

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528

December 20, 2021

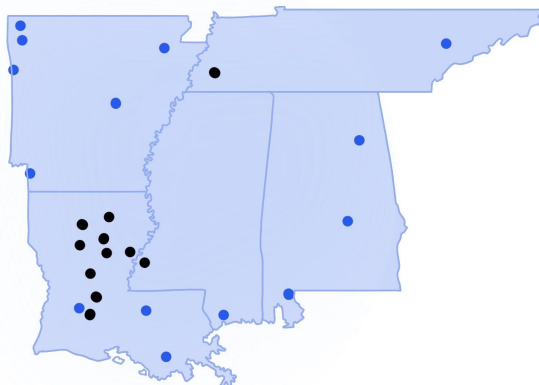
VIA ELECTRONIC MAIL

**Re: Unchecked Human Rights and Civil Rights Abuses Systemic within the
New Orleans ICE Field Office Area of Responsibility**

Dear Secretary Mayorkas,

The undersigned organizations write to urge immediate intervention into the abusive and racially discriminatory pattern of treatment, unlawful conduct, and lack of oversight and accountability within facilities under the jurisdiction of the New Orleans ICE Field Office (“NOLA ICE”).

**FACILITIES UNDER NOLA ICE
AREA OF RESPONSIBILITY**



- **FOR-PROFIT PRIVATELY RUN FACILITIES**
- **CITY/COUNTY FACILITIES**

While we commend the Department of Homeland Security (DHS) Office of Civil Rights and Civil Liberties (CRCL)’s unprecedented decision to open an investigation into the entire NOLA ICE area of responsibility (Louisiana, Mississippi, Alabama, Arkansas, and Tennessee) in response to the alarming volume of complaints and allegations of local ICE leadership’s complicity, we are disappointed by the apparent lack of urgency and rigor that has characterized this investigation so far. Further, we raise serious concern that this investigation alone, followed by internal recommendations for proper implementation of ICE policy, will not serve to sufficiently address the human rights violations taking place. While reports of human rights abuses and violations are common in ICE detention,¹ the culture of abuse and rampant legal impunity at the NOLA ICE Field Office has set it apart and demands your offices’ immediate attention.²

¹ See, e.g., Chris Rickerd & Cristina Velez, National Immigration Project, *Complaints Ignored, Abuses Excused: Why the Department of Homeland Security’s Internal Accountability Mechanisms Must Be Reformed* (Sirine Shebaya ed., 2021), https://nipnlg.org/PDFs/2021_27Apr_ice-report.pdf; Eunice Hyunhye Cho, ACLU National Prison Project & Joanna Naples-Mitchell, Physicians for Human Rights, *Behind Closed Doors: Abuse and Retaliation Against Hunger Strikers in U.S. Immigration Detention* (2021), https://www.aclu.org/sites/default/files/field_document/aclu_phr_behind_closed_doors_final_1.pdf

² See Letter to Secretary Mayorkas and Acting Director Johnson from Seven U.S. Senators calling for an investigation of NOLA ICE, (“While abuse and neglect in ICE facilities has been endemic for years, these incidents have happened with disturbing regularity and severity under the authority of the New Orleans ICE Field Office in particular.”), (February 25, 2021), <https://www.warren.senate.gov/imo/media/doc/2021.02.25%20Letter%20to%20ICE%20and%20DHS%20re%20for%20ced%20deportations%20of%20asylum-seekers.pdf>

The facilities under NOLA ICE and their contractors have shown an ongoing history of abusive conditions and are unfit to house human beings. This pattern of abuse is so egregious, that of the facilities the ACLU has called on you and the Biden Administration to shut down nation-wide, nearly one third (11 of the 39) fall within the NOLA ICE AOR.³ NOLA ICE contractors, including LaSalle Corrections, GEO Group, CoreCivic, and contracted Sheriff's Offices such as the Allen Parish Sheriff's Office and the Etowah County Sheriff's Office, and others' below-described actions and patterns and practices violate a multitude of state, federal, and international provisions. However, these violations have not been scrutinized or reported by DHS auditors or investigators. The task is left instead to survivors, family members, advocates, and journalists. The following non-exhaustive account of systemic misconduct within the NOLA ICE Field Office has been demonstrated *for years* by our organizations' ongoing advocacy, including reports of torture, physical abuse, threats of violence, anti-Black racism, threatened and deployed solitary confinement, deprivation of basic human necessities including life-saving medical care, and retaliation in response to reported grievances.

Despite the lack of acknowledgement by our government, ICE oversight bodies, and the official auditors, these actions and patterns and practices are morally reprehensible and illegal. Further, although the Biden Administration promised to end federal contracts with private prisons,⁴ to date nearly half of the facilities under the NOLA ICE AOR are run by for-profit private prison companies, a whopping 9 of which signed their contracts under the Trump administration.⁵ We therefore demand that the DHS CRCL office not only fulfill its promised investigation of the NOLA ICE Field Office with utmost urgency and diligence, but that their methods and findings be shared publicly. Given the overwhelming evidence of harm, we demand that you terminate all related contracts within these facilities, and release all detained individuals, recognizing that every day, the at least 6,000 people who are detained within the NOLA ICE Field Office's facilities remain subjected to this racist, violent, and life-threatening treatment.

I. PATTERN OF SYSTEMIC ABUSES IN FACILITIES UNDER THE JURISDICTION OF THE NOLA ICE FIELD OFFICE

The pattern of systemic abuse inherent to the NOLA ICE Field Office's management of its facilities includes: 1) holding individuals in facilities where they are isolated from vital services; 2) use of torture, physical abuse, and verbal threats; 3) retaliation against complainants, peaceful protestors, and hunger strikers; 4) implementation of solitary confinement; 5) anti-Black racial discrimination and harassment; 6) deprivation of basic human necessities, including clean drinking water and food; 7) life-threatening denial of medical care and other medical mistreatment; 8) indefinite and arbitrary detention due to lack of parole, denials of immigration bonds, and denials of asylum claims; 9) and other related systemic due process violations, including erroneous CFI findings and unlawful expedited removals.

1) Holding Individuals in Facilities where they are Isolated from Vital Services

In the NOLA ICE area of responsibility, immigrants are held in remote areas where access to legal representation, medical care, and other services is limited. With the highest incarceration rate of any US state, for over 25 years, Louisiana has held the nefarious distinction of being the "incarceration capital of

³ See ACLU Press Release Calling On Biden Administration To Shut Down 39 Ice Facilities, (April 28, 2021), <https://www.aclu.org/press-releases/aclu-calls-biden-administration-shut-down-ice-detention-Facilities>

⁴ See "The Biden Plan For Strengthening America's Commitment To Justice", <https://joebiden.com/justice/>; Detention Watch Network & Project South, *Broken Promises: Limits on the Biden's Executive Order on Private Prisons*, (November 23, 2021), https://www.detentionwatchnetwork.org/sites/default/files/reports/Broken%20Promises_DWN%20and%20Project%20South_Final_11.23.21.pdf

⁵ See Freedom for Immigrants, Mapping U.S. Immigration Detention, <https://www.freedomforimmigrants.org/map>

the world.” After a federal court ordered the state to reduce overcrowding in its prisons in the 1990s, many local sheriffs allowed private prison companies to build and manage prisons in their parishes in exchange for a small fraction of the profit.⁶ Due to Trump Administration policies that have since been upheld by this administration, by the summer of 2019, Louisiana was detaining more immigrants than any state other than Texas in a network of twelve facilities spread across hundreds of miles – an increase of 9 facilities and 7,000 jail beds in less than six months. This brought the total detention capacity of the state to 9,000 beds.⁷ The NOLA ICE Field Office’s practice of sending thousands of people per year into prison facilities repurposed for the detention of immigrants criminalizes and anonymizes those who are incarcerated – some, for years⁸ – further distancing the public from the injustices occurring inside these centers.⁹ This tactic has commonly been used in the incarceration of people to suppress any public outrage and avoid accountability.

These newer facilities are spread out across the state in rural towns, hours away from larger cities where advocates, community groups and legal service providers are located. For example, the Winn Correctional Center in Winnfield, Louisiana, has one immigration attorney within 100 miles for every 234 people detained at the facility and the Richwood Correctional Center in Monroe, Louisiana, has one immigration attorney within 100 miles for every 186 people detained at the facility; other facilities have similar demographics. Representation by counsel is crucial to the chances of success in immigration court: detained immigrants represented by counsel obtain successful outcomes in 21% of cases nationwide, more than 10 times the rate of their unrepresented counterparts (2%).¹⁰ Due to the lack of legal representation in these areas, and because denial rates are among the highest in the nation, detained immigrants in rural areas are less likely to win their legal cases and defenses to removal, making them more vulnerable to deportation.¹¹

2) Use of Torture, Physical Abuse and Verbal Threats

In the year 2020 alone, we and other concerned parties lodged at least four multi-individual civil rights complaints calling for the investigation of excessive use of force, naming ICE officers’ and private prison guards’ illegal use of torture, threats, coercion, and direct physical force within the NOLA Field Office

⁶ Cindy Chang, *Louisiana Is the World’s Prison Capitol*, New Orleans Times Picayune, (May 13, 2012), https://www.nola.com/news/crime_police/article_8feef59a-1196-5988-9128-1e8e7c9aefda.html

⁷ ACLU National calculation, based on known available bed space at new private contracted facilities in Louisiana; see also Maria Clark, *Louisiana’s Prisons Are Increasingly Being Used to Detain Immigrants*, NOLA.com, (May 8, 2019), https://www.nola.com/news/%20article_9110ce70-bb2f-54e1-b4e1-54140b7a0559.html; Brian Stole, *As Fewer Inmates Fill Louisiana Jails, Wardens Turn to Immigration Officials to Fill Bunks, Budgets*, New Orleans Times Picayune, (May 9, 2019), https://www.nola.com/news/%20article_0b819a1f-d24b-5107-bbdd-7b29af9a3c3f.html

⁸ Laila Hlass & Mary Yanik, Tulane University Law School Immigration Rights Clinic, *No End in Sight: Prolonged and Punitive Detention of Immigrants in Louisiana*, p. 8 (2021) (the average length of ICE detention for over 400 habeas filers is one year), <https://law.tulane.edu/content/no-end-sight-prolonged-and-punitive-immigration-detention-louisiana>

⁹ Noah Lanard, *ICE is Sending Hundreds of Asylum Seekers to a Private Prison in Mississippi*, Mothers Jones, (February 15, 2019), <https://www.motherjones.com/politics/2019/02/ice-is-sending-hundreds-of-asylum-seekers-to-a-private-prison-in-mississippi/>

¹⁰ Ingrid Eagly & Steven Shafer, *A National Study of Access to Counsel in Immigration Court*, University of Pennsylvania Law Review, (December 2015), https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn_law_review

¹¹ Yuki Noguchi, *Unequal Outcomes: Most ICE Detainees Held In Rural Areas Where Deportation Risks Soar*, National Public Radio, (August 15, 2019), <https://www.npr.org/2019/08/15/748764322/unequal-outcomes-most-icedetainees-held-in-rural-areas-where-deportation-risks>

jurisdiction. This demonstrates a clear pattern and practice of physical violence and abuse of authority throughout NOLA ICE facilities that ICE's leadership has effectively condoned. For example, a man at Adams County Correctional Facility reported his finger being broken in order to force the signing of his deportation document, with another man nearly blinded that same day as a result of the same coercive tactics. One man at Richwood Correctional Center described watching an officer yell "mother fucker" at a Guatemalan immigrant and then grab him by his neck. In a separate incident, the man recalled witnessing an officer hit another immigrant so hard he thought he heard the sound of the man's ribs breaking, while news reports include testimony from a man at Richwood hospitalized for broken ribs after peacefully hunger striking.¹² Another man reported that "at Richwood there were guards that would hit us and would not give us food."¹³ ICE officials at Winn indiscriminately deployed tear gas inside at least one dormitory that was under quarantine for COVID-19, causing individuals to vomit blood and suffer from asthmatic attacks.¹⁴ Near identical incidents occurred at Pine Prairie ICE Processing Center,¹⁵ at Catahoula Correctional Center,¹⁶ and at least three times at LaSalle ICE Processing Center.¹⁷

Despite multiple complaints, this torture for the purpose of obtaining signatures on documents facilitating deportation is ongoing, creating pain, trauma, and obstructing individual's access to legal relief. In February 2021, we filed a civil rights complaint with your office including published testimonies from asylum seekers documenting how ICE agents at Winn Correctional Center had tortured and coerced individuals into signing documents to approve their own deportations.¹⁸ For example, a detained individual, who committed no infraction, was shackled and choked by ICE officials who sought to capture his fingerprint for a deportation paper. This incident resulted due to a lack of intervention on disturbing records of similar instances of abuse. Near identical complaints have been filed with CRCL at several other facilities overseen by NOLA ICE, including Adams County Correctional Facility¹⁹ (October 7,

¹² USA Today Network, *Deaths in custody. Sexual violence. Hunger strikes. What we uncovered inside ICE facilities across the US*, (December 19, 2019),

<https://www.usatoday.com/in-depth/news/nation/2019/12/19/ice-asylum-under-trump-exclusive-look-us-immigration-detention/4381404002/>

¹³ ACLU, *Justice Free Zones: U.S. Immigration Detention Under the Trump Administration*, (April 2020) at 38, https://www.aclu.org/sites/default/files/field_document/justice-free_zones_immigrant_detention_report_aclu_hr_w_0.pdf

¹⁴ Hayley Miller, *ICE Detention Center Officials Indiscriminately Tear Gassed Asylum Seekers, Complaints Say*, HuffPost, (August 16, 2020),

https://www.huffpost.com/entry/ice-tear-gas-detainees-winn-correctional-center_n_5f35305ec5b6fc009a625a85

¹⁵ Noah Lanard, *It's Still Too Painful to Put Clothes On: An ICE Detainee Reports He Was Pepper-Sprayed and Sent to Isolation*, Mother Jones, (March 25, 2020),

<https://www.motherjones.com/politics/2020/03/ice-geo-detention-pine-prairie-pepper-spray-louisiana/>

¹⁶ Debbie Nathan, *Detainees at privately owned immigration facility say sheriff's office broke up protest with pepper spray, projectiles*, (May 27, 2020),

<https://thelensnola.org/2020/05/27/detainees-at-privately-owned-immigration-facility-say-sheriffs-office-broke-up-protest-with-pepper-spray-projectiles/>

¹⁷ Noah Lanard, *ICE Detainees Were Pepper Sprayed During a Briefing on Coronavirus*, Mother Jones, (March 26, 2020),

<https://www.motherjones.com/politics/2020/03/ice-detainees-were-pepper-sprayed-during-a-briefing-on-coronavirus/>

¹⁸ Freedom for Immigrants, *ICE Use of Torture in Signing of Deportation Documents for Cameroonian Migrants at Winn Correctional Center, Louisiana*, (February 2, 2021),

<https://www.freedomforimmigrants.org/crcl/2021/2/2/winn-correctional-center-louisiana>; Civil rights complaint

filed by Freedom for Immigrants, Al Otro Lado, & Advocates for Immigrants Rights, (February 1, 2021),

https://www.freedomforimmigrants.org/s/Redacted_CRCL_Complaint_Winn.pdf.

¹⁹ Civil rights complaint Re: Immigration and Customs Enforcement Officers' Use of Torture to Coerce Immigrants Into Signing Immigration Documents at Adams County Correctional Facility, filed by Freedom for Immigrants & Southern Poverty Law Center, (October 7, 2020),

<https://www.freedomforimmigrants.org/torture-deportations-black-immigrants>

2020) in Mississippi, and the Jackson Parish Correctional Facility²⁰ (November 5, 2020) and Pine Prairie ICE Processing Center²¹ (August 26, 2020) in Louisiana. Further, *The Intercept* documented the testimony of asylum seekers detained at Pine Prairie ICE Processing Center in Louisiana and the Etowah County Detention Center in Alabama who were told to submit to their own deportations, and that if they refused, they would be transferred to the detention unit within the facility where COVID-19 positive individuals are being held in quarantine.²² The use of torture, physical violence, and threats that has become routine in NOLA ICE AOR facilities frequently includes racial animus and/or homophobic and transphobic abuse. We have received a disparate number of reports of severe abuse cases for Black immigrants²³ and those who identify as LGBTQ+.²⁴

3) **Retaliation Against Complainants, Peaceful Protestors, and Hunger Strikers**

Facilities under the jurisdiction of NOLA ICE have a documented history of retaliating against migrants exercising their fundamental due process and First Amendment rights through suppressive tactics, including the implementation of solitary confinement, use of force, the deployment of pepper spray, verbal and physical threats, and targeted transfers. For example, on August 3, 2019, contractors at Pine Prairie shot tear gas canisters and rubber bullets at approximately 115 hunger strikers peacefully gathering in the facility's recreation yard – an incident for which ICE has still never produced the video footage requested under FOIA by SPLC in 2019.²⁵ Some hunger strikers and protestors were also beaten. At least

²⁰ Freedom for Immigrants, “After about 5 minutes of struggle, they forced my index finger on the paper”: ICE Forcing More Asylum Seekers to Sign Deportation Paperwork as Another Deportation Flight to Cameroon Looms, (Nov. 9, 2020),

<https://www.freedomforimmigrants.org/news/2020/11/9/after-about-5-minutes-of-struggle-they-forced-my-index-finger-on-the-paper-ice-forcing-more-asylum-seekers-to-sign-deportation-paperwork-as-another-deportation-flight-to-cameroon-looms>; Southern Poverty Law Center & Freedom for Immigrants, OIG/CRCL Complaint Re: U.S. Immigration and Customs Enforcement (ICE)'s Pattern of Torture in Signing of Deportation Documents for Cameroonian, (Nov. 5, 2020), https://www.splcenter.org/sites/default/files/crcl_complaint_ice_s_pattern_of_torture_in_signing_of_deportation_documents_for_cameroonian_migrants.pdf;

²¹ Freedom for Immigrants, ISLA, SPLC, and Cameroon American Council, Civil Rights complaint Re: Call for an Immediate Halt to and Investigation of Detention, Violence, Repression and Racism Against Peacefully Protesting Cameroonian and Black Asylum Seekers, and other Asylum Seekers, at Pine Prairie ICE Processing Center; and the release of all Black Hunger Strikers from Solitary Confinement, (August 26, 2020)

https://www.splcenter.org/sites/default/files/8.26.20_crcl_letter.pdf

²² John Washington, *ICE Threatened to Expose Asylum-Seekers to COVID-19 If They Did Not Accept Deportation*, *The Intercept*, (February 6, 2021), <https://theintercept.com/2021/02/06/ice-covid-threat-asylum-deportation/>

²³ *Supra* Section I.5.

²⁴ See, e.g., National Immigration Justice Center, Civil Rights complaint Re: Request for investigation into physical and homophobic verbal abuse of LGBTQ asylum-seeker in immigration detention - Winn Correctional Center, Louisiana, (August 19, 2021)

https://immigrantjustice.org/sites/default/files/content-type/press-release/documents/2021-08/Cover-Letter_CRCL-Complaint_Winn-Correctional-Center_08-19-2021.pdf

²⁵ Fernanda Echavarrí, *Dozens of ICE Detainees Were Pepper-Sprayed by Guards for Protesting at a Louisiana Jail*, *Mother Jones*, (August 2, 2019),

<https://www.motherjones.com/politics/2019/08/immigrant-detention-ice-bossier-louisiana-pepper-spray/>; Michael K. Lavers, *Deputies at La. jail pepper spray, strike ICE detainees*, *Washington Blade*, (August 3, 2019),

<https://www.washingtonblade.com/2019/08/03/deputies-at-la-jail-pepper-spray-strike-ice-detainees/>; Hamed Aleaziz, *More Than 100 Immigrants Were Pepper-Sprayed At An ICE Facility*, *Buzzfeed News*, (August 6, 2019),

<https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrants-pepper-sprayed-louisiana-pine-prairie>; Chantal Da Silva, *More Than 100 Immigrants on Hunger Strike at ICE Facility Allegedly Pepper-sprayed, Shot at with Rubber Bullets and Blocked from Contacting Families*, *Newsweek*, (August 7, 2019),

<https://www.newsweek.com/ice-detainees-hunger-strike-pepper-sprayed-excessive-force-1452953>

one protestor required CPR resuscitation after being shot with tear gas. In August of 2020,²⁶ a group of 45 Black asylum seekers participated in another peaceful hunger strike as a continuation of a demonstration that began in March of 2020.²⁷ The hunger strikers were protesting the conditions of their confinement, their indefinite detention, their racist treatment, blanket parole denials, and Pine Prairie’s response to the COVID-19 pandemic – among other injustices. In response, Pine Prairie officers told the protestors that if they continued to hunger strike they would be placed in solitary confinement. The protestors sat on the floor and raised their arms to show that they were unarmed. 15 guards retaliated by mobilizing tear gas canisters, a tear gas gun, pepper spray, and handcuffs. One immigrant described how he watched as an ICE officer broke a fellow protestor’s arm as he wrestled him to the ground, sharing a vivid memory of hearing the “snap” of the bone.²⁸ In an effort to break up the coalition of 45 Africans who were all advocating in solidarity for their rights and their freedom via hunger strikes, media advocacy, and filing a complaint with DHS’s OIG and CRCL on August 26, 2020, and who were the subject of a parallel street protest in Pine Prairie by activists, ICE initiated punitive transfers, sending the movement’s leaders to the isolated complex at Allen Parish.²⁹

Alongside other advocates, our organizations filed a complaint and requested that ICE immediately release all peaceful hunger strikers at Pine Prairie from solitary confinement and that the DHS OIG and CRCL conduct a thorough investigation of documented incidents of use of force violations and release the results as soon as possible.³⁰ DHS never investigated the similar incidents detailed in these prior complaints.³¹ These abuses are part of the NOLA ICE Field Office’s pervasive pattern of punishing detained immigrants for exercising their lawful right to protest and have been documented at multiple other facilities including Bossier³² and Catahoula.³³ This egregious pattern has only continued – in July 2021, SPLC SIFI filed a multi-individual complaint with CRCL demonstrating that officials at Allen Parish threatened lethal force against Black asylum seekers for peacefully protesting wrongful prolonged detention and their expressed support of the Black Lives Matter movement.³⁴

²⁶ Cameroon American Council, Freedom for Immigrants, ISLA, Southern Poverty Law Center, OIG/CRCL Complaint Re: Call for an Immediate Halt to and Investigation of Detention, Violence, Repression and Racism Against Peacefully Protesting Cameroonians and Black Asylum Seekers, and other Asylum Seekers, at Pine Prairie ICE Processing Center; and the release of all Black Hunger Strikers from Solitary Confinement, (Aug. 26, 2020), https://www.splcenter.org/sites/default/files/8.26.20_crcl_letter.pdf

²⁷ Katie Jane Fernelius, “Someone Needs to Listen to Us”: Why African Asylum Seekers Went On Hunger Strike, *In These Times*, (October 7, 2020), <https://inthesetimes.com/article/african-migrants-hunger-strike-ice-cameroon-racism>; Joe Penney, *Inside an ICE facility in Louisiana, detainees say ICE is depriving them of masks, under testing for COVID-19, and moving migrants around the country*, Business Insider, (May 1, 2020),

<https://www.businessinsider.com/detainees-say-ice-undertesting-for-covid19-not-giving-them-supplies-2020-5>

²⁸ Al Otro Lado, ACLU of Louisiana, BAJI, et al., Civil Rights complaint Re: Call for Immediate Investigation into Immigration and Customs Enforcement Officers’ Use of Punitive Solitary Confinement as a Response to the COVID-19 Pandemic and Other Public Health Crises, (June 21, 2021), <https://rfkhr.imgix.net/asset/Pine-Prairie-CRCL-Complaint.pdf>

²⁹ According to a June 2021 report of the ACLU and Physicians for Human Rights based on documents obtained from ICE, retaliatory transfers of peaceful protesters is a known tactic by ICE. See Eunice Hyunhye Cho, ACLU National Prison Project & Joanna Naples-Mitchell, Physicians for Human Rights, *Behind Closed Doors: Abuse and Retaliation Against Hunger Strikers in U.S. Immigration Detention*, (2021), <https://phr.org/wpcontent/uploads/2021/06/ACLU-PHR-Behind-Closed-Doors.pdf>

³⁰ Southern Poverty Law Center, ISLA, Cameroon American Council & Freedom for Immigrants, Civil Rights complaint, (August 26, 2020), https://www.splcenter.org/sites/default/files/8.26.20_crcl_letter.pdf

³¹ Aleaziz, *supra*.

³² Echavarri, *supra*.

³³ Nathan, *supra*.

³⁴ Southern Poverty Law Center, Civil Rights complaint Re: Call for U.S. Immigration and Customs Enforcement (ICE) to End Contracts due to Abusive, Inhumane, Criminal, and Racially Discriminatory Practices at Pine Prairie

4) Implementation of Solitary Confinement

The facilities under the NOLA ICE Field Office are also characterized by the routine implementation of solitary confinement. People in detention are locked up in solitary confinement for lengthy periods, often for minor infractions or because of retaliation by officers. Louisiana has been called the “solitary confinement capital of the world” for leading the world in both rates of incarceration and solitary confinement.³⁵ Based on the documented testimony of currently detained individuals and others previously subjected to solitary confinement at facilities under the NOLA ICE AOR, those placed in both disciplinary³⁶ and administrative³⁷ segregation units face identical, severely punitive conditions such as: little to no recreational or social time; no amenities; limited access to hygiene; limited access to potable water; limited access to tablets or grievance forms; limited access to the law library; and limited legal call access. We have continuously reported solitary violations at various NOLA ICE facilities to DHS CRCL, most recently in June 2021, and have yet to receive a response.³⁸

At these facilities, disciplinary segregation is not only deployed under serious or exceptional circumstances³⁹ – it is misused to maintain day-to-day order and to contain public health crises that require comprehensive medical and mental health services. These facilities regularly segregate people with particular vulnerabilities as a way to “manage” the detention center population. For example, immigrants at Jackson Parish and Winn Correctional Centers described prison officers placing people in solitary for as long as 60 days. We have received reports that facility officials at the Winn Correctional Center have punished immigrants with solitary confinement for attempting to speak to reporters during facility tours.⁴⁰ The ACLU documented the testimony of an immigrant who reported that at Richwood

ICE Processing Center and Allen Parish Public Safety Complex, Louisiana, (July 28, 2021), https://www.splcenter.org/sites/default/files/28_july_2021_complaint_and_call_to_close_pine_prairie_and_allen_parrish.pdf

³⁵ Solitary Watch, ACLU of Louisiana & Jesuit Social Research Institute, *Louisiana on Lockdown: A Report on the Use of Solitary Confinement in Louisiana State Prisons, with Testimony from People Who Live It* (June 2019), 5 (2019), <https://solitarywatch.org/wp-content/uploads/2019/06/Louisiana-on-Lockdown-Report-June-2019.pdf>

³⁶ ICE 2013 Directive 3.2 (“Disciplinary segregation is a punitive form of separation from the general population for disciplinary reasons. Disciplinary segregation is authorized only pursuant to the order of a facility disciplinary panel, following a hearing in which the detainee is determined to have committed serious misconduct in violation of a facility rule, and only consistent with the Disciplinary Severity Scale from the applicable ICE detention standards, and only when alternative dispositions would inadequately regulate detainee behavior.”).

³⁷ ICE 2013 Directive 3.1 (“Administrative segregation is a non-punitive form of separation from the general population for administrative reasons. Administrative segregation is authorized only as necessary to ensure the safety of the detainee, facility staff, and other detainees; the protection of property; or the security or good order of the facility, and therefore should be for the briefest term and under the least restrictive conditions practicable, consistent with the rationale for placement. Generally, detainees in administrative segregation shall receive the same privileges as detainees housed in the general population, consistent with safety and security concerns.”).

³⁸ RFK Human Rights, ISLA, et al., Civil Rights complaint Re: Call for Immediate Investigation into Immigration and Customs Enforcement Officers’ Use of Punitive Solitary Confinement as a Response to the COVID-19 Pandemic and Other Public Health Crises, (June 21, 2021), <https://rfkhr.imgix.net/asset/Pine-Prairie-CRCL-Complaint.pdf>

³⁹ PBNDs 2011 Standard 2.12 (“Special Management Units”) (“Placement of detainees in segregated housing is a serious step that requires careful consideration of alternatives. Placement in segregation should occur only when necessary and in compliance with applicable detention standards. In particular, placement in administrative segregation due to a special vulnerability should be used only as a last resort and when no other viable housing options exist.”).

⁴⁰ ACLU, Justice Free Zones: U.S. Immigration Detention Under the Trump Administration, (April 2020) at 44, https://www.aclu.org/sites/default/files/field_document/justice-free_zones_immigrant_detention_report_aclu_hr_w_n_ije_0.pdf

Correctional Center, a man was beaten and put in solitary confinement for approximately 90 days after asking an officer to “give him his commissary.”⁴¹ Also at Richwood, a Cuban asylum seeker named Roylan Hernandez Diaz died after an apparent suicide attempt in solitary confinement after participating in a hunger strike.⁴²

Under ICE’s mandated PRR “a cohort, quarantine, and medical isolation must be operationally distinct from administrative or disciplinary segregation, or any punitive form of housing.”⁴³ However, solitary confinement has been repeatedly used at facilities under the NOLA ICE Field Office to quarantine immigrants who test positive for COVID-19, in direct violation of ICE’s mandate. For example, an immigrant detained at Pine Prairie who suffered from severe asthma was held in solitary confinement for fifteen days, without access to any medication, after contracting COVID-19.⁴⁴ The improper use of solitary confinement as a proxy for medical isolation during the COVID-19 pandemic has been recorded at other facilities within the NOLA ICE jurisdiction, including Adams County Detention Center⁴⁵ and Etowah County Detention Center.⁴⁶ In December 2020, reports revealed that immigrants who requested COVID-19 tests at Etowah County – which had a massive COVID-19 outbreak that summer – were put in solitary confinement under squalid conditions for weeks to months, presumably as a form of retaliation and punishment to discourage further self advocacy and requests for testing.⁴⁷

5) **Anti-Black Racial Discrimination and Harassment**

Individuals detained in facilities across the NOLA ICE area of responsibility have reported pervasive anti-Black and anti-African discrimination and harassment, ranging from disparate deprivations of necessary medical treatment, among other structural abuses (as described throughout this letter) to overt racist statements and threats by non-Black officials. In a recent complaint filed with your office on July 28, 2021, SPLC SIFI documented the testimonies of four complainants who reported experiencing discrimination on the basis of their Black identity by respective officials at both Allen Parish Public Safety Complex and Pine Prairie ICE Processing Center.⁴⁸ For example, after one SPLC client hung up his “Black Lives Matter” shirt to dry in his dorm, he was approached by an Allen Parish official who told him that he “didn’t want to see such materials ever in that facility” and that “this is not where we do Black

⁴¹ *Id.*

⁴² Hamed Aleaziz & Adolfo Florez, *A Cuban Asylum-Seeker Died of An Apparent Suicide After Spending Months in ICE Detention*, (October 16, 2019),

<https://www.buzzfeednews.com/article/hamedaleaziz/cuban-asylum-ice-death-suicide-louisiana-detention>; Teo Armus, *A Cuban immigrant asked for asylum. After months of detention, he killed himself, ICE says*, (October 17, 2019),

<https://www.washingtonpost.com/nation/2019/10/17/cuban-immigrant-asked-asylum-detention-killed-himself-ice/>

⁴³ U.S. Immigration and Customs Enforcement, *COVID-19 Pandemic Response Requirements*, (October 27, 2020),

<https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>

⁴⁴ RFK Human Rights, ISLA, et al., *Civil Rights complaint Re: Call for Immediate Investigation into Immigration and Customs Enforcement Officers’ Use of Punitive Solitary Confinement as a Response to the COVID-19 Pandemic and Other Public Health Crises*, (June 21, 2021)

<https://rfkhr.imgix.net/asset/Pine-Prairie-CRCL-Complaint.pdf>

⁴⁵ See *Morales v. Gillis*, Case No. 5:20-CV-00181-DCB-MTP at *P. 111 (S.D. Miss. September 16,

2020), <https://ccrjustice.org/sites/default/files/attach/2020/09/Morales%20-%20Complaint%20REDACTED.pdf>

⁴⁶ Clarissa Donnelly-DeRoven, *Immigrants Detained by ICE Say They Were Punished for Requesting COVID-19 Tests*, (December 3, 2020), <https://theintercept.com/2020/12/03/etowah-ice-detention-covid-outbreak/>

⁴⁷ Donnelly-DeRoven, *supra*.

⁴⁸ Southern Poverty Law Center, *Civil Rights complaint Re: Call for U.S. Immigration and Customs Enforcement (ICE) to End Contracts due to Abusive, Inhumane, Criminal, and Racially Discriminatory Practices at Pine Prairie ICE Processing Center and Allen Parish Public Safety Complex, Louisiana*, (July 28, 2021)

https://www.splcenter.org/sites/default/files/28_july_2021_complaint_and_call_to_close_pine_prairie_and_allen_parrish.pdf

Lives activism. In here, all lives matter, not Black lives.” He continued to ridicule this client, repeatedly mentioning that he “had his gun” and that the detained immigrants should avoid “inciting them [the officials].”

We have also documented instances of abhorrent racial animus at other facilities within the NOLA ICE area of responsibility. For example, in May 2021 an attorney visiting Winn Correctional Center reported that as detained men were cutting down trees, ICE personnel made a joking comment to the effect of “now we can’t lynch them.”⁴⁹ Likewise, that attorney reported another incident in May 2021 that occurred when two Cameroonian men asked guards at Winn if they would wear masks to prevent the spread of COVID-19. One of the guards responded “fuck Black people” and pushed one of the detained men onto the floor. The man was severely injured by the guard and reportedly had to be wheeled out on a wheelchair.

While these explicit forms of racism are pervasive within the NOLA ICE jurisdiction, it is critically important to note that anti-Black racism underlies most of the abuses described in this letter and is an inherent aspect of the US immigration system itself. For example, we have received reports of majority-Black dorms experiencing frequent water shortages at the Allen Parish Public Safety Complex⁵⁰ and disproportionately higher bond costs for Black and African immigrants in detention.⁵¹ Black immigrants are six times more likely to be sent to solitary confinement than others in ICE detention and are significantly more likely to be targeted for deportation.⁵² In addition to facing anti-Black systemic violence, we have received reports of clients from African countries experiencing particular forms of compounding anti-African animus based on their ethnicity or country of origin, in addition to their race.

6) Deprivation of Basic Human Necessities, Including Clean Drinking Water and Food

Individuals detained by NOLA ICE facilities are consistently deprived of basic human necessities, including potable drinking water and nutritious food, in clear violation of ICE’s own 2011 Performance Based National Detention Standards (“PBNDS”).⁵³ For example, in June 2021, an asylum seeker detained at Winn reported that the water they have access to is visibly yellow and that he recently found a live cockroach in his food.⁵⁴ SPLC also documented reports that water shortages at night are common in the majority-Black dorm at Allen Parish.⁵⁵ Immigrants at Richwood reported that meals were too small or

⁴⁹ Southern Poverty Law Center, Civil Rights complaint Re: Call for Cancellation of Winn Correctional Center Contract and Investigation into the New Orleans ICE Field Office, (June 10, 2021), <https://drive.google.com/file/d/1NMWCXhOwUDE2e15RXfQ2ep9F69ZI-rva/view>

⁵⁰ *Supra* Section I. 6.

⁵¹ *Supra* Section I. 8.

⁵² RAICES, *Black Immigrant Lives Are Under Attack*, https://www.raicestexas.org/2020/07/22/black-immigrant-lives-are-under-attack/?ms=em20210509_seg_a_KTP_mothers_day&emci=7962a533-dcb0-eb11-85aa-0050f237abef&emdi=8062a533-dcb0-eb11-85aa-0050f237abef; Democracy Now, *100+ Cameroonian Asylum Seekers Deported Despite Fear of Being Killed*, (Oct. 14, 2020), https://www.democracynow.org/2020/10/14/headlines/100_cameroonian_asylum_seekers_deported_despite_fear_of_being_killed

⁵³ U.S. Immigration and Customs Enforcement, 2011 Operations Manual ICE Performance-Based National Detention Standards, <https://www.ice.gov/detain/detention-management/2011>

⁵⁴ Southern Poverty Law Center, Civil Rights complaint Re: Call for Cancellation of Winn Correctional Center Contract and Investigation into the New Orleans ICE Field Office, (June 10, 2021), <https://drive.google.com/file/d/1NMWCXhOwUDE2e15RXfQ2ep9F69ZI-rva/view>

⁵⁵ Southern Poverty Law Center, Civil Rights complaint Re: Call for U.S. Immigration and Customs Enforcement (ICE) to End Contracts due to Abusive, Inhumane, Criminal, and Racially Discriminatory Practices at Pine Prairie ICE Processing Center and Allen Parish Public Safety Complex, Louisiana, (July 28, 2021), https://www.splcenter.org/sites/default/files/28_july_2021_complaint_and_call_to_close_pine_prairie_and_allen_prairie.pdf

inedible, and many spent as much as \$20 to \$40 per week from their commissary funds to purchase ramen noodles or other food to stave off hunger in the evenings.⁵⁶ Similar instances of inedible food and contaminated water have been reported at the majority of facilities under the NOLA ICE AOR.

In addition to deprivation of clean water and adequate food, immigrants in the NOLA ICE jurisdiction are held in abhorrent conditions without access to proper hygiene products or facilities. For example, at Pine Prairie, multiple people described their cells and the facility showers as infested with ants and other bugs. Others also described black mold and mildew in the showers.⁵⁷ At Jackson Parish, we received multiple reports that the facility failed to provide people with soap for bathing or cleaning supplies for their cells or bathrooms. Likewise, several people detained at Winn reported black mold growing on the walls and leaks in the roof that would soak peoples' beds.

As repeatedly demonstrated by hurricanes in the past five years, facilities in the NOLA ICE jurisdiction have also failed to take necessary precautions to protect detained immigrants from the devastating impact of storms, including limited electricity, overflowing toilets, and no running water. For example, after Hurricane Laura in September 2020, the Jackson Parish facility had no electricity for several days.⁵⁸ At least one dorm holding 60 people had only a single fan to combat the heat and some detained individuals resorted to mopping up human waste without gloves after toilets overflowed.

7) Life-Threatening Denial of Medical Care and Other Medical Mistreatment

The NOLA ICE Field Office has allowed medical abuse to remain unchecked in its facilities, including the denial of medical care and reckless exposure to infectious diseases, like COVID-19. People held at several detention centers reported waiting days to see a doctor or nurse, and failing to receive necessary medications. For example, throughout 2020, ICE and Pine Prairie staff blatantly deprived an SPLC client of essential treatment for serious liver disease despite the urgent need for care identified by an outside physician and provided in writing to ICE, resulting in permanent damage.⁵⁹ Likewise, in 2020, ICE and Allen Parish staff deprived an SPLC client of essential treatment for hypertension. A doctor secured by SPLC concluded that this client had palpitations and headaches in the setting of hypertension that went undiagnosed, unevaluated, and untreated by Allen Parish for a year and a half.⁶⁰ In December 2020, as supported by OIG findings, a man with a history of hypertension died as a result of medical neglect at

⁵⁶ See ACLU, Justice Free Zones: U.S. Immigration Detention Under the Trump Administration (April 2020)

⁵⁷ RFK Human Rights, ISLA, et al., Civil Rights complaint Re: Call for Immediate Investigation into Immigration and Customs Enforcement Officers' Use of Punitive Solitary Confinement as a Response to the COVID-19 Pandemic and Other Public Health Crises, (June 21, 2021), <https://rfkhr.imgix.net/asset/Pine-Prairie-CRCL-Complaint.pdf>

⁵⁸ Nomaan Merchant, *Migrants Detained In Louisiana Plead For Help After Storm*, Houston Public Media, (September 1, 2020), <https://www.houstonpublicmedia.org/articles/news/weather/hurricane-laura/2020/09/01/380958/migrants-detained-in-louisiana-plead-for-help-after-storm/>

⁵⁹ Southern Poverty Law Center, Civil Rights complaint Re: Call for U.S. Immigration and Customs Enforcement (ICE) to End Contracts due to Abusive, Inhumane, Criminal, and Racially Discriminatory Practices at Pine Prairie ICE Processing Center and Allen Parish Public Safety Complex, Louisiana, (July 28, 2021), https://www.splcenter.org/sites/default/files/28_july_2021_complaint_and_call_to_close_pine_prairie_and_allen_prairie.pdf

⁶⁰ Southern Poverty Law Center, Civil Rights complaint Re: Call for U.S. Immigration and Customs Enforcement (ICE) to End Contracts due to Abusive, Inhumane, Criminal, and Racially Discriminatory Practices at Pine Prairie ICE Processing Center and Allen Parish Public Safety Complex, Louisiana, (July 28, 2021), https://www.splcenter.org/sites/default/files/28_july_2021_complaint_and_call_to_close_pine_prairie_and_allen_prairie.pdf

Adams County after requesting medical attention due to chest pains.⁶¹ In addition to life-threatening medical neglect, several individuals detained in NOLA ICE facilities have also reported experiencing egregious violence while attempting to seek medical care. For example, in 2020 one SPLC client reported reported torture and physical abuse during hospitalization, including heavy shackling that impeded her ability to breathe (and ultimately her treatment) during a hospital visit.⁶²

At NOLA ICE facilities, the lack of medical care and unsanitary conditions have been exacerbated by the COVID-19 pandemic. For example, immigrants detained at Pine Prairie reported not being able to socially distance, not having proper Personal Protective Equipment (PPE), and living in extreme fear of contracting COVID-19 and dying in the facility.⁶³ In July 2020 there was a COVID-19 outbreak in the facility as a direct result of officials' failure "to enforce even the most basic safety precautions."⁶⁴ These violations are endemic to detention centers throughout the NOLA ICE region and have been repeatedly reported by our organizations at other facilities including the Adams County Correctional Center.⁶⁵

In addition, the NOLA ICE Field Office has regularly transferred to and received individuals from other parts of the United States throughout the COVID-19 pandemic.⁶⁶ Coupled with a total disregard for required cohorting and social distancing requirements, NOLA ICE's practice of recklessly transferring individuals has placed the health and safety of people detained at imminent risk. For example, a federal judge found that Pine Prairie "does not always quarantine or test people entering the facility, evidenced by the fact that detainees transferred from facilities in areas affected by Hurricane Laura—including those facilities known to have COVID-19 outbreaks—directly into Pine Prairie's general population, without quarantining the new arrivals."⁶⁷

⁶¹ Department of Homeland Security, Office of Inspector General, Violations of ICE Detention Standards at Adams County Correctional Center, OIG-21-46, (July 14, 2021),

<https://www.oig.dhs.gov/sites/default/files/assets/2021-07/OIG-21-46-Jul21.pdf>

⁶² Southern Poverty Law Center, Civil Rights complaint Re: Call for U.S. Immigration and Customs Enforcement (ICE) to End Contracts due to Abusive, Inhumane, Criminal, and Racially Discriminatory Practices at Pine Prairie ICE Processing Center and Allen Parish Public Safety Complex, Louisiana, (July 28, 2021),

https://www.splcenter.org/sites/default/files/28_july_2021_complaint_and_call_to_close_pine_prairie_and_allen_parrish.pdf

⁶³ RFK Human Rights, ISLA, et al., Civil Rights complaint Re: Call for Immediate Investigation into Immigration and Customs Enforcement Officers' Use of Punitive Solitary Confinement as a Response to the COVID-19 Pandemic and Other Public Health Crises, (June 21, 2021),

<https://rfkhr.imgix.net/asset/Pine-Prairie-CRCL-Complaint.pdf>

⁶⁴ Rosemary Westwood, *'They Don't Care About Anything': Inside A COVID-19 Outbreak At One Louisiana Ice Facility*, New Orleans Public Radio, (August 12, 2020),

<https://www.wvno.org/post/they-dont-care-about-anything-inside-covid-19-outbreak-one-louisiana-ice-facility>

⁶⁵ Southern Poverty Law Center, et al., Civil Rights complaint Re: COVID-19 at Adams County Detention Center, (May 17, 2021), https://www.splcenter.org/sites/default/files/adams_county_detention_center_complaint.pdf; Gaby Del Valle & Jack Herrera, *'Like Petri Dishes for the Virus': ICE Detention Centers Threaten the Rural South*, Politico, (May 5, 2020),

<https://www.politico.com/news/magazine/2020/05/05/coronavirus-ice-detention-rural-communities-186688>.

⁶⁶ See, e.g. Emily Kassie & Barbara Marcolini, *'It Was Like a Time Bomb'; How ICE Helped Spread the Coronavirus*, The New York Times, (Jul. 10, 2020),

<https://www.nytimes.com/2020/07/10/us/ice-coronavirus-deportation.html>; Yeganeh Torbati, Dara Lind & Jack Gillum, *In a 10-Day Span, ICE Flew This Detainee Across the Country Nine Times*, ProPublica (Mar. 27, 2020), <https://www.propublica.org/article/coronavirus-ice-flights-detainee-sirous-asgari> (documenting transfer of man through several facilities, including those within jurisdiction of New Orleans Field Office)

⁶⁷ See *Guevara v. Witte*, No. 6:20-CV-01200, 2020 WL 6940814 (W.D. La. November 17, 2020)

Further, due to their pre-existing medical conditions, including chronic asthma, many individuals qualify for medical release under the *Fraihat* litigation and ICE's own policies.⁶⁸ Despite the fact that these individuals were vulnerable to increased risk of severe illness and death, they remained detained – at imminent risk of exposure to COVID-19 and further intensifying overcrowding at the facility.

Despite its obligations under the PRR and the CDC guidelines, the NOLA ICE Field Office's detention facilities have failed to provide detained immigrants with sufficient access to the cleaning supplies, sanitation materials, and PPE necessary to adequately prevent the spread of COVID-19. At Adams County Detention Center, the number of active cases spiked from four on May 12, 2021 to 389 on May 15, 2021 – the worst outbreak in the nation among ICE detention centers at the time.⁶⁹ In May 2021, the New Orleans ICE Field Office reported 786 active COVID-19 cases, making up nearly 39% of all active cases reported among the ICE detention population nation-wide.⁷⁰ As of December 12, 2021, ICE reported 3,858 total confirmed COVID-19 cases in the NOLA ICE jurisdiction alone, including the deaths of at least two detained immigrants and at least four detention center personnel.⁷¹ In *Dada v. Witte*, a district court ordered the release of 14 medically vulnerable immigrants, including individuals detained at several facilities under NOLA ICE's jurisdiction.⁷² Despite their awareness of the risks of the rapid spread of COVID-19 and the need for social distancing and sanitation practices, the facilities continue to detain immigrants, including those with severe medical vulnerabilities.

8) Indefinite and Arbitrary Detention Due to Lack of Parole, Denials of Immigration Bonds, and Denials of Asylum Claims

The NOLA ICE Field Office is characterized by the lowest parole release rates in the county, mass denials of immigration bonds, and insurmountable odds of winning asylum. Together, these arbitrary denials result in indefinite and prolonged detention in which immigrants are held for *years*.⁷³

⁶⁸ See Order, *Fraihat, et al v. U.S. Immigration and Customs Enforcement, et al*, No. 5:19-cv-01546-JGB-SHK, ECF No. 132 (C.D. Cal. April 20, 2020) (“[ICE] shall make timely custody determinations for detainees with Risk Factors, per the latest Docket Review Guidance[.]”); *COVID-19 Pandemic Response Requirements*, ICE Enforcement and Removal Operations, updated Mar. 16, 2021 at P. 19.

<https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>

⁶⁹ Immigrant Alliance for Justice and Equity et al., Letter to Office for Civil rights & Civil Liberties, Re: COVID-19 at Adams County Detention Center (May 17, 2021),

https://www.splcenter.org/sites/default/files/adams_county_detention_center_complaint.pdf

⁷⁰ U.S. Immigration and Customs Enforcement, COVID-19 ICE Detainee Statistics by Facility (Updated June 10, 2021), <https://www.ice.gov/coronavirus#citations>

⁷¹ Government Accountability Project, Letter to House Committee on Homeland Security, Re: Whistleblower Disclosures on COVID-19 -- Private Contractors Mismanaging ICE Detention Facilities Are Endangering Public Health and Safety, (July 10, 2020), <https://whistleblower.org/wp-content/uploads/2020/07/071020-letter-to-Congress-from-GovAcctProj-re-whistleblowers-ICE-Detention-COVID-FINAL-Submitted.pdf>; Noah Lanard, *A Fourth Guard at an ICE Detention Center Has Died of COVID-19*, (June 10, 2020)

<https://www.motherjones.com/politics/2020/06/a-fourth-guard-at-an-ice-detention-center-has-died-of-covid-19/>

⁷² No. 1:20-CV-00458, 2020 WL 2614616, at *1 (W.D. La. May 22, 2020),

https://ccrjustice.org/sites/default/files/attach/2020/05/Release_Order_LA_District_Court_052220.pdf

⁷³ Laila Hlass & Mary Yanik, Tulane University Law School Immigration Rights Clinic, *No End in Sight: Prolonged and Punitive Detention of Immigrants in Louisiana*, p. 8 (2021) (the average length of ICE detention for over 400 habeas filers is one year),

<https://law.tulane.edu/content/no-end-sight-prolonged-and-punitive-immigration-detention-louisiana>

In FY 2018, the office granted parole in *only 1.5% of all cases*.⁷⁴ Even after a 2019 federal court mandate, receiving parole in the NOLA Field Office has remained virtually impossible.⁷⁵ According to ICE's own statistics, the NOLA Field Office granted parole to only 10 out of 1,213 applications for parole between March and December 2019 – *a denial rate of 99%*. Detained asylum seekers reported to the ACLU that ICE officers have blocked them from parole with extreme measures: officers have denied the existence of the federal court's order requiring NOLA ICE to reverse its practices,⁷⁶ have told asylum seekers that they cannot apply for parole, or have simply stated that parole is granted only to people who are dying. At Jackson Parish, immigrants reported that these statistical realities are well understood and upheld by officials: "ICE said there is no parole in Louisiana."⁷⁷ In addition, asylum seekers in NOLA ICE facilities face virtually insurmountable odds to defend against deportation and win protection in their cases. For example, three of the immigration courts that hear asylum cases out of NOLA ICE AOR facilities include the LaSalle Immigration Court (Jena) (91.9% denial rate), the New Orleans Immigration Court (87.6% denial rate), and the Oakdale Immigration Court (85.6% denial rate).⁷⁸ By contrast, on average, immigration courts nationwide denied asylum in 73.7% of all cases and 76% of detained cases.⁷⁹

Our organizations have also documented significant racial disparities in bond amounts, parole grants, and release rates among Black and African immigrants detained in NOLA ICE facilities. For example, an SPLC analysis of government data on parole found that Cameroonian asylum seekers are 2.5 times more likely to be denied discretionary release in the NOLA ICE Field Office region.⁸⁰ The compounding due process violations demonstrated in immigration courts in NOLA ICE AOR facilities further demonstrate why these facilities are not fit for human habitation.

9) Other Related Systemic Due Process Violations, including Erroneous CFI Findings and Unlawful Expedited Removals

As you are likely aware, ICE is funneling thousands of asylum seekers through several facilities under the jurisdiction of NOLA ICE for their credible fear interviews (CFI) and reasonable fear interviews (RFI), including Adams County Correctional Center in Natchez, Mississippi. We have documented systemic due process violations in the NOLA ICE jurisdiction, including failures to provide credible fear interviews (CFIs) within the first 14 days of being in ICE custody and other procedural failures that have resulted in

⁷⁴ Human Rights First, *Immigration and Customs Enforcement Records Received Through FOIA Confirm Need for Increased Oversight of Agency's Arbitrary and Unfair Parole Decisions for Asylum Seekers*, (September 2021), <https://www.humanrightsfirst.org/sites/default/files/FOIARecordsParole.pdf>

⁷⁵ *Heredia Mons v. McAleenan et al.*, No. 1:19-01593 (D.D.C. Sept. 5, 2019) (order granting preliminary injunction), https://www.splcenter.org/sites/default/files/documents/0033_09-05-2019_order_granting_22_motion_for_preliminary_injunction_granting_15_motion_for_class_certification.pdf

⁷⁶ *Id.*

⁷⁷ *See, e.g.*, ACLU, *Justice Free Zones: U.S. Immigration Detention Under the Trump Administration*, (April 2020) at 27.

⁷⁸ TRAC Immigration, *Asylum denial rate data aggregated using EOIR and TRAC immigration data from FY 2016-2021*, <https://trac.syr.edu/immigration/reports/judge2020/denialrates.html>

⁷⁹ TRAC Immigration, *Asylum Denial Rates Continue to Climb*, (October 28, 2020), <https://trac.syr.edu/immigration/reports/630/>

⁸⁰ Bobby-Jeanne Misick, *Formerly Detained Immigrants Claim 'Abusive, Inhumane, Criminal and Racially Discriminatory Practices' at Two Louisiana ICE Detention Centers*, WWNO New Orleans Public Radio, (August 6, 2021), <https://www.wwno.org/immigration/2021-08-06/formerly-detained-immigrants-claim-abusive-inhumane-criminal-and-racially-discriminatory-practices-at-two-louisiana-ice-detention-centers>

erroneous negative credible fear determinations. On June 30, 2021, we reported these egregious violations to CRCL but have yet to receive any response.⁸¹

Multiple clients have reported failure to provide appropriate interpretation and failure to issue rare language NTAs in accordance with controlling USCIS guidance.⁸² For example, at Winn Correctional Center, at least two of SPLC's clients, Bissa speaking asylum seekers from Burkina Faso, were forced to proceed with their CFIs in French, despite the fact that they indicated that they are not fluent in French and required a Bissa interpreter. As a result, SPLC discovered a plethora of errors with the CFIs that were clarified by SPLC using Bissa interpreters. Many of these errors went to the heart of the clients' asylum claims.

In addition, we have documented multiple instances of failure to interview vulnerable populations in accordance with agency guidance, including the assessment of LGBTQ+ claims.⁸³ For example, one client, a gay asylum seeker and Bassa speaker from Togo detained at Winn Correctional, was wrongfully denied CFI, given a legally insufficient Further Information Gathering ("FIG") session, and wrongfully denied of RFR despite enduring homophobic mob violence and testifying that authorities in Togo are actively looking to arrest and criminally prosecute him for being gay. Agents within the NOLA ICE jurisdiction have also failed to adhere to federal regulations⁸⁴ and agency guidance⁸⁵ for unaccompanied minors, resulting in the unlawful and inhumane detention of children with adults in NOLA ICE detention centers. For example, in June 2021 a 13-year-old unaccompanied minor asylum seeker was unlawfully detained with adults at Winn Correctional for over two months when the officer conducting his CFI failed to flag his case for the Office of Refugee Resettlement (ORR), as required by federal regulation.

Our organizations have also documented the fact that several people have been deported by the NOLA ICE Field Office who expressed a fear of return but were never provided an opportunity for CFI. For example, one SPLC client, a 19-year-old asylum seeker from Honduras, was never provided an opportunity for CFI and was subjected to abusive solitary confinement at the Pine Prairie ICE Processing Center for a week leading up to his wrongful deportation. ISLA has also documented multiple instances of clients who have been deported without a CFI after expressing fear of return.

⁸¹ Southern Poverty Law Center, Civil Rights complaint Re: Detained Asylum-seekers Deprived of Due Process in Expedited Removal Process, (June 30, 2021),

https://www.splcenter.org/sites/default/files/detained_asylum_seeker_grievance_letter_30_june_2021.pdf

⁸² USCIS Memorandum, Processing Credible Fear Cases when a Rare Language Interpreter is Unavailable, (June 14, 2013),

<https://www.uscis.gov/sites/default/files/document/memos/Processing-CF-RareLanguageInterpreter-Unavailable.pdf>

⁸³ USCIS Training Module, Guidance For Adjudicating Lesbian, Gay, Bisexual, Transgender, And Intersex (LGBTI) Refugee And Asylum Claims, (March 2012),

<https://www.uscis.gov/sites/default/files/document/guides/RAIO-Training-March-2012.pdf>

⁸⁴ Section 235 of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Public Law 110-457 Title II, Subtitle D, 122 Stat. 5044 (codified in principal part at 8 U.S.C. 1232), states that consistent with the HSA, and except as otherwise provided with respect to certain UAC from contiguous countries (see 8 U.S.C. 1232(a)), the care and custody of all UACs, including responsibility for their detention, where appropriate, shall be the responsibility of HHS. The TVPRA, among other things, requires Federal agencies to notify HHS within 48 hours of apprehending or discovering a UAC, or receiving a claim or having suspicion that an alien in their custody is under 18 years of age. 8 U.S.C. 1232(b)(2). The TVPRA further requires that, absent exceptional circumstances, any Federal agency transfer a UAC to the care and custody of HHS within 72 hours of determining that an alien in its custody is a UAC. 8 U.S.C. 1232(b)(3).

⁸⁵ USCIS, RAIO Combined Training Program, Children's Claims, (Dec. 2019),

https://www.uscis.gov/sites/default/files/document/foia/Childrens_Claims_LP_RAIO.pdf

II. OUR DEMANDS

The actions and patterns and practices described above demonstrate that the NOLA ICE Field Office enables an unchecked culture of abuse within its network of immigration detention facilities. Additional questions are raised around the profit motivation behind rapid detention expansion contracting in this region and ICE leadership's lack of intervention in the rights violations taking place. Many of these facilities referenced where explicit harm is taking place were deemed unfit under the Obama Administration, only to have contracts pushed through rapidly, despite opposition, under the Trump Administration. Records no longer available on the Tax Assessor's map formerly showed that the Geo Group owned the parcels of land on which Pine Prairie is situated, showing the length of their investment in the carceral state. The abhorrant conditions and treatment of human beings remains unchanged, with little to no government oversight or accountability.

Furthermore, former ICE Field Office Director Scott Sutterfield left his position in late 2019 to work as a top executive of LaSalle corporation, the private prison company that operates six of the eight for-profit facilities ICE began contracting with during this period of rapid expansion. During his tenure, granting of parole release plummeted from 75% to 1.5%, raising ethical concerns in a profit-driven industry which relies on keeping elevated numbers of people detained. He was also completely unresponsive to calls for intervention. His predecessor, Diane Witte, has shown to be equally unresponsive, enabling widespread racism, use of torture, and physical force against immigrants to repeatedly take place, among other ongoing harms. We demand that the Biden Administration take immediate action.

First, and most importantly, we call on DHS to permanently close these facilities, end all related contracts, and release those inside to their loved ones and communities. Unfortunately, while there is benefit to an investigation of this scope in terms of public accounting and redress for harms against individuals which have taken place, we believe there is no amount of sufficient government oversight that can be a justified expense of taxpayer dollars towards NOLA ICE Field Office and individual facility leadership for CRCL's future recommendations to ensure substantial redress of the human and civil rights violations taking place. Clearly, ICE leadership and their private prison and sheriff's county contractors have long-proven to be both unconcerned about repercussions and unable or unwilling to ensure appropriate laws and policies are upheld for the human beings in their care. We believe that the conditions and culture exhibited in these facilities under the NOLA Field Office are beyond the reach of reform, and that expensive reform and oversight measures would only justify and perpetuate the perverse incentives of for-profit incarceration. We therefore call on DHS leadership under the Biden Administration to take these steps to immediately roll back the Trump-era directives leading to rapid detention expansion, as well as the propping up of other longstanding abusive facilities.

Second, as DHS leadership moves towards assessing, then implementing, contract terminations throughout the region, CRCL must take the following steps as it follows through on its promise to community stakeholders to begin a comprehensive investigation of the NOLA ICE Field Office itself this December 2021:

- Include in this overarching investigation all the individuals, past and present, whose requests for intervention and investigation have not been addressed to date;
- Assign adequate oversight and investigative personnel and staffing resources to expand beyond insufficient virtual and/or onsite visits to four detention centers to accomplish the above steps as needed;
- Transparently and fairly investigate all facts stated herein and all potential violations of contract and law, as well as ICE leadership's role and motivations. Solely interviewing NOLA ICE and its contractors, subcontractors, and Detention Facility staff, taking them at their word, or reviewing

limited video hand-picked by these same entities will not suffice. Full interviews and supporting documentation must be gathered for those currently and formerly detained;

- Ensure that investigators are not compromised by close relationships, proximity, or relational or economic incentive to protect the abusers or the abuses named herein – and transparently identify how this was ensured and who investigated these matters;
- Finally, given the long history of inaccurate and fraudulent investigations, the results must be shared publicly, with the administration responsive to public questioning from community stakeholder inquiry, in order to ensure proper accountability.

We thank you in advance for your attention to this critical matter. This Administration must address the immediate harm taking place under the NOLA ICE Field Office today.

Sincerely,

ACLU of Louisiana Foundation
ACLU of Mississippi
Adelante Alabama Worker Center
Al Otro Lado
Black Alliance for Just Immigration (BAJI)
Cameroon Advocacy Network
Freedom for Immigrants
Haitian Bridge Alliance
Home is Here NOLA
Immigration Services and Legal Advocacy (ISLA)
Innovation Law Lab
Louisiana Advocates for Immigrants in Detention
Mississippi Center for Justice
National Immigration Project (NIPNLG)
Robert F. Kennedy Human Rights
Shut Down Etowah
Southern Poverty Law Center

Cc:

The Honorable President Joe Biden
President of the United States
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable Kamala Harris
Vice President of the United States
1600 Pennsylvania Avenue NW
Washington, DC 20500

Tae Johnson
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St. SW
Washington, DC 20536
Sent via email to: tae.johnson@ice.dhs.gov

The Honorable Bennie G. Thompson
Chairman of the Committee on Homeland Security
United States House of Representatives
2432 Rayburn Building
Washington, DC 20515-2402

The Honorable Troy A. Carter
United States House of Representatives
506 Cannon House Office Building
Washington, DC, 20515-1802

Katherine Culliton-Gonzalez
Office of Civil Rights and Civil Liberties
Department of Homeland Security
2707 Martin Luther King, Jr. Avenue, SE
Mail Stop #0190
Washington, DC 20528-019
Sent via email to: katherine.culliton-gonzalez@hq.dhs.gov

Acting FOD Caridad Cephas-Kimbrough
U.S. Immigration and Customs Enforcement
1250 Poydras Street, Suite 325
New Orleans, LA 70113
Sent via email to: Caridad.Arendale@ice.dhs.gov;
NewOrleans.Outreach@ice.dhs.gov