylum screening on their behalf. CLINIC staff

also noted that very few of the officers staffing Artesia during our tour appeared to have sufficient proficiency in Spanish to understand that a person may be raising protection-based concerns requiring a CFI referral. What role is OCRCL playing in monitoring the potential for erroneously failing to refer asylum seekers for CFIs and in training ICE and CBP personnel for their new roles?

(b)(6)

Manager of Policy and Advocacy

**National Immigration Forum**

(b)(6) @immigrationforum.org

202 (b)(6)



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<b>Subject:</b> Re: Artesia concerns
<b>Date:</b> 2014/08/04 08:35:06
<b>Type:</b> Note

I think so. I need to find our more from (b)(6) how the advocate meeting Friday at ICE went. And (b)(7)(C) it's background for our meeting Thursday.

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**From:** (b)(6)  
**Sent:** Monday, August 04, 2014 08:30 AM Eastern Standard Time  
**To:** (b)(6)  
**Subject:** FW: Artesia concerns

Should we just take this as an FYI?

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**From:** Mack, Megan  
**Sent:** Friday, August 01, 2014 4:08 PM  
**To:** Kessler, Tamara; (b)(6)  
**Subject:** FW: Artesia concerns

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**From:** Hoy, Serena  
**Sent:** Friday, August 01, 2014 3:01 PM  
**To:** Mack, Megan  
**Subject:** FW: Artesia concerns

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**From:** (b)(6) [mailto:\(b\)\(6\)@lirs.org](mailto:(b)(6)@lirs.org)  
**Sent:** Thursday, July 31, 2014 3:04 PM  
**To:** Hoy, Serena; Olavarria, Esther  
**Subject:** Artesia concerns

Hi Serena and Esther,

I know you must be swamped with all that is happening this week. I did want to make sure you saw the list of questions that NGOs who attended the Artesia tour have submitted to ICE for further discussion. Those are pasted in below. There is an ICE-NGO Working Group meeting tomorrow where ICE will be listening to our concerns about the facility. They will not answer these questions tomorrow but will discuss next steps with us. I'm also pasting in below highlighted notes from two of my LIRS colleagues who toured Artesia last week.

I'm also aware of a meeting with EOIR next week potentially convened by the White House to discuss facilitating offers of assistance, including both legal and social services. I'm thankful for the chance to discuss family detention in any space, but wanted to get you this information so you better understand the concerns from advocates. Advocates would be more than happy to set up a meeting with you separately to discuss what we are seeing and hearing.

The top concerns for LIRS in a nutshell are: inadequate access to attorneys, inadequate screening for fear claims, refoulement occurring because of lack of attention to fear claims and/or rushed processing, inadequate attention to trauma via mental health services or pastoral care. We remain very concerned that ICE is taking a position that no individual at Artesia is eligible for bond, despite being determined to be "low risk" by ICE's own risk assessment tool.

Thanks for all your attention to these concerns,

(b)(6)

ICE-NGO Working Group questions posed to ICE:

- How are decisions made to send families to Artesia?
- What is the percent of female employees at Artesia? Where are they working? (Looking to distinguish between medical/kitchen/detention/admin)
- Current demographics of detainees (median age of adults and children, average family size, gender breakdown of children, how many from each country)
- Percent getting credible fear interviews (CFIs)? CFI passage rate? Broken down by country

- ..... Percent getting LOPs ahead of CFIs at present?
- ..... Are people who express a fear of return during the RCA getting referred to a credible fear interview?
- ..... What percent of women at Artesia have an attorney?
- ..... Why can children be separate during playtime but not during asylum interviews?
- ..... Do any of the families at Artesia have a male traveling partner/family member with whom they were apprehended but who has been detained separately? How many children have turned 18 and been placed in adult detention, on an ATD, or released?
- ..... Status of soliciting wireline phone contract and what will rates be for those calls?
- ..... Are restraints used on any modes of transit to or from Artesia?
- ..... How many deport flights have left Roswell or other nearby airports since Artesia opened? To where have they gone and what was the gender, adult/child breakdown?
- ..... How many women and families at Artesia have been released on bond, alternatives, humanitarian parole, etc? For what reasons were they released?
- ..... What is happening with all of the families being apprehended at the POEs? Are they being detained? Or released on ATD?
- ..... What percentage of the families are identified as being survivors of sexual or gender-based violence, either during the RCA or otherwise? What services are they receiving?
- ..... Details about schools getting up and running by Aug. 11th?

LIRS notes from tour of Artesia:

Artesia has many of the same issues previously identified at the Hutto facility. This includes the requirement that parents and children are always together, even for medical and CFIs; children are not interviewed unless there is child-related uncertainty that arises from the mother's interview; children are losing wait, not eating, and mothers expressed fear for child illness.



#### Brief description:

Approximately 800 people have been processed through the Artesia facility to date. The facility opened June 27. At present there are 605 total individual detainees, which represents 278 family units. The facility is a network of small trailer type classroom and office spaces set on a rocky but flat desert landscape. There are small recreation areas outside that currently include 2 tether ball poles and a soccer field. Family rooms are generally 6 beds, roughly 2 families to a room. Children 13 years and older sleep separately from their parents and younger siblings. The dorm facility is clean and there is adequate water / soap / paper towels, etc in the bathroom and shower area. Children are permitted to bring facility toys into the dormitories. The cafeteria is small considering the number of people here. We observed lunch hour and it is very tight seating, though the food looks nutritious (though not necessarily familiar or desirable to detainees). The facility is still under construction and freedom of movement for detainees within the complex will not be granted until construction is finished - the goal is to complete fencing, parking and educational structures by mid-August though there is a lot of work left to be done. The facility's educational contract includes child care and certified child care professionals - the NM state deadline for completion of the school facility is August 11th though currently there is only an empty field in the target space. On the day of the tour 21 people (7 families) were deported to Guatemala, 7 adults and 14 kids. Processed through El Paso.

#### From ICE Staff:

Staff is a hodge podge group of ICE officers thrown together from around the country. One claims expertise in family detention, having been posted to Hutto previously. Others openly claim that family detention is new to them though they have extensive collective detention facility experience. Detainees are all given a list of pro bono attorneys and given 48 hours to make contact. Staff express great support for this, though mention that detainees have had mixed success in contacting the organizations listed. Many call multiple times with no answer, others do get an answer. Phones are cell phones held on ICE officers' person. They had been using Blackberry style phones though have since ordered simpler flip phones that are more familiar to residents. 6-8 people a day have their hearings rescheduled because they have found legal representation, out of 20 people a day total. The % of residents with legal representation is described as steadily improving.

Staff perform a daily morning brief together to coordinate cases between building, health, security, admin. They have no idea why the facility was chosen or how families are chosen to be sent to Artesia.

Thus far 343 individuals have expressed fear or been part of a family unit that has expressed fear. Artesia staff do not ask for fear, though any resident who says "I am afraid" to any ICE Officer will be referred to asylum. There are LOP and KYR for residents. KYR presentations are done on a medium-sized television with seating for approximately 15-20 people. Officers provide orientation to the facility upon arrival. There have been no merit hearings, all IJ hearings. The facility is just starting to schedule bond redetermination hearings, no-one yet released on bond. The Expedited Removal status is decided by Border Patrol before they arrive at Artesia. It takes 2-3 days to process an initial asylum process, docketed after that. The average time spent between filing the NTA to scheduling a hearing is "about a week." Individuals receive notice of



hearings the same day ICE receives notice, which is generally 3 days before the hearing date. 12-14 individuals have been released due to humanitarian medical reasons. Pregnancy is the reason highlighted.

The population is 1/3 each from Guatemala, Honduras, El Salvador. ICE claims that there have been no cases of indigenous language needs. Average child age is 6 years old.

From Residents: (limited interviews)

- • • \* There is clearly confusion related to phone calls and legal representation. Detainees are not all aware that they can find pro bono attorneys and expressed having not attempted to call a lawyer due to lack of money.
- • • \* Phones, being attached to ICE Officers' persons, are not considered accessible. Residents report only being permitted 1 phone call a day, and having the phone taken from them without saying goodbye if their 2 minute limit is reached. Some suggestion that phone privileges may be revoked if someone in the group misbehaves.
- • • \* There is no detainee knowledge of the UNHCR phone #
- • • \* One complaint about lack of medical care for one woman's daughter. She understood that there is a form to fill out to request a medical appointment, though ICE staff told us that the medical staff are available at all times to residents.
- • • \* Kids and adults are bored (primary complaint). Some conflict over toy access among kids.
- • • \* Due to boredom, some kids and mothers have been cleaning the facility using plastic gloves provided for by ICE. This was explained as "not required" but something to pass the time. One mother said she has been given extra phone privileges for her cleaning help, though this is unverified.
- • • \* Kids are losing weight and not eating, with reports of a baby losing 3lbs

From the Chaplain:

- • • \* There are 61 interfaith religious volunteers signed up who will be providing worship services and bible studies at the facility - Chaplain Duran is putting together a schedule before he leaves next week. It has been a struggle for him and CWS in that he has not previously worked with families - they are looking for child-certified chaplains for the future
- • • \* ICE had originally received clothing donations, but decided to purchase clothing for residents instead. Donations are processed through the Chaplain's office.
- • • \* The chaplain requests more religious written materials in Spanish, especially certain devotional books such as "Fe en Fe", by Kenneth Copeland
- • • \* There is a concern that mental health care is not adequate for children, especially mentioning concern that some children may have suicidal thoughts

- • • \* He believes visitation would necessarily need to be arranged through ICE, not religious services (as he has two 45 minute religious blocks of time given per day). Expressed full support for such a program.
- • • \* There have been issues with space, as he has been asked to use the kitchen space to see residents. Often the kitchen space is unavailable when desired

(b)(6)  
 Director for Advocacy | (b)(6) @lirs.org | 202 (b)(6) 202- (b)(6) (cell)



**Lutheran Immigration and Refugee Service**

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<b>Subject:</b>	RE: Artesia for CRCL Committee meeting tomorrow
<b>Date:</b>	2014/08/06 16:30:06
<b>Priority:</b>	Normal
<b>Type:</b>	Note

They're also asking about CRCL's involvement in Artesia, so I responded about our complaint/investigation processes, with regard to their Artesia questions.

(b)(6)

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**From:** (b)(6)  
**Sent:** Wednesday, August 06, 2014 4:22 PM  
**To:** (b)(6) Mack, Megan; Kessler, Tamara; (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: Artesia for CRCL Committee meeting tomorrow

For the USCIS credible fear issue, we are having a guest speaker from USCIS. (b)(6) the deputy director of the USCIS Asylum Division, is coming to brief the groups on the situation regarding CF interviews at Artesia. All the other updates, except for the phone progress, was already conveyed to a number of NGOs at a meeting Serena Hoy hosted on Monday so I'm not sure if they will need to hear these updates again or not. There is not 100% overlap of attendees from Monday's meeting with our meeting, but some of the key players were definitely there. That doesn't mean they won't want to hear it all again though!

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**From:** (b)(6)  
**Sent:** Wednesday, August 06, 2014 4:01 PM  
**To:** Mack, Megan; (b)(6) Kessler, Tamara; (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: Artesia for CRCL Committee meeting tomorrow

Thank you! I was hoping we would have some sort of information in those areas for a response tomorrow!



(b)(6)

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**From:** Mack, Megan  
**Sent:** Wednesday, August 06, 2014 3:51 PM  
**To:** (b)(6); Kessler, Tamara; (b)(6)  
**Cc:** (b)(6)  
**Subject:** Artesia for CRCL Committee meeting tomorrow

Here are TPs that I didn't have an opportunity to share at the WH meeting on PB counsel today, which you may want to incorporate into your reports to the CRCL Committee tomorrow:

*Additional points IF ASKED:*

○ *Artesia concerns:*

- Q: ..... What has been done to address concerns about **attorney-client privacy/confidentiality** concerns?
- A: ..... ICE is working to add additional attorney-client meeting space and to address the confidentiality and privacy concerns.
- Q: ..... Has anything been done about limited **phone service** and that detainees may not feel comfortable asking to use a phone from a detention officer?
- A: ..... ERO has since added 40 cellular phones (with international capability) to its inventory. Given these additional phones, Artesia does not intend to limit the length of any calls and legal calls have never been time limited. Additionally, contractors are currently on site at Artesia to begin cabling and we expect wired phones to be installed within the next two weeks.

*On the issue of people being interviewed for **Credible Fear without attorneys present:***



o A: USCIS has instructed its asylum officers not to proceed with an interview if an individual's attorney is not present.

Q: *What has been done to address the fact that entering the Artesia campus through the main FLETC gate takes an exorbitant amount of time?*

A: In response to this concern, ICE is currently building a new gate that will only service the Artesia family detention facility, thus we anticipate the time it takes to enter the facility to significantly reduce once that is completed.

Q: *Is there any update on attorneys not being able to bring electronic devices into Artesia?*

A: While this rule cannot change for security reasons, ICE is currently working to get lockers or cubicles up inside the facility so do not have to leave the facility in order to obtain their electronics.

Q: *Do you anticipate opening any other facilities?*

- DHS is exploring the possibilities for additional family facilities, pending funding availability.

Megan H. Mack

Officer

Office for Civil Rights and Civil Liberties

Department of Homeland Security

<b>Sender:</b>	(b)(6) /O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)
<b>Recipient:</b>	(b)(6) /O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)
<b>Sent Date:</b>	2014/08/06 16:30:05
<b>Delivered Date:</b>	2014/08/06 16:30:06

<b>From:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>To:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>; "Kessler, Tamara </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>Subject:</b>	RE: Email from (b)(6) (Runs ICE contracted Chaplain Program) re: Artesia
<b>Date:</b>	2014/07/21 11:41:03
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Indeed thanks for sharing. On Artesia – we did suggest to the woman working on pro bono at Fried Frank, whose name is escaping me for the moment, the idea of setting up video appearances as Artesia hearings are all being run out of Arlington, right?

I am not aware of any planned site visits to Artesia right now.

(b)(6)

---

**From:** (b)(6)  
**Sent:** Monday, July 21, 2014 10:04 AM  
**To:** (b)(6); Kessler, Tamara; (b)(6)  
**Subject:** RE: Email from (b)(6) (Runs ICE contracted Chaplain Program) re: Artesia

Who from CRCL is going to Artesia? Sounds like ICE is doing a good job. We aren't doing anything on access to counsel with Artesia but that could be right in our lane as it is ICE-run. I think (b)(6),(b)(7)(C) at ICE may be a good person to ask about that, but it also sounds like perhaps she has a contact already from (b)(6),(b)(7)(C) so I also don't want to waste people's time duplicating efforts.

(b)(6) what do you think?

Thanks for sharing. That was great intel!

---

**From:** (b)(6)  
**Sent:** Monday, July 21, 2014 9:34 AM  
**To:** Kessler, Tamara; (b)(6) (b)(6)  
**Subject:** Email from (b)(6) (Runs ICE contracted Chaplain Program) re: Artesia

Hi (b)(6) of Church World Service who runs ICE's Religious Services Program, emailed over the weekend about gearing up at the Artesia family detention facility to provide religious services.

She also asked about CWS pro-bono attorneys, which is completely separate from the program she runs. I told her I'd get back to her about that. In her second email (this morning) she mentioned getting a contact from (b)(6),(b)(7)(C) office (presumably one of the immigration pro bono organizations or other outside group). Is there something we're working on regarding access to pro bono attorneys I can tell (b)(6) about?

I can send her to (b)(6) at EOIR as well.

Or, I Team can connect with her.

See all she says about Artesia too.

(b)(6)

Office for Civil Rights and Civil Liberties-----  
Sent using BlackBerry

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**From:** (b)(6) [mailto:(b)(6)@cwsglobal.org]  
**Sent:** Monday, July 21, 2014 09:09 AM  
**To:** (b)(6)  
**Subject:** RE: Artesia

Good morning, (b)(6) Thanks for the offer of help, (b)(6) is following up with an attorney (b)(6) (b)(6) from (b)(6) office suggested. (b)(6) is doing the follow up,, as the attorney would be from a CWS program not related to the RSP.

I was impressed by the herculean effort ICE has put forth in caring for the women and children. Also impressed by a town that obviously is more understanding than many about the plight of the AFRC residents. ICE called for help and the town rallied with donations (more than ever imagined for clothes, snacks, toys, etc for the residents.) The ICE staff is working mega hours to bring all needed services into the facility and have it run smoothly.

There were 650 residents in the facility. They stay in Border Patrol training dorms, 4 bunks to a room with a flat screen television in each room or one on order for the room.. Kids and moms stay



together all day, at night the teens sleep in either the teen girl or boy room. Average age of children is 6.5 years of age. The hope is to eventually only house moms with kids 12 and under.

There is a playroom and medical area in each dorm. Snacks for kids available at all times. Kids and moms help out keeping the place clean. Although they can have outside time, there is nothing to do outside...desert, desert, desert. A turf soccer field is on order.

It is a work in progress as the situation changes almost minute by minute with ICE learning to work with this young population. A recreation director has the kids involved in activities and crafts. Everyone from ICE there on two week rotation.

Food been adjusted to meet residents diets, the difficulty for ICE is feeding everyone in original time allotted – kids just don't eat that fast.

Asylum officers on site, immigration court via video feed, medical center, psychiatrist on staff, LOP no being given by attorneys on site (previously by video). Work in progress as office space changes from day to day. (The chaplain has had three office relocations – as one example of space reallocation.) Was told there was the hope of each resident/family unit having legal representation.

There are not enough buildings, so some are being brought in – school is to start on Aug 22<sup>nd</sup> (I think that's the right date) and they are looking at bringing in a permanent RSP building, as presently the dining hall (which is too small) also serves for religious services and recreation. But again...amazing progress has been made in such a very short time. Also, a calendar of religious services, recreation, etc was being finalized when I left, but both programs in action.

No one knows how long the site will remain there. Some say 6 months or less, some a year and some permanent but there doesn't seem to be a definitive answer. Another possible site in the Port Isabel area and San Antonio are rumored?

So, definitely worth the trip, and for me the highlight was the very large, enthusiastic, and compassionate response of the community to the RSP request for volunteers. The town library (which is impressive) let us use one of their meeting rooms for our training, so town/ICE cooperation is seen in a number of ways. There are the residents who want the moms and kids out – because of all the normal reasons – but there is no open display of anger and hostility seen in other places. I would love to go back at the end of the summer and see the RSP and AFRC at that point.

Peace and thanks,

(b)(6)

Rev. (b)(6)

CWS Religious Services Program

202 (b)(6)

SKYPE: (b)(6)

(b)(6) @cwsglobal.org



wsSigLogo.png wsSigLogo.png

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**From:** (b)(6) [mailto:(b)(6)@HQ.DHS.GOV]  
**Sent:** Saturday, July 19, 2014 11:15 PM  
**To:** (b)(6)  
**Subject:** Re: Artesia

Hi (b)(6) Good to hear from you and great that Artesia has so many volunteers. Yay for RSP!

Let me find out some more about how my office can facilitate pro bono legal work. I'll get back to you on that.

PS. Any impressions about the facility?

(b)(6)

Office for Civil Rights and Civil Liberties-----  
Sent using BlackBerry

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**From:** (b)(6) [mailto:(b)(6)@cwsglobal.org]  
**Sent:** Friday, July 18, 2014 08:40 PM  
**To:** (b)(6)  
**Subject:** Artesia

Hi, (b)(6) Am on a plane home from Artesia NM. Very interesting town and location with people ready, willing and able to help out. We are detailing chaplains there and Zeke Duran, from



Port Isabel has recruited over 50 volunteers for the religious services program at the site. I heard that CRCL is going there next week. So, if you are part of the contingency...and wondering where to stay...try the Heritage Inn..best price in town and one of the best B and B's I have ever visited...you and anyone else from CRCL would love it...or at least I think anyone would.. Hope you are well and know you are busy. And...CWS would like to send some pro-bonos attorneys there or elsewhere in the country to assist the UACs and moms and families. Do you know whom we should contact to do so?

Thanks (b)(6)

Rev. (b)(6)

CWS Religious Services Program

202 (b)(6)

SKYPE: (b)(6)

(b)(6) @cwsglobal.org



wsSigLogo.png wsSigLogo.png

<b>Sender:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6) >
<b>Recipient:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6) ; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6) "Kessler, Tamara </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6) "
<b>Sent Date:</b>	2014/07/21 11:41:02
<b>Delivered Date:</b>	2014/07/21 11:41:03

Generator: Microsoft Word 14 (filtered medium)

<b>From:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>To:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>; "Mack, Megan </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>"; "Kessler, Tamara </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>"
<b>Subject:</b>	Re: Legal Services Call - DHS TPS BY 5:00 pm today
<b>Date:</b>	2014/08/05 13:03:19
<b>Type:</b>	Note

Urgent is (BB symbol button) > Options > importance (High)

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**From:** (b)(6)  
**Sent:** Tuesday, August 05, 2014 12:57 PM Eastern Standard Time  
**To:** Mack, Megan; (b)(6) Kessler, Tamara  
**Subject:** RE: Legal Services Call - DHS TPS BY 5:00 pm today

Megan,

Draft email for Rene below. I would mark it urgent, if you can do that from bberry.

Dear Rene,

I am working with Serena Hoy to prepare for a meeting at the White House tomorrow on legal services at our family detention facilities, and a few questions have come up that we need CBP to address. We owe these talking points to the White House by 5 pm today, so would greatly appreciate any info you have by 4 pm today. The questions are:

1. (b)(5)
- 2.

Thank you so much for your help.

---

**From:** Mack, Megan  
**Sent:** Tuesday, August 05, 2014 12:30 PM  
**To:** (b)(6) Kessler, Tamara  
**Subject:** Fw: Legal Services Call - DHS TPS BY 5:00 pm today

(b)(6) cd you draft an email that I cd cut and paste on bb w Qs to pass to Rene Hanna? Thx v much

Megan H. Mack, Officer  
Office for Civil Rights and Civil Liberties  
Department of Homeland Security

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**From:** Groom, Molly  
**Sent:** Tuesday, August 05, 2014 12:27 PM  
**To:** Mack, Megan; (b)(6) Kessler, Tamara; Hoy, Serena  
**Subject:** RE: Legal Services Call - DHS TPS BY 5:00 pm today

(b)(5)

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**From:** Mack, Megan  
**Sent:** Tuesday, August 05, 2014 10:57 AM  
**To:** (b)(6) Kessler, Tamara; Hoy, Serena; Groom, Molly  
**Subject:** Legal Services Call - DHS TPS BY 5:00 pm today

(b)(5)

**From:** (b)(6) (AAAG) [mailto:(b)(6)@usdoj.gov]  
**Sent:** Monday, August 04, 2014 7:05 PM  
**To:** (b)(6); Kessler, Tamara; (b)(6); (b)(6); Mack, Megan; (b)(6) Hoy, Serena; Groom, Molly; (b)(6) 'FN-WHO-DPC\_Immigration'  
**Subject:** RE: Legal Services Call

Hi All –

Here is the draft tick tock for the meeting on Wednesday. No pride of authorship on our end, so please feel free to comment.

A little background about the draft:

(b)(5)

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- 
- 
-

Look forward to talking to you tomorrow.

Thanks,

(b)(6)

(b)(6)



<b>From:</b>	Mack, Megan </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>To:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>Subject:</b>	RE: Legal Services Call - DHS TPS BY 5:00 pm today
<b>Date:</b>	2014/08/05 13:32:56
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Well, I already sent before got this email—can't move the call, but I'll confess

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**From:** (b)(6)  
**Sent:** Tuesday, August 05, 2014 1:16 PM  
**To:** Mack, Megan  
**Subject:** FW: Legal Services Call - DHS TPS BY 5:00 pm today

Thoughts? I think she wants us to wait to send our questions until after the call, but we have to get these to the WH by 5....

---

**From:** Hoy, Serena  
**Sent:** Tuesday, August 05, 2014 1:14 PM  
**To:** (b)(6) Mack, Megan; (b)(6) Kessler, Tamara; Groom, Molly  
**Subject:** RE: Legal Services Call - DHS TPS BY 5:00 pm today

I have at least partial answers to most of these questions (but not 2.a), which is why I thought it might make sense to send questions to CBP and ICE after the call. Or we could move the call up. ? But I defer to you on how you want to handle.

---

**From:** (b)(6)  
**Sent:** Tuesday, August 05, 2014 1:11 PM  
**To:** Hoy, Serena; Mack, Megan; (b)(6) Kessler, Tamara; Groom, Molly  
**Subject:** RE: Legal Services Call - DHS TPS BY 5:00 pm today

<b>From:</b>	Mack, Megan </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>To:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>Subject:</b>	Re: Legal Services Call - INTERNAL CALL NOW RATHER THAN 2:30
<b>Date:</b>	2014/08/05 16:17:21
<b>Type:</b>	Note

Gotcha - sounds good. Thank you again - sorry you won't be in the mtg after all your input!

Megan H. Mack, Officer  
Office for Civil Rights and Civil Liberties  
Department of Homeland Security

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**From:** (b)(6)  
**Sent:** Tuesday, August 05, 2014 04:09 PM  
**To:** Mack, Megan  
**Subject:** RE: Legal Services Call - INTERNAL CALL NOW RATHER THAN 2:30

Oh, I see what you're asking. I don't think we actually need to redline anything off the tick tock agenda (I like that name). We have something responsive to everything, even if it's just a few sentences. Is there something you want to scratch?

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**From:** Mack, Megan  
**Sent:** Tuesday, August 05, 2014 3:57 PM  
**To:** (b)(6)  
**Subject:** RE: Legal Services Call - INTERNAL CALL NOW RATHER THAN 2:30

Are you working on redline to the agenda tick tock, or should I go ahead and suggest changes to that based on our call?

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**From:** (b)(6)  
**Sent:** Tuesday, August 05, 2014 3:39 PM  
**To:** Mack, Megan  
**Subject:** RE: Legal Services Call - INTERNAL CALL NOW RATHER THAN 2:30

Added Andrew's info under the question about what legal services are available. That's great info!

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**From:** Mack, Megan  
**Sent:** Tuesday, August 05, 2014 3:15 PM  
**To:** (b)(6)  
**Subject:** RE: Legal Services Call - INTERNAL CALL NOW RATHER THAN 2:30

Yes--great! Thank you

---

**From:** (b)(6)  
**Sent:** Tuesday, August 05, 2014 3:09 PM  
**To:** Mack, Megan  
**Subject:** RE: Legal Services Call - INTERNAL CALL NOW RATHER THAN 2:30

Do you want me to add what Andrew just told you to the TPs?

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**From:** Mack, Megan  
**Sent:** Tuesday, August 05, 2014 3:08 PM  
**To:** (b)(6) Hoy, Serena; (b)(6) Kessler, Tamara; Groom, Molly  
**Subject:** RE: Legal Services Call - INTERNAL CALL NOW RATHER THAN 2:30

Thanks very much (b)(6) reviewing

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**From:** (b)(6)  
**Sent:** Tuesday, August 05, 2014 3:07 PM  
**To:** Hoy, Serena; Mack, Megan; (b)(6) Kessler, Tamara; Groom, Molly  
**Subject:** RE: Legal Services Call - INTERNAL CALL NOW RATHER THAN 2:30

Thank you, Serena. I just added the update from Dan Ragsdale and I included your edits (thanks for those). I also added all the information we discussed on the call today in the attached TPs. I've built the TPs in red into the agenda where I think they belong. Please let me know if there are edits and please let me know if anything else is needed.

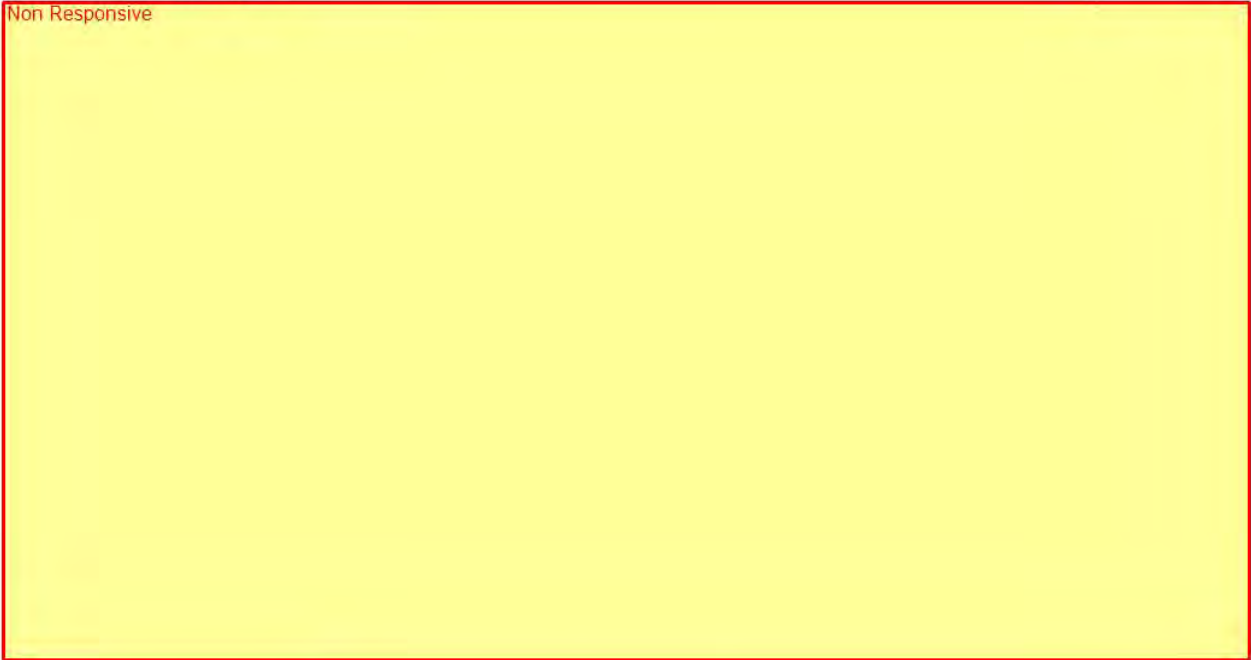
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**From:** Hoy, Serena  
**Sent:** Tuesday, August 05, 2014 2:22 PM  
**To:** Mack, Megan; (b)(6) Kessler, Tamara; Groom, Molly  
**Subject:** RE: Legal Services Call - INTERNAL CALL NOW RATHER THAN 2:30



<b>From:</b> (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>To:</b> (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>Subject:</b> Re: Operation Streamline Discussion
<b>Date:</b> 2014/07/17 14:12:37
<b>Type:</b> Note

Non Responsive



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**From:** (b)(6)  
**Sent:** Thursday, July 17, 2014 02:02 PM Eastern Standard Time  
**To:** (b)(6)  
**Subject:** Re: Operation Streamline Discussion

And yes I can call her. Non Responsive but I can on Monday.

---

**From:** (b)(6)  
**Sent:** Thursday, July 17, 2014 01:55 PM Eastern Standard Time  
**To:** (b)(6)  
**Subject:** Re: Operation Streamline Discussion

I do know (b)(6), but sure, we can ask (b)(6) to work on it. Can you call her after DOL?

---

**From:** (b)(6)  
**Sent:** Thursday, July 17, 2014 12:33 PM Eastern Standard Time  
**To:** (b)(6)  
**Subject:** Re: Operation Streamline Discussion

I don't know (b)(6) do you? Do you think intern (b)(6) can research to try to find out more? I only did a cursory search.

---

**From:** (b)(6)  
**Sent:** Thursday, July 17, 2014 12:29 PM Eastern Standard Time  
**To:** (b)(6)  
**Subject:** Re: Operation Streamline Discussion

(b)(5),(b)(6),(b)(7)(C)

---

**From:** (b)(6)  
**Sent:** Thursday, July 17, 2014 12:01 PM Eastern Standard Time  
**To:** (b)(6)  
**Subject:** RE: Operation Streamline Discussion

So, it is very hard to find anything on the specifics of how the removal order is obtained. The Warren Institute report says the following:

Some Operation Streamline

defendants may also have defenses

that are not identified because of the

speed and *en masse* nature of the proceedings.

These can include claims to

immigration relief, such as eligibility

for asylum, withholding of removal,

relief under the Convention Against

Torture, or adjustment of status. A

small number of defendants already

have legal status in the United States

but are not given the opportunity to

clarify that status upon arrest. The

Federal Public Defender's offices in

Tucson, Las Cruces, El Paso, and Del



Rio all cited examples of U.S. citizens  
and legal permanent residents they have represented in Operation  
Streamline court proceedings

(b)(5)

**From:** (b)(6)  
**Sent:** Thursday, July 17, 2014 11:33 AM  
**To:** (b)(6)  
**Subject:** RE: Operation Streamline Discussion

Have a look at the report frequently cited in the footnotes to this little info paper just did. I think that has that information – I don't know it all myself.

(b)(6)

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**From:** (b)(6)  
**Sent:** Thursday, July 17, 2014 11:31 AM  
**To:** (b)(6)  
**Subject:** RE: Operation Streamline Discussion

(b)(5)

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**From:** (b)(6)  
**Sent:** Thursday, July 17, 2014 11:23 AM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** FW: Operation Streamline Discussion

(b)(6)

I think we should include you in the conversation described below by OIG (b)(5) (b)(5) and Operation Streamline prosecutions. Is there anyone else from Compliance I should loop in? (b)(6) and I will also participate. Looks like just a phone call, next week.

(b)(6)

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**From:** Martell, Tatyana  
**Sent:** Thursday, July 17, 2014 9:59 AM  
**To:** (b)(6)  
**Subject:** RE: Operation Streamline Discussion

(b)(6)

We are drafting our Streamline report now. I am reaching out again because we have one tentative finding on (b)(5) and wanted to chat with CRCL about it. It would probably be a phone discussion. Would you let me know who we can talk to in CRCL to discuss the fact that it looks like OBP is (b)(5)

(b)(5)

Thank you and do not hesitate to call if I need to give you more detail about the nature of this question.

Tatyana Martell

02 254

(b)(6)

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**From:** Martell, Tatyana  
**Sent:** Thursday, February 20, 2014 3:05 PM  
**To:** (b)(6)  
**Cc:** Brown, Adam; Crawford, Anthony  
**Subject:** RE: Operation Streamline Discussion

(b)(6)

We would love to meet. We just had a couple of meetings with CBP OBP and ICE ERO and would like to discuss some items with your SMEs. How is next week looking? We could do 02/26/14 anytime during normal business hours or 02/27/14 before 1:00 p.m. If next week is not good, please suggest the times for the following week.

Looking forward to it.

Streamline team

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**From:** (b)(6)  
**Sent:** Thursday, February 20, 2014 2:52 PM  
**To:** Martell, Tatyana  
**Subject:** RE: Operation Streamline Discussion

Tatyana,

It has been a while since we spoke about CRCL speaking with you about your Operation Streamline work. I know the entrance conference was recently held. Should we get an interview scheduled? A couple of our SMEs are looking forward to speaking with you.

Yours,

(b)(6)

Senior Advisor & Acting Team Lead, Immigration Section  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(202) 357-(b)(6) (o)

(202) (b)(6) (c)

(b)(6)

[@hq.dhs.gov](mailto:(b)(6)@hq.dhs.gov)

---

**From:** Martell, Tatyana  
**Sent:** Monday, December 16, 2013 1:34 PM  
**To:** (b)(6)  
**Subject:** RE: Operation Streamline Discussion

(b)(6)

I am a team lead for the review we are discussing in this chain of emails. If you are available for a five minute phone call today, please let me know when it is a good time for me to call you. Before we start working on questions for your office, I would like to chat for a few minutes.

Sincerely,

Tatyana Martell

Senior Inspector, Office of Inspections

Office of Inspector General

Department of Homeland Security

Tel: 202-254-(b)(6)

Cell: 202-(b)(6)

(b)(6)

[@oig.dhs.gov](mailto:(b)(6)@oig.dhs.gov)



---

**From:** Crawford, Anthony  
**Sent:** Thursday, December 12, 2013 10:15 AM  
**To:** (b)(6)  
**Cc:** Martell, Tatyana; Brown, Adam; Friedman, Bruce  
**Subject:** RE: Operation Streamline Discussion

Thanks (b)(6) we will get back with you with some questions that may be helpful in guiding the discussion.

Regards,

Tony

**Anthony D. Crawford**  
**Intelligence Officer**  
**Office of Inspections General/Inspections**  
**Department of Homeland Security**

(b)(6) [@dhs.gov](mailto:(b)(6)@dhs.gov)  
[@dhs.sgov.gov](mailto:(b)(6)@dhs.sgov.gov)  
[@dhs.ic.gov](mailto:(b)(6)@dhs.ic.gov)

(202) 254- (b)(6)

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**From:** (b)(6)  
**Sent:** Thursday, December 12, 2013 10:14 AM  
**To:** Crawford, Anthony  
**Cc:** Martell, Tatyana; Brown, Adam; Friedman, Bruce  
**Subject:** RE: Operation Streamline Discussion

Anthony,

I'd be happy to speak with you, probably along with my colleague (b)(6). It would be helpful both for our preparation and for finding someone from CBP to talk to, to better understand what you hope to find out. Are you trying to find out nuts and bolts about custody (transfers from CBP to ICE or Marshals, etc.)? DHS's role in post-conviction repatriation? Due process issues in the federal court dimension? If you have any sort of list of questions or specification of the review that would be very helpful.

(b)(6)

(b)(6)

Senior Advisor & Acting Team Lead, Immigration Section  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(202) 357-(b)(6) (o)

(202) (b)(6) (c)

(b)(6) @hq.dhs.gov

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**From:** Crawford, Anthony  
**Sent:** Thursday, December 12, 2013 10:02 AM  
**To:** (b)(6)  
**Cc:** Martell, Tatyana; Brown, Adam  
**Subject:** Operation Streamline Discussion

(b)(6)

Hello! I received your name from Tamara Kessler to possibly talk to you about an upcoming review on Operation Streamline we are undertaking here in the OIG's Office of Inspections. Operation Streamline is a program within the Department of Homeland Security (CBP and ICE) and the Department of Justice. Under Operation Streamline, federal criminal charges are brought against individuals apprehended crossing the border illegally. Operation Streamline was initiated in 2006 to move undocumented border crossers quickly through the justice system. Prosecutions and sentencing can be resolved in as few as 2 days or less.

We are currently in the research phase of this review and would like to discuss with you about information you may have on Operation Streamline, especially in the immigration detention arena. Also, if you have an associate or counterpart that works as a SME for CBP, we would like to discuss Operation Streamline with them. We would like to come to your office to discuss this in the near future and if you have a CBP contact, we could make it a panel-like discussion. Please contact me with a date that we can meet and any questions or comments you may have. Thanks in advance!

Regards,

Tony

**Anthony D. Crawford**

**Intelligence Officer**

**Office of Inspections General/Inspections**

**Department of Homeland Security**

(b)(6) [@dhs.gov](mailto:(b)(6)@dhs.gov)

[@dhs.sgov.gov](mailto:(b)(6)@dhs.sgov.gov)

[@dhs.ic.gov](mailto:(b)(6)@dhs.ic.gov)

(202) 254- (b)(6)

**Sender:** (b)(6) O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)

<b>From:</b> (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>To:</b> (b)(6) O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)"
<b>Subject:</b> Re: It's the little things....
<b>Date:</b> 2014/07/30 16:06:01
<b>Type:</b> Note

Nothing from (b)(6) I will USCIS now and cc you.

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**From:** (b)(6)  
**Sent:** Wednesday, July 30, 2014 03:56 PM Eastern Standard Time  
**To:** (b)(6)  
**Subject:** Re: It's the little things....

(b)(5) I assume no word back from (b)(6)

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**From:** (b)(6)  
**Sent:** Wednesday, July 30, 2014 01:33 PM Eastern Standard Time  
**To:** (b)(6)  
**Subject:** FW: It's the little things....

This list is very helpful – concrete steps that AILA needs taken in order to improve access to counsel. (b)(5)

(b)(5)

(b)(5)

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**From:** Groom, Molly  
**Sent:** Wednesday, July 30, 2014 12:38 PM  
**To:** Kessler, Tamara; (b)(6)  
**Subject:** Fw: It's the little things....

CRCL--

Please see the below from AILA. (b)(5)

(b)(5)



(b)(5)

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**From:** Hoy, Serena  
**Sent:** Wednesday, July 30, 2014 12:14 PM  
**To:** Groom, Molly  
**Subject:** FW: It's the little things....

Duplicate

<b>From:</b> (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>To:</b> (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>Subject:</b> RE: It's the little things....
<b>Date:</b> 2014/07/30 14:16:04
<b>Priority:</b> Normal
<b>Type:</b> Note

Non Responsive

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**From:** (b)(6)  
**Sent:** Wednesday, July 30, 2014 2:07 PM  
**To:** (b)(6)  
**Subject:** Re: It's the little things....

Yes, let's do exactly that! Good. Want to do it, or me?

---

**From:** (b)(6)  
**Sent:** Wednesday, July 30, 2014 02:00 PM Eastern Standard Time  
**To:** (b)(6)  
**Subject:** RE: It's the little things....

Hmmm who is the best "in" of those three? (b)(6) probably has the most jx over the issues but I think we know the other two better. We could also just forward it to all three of them and ask for a meeting at the end of next week to hear what progress has been made. Haha.

---

**From:** (b)(6)  
**Sent:** Wednesday, July 30, 2014 1:36 PM  
**To:** (b)(6)  
**Subject:** Re: It's the little things....

(b)(5),(b)(6)

Duplicate

<b>From:</b>	(b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>
<b>To:</b>	"Mack, Megan </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>; "Kessler, Tamara </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>; (b)(6) </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>;"
<b>Subject:</b>	Re: Artesia update
<b>Date:</b>	2014/08/20 18:27:25
<b>Type:</b>	Note

I think Artesia will be around for about a year as they transition folks to the new Texas facility. Karnes is also staffing up and is one we may want to look at.

----- Original Message -----

From: Mack, Megan

Sent: Wednesday, August 20, 2014 06:04 PM

To: Kessler, Tamara; (b)(6)

(b)(6)

Subject: Fw: Artesia update

Megan H. Mack, Officer  
Office for Civil Rights and Civil Liberties  
Department of Homeland Security

----- Original Message -----

From: Hoy, Serena

Sent: Wednesday, August 20, 2014 05:05 PM

To: (b)(6) Mack, Megan

Subject: FW: Artesia update

Fyi - haven't read yet

-----Original Message-----

From: (b)(6) [mailto:(b)(6)@aila.org]

Sent: Wednesday, August 20, 2014 5:03 PM

To: Hoy, Serena; (b)(6)

Subject: Artesia update



Serena --

Apologies for the delay. Artesia is fast-moving, and I wanted to make sure we were getting you the latest. We took the issues list that (b)(6) sent you a couple of weeks ago and have added updated information in italics after each issue. As you can see, some things are moving, and others aren't.

To your question whether regular meetings with ICE and the volunteer team are necessary, as of right now, on many of the procedural and access issues, things are getting worked out. It isn't flawless -- today, one of the volunteers was dismayed to learn that coloring books and crayons that had been brought in for the kids yesterday or recently have disappeared, and systems to bring detained women to the attorney volunteers for interviews change from time-to-time, which makes scheduling and timing of client interviews difficult.

Volunteer attorneys are relating some very concerning reports regarding the treatment of the women in detention. We think it is important for you to be alerted. I thought one of the best ways was to give you links to a couple of the recent "video postcards" from Artesia:

<https://www.youtube.com/watch?v=l2ruG-vQVvA&list=UUb5KI7gHJdchQVBJO9bqiPA>

<http://vimeo.com/103097257>

<https://www.youtube.com/watch?v=vV-AZmkBSPI&list=UUb5KI7gHJdchQVBJO9bqiPA>

We have new teams of volunteers scheduled for Artesia for several weeks -- I believe at least through September.

I hope this helps. If you'd like to talk, let me know. I can pull together some of the staff here at AILA national who are closely involved in the Artesia work.

Thanks,

(b)(6)

Deputy Director for Programs  
American Immigration Lawyers Association  
Direct: 202. (b)(6) Email: (b)(6)@aila.org

-----Original Message-----

From: Hoy, Serena [mailto:(b)(6)@hq.dhs.gov]

Sent: Tuesday, August 19, 2014 9:46 PM

To: (b)(6)

Subject: RE: and a big thing

Also, fyi, have asked ICE if they could work on a regular (likely biweekly) meeting at Artesia with AILA attorneys/NGOs, and they are up for it. Let me know if you think that isn't necessary or wouldn't be helpful.

Serena

-----Original Message-----

From: Hoy, Serena  
Sent: Tuesday, August 19, 2014 10:53 AM  
To: (b)(6)  
Subject: RE: and a big thing

Thanks much

-----Original Message-----

From: (b)(6) @aila.org]  
Sent: Tuesday, August 19, 2014 9:22 AM  
To: Hoy, Serena; (b)(6)  
Subject: RE: and a big thing

Sure. Will get it to you.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Hoy, Serena"  
Date: 08/19/2014 8:36 AM (GMT-05:00)  
To: (b)(6)  
Subject: RE: and a big thing

Hi (b)(6) could you give me an update on where things are with the issues you've previously raised at Artesia? Also, do you have people at Karnes? Thanks much, Serena

From: (b)(6)  
Sent: Wednesday, July 30, 2014 10:46 AM  
To: Serena Hoy (b)(6) @hq.dhs.gov<mailto:(b)(6)@hq.dhs.gov>); (b)(6)  
(b)(6) @aila.org<mailto:(b)(6)@aila.org>  
Subject: It's the little things....

Serena,

As mentioned when we met, it's the little things that are killing us. Can we make a priority of the first bullet on the second page of the attached? Need clear instructions permitting attorneys to bring cell phones, laptops, and wifi hotspots into the facility.

In particular, the issue about cell phones. Attorneys need to be able to bring them in. So many circumstances arise that could be resolved easily if the attorney could just call someone. But to do so involves an ordeal of at least an hour, because they have to leave the facility, make the call, then come back. And, if they have to leave a message, the attorney has the option of waiting outside for the return call or going back in and missing it. The biggest issue is when they need to contact the ICE OPLA representative to resolve matters on the ground.

Any chance we can get a clear OK for attorneys to bring in their phones?

Thanks,

(b)(6)

Executive Director

Direct: 202 (b)(6) | Email: (b)(6)@aila.org<mailto:(b)(6)@aila.org>

American Immigration Lawyers Association<<http://www.aila.org/>>  
Main: 202.507.7600 | Fax: 202.783.7853 | [www.aila.org](http://www.aila.org)<<http://www.aila.org/>>  
1331 G Street NW, Suite 300, Washington, DC 20005

[Facebook\_Logo\_Grey]<<http://www.facebook.com/AILANational>> [TwitterIcon]  
<<http://www.twitter.com/AILANational>> [YouTubeIcon] <<http://www.youtube.com/AILANational>>  
[LinkedInIcon] <<http://www.linkedin.com/company/american-immigration-lawyers-association>>

From: (b)(6)  
Sent: Monday, July 28, 2014 5:55 PM  
To: 'Hoy, Serena'; (b)(6)  
Subject: RE: Karnes

Attached is the list of issues. It's a moving target, so we'll likely have updates.

Re the pro bono efforts in Artesia, here's what I can tell you at this moment:

We are planning to coordinate attorney groups to Artesia each week for the foreseeable future.

8 AILA attorneys are currently on the ground there, many from Colorado and Nevada, including one who is acting as a pro bono coordinator.

The coordinator will need to leave on Wednesday, and we are currently recruiting another to take her place for a couple of weeks.

Another group of 5 attorneys from our Oregon chapter are poised to go next week.

Two attorneys from the law firm Jones Day are on site now and assisting in our pro bono efforts.

We are currently recruiting other volunteers, both from our membership and from large law firms.

We have set up an office for the volunteers at the Chamber of Commerce office for two weeks, and then will move to a local church.

We are partnering with a number of other NGOs in trying to coordinate the activities of non-profits and pro bono attorneys.



(b)(6)

Executive Director

Direct: 202 (b)(6) Email: (b)(6)@aila.org<mailto:(b)(6)@aila.org>

American Immigration Lawyers Association<http://www.aila.org/>  
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1331 G Street NW, Suite 300, Washington, DC 20005

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<http://www.twitter.com/AILANational> [YouTubeIcon] <http://www.youtube.com/AILANational>  
[LinkedInIcon] <http://www.linkedin.com/company/american-immigration-lawyers-association>

From: Hoy, Serena [mailto:(b)(6)@hq.dhs.gov]  
Sent: Monday, July 28, 2014 9:20 AM  
To: (b)(6)  
Subject: Karnes

Thanks for your very helpful thoughts last week on Artesia. I know you all are working on a list for us of issues with Artesia, and I look forward to receiving it. Also, if there's anything you can share about the plan you've put in place with respect to the attorneys that are out there (i.e., how many, are they already there, etc.), I would find that useful.

In case you missed it, I wanted to flag for you that Karnes will be up and running soon (see the statement below we put out earlier this month), so that you all could bear that in mind for your attorney recruitment efforts. Thank you - Serena

"On July 11, 2014, ICE modified its contract with Karnes County, Texas, in order to transition the Karnes County Civil Detention Center (Karnes) from an existing immigration detention facility housing adults to a residential facility to house adults with children. This was done in order to expand the agency's capacity to house Central American adults with children who have been apprehended at the border and placed into expedited removal proceedings. It is anticipated that Karnes will begin receiving Central American female adults with children within the next several weeks."

Serena Hoy  
Senior Counselor  
Office of the Deputy Secretary  
U.S. Department of Homeland Security  
(202 (b)(6))

<b>Sender:</b>	(b)(6); /O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)
<b>Recipient:</b>	"Mack, Megan </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>"; "Kessler, Tamara </O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6)>";

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<b>Sent Date:</b>	2014/08/20 18:27:24
<b>Delivered Date:</b>	2014/08/20 18:27:25