



FREEDOM FOR IMMIGRANTS

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January 16, 2020

Re: Failure to Respond to Medical Release Requests of Detained Men on Hunger Strike

Dear Acting Field Office Director Joyce, Deputy Field Office Director Cephas-Kimbrough, and Warden Cole,

Freedom for Immigrants submits this complaint regarding the failure of U.S. Immigration & Customs Enforcement (ICE) to respond to the release requests of five men on hunger strike,



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some of whom have not eaten for over 74 days and risk irreversible physical damages or even death. [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], all detained at The GEO Group's LaSalle ICE Processing Center in Jena, LA, are demanding that ICE formally use their prosecutorial discretion to release the men so they can receive appropriate medical care while pursuing their asylum cases externally.

On December 3, 2019, Nell Hahn, a Freedom for Immigrants affiliated volunteer and attorney monitoring the medical care of hunger strikers, sent an email to ICE attorney William Lund requesting that the men be released to external medical supervision in order to prevent any further threats to the health of her clients. To this date, she has not received a response from ICE regarding this request.

These men have been on a hunger strike for 75 days, which means that they are at a point where their health is quickly deteriorating and their vital organs may lose functioning, with their health drastically worsening from one day to another.¹ It is questionable whether the LaSalle facility has appropriate medical staffing to keep these men alive. Each day they are closer to irreversible bodily harm or even death. Thus it is critical that any health service provider that has treated [REDACTED] and [REDACTED], The GEO Group, and ICE respond to medical related requests in a timely manner and take all appropriate steps to ensure their well-being, including release.

ICE's recorded history of neglectful medical care for individuals on prolonged hunger strikes² highlights the fact that the agency is not adequately equipped to care for individuals who have been on hunger strike for this duration; essentially individuals on the brink of death. All five men have family and friends who have signed the appropriate paperwork as formal sponsors. Medical professionals and attorneys have also stepped forth to provide support upon release. The fact that ICE has not released these individuals from their custody suggests that the agency is prioritizing making an example out of the men on prolonged hunger strike over avoiding potential deaths.

ICE's Documented History of Medical Abuse and Substandard Care

ICE has a documented history of medical neglect and abuse, sometimes so severe that it has led to preventable deaths.³ During the fall of 2019, ICE made national news for their practice of

¹ <https://www.scientificamerican.com/article/how-long-can-a-person-survive-without-food/>

²

https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5a9da33f0d9297a1f84f60f2/1520280385430/HRW_Report.pdf

³ Ibid



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force-feeding hunger strikers at El Paso ICE Processing Center, as well as for the substandard care that was putting lives at risk.⁴

Currently, ICE is force-hydrating one man and force-feeding two men hunger striking at Jena LaSalle Detention Facility. Force-feeding is a painful process that involves physically restraining the hunger striker and forcing fluid through nasal passages with tubes. The practice has been denounced by the United Nations,⁵ Physicians for Human Rights,⁶ the American Medical Association,⁷ and the World Medical Association.⁸ In December 2019, ICE was found to be using feeding tubes nearly twice the size of those used in Guantanamo on hunger strikers in Texas.⁹ Additionally, some of the men hunger striking at El Paso were deported without undergoing a re-feeding protocol, a process which can lead to death according to Physicians for Human Rights.

In addition to the physically painful consequences, advocates have reported that the men being force-fed and force-hydrated in Jena LaSalle are undergoing an emotionally scarring experience. The staff members subjecting them to force-feeding and force-hydrating do not even speak the men's native language, nor are interpreters employed at every juncture.¹⁰

Further, ICE has neglected to properly communicate about the medical status of [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] with Ms. Hahn, their legal representative. On November 19, 2019, Ms. Hahn sent an email to Jena LaSalle Detention Facility's ICE supervisor John Hartnett requesting information about four men on hunger strike. The email inquired if the men were being force-fed or if ICE had any intention to force-feed the men. The response came from ICE attorney William Lund by phone on December 3rd, a full two weeks after force-feeding had, in fact, begun on November 19th.

In a concerning pattern of neglect, ICE has also failed to provide medical records for at least two of the men currently hunger striking at Jena LaSalle Detention Center, [REDACTED] and [REDACTED].

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<https://www.elpasotimes.com/story/news/2019/09/18/indian-asylum-seekers-hunger-strike-will-die-if-not-released-lawyers-say/2368013001/>

⁵ <https://apnews.com/e0941d7d1b0d413b9d9a0b792c34dd26>

⁶ <https://phr.org/our-work/resources/hunger-strikes-and-the-practice-of-force-feeding%E2%80%9D>

⁷ <https://journalofethics.ama-assn.org/article/force-feeding-prisoners-wrong/2015-1%E2%80%9D>

⁸ <https://www.wma.net/news-post/world-medical-association-reiterates-its-policies-on-hunger-strikes/>

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<https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Aascds%3AUS%3Aca8e8232-88b5-4a28-a83c-eb8103de11e8>

¹⁰ <https://truthout.org/articles/after-68-days-hunger-strikers-in-ice-custody-are-on-the-brink-of-death/>



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Ms. Hahn submitted medical records requests on behalf of [REDACTED] and [REDACTED] on November 27, 2019, and December 20, 2019 respectively. However, after almost two months and multiple follow-up communications, ICE has clearly violated PBNDS 2011 section 4.3¹¹ by failing to provide these records within a reasonable time period and has neglected to treat these requests with the urgency they require. These significant delays also violate PBNDS 2011 section 4.3¹² which guarantees the right to external medical evaluation. As a result, ICE is responsible for decreasing both transparency and level of care by preventing outside physicians affiliated with Physicians for Human Rights from reviewing the treatment that [REDACTED] and [REDACTED] are receiving.

External medical review of individuals on prolonged hunger strikes while in ICE detention has proven to be crucial in ensuring a proper standard of care. In October 2019, Dr. Parveen Parmar, a licenced physician practicing with the Los Angeles County + University of Southern California (LAC+USC) Emergency Department and who is an affiliated representative with Physicians for Human Rights, reviewed the medical records of a man who had been on hunger strikes for approximately three months while detained at El Paso ICE Processing Center. Dr. Parmar's medical experience includes treating patients that are detained by ICE. Upon review of the medical documents, Dr. Parmar stated that the man's care was so negligent as to constitute a risk to life. She stated directly, "The lack of appropriate attention to critically low blood pressure and astonishingly infrequent MD evaluations of a very ill patient, on whom treatments are being forced without their consent, would never be tolerated in any hospital and is, frankly, the worst medical care I have seen in my 10 years of practice."¹³ After this independent review of medical records, submitted as a court affidavit in a legal suit, the ICE ERO El Paso Field Office released the individual to obtain proper medical care within a community-based setting.

Per ICE's own standards, the ERO New Orleans Field Office Director, William Joyce, must be aware of the ongoing hunger strike at the facility, and presumably of the multiple requests that have gone unanswered regarding both receipts of medical records and release. Therefore, we request that Field Office Director Joyce does everything within his authority to ensure that, at a minimum, Ms. Hahn receives copies of the most recent medical records of her clients immediately, in addition to a formal response to the release request.

ICE Must Immediately Release Hunger Strikers

¹¹ <https://www.ice.gov/doclib/detention-standards/2011/4-3.pdf>

¹² Ibid

¹³ <https://www.newyorker.com/news/as-told-to/a-hunger-strike-in-ice-detention?verso=true>



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Freedom for Immigrants demands that [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] are immediately released to community based medical care and support. Based on the timeframe for which they have gone without eating, combined with the well-documented history of medical neglect and abuse, ICE is in no position to ensure that the hunger strikers will not die.

We demand that ICE uses its prosecutorial discretion and commits in writing to release the men on hunger strike immediately to their families and friends, following any necessary short term medical protocol for refeeding, so that [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] can stop their hunger strike and join the community.

Sincerely,

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