March 15, 2017

Re: Widespread Denials and Restrictions of Public Access to U.S. Immigration Detention Facilities

Dear Director Homan, Assistant Director Trickler-McNulty, Secretary Kelly, Inspector General Roth, and Officer Venture:

Since January 20, 2017, Community Initiatives for Visiting Immigrants in Confinement (CIVIC) has documented denials and restrictions of public access to U.S. immigration detention facilities in violation of federal policy. While we have experienced restrictions of public access in previous years, we are concerned that these denials and restrictions may be indicative of an emerging pattern or practice to restrict or eliminate access by the public to immigration detention facilities.

Therefore, CIVIC submits this complaint detailing access denials and restrictions at 14 immigration detention facilities in Arizona, California, Virginia, Florida, Georgia, Pennsylvania, and Texas within the last year. In addition, 441 organizations, faith leaders, professors and immigrant rights advocates join us today in urging ICE to uphold its commitments to transparency and open access to the detention system by maintaining the 2011 “Stakeholder Procedures for Requesting a Detention Facility Tour and/or Visitation” as well as the autonomy of CIVIC-affiliated visitation programs (see signatures below). We urge the Office for Civil Rights and Civil Liberties (CRCL) at the Department of Homeland Security (DHS), pursuant to its authority under 6 U.S.C. § 345, to immediately investigate this complaint of ICE stakeholder tour and visitation denials and restrictions and to promptly develop protocols to ensure that the public is allowed to maintain access to immigration detention facilities under current federal policies.

ICE’S RECENT ACTIONS ARE CONTRARY TO ICE’S STATED COMMITMENT TO TRANSPARENCY IN ITS DETENTION PROGRAMS.

In September 2011, ICE announced the creation of a new directive, “Stakeholder Procedures for Requesting a Detention Facility Tour and/or Visitation” (commonly known as the Stakeholder Access Directive).1 The

Stakeholder Access Directive provides access to detention facilities for organizations that request to tour a facility and speak with individuals in immigration detention who sign up and consent to be interviewed. The Stakeholder Access Directive is incorporated into section 7.2 B of ICE’s Performance Based National Detention Standards of 2011, revised in 2016 (PBNDS 2011). Section 7.2 B is entitled “Non-Governmental Organization (NGO) and Other Agency Stakeholder Facility Tours, Visitation, or Tours with Visitation” and states that “ICE detention facilities will maintain an open and transparent approach to immigration detention through managed access of stakeholders participating in approved tours, visits, or tours with visitation.” The expected outcome of such interviews and tours, according to the PBNDS 2011, is to ensure “that the public and the media [are] informed of operations and events within the facility’s areas of responsibility.”

The Stakeholder Access Directive is separate from ICE’s Visitation Standards, which include Standard 5.7 under the 2011 PBNDS, Standard 32 under the 2008 PBNDS, and the Standard on Visitation under the 2000 PBNDS. ICE’s Visitation Standards are intended to allow people in immigration detention to be able to maintain morale and ties through regular visitation with their families, the community, legal representatives and consular officials. The Stakeholder Access Directive plays a distinct role from the Visitation Standards in that it provides a point of connection with the community for detained individuals who cannot easily be pre-identified and thus visited under the Visitation Standards. The Stakeholder Access Directive and all forms of visitation allow organizations to monitor conditions to determine whether or not facilities are in compliance with national detention standards.

**DESPITE FEDERAL POLICY PROTECTING OPEN ACCESS TO DETENTION FACILITIES, ICE HAS RESTRICTED OR SUSPENDED ACCESS AT 14 FACILITIES.**

Unfortunately, despite ICE’s stated intention to “maintain an open and transparent approach to immigration detention” through the Stakeholder Access Directive, organizations across the country have reported several denials of requests to conduct stakeholder tours and visitations since January 20, 2017:

- In February 2017, Assistant Director Matthew Munroe of the ICE Enforcement and Removal Operations (ERO) Washington Field Office denied a stakeholder tour and visitation of the **Farmville Detention Center in Virginia** that had been requested by the CIVIC-affiliated DC Detention Visitation Network, the Unitarian Universalists for Social Justice, and the Westminster Presbyterian Church in Charlottesville. Assistant Field Office Director Munroe’s denial stated, “With the issuance of the recent Executive Orders, ICE is undergoing significant operational changes and is in the process of reviewing all ongoing programs, so are not initiating new programs such as the one you are proposing at this time.”
- In February 2017, ICE cancelled a tour and legal intake session at the **Santa Ana City Jail in California** which had been requested by the Transgender Law Center and had previously been approved. The sudden cancellation email stated that the tour and legal intake session was no longer viewed as “consistent with the security and orderly operation of the facility.”
- In January 2017, ICE and Corrections Corporation of America suspended one of CIVIC’s affiliated visitation programs at the **Stewart Detention Center in Georgia**, pending the creation of new policies surrounding visitation. The program has been restored.
- In February 2017, GEO Group temporarily suspended one of CIVIC’s affiliated visitation programs at the **Broward Transitional Center in Florida**. The program was promptly restored.

CIVIC also has documented multiple restrictions on stakeholder tours and visitations at immigration detention facilities in six states:

- During a recent stakeholder tour conducted by CIVIC in March 2017 at the **Adelanto Detention Facility in California**, many detained individuals who had signed up ahead of time to meet with the CIVIC

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visitors were not allowed to speak with them. In one of the dorms, not a single person who had requested to meet with the CIVIC visitors was granted the opportunity to do so. Furthermore, stakeholders were initially told that they could not use pen and paper to take notes and that they could not ask detained individuals for their Alien Registration Numbers (“A numbers”), only the last three digits.

- The ICE ERO Phoenix Field Office, which supervises four detention facilities in Arizona, made a policy change in late 2016 and now allows only one stakeholder tour and visitation of each facility per month. This is particularly concerning given the large detained immigrant populations and troubling history of deaths at detention facilities in Arizona, such as the Eloy Detention Center, where approximately 1,432 people are currently being held in immigration detention and 15 individuals have died since 2003. Stakeholder tours and visitations should allow community members to monitor the conditions in these facilities, but this will be severely limited if community members are only permitted to gain access up to twelve times a year.

- Attempts to obtain access through the ICE Access Directive to the Berks Family Residential Center in Pennsylvania are denied routinely for “privacy of Berks residents” and for “security, safety and well-being.” Given the many reports of substandard conditions and abuse in family detention facilities, such as inadequate medical care, children experiencing weight loss, and staff threats to separate families if children misbehave, CIVIC is extremely troubled by this seemingly blanket rejection of community oversight.

- During a stakeholder tour conducted by Las Cruces CIVIC of El Paso Processing Center in Texas in May 2016, ICE denied stakeholders permission to speak with detained individuals who had signed up to be interviewed. ICE gave no explanation for the denial nor did they inform Las Cruces CIVIC prior to the tour that they would not be permitted to speak with detained individuals.

- During a stakeholder tour conducted by Friends of Broward Detainees of Broward Transitional Center in Florida in January 2016, ICE denied stakeholders permission to speak with detained individuals who had signed up to be interviewed.

These interview denials are in clear violation of PBNDS 2011, which states, “On the day of the visitation, the facility staff shall give the NGO or stakeholder access to pre-identified detainees and/or to detainees who have signed up in advance to speak with the stakeholder.”

In the months leading up to the inauguration of President Donald Trump, CIVIC began to document trends in visitation denials from the detention facility operators despite ICE’s approval:

- On December 7, 2016, the ICE ERO San Francisco Field Office forwarded CIVIC an email from Sergeant Kevin Jordan of Sacramento County Sheriff’s Department in which he denied our request for a stakeholder tour and visitation of Rio Cosumnes Correctional Center in California. Sergeant Jordan’s denial stated, “There seems to be no valid need for the disruption here at RCCC.”

- On December 9, 2016, the ICE ERO Los Angeles Field Office informed CIVIC that their request for a stakeholder tour and visitation of Theo Lacy Facility in California had been denied by the Orange County Sheriff’s Department.

- In July 2016, two days before a previously scheduled stakeholder tour and visitation of James Musick Facility in California, the ICE ERO Los Angeles Field Office informed CIVIC that the tour and visitation had been denied by the Orange County Sheriff’s Department.

On January 9, 2017, CIVIC and the Detention Watch Network raised concerns about these three county jail denials with ICE’s National Office, but never received a response back as to why these denials occurred or information on a plan to ensure that this pattern does not continue. It is concerning that ICE field offices are


allowing contracted parties to decide whether or not to comply with the Stakeholder Access Directive, and granting them the authority to deny such requests. The PBNDS 2011 states, “When deciding whether to approve or deny the request, the Field Office Director, or his or her designee, will take into consideration safety and security, and the availability of personnel to staff the tour, visitation, or tour with visitation.” Yet the stakeholder tour with visitation requests were denied by contracted parties instead of ICE Field Office Directors.

WITH THE GROWING NUMBER OF ACCESS DENIALS & RESTRICTIONS, CIVIC FILED REQUESTS AT 10 IMMIGRATION DETENTION FACILITIES UNDER THE ACCESS DIRECTIVE.

Between February 13 and 16, 2017, CIVIC requested a stakeholder tour and visitation at each of the following detention facilities:

- Adelanto Detention Facility in Adelanto, CA (Los Angeles ICE Field Office)
- Elizabeth Detention Center in Elizabeth, NJ (Newark ICE Field Office)
- Eloy Detention Center in Eloy, AZ (Phoenix ICE Field Office)
- Essex County Correctional Facility in Newark, NJ (Newark ICE Field Office)
- Folkston Detention Center in Folkston, GA (Miami ICE Field Office)
- LaSalle Detention Facility in Jena, LA (New Orleans ICE Field Office)
- Krome Detention Center in Miami, FL (Miami ICE Field Office)
- Otero County Processing Center in Chaparral, NM (El Paso ICE Field Office)
- Prairieland Detention Center in Alvarado, TX (Dallas ICE Field Office)

We have successfully scheduled tours at all of these facilities, and we have already toured Adelanto and Otero through this process. While we experienced restrictions during the Adelanto tour, as detailed above, participants who conducted the tour and visit at Otero did not document any violations of the Access Directive. We hope to see all of these scheduled tours honored, and we urge ICE to uphold its Access Directive as well as family and community visitation. It is critical for stakeholders such as non-governmental organizations and community members to continue to be able to tour detention facilities and speak with people in immigration detention. We urge ICE to clarify the role of field offices in managing stakeholder tour and/or visitation requests to ensure that the Stakeholder Access Directive is being upheld and implemented properly at all field offices.

We look forward to your prompt attention to this issue. Should you have any questions, please contact CIVIC’s National Visitation Network Coordinator Rebecca Merton at RMerton@endisolation.org or at 385-212-4842.

Sincerely,

[Signature]

Rebecca Merton
National Visitation Network Coordinator, CIVIC
www.endisolation.org

[Signature]

Christina Fialho
Co-Founder/Executive Director, CIVIC
www.endisolation.org

CC:

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Enforcement and Removal Operations
Philadelphia Field Office
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Philadelphia, PA, 19130
March 15, 2017

Re: Keep ICE’s Stakeholder Access Directive

We, the undersigned visitation programs, immigration advocacy organizations and individuals, are writing to urge you to uphold U.S. Immigration & Customs Enforcement’s (ICE) Stakeholder Tour and/or Visitation Directive (commonly known as the Stakeholder Access Directive). The Stakeholder Access Directive, established in 2011, allows any community member, including organizations, to request a tour of an immigration detention facility. Tour participants also can request to speak with people in immigration detention and are not required to pre-identify a person in detention with whom they wish to speak. The tour and subsequent interviews with people in detention are meant to allow organizations and community members to monitor conditions to see whether or not the facility is in compliance with national detention standards. Rescinding or narrowing the Stakeholder Access Directive would mark a significant step backward in government transparency.

We also recognize that the (ICE) Stakeholder Tour and/or Visitation Directive is separate from ICE’s Standards on visitation, which include Standard 5.7 under the 2011 PBNDS, Standard 32 under the 2008 PBNDS, and the Standard on Visitation under the 2000 PBNDS. These three PBNDS direct immigration detention facilities to provide regular visiting procedures for immigrants to maintain communication with family and the community. While these are crucial, the Stakeholder Access Directive plays an important additional role in providing a point of connection for detained individuals who may not have family or community in the local area, and thus are very difficult to pre-identify. Furthermore, as ICE moves to process people for deportation more quickly, there simply may not be enough time to pre-identify people, making the existing process even more important to maintain. We urge ICE to uphold its Stakeholder Access Directive and to ensure that family and community members are not faced with additional restrictions when visiting people in immigration detention.

Sincerely,

Rebecca Merton
National Visitation Network Coordinator, CIVIC

Christina Fialho
Co-Founder/Executive Director, CIVIC
On behalf of the following 211 organizations and 230 individuals:

350 Santa Cruz
Action Group Network
Adelante Alabama Worker Center
Adelante Mujeres
Adjunct Justice
African Advocacy Network
Alianza Americas
Alicia C Armstrong Law Office LLC
Alliance for Citizenship
American Civil Liberties Union
American Civil Liberties Union of Alabama
American Gateways
Americans for Immigrant Justice
Antioch College Cooperative Education
Arkansas Justice Collective
Asian Americans Advancing Justice - Orange County
Asian Pacific American Legal Resource Center
Atlas: DIY
Baker Interfaith Friends
Bard College MAT
Bay Area Committee in Solidarity with the People of El Salvador (CISPES)
Bay Area Latin America Solidarity Coalition
Benedictine Sisters of Baltimore
Bill of Rights Defense Committee/Defending Dissent Foundation
Black Alliance for Just Immigration
Black Immigration Network
Cabrillo College
Cabrini Immigrant Services of NYC
California Central Valley Journey for Justice
Capital Area Immigrants’ Rights Coalition
Casa Latina
Casa Mariposa Detention Center Visitation Project
Casa de Esperanza (New Jersey)
Casa de Paz
Catholic Charities of the Diocese of Monterey CA
Catholic Charities of the East Bay
Catholic Legal Immigration Network, Inc.
Center for Constitutional Rights
Center for Farmworker Families
Center for Gender & Refugee Studies
Centro de Amistad
Chalice Unitarian Universalist Congregation Social Justice Team
Chicago Religious Leadership Network
Church Women United in New York State
Cleveland Jobs with Justice
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Code Pink
Colectiva Legal del Pueblo
Colin Immigration Law
Columban Mission Center
Comunidades Unidas en una Voz
Conversations with Friends
DC-Maryland Justice for Our Neighbors
Detention Watch Network
Detention Witness
East Bay Community Law Center
El Refugio Ministry
Embarc
Emerson Unitarian Universalist Church
Employee Rights Center
Equality California
Equality New Mexico
Etowah Visitation Project
Faith Matters Network
Faith Presbyterian Church
Faithful Friends
Familia: Trans Queer Liberation Movement
Farmworker Association of Florida, Inc
Fig Tree Collective
Filipinos for Immigrant Rights in Minnesota (FIRM)
First Congregational United Church of Christ
First Friends of New Jersey and New York
First Unitarian Universalist Church of Austin Inside Amigos Project
First Unitarian Universalist Church of Berks County
First Unitarian Universalist Church of Berks County Immigration Justice Team
Florence Immigrant & Refugee Rights Project
Food Empowerment Project
Friends of Broward Detainees
Friends of Miami-Dade Detainees
Friends of Orange County Detainees
Gainesville Interfaith Alliance for Immigrant Justice
Georgia Detention Watch
Grassroots Leadership
Grassroots Leadership Hutto Visitation Program
Greater Rochester Coalition for Immigration Justice
Her Justice
Hope Border Institute
Houston Immigration Legal Services Collaborative
Human Agenda
Human Rights First
Human Rights Watch
IDEAS at UCLA
IMPORTA Santa Barbara
Iglesia del Nazareno
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Defenders Law Center
Immigrant Defense Project
Immigrant Hope-Clifton, NJ
Immigrant Justice Corps
Immigrant Legal Advocacy Project
Immigrant Legal Resource Center
Immigration Justice Clinic, Pace University School of Law
InterReligious Task Force on Central America and Colombia
Interfaith Coalition on Immigration
Interfaith Communities United for Justice and Peace
Irish Apostolate USA
Irvine United Congregational Church
JPIC Committee of the Sisters of St. Francis of Philadelphia
Jewish Family & Community Services East Bay
Juntos
Just Foreign Policy
Justice Strategies
Justice for All
Justice for Our Neighbors Southeastern Michigan
KWESI
Kennedy Holden Law Firm, LLP
Kino Border Initiative
La Raza Centro Legal
Lafayette Urban Ministry
Las Americas Immigrant Advocacy Center
Las Cruces CIVIC
Legal Aid Society of Santa Clara County
Legal Services for Children
Loyola University New Orleans College of Law
Lutheran Immigration and Refugee Service
Madaen Law, Inc.
Massachusetts Immigrant and Refugee Advocacy Coalition
Mi Familia Vota
Migration Resource Center
Mixteco/Indigena Community Organizing Project
Monterrosa Law Group, LLC
Mujeres Latinas en Accion
Nassau Presbyterian Church
National Asian Pacific American Women's Forum (NAPAWF)
National Association for the Advancement of Colored People (NAACP)
National Center for Transgender Equality
National Council of Jewish Women
National Council of La Raza
National Domestic Workers Alliance (NDWA)
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Justice for Our Neighbors
National Latina Institute for Reproductive Health
National Religious Campaign Against Torture
New Hampshire Immigrant Visitation Program
New Voice Immigration Assistance Services
Nicaragua Center for Community Action
No Dream Deferred
North County Immigration Task Force
Northern Illinois Justice for Our Neighbors
Oak Grove Church of God Immigration Ministry
OneAmerica
OpenTheGovernment.org
Orange County Communities Organized for Responsible Development (OCCORD)
Orange County Immigrant Youth United
Pangea Legal Services
Pax Christi Florida
Peace United Church of Christ, Santa Cruz
Pennsylvania Immigration and Citizenship Coalition
People’s Democratic Club of Santa Cruz County
Project IRENE
Project South
Provincial Council Clerics of St. Viator (Viatorians)
Proyecto Santo Nino de Atocha
Public Counsel
Queer Detainee Empowerment Project
Reformed Church of Highland Park
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Refugees Helping Refugees
Research Institute Without Walls
Resilience OC
SOLACE
Salvadoran American National Network (SANN)
Sanctuary Santa Cruz
Sisters of Mercy of the Americas Institute Justice Team
Sisters of St Francis of Penance and Christian Charity, St. Francis Province
Solidarity
Somos Hijas Unidas Silverton
South City Church
Southeast Asia Resource Action Center (SEARAC)
Southern Center for Human Rights
Southern Poverty Law Center
Street Level Health Project
Task Force on the Americas
The Dinner Party
Transgender Law Center
Trinity Episcopal Church
U.S. Committee for Refugees and Immigrants
UCLA Law Immigrant Rights’ and Policy Clinic
UC Davis Immigration Law Clinic
Unitarian Universalist Justice Ministry of California
Unitarian Universalist Pennsylvania Legislative Advocacy Network (UUPLAN)
Unitarian Universalist Pennsylvania Legislative Advocacy Network (UUPLAN) Immigration Justice Team
Unitarian Universalist Refugee & Immigrant Services & Education (UURISE)
Unitarian Universalist Service Committee
United Child Care, Inc.
United Farm Workers
United Farm Workers Foundation
University of Miami School of Law Immigration Clinic
University of Southern California Gould School of Law
University of Tulsa Immigrant Rights Project
Urban Initiatives
Waco Immigration Alliance
Walking Together
Washington Defender Association
Wayne Action for Racial Equality
We Belong Together
WilCo Justice Alliance
Women's Refugee Commission
Zellerbach Family Foundation

Individuals:

Abigail Tutor
Adam Novak
Akiko Ichikawa
Alejandra Pablos
Alison Hart
Allan Fisher
Allegra David
Andrea Black
Andrea Carcamo
Andrea Hillis
Andrés Pacheco
Angela Stuesse
Anne DePage
Anne Olin
Anthony Ross
Austin Kocher
Ava Berkofsky
Barbara Pampalone
Barbara Troxell
Barbro Beckett
Brenda Avila
Brenda Montes
Caleb Crain
Camille Gonzales
Carla Fernandez
Carla Salazar Gonzalez
Carol Drewl
Carol Weston
Carole English
Caroline Earhart
Carrie Barclay
Catherine H. Coleman
Cherie Flint
Chris Parker
Christie McCullen
Cindy Knoebel
Colin Jessop
Corazon Del Sol
Cornelis Jongepier
Daniel Alfaro
Daniel Calderon
Daniel M. Kowalski
Daria Roithmayr
David B. Cruz
David FitzGerald
David Strauss
Deborah A. Boehm
Dena Kelley
Denise Gilman
Dennis Brown
Diane Francisco
Dina Clark
Dominica Lo Bianco
Edward Fisher
Elaine Klaassen
Elena Macias
Elissa Kline
Elizabeth Brown
Elizabeth F. Hailey
Elizabeth J. Pimentel
Emily Ryo
Erika Monahan
Ethan Brightbill
Eva Holt-Rusmore
Evan Franzel
Felicia Madrigal
Felicity Figueroa
Frances Murray
Frances Scott
Francisco Machuca
Franco Picarella
Frank Shinneman
Frieda Krieger
Gabriela Santos
Gerald Kahlert
Gilbert Saucedo
Guy Tower
Gwen Berliner
Gwen Chiaramonte
Holly Severson
Ilana Wallach
Jade Loftus
Jana Whalley
Jana A. Lareinas
Jayashri Srikantiah
Jean Kratzer
Jennifer Cullison
Jennifer Gutierrez
Jessica Rowinsky
Mary Beth Flurry  
Mary Lou Pappolla  
Mary Watkins  
Mat Coleman  
Matthew Erle  
Megan Thomas  
Mia Taylor  
Michael Chwe  
Michael Hebbeler  
Michelle Garca  
Michelle Mckinley  
Michelle Morton  
Miki Garcia  
Mira Jacob  
Molly Larkey  
Nancy Boyd  
Nancy N. Davies  
Natalie Smyka  
Natsumi Paxton  
Nikki Endsley  
Nina Della Vecchia  
Nina Stender  
Nita Hertel  
Noelia Ferreyra  
Norma Zapata  
Pamela Robie  
Path Star  
Paul Murray  
Paul Pescador  
Pegatha Hughes  
Priscilla Padron  
Pstr Favour  
Rachel Higgins  
Raul Gratz  
Rebecca Feldmann  
Rebecca Gomez  
Richard Deming  
Robby Herbst  
Roberta S. Reed  
Robin Joy Berenson  
Rosa-Linda Fregoso  
Rosemarie Lewis  
Roy Tsao  
Rubén G. Rumbaut  
Ruth McArthur  
Stephanie Paladino  
Sally Brown  
Sally Yoakum  
Sam Erman  
Sara Weiss  
Sarah England
Sarah Kessler
Sarah Shane
Sarah-Hope Parmeter
Savannah Olson
Seth E. Cutler
Shannon Crouch
Sheila Carrillo
Sheilah Cummings
Sierra Canela
Silvia Torres
Simon Stumpf
Solana Feldthouse
Stephanie Magrino Fischbach
Stephanie Saunders
Stephen Rohde
Suzanne Darweesh
Suzanne Llewellyn
Sydney Groenendaal
Thaeda Franz
Rev. Arthur G Stevens
Rev. David C. Grishaw-Jones
Rev. Jeneba Charkey
Rev. Sarah Henkel
Todd Baer
Tony Boardman
Truth Berenson
Tyler Brothers
Valerie Roach
Vanessa J Rodgers
Veda Veach
Velda Saldana
Veronica Holcomb
Victoria Rue
Virginia H. Dixon
Vivienne Orgel
Wendy Hughes Milligan
Wendy Traber
Willow Katz
Yareli Urbina