

"It's like we ain't
nothing but slaves...
They move us around
without telling us
anything, and make
us work for free. It's
mind-blowing that
they think they can do
this to a human being.
We're in 2022!
Nobody owns nobody."

Read Ernest Francois' testimony, page 01



**MAPPING ICE TRANSFERS** 





### Acknowledgments



Above all, we want to express deep gratitude to our collaborators and comrades previously or currently detained by ICE who contributed their testimonies, analyses, and thoughtful feedback for this report: Ernest Francois, Hever Mendoza, Tepi Clacson, and Kon Kuac.

We are inspired every day in our work by the courage and leadership of the thousands of individuals inside detention who report abuses, including transfers, to Freedom for Immigrants' National Immigration Detention Hotline and undertake powerful and effective feats of advocacy and organizing despite the very real risks of retaliation.

We are thankful to Thomas Cartwright of Witness at the Border, who painstakingly recorded ICE flight data on a near daily basis and shared the data with us.

We are awed by the work of Mario Martínez, who transformed thousands of data cells into nearly a dozen illustrative and impactful maps.

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We drew upon the collective knowledge of the Freedom for Immigrants National Visitation Network in creating the Nationwide Detention Facility Resource Directory, and relied on the thorough dedication of Myrka Odalis Cruz as well as the students of Professor Kathryn Abrams' fall 2022 class at University of California Berkeley to track down missing information.

This report cites a wealth of advocates, scholars, and journalists who have already done so much to document this specific form of abuse and pose critical questions and next steps for the abolition movement. Thank you in particular to Setareh Ghandehari at Detention Watch Network for reviewing the section on policy recommendations.

Tima Link skillfully transformed a lengthy text into a visual and navigable resource.

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Freedom for Immigrants staff and fellows who
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Casini, and Toria Somerville.

### **ILLUSTRATION CREDITS**

(LEFT): "Migrar es Resistencia Anticolonial"

by Pilar Emitxin

**Executive Summary:** <u>"Not One More</u>

<u>Deportation</u>" by Melanie Cervantes

PG 4: "I Will Never Stop Reaching For You"

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PG 6/7: "enough" by Alec Dunn

PG 16: "Who is Where?" by Erik Ruin

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# 

The clear relationship between ICE's frequent transfers and the immigration detention system's reliance on forced labor is not lost upon those detained who find themselves being shuttled around various detention facilities and immediately "put to work" at each new facility to which they arrive. One individual observed: "I am being trafficked from one facility to another... to clean for \$2 a day."



Transfers are a particular type of abuse that ICE inflicts upon those in its custody every single day, pulling people away from their families, communities, and attorneys. They result in devastating consequences for individuals' court proceedings and well-being, as well as for detained organizing and collective advocacy.

A dataset provided by Immigration and Customs Enforcement (ICE) in 2011-back when ICE actually provided transfers

data to the public and policymakers showed that "over 46 percent of transferred individuals were moved at least two times, with 3,400 people transferred 10 times or more. One egregious case involved an individual who was transferred 66 times." Despite over nearly 15 years of analysis and advocacy on the parts of human rights organizations throughout both Democratic and Republican administrations, the scale and harm of internal ICF transfers are more massive and deadly than ever. Intra-detention

ICE Air Flights have increased by 94 percent over the past two years.

This report features interactive visualizations of data on ICE transfers from the past two years documented by the abolition movement. The maps demonstrate that cross-country transfers are increasing in frequency despite being largely unjustified operationally, raising serious questions around ICE's true motives for enforcing transfers upon the individuals in its custody. The additional testimonies and research in this report substantiate our understanding that ICE does so at such a high rate primarily in order to retaliate against detained organizers and to pad the agency's budget.

Both active retaliation and budgetary padding are seen as increasing necessities by ICE in the wake of the detention abolition movement's success in terminating local contracts. While media reporting around mass transfers has often attributed their cause solely to the termination of ICE contracts. this report makes clear that frequent transfers are part of a larger system of punishment of detained individuals for organizing for their rights.

The interactive maps in this report include the transfer routes of:

- 676 instances of domestic ICE transfers documented by Freedom for Immigrants (FFI) from May 2020 to July 2022.
- 70 unique individuals who underwent "circular transfers" (ending up at the same detention facility where they had been detained initially) documented by FFI from May 2020 to July 2022. One illustrated circular transfer route demonstrates an individual being transferred nearly 6,000 miles between over a dozen detention facilities over the course of one month, just to end up in the jail where he started.
- 14,000 "domestic shuffle" or intradetention ICE Air Flights from January 2020 to May 2022.

People who have suffered multiple transfers, and in particular circular transfers, describe them as forms of retaliation, trafficking, and torture:

- The punishment for organizing in the form of "disciplinary transfers" is explicitly condoned in the ICE National Detention Standards. Disciplinary transfers can be deployed against detained individuals in **retaliation** for acts such as "participating in an unauthorized meeting or gathering," "unauthorized contact with public," or "signing, preparing, circulating, or soliciting support for group petitions that threaten the security or orderly operation of the facility."
- The clear relationship between ICE's frequent transfers and the immigration

- detention system's reliance on forced labor is not lost upon those detained who find themselves being shuttled around various detention facilities and immediately "put to work" at each new facility to which they arrive. One individual observed: "I am being **trafficked** from one facility to another... to clean for \$2 a day."
- Individuals have identified transfers to be torturous in that they involve severe pain and suffering, both physical and mental; are intentionally inflicted for a specific purpose; and are done so under an official capacity. Individuals are often chained at the wrists and ankles during the—sometimes days-long transfer process.

Four currently and previously detained organizers who underwent circular transfers— Ernest Francois, Hever Mendoza, Tepi Clacson, and Kon Kuac—collaborated on this report and shared their own powerful and deeply disturbing testimonies, which speak to these three themes.

ICE's cruel and blatant trafficking of individuals in its custody, particularly organizers and advocates, appear to be OR are intentional methods of torture and retaliation that function to sever ties, communications, and collaborations that are fundamental to the movement toward abolition. Thus, while FFI will continue to advocate for the defunding of ICE and real investment in our communities, by emphasizing the intentional abuse of transfers as tools of retaliation and silencing as well as the negative public health impacts of inter-detention transfers, we have the potential to force the Biden administration

to end them altogether, addressing this long-standing issue once and for all.

This report is accompanied by the launch of a Nationwide Detention Facility Resource Directory, which offers facility-specific information to loved ones and organizers on the outside that should prove helpful if and when ICE does transfer people to far flung jails and prisons. As FFI works to abolish the detention system, barriers to basic information such as how to connect with folks inside are hurdles that no one should have to face alone.

Since 2017, there have been at least 36 local ICE detention facility contract terminations that have resulted in a total "decrease" of over 8,800 "beds" available to ICE. However, these detention facility contract terminations unfortunately do not result in the release of everyone detained by ICE in the facility. Rather, ICE increasingly seems hell-bent on transferring as many people as they can to other detention facilities, particularly those that are far from families and attorneys, and are notorious for their inhumane conditions.

Given the evolution of this movement in recent years to achieve successes through "site fights" (efforts to terminate individual ICE detention contracts) and state legislation (increasingly a necessity due to the growing presence of rightwing ethno-nationalism in the federal government), and ICE's abuse of transfers to retaliate against internal and external organizing efforts, both specific targeting of transfers through policy or budgetary means and building up further intra-movement coordination will be critical in moving forward toward our overarching goal of the abolition of the entire detention system.



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### **ERNEST'S TESTIMONY**

**Ernest Francois is a 49-year-old** Black man from Haiti who was initially detained by ICE at Essex County **Correctional Facility in Newark, New** Jersey in 2017. In 2020, while in need of surgery and imaging for a back injury, he and a dozen other detained individuals began speaking out about medical negligence inside the facility: "They often accuse us at medical: 'you're just making it up.'" He immediately began suffering retaliation from facility staff, including solitary confinement, physical and sexual abuse, and racist and homophobic threats, about which he worked with an attorney to file a complaint in August 2020.

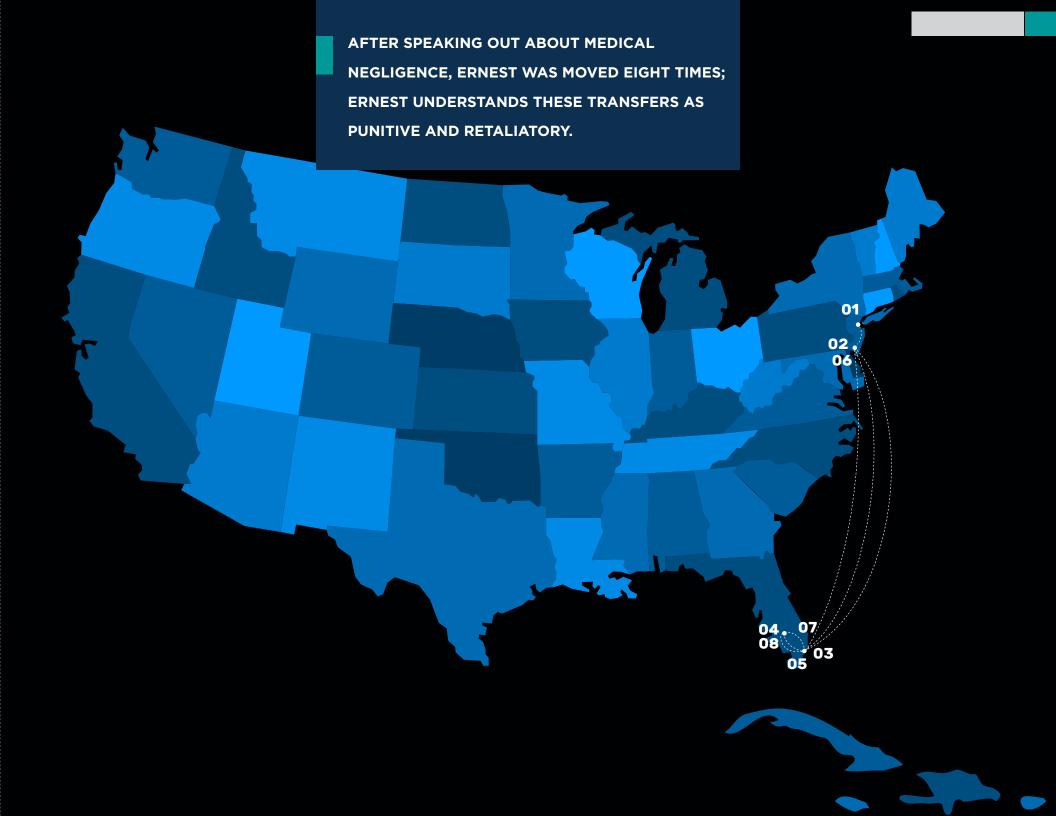
# COMMANDER WHO SAID HE WOULD PLACE A ROPE IN HIS SOLITARY CONFINEMENT CELL TO BE USED AS A NOOSE.

Five months later, after extensive media coverage regarding the complaint, ICE inexplicably transferred Ernest in February 2021 from Essex to **Bergen County Jail** in Hackensack, New Jersey.

Eight months later, after participating in internal organizing, ICE then transferred him from Bergen to **Krome North Service Processing Center** in Miami, Florida. At Krome, Ernest met many other individuals from Haiti

and Cuba who had been protesting the conditions of their confinement, and he joined their efforts.

Two months later, ICE transferred Ernest from Krome to **Glades County Detention Center** in Moore Haven, Florida. This transfer was understood by Ernest to be punitive and retaliatory, and Glades was the harshest facility he had ever encountered. However, at Glades, it was easier for individuals in the



various housing units—including both the men's dorms and women's dorms—to connect with one another. Ernest participated in a mass hunger strike to protest the rampant medical negligence during a particularly severe COVID-19 outbreak. The captain of the facility threatened Ernest, "You will never do this in my jail again," and threw him into solitary confinement.

Within two weeks, ICE transferred Ernest back from Glades to **Krome.** Silence was mandatory on these long bus trips. During one of these intra-state transfers in Florida, the driver of the van—in which Ernest was chained and packed in with two dozen others—fell asleep and nearly crashed.

After another week at Krome, ICE transferred him back up to **Bergen County Jail** in New Jersey. Ernest began to notice that each time he was transferred, he would be forced to go several days without receiving critical medications—in his case, for the treatment of high blood pressure and anxiety. He would develop severe headaches which would be accompanied by incredibly high blood pressure readings. At Bergen County Jail, Ernest reconnected with individuals he had known since his time in Essex, and organized mass hunger strikes with folks locking arms to demonstrate their solidarity.

Perhaps unsurprisingly, after several months of facing these powerful hunger strikes at Bergen, ICE transferred Ernest from New Jersey back down to **Krome** in Florida once again.

Two months after that, ICE transferred Ernest back from Krome to Glades, where he again led a mass hunger strike. At this point, Ernest was threatened by a sheriff's commander who said he would place a <u>rope</u> in his solitary confinement cell to be used as a noose.

Ernest was finally freed after significant community pressure, media coverage, and political intervention. He was granted a \$15,000 bond in October 2021, released in rural Florida, and had to rely on the support of community organizations such as <a href="Immigrant Action Alliance">Immigrant Action Alliance</a> to make it back to his home in New York.

Ernest understands the transfers he suffered to be in response to his filing of complaints and grievances, as well as his participation in hunger strikes. He did not let these blatantly retaliatory transfers dissuade or derail him from continuing to speak out about the torturous conditions he had suffered in each of these facilities. Rather, it is clear that Ernest's powerful leadership and organizing across detention facilities, in combination with sustained, powerful external community mobilizations, have played a critical role in a series of detention contract terminations.

In April 2021, Ernest submitted a complaint regarding the harms he had suffered at Essex, which was presented to the Essex County Commissioners. This public exposure, accompanied by significant community pressure from activists in New Jersey, played a key role in their decision to terminate the detention contract with ICE that same month.

In July 2021, he was a named <u>complainant</u> in a <u>complaint filed by 15 individuals</u> in collaboration with the Center for Constitutional

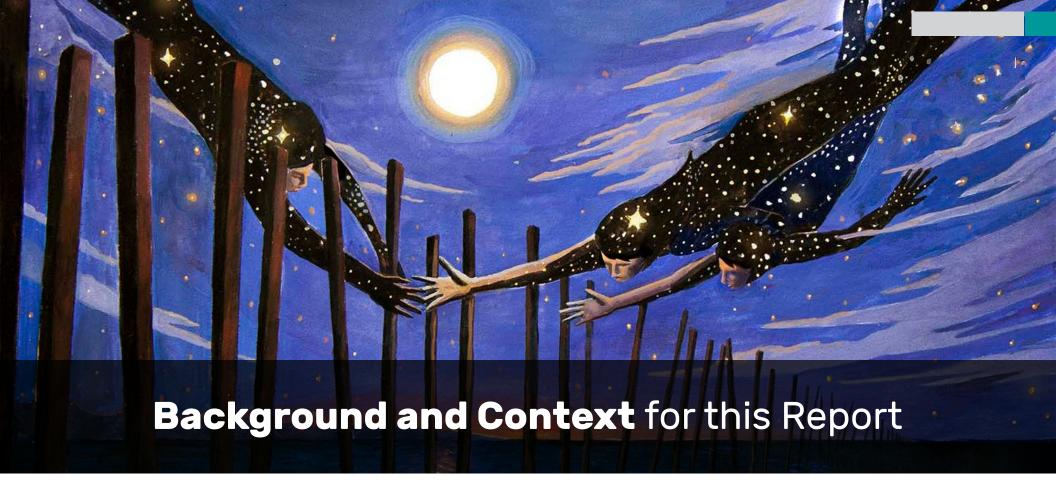
Rights and UnLocal regarding the medical abuse at Bergen County Jail. Within a few months, the ICE detention contract at Bergen County Jail was terminated.

In September 2021, Ernest led a mass hunger strike and was named in a <u>complaint</u> regarding the racist abuse and retaliation he was experiencing at Glades County Detention Center. In March 2022, ICE announced that it was pausing any future use of detention at Glades.

In October 2021, Ernest was a named complainant in another powerful complaint in collaboration with the UndocuBlack Network, Haitian Bridge Alliance, Freedom for Immigrants, and the National Immigration Project of the National Lawyers Guild, regarding the <u>abuse he suffered while at Krome</u>.

Since getting out of detention, Ernest has continued to <u>show up in solidarity with his incarcerated comrades</u> and is now living with his family in New York. Reflecting on the ICE detention system, Ernest shared:

"It's like we ain't nothing but slaves... They move us around without telling us anything, and make us work for free. It's mind-blowing that they think they can do this to a human being. We're in 2022! Nobody owns nobody."



The lived experience and frequency of ICE detention transfers often take a backseat in the minds of the public and policymakers in comparison to more lurid and concrete abuses in ICE detention, including but not limited to, physical, sexual, and verbal assaults; deadly medical negligence; and torturous solitary confinement. However, the severe harms and massive scale of transfers have a tremendous impact which has, in fact, been well-documented for decades. Transfers are a particular type of abuse that ICE inflicts upon those in its custody every single day, pulling people away from their families,

communities, and attorneys. They result in devastating consequences for individuals' court proceedings and mental and physical well-being, as well as the potential for detained organizing and collective advocacy.

This report will first illustrate how the impact of transfers has already been well-documented, and how government oversight agencies have subsequently been well-informed of this issue. In fact, ICE has a lengthy history of weaponizing unnecessary detention transfers to torture people in its custody as acts of deterrence and retaliation, to rake in profits for private contractors, and

to maintain bed quotas (and thus congressional funding) at local and national levels.

What follows is a short summary of previous reporting and scholarship published on detention transfers in order to guide readers through the mountain of evidence that already exists, which leads us to the unfortunate truth: Despite over nearly 15 years of analysis and advocacy on the parts of human rights organizations throughout both Democratic and Republican administrations, the scale and harm of transfers are more massive and deadly than ever.

# Over a Decade of **Documented Harms**



In December 2009, Human
Rights Watch (HRW) published
a 100-plus page report titled
"Locked Up Far Away: The
Transfer of Immigrants to Remote Detention Centers in the
United States." The comprehensive report covers contemporary trends in transfer frequencies and types, geographic patterns, and costs. It also details the severe legal impacts such as the deprivation of access to a lawyer or right to choose counsel, obstructions to established attor-

ney-client relationships, and violations of the rights to challenge detention, to fair venue, and to defend against deportation. HRW identified that, "there are few, if any, checks."

Compiled during a period in which ICE officials were perhaps more willing to speak candidly to non-profit staff, one notable direct quotation included in this report came from an ICE official to HRW regarding the power that state and local jails have to request transfers:

"They can pick up the phone and say "I want this guy out of here by the end of the day." We can't make the facility keep the person, so we have to transfer... When a facility requests it, we have to move the [detained individual] out."

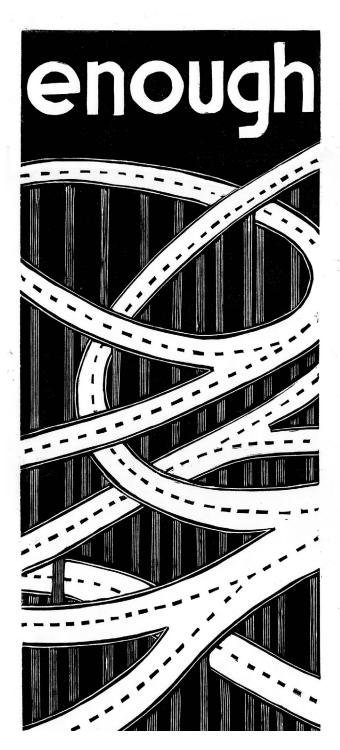
In June 2011, after further analyzing a massive dataset obtained through a Freedom of Information Act (FOIA) request, Human Rights Watch updated their report with another lengthy addition titled "A Costly Move: Far and Frequent Transfers Impede Hearings for Immigrant Detainees in the United States." The dataset provided by ICE showed that "over 46 percent of transferred individuals were moved at least two times, with 3,400 people transferred 10 times or more. One egregious case involved an individual who was transferred 66 times."

66

...over 46 percent of transferred individuals were moved at least two times, with 3,400 people transferred 10 times or more.

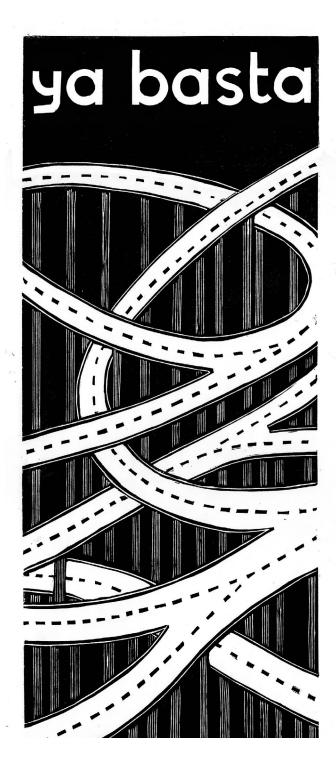
In April 2015, the Department of Homeland Security Office of the Inspector General (OIG) issued a report titled "ICE Air Transportation of Detainees Could Be More Effective." Primarily focused on the potential for future cost savings, the report noted that "ICE Air pays on average \$8,419 per flight hour for charter flights regardless of the number of passengers on the plane," and that "a limited analysis of [detained individuals] transferred multiple times identified six [individuals] with redundant transfers that may not have been necessary." By "redundant transfers," the OIG was referring to individuals who had been transferred multiple times back and forth to the same detention facilities. The OIG expressed concern that "[ICE Enforcement and Removal Operations] ERO does not collect and analyze data related to redundant transfers to determine the frequency, causes, or possible solutions." It is particularly notable that the OIG only identified six redundant transfers over their studied time span of three and a half years. In contrast and as outlined in this report, even with relatively limited data, FFI has identified 70 unique individuals among those who call the FFI hotline who suffered from redundant transfers over the timespan of approximately two years.

In September 2015, the Transactional Research Access Clearinghouse of Syracuse University (TRAC) published the last dataset of detention transfers it has been able to obtain through a FOIA request, which found that there were 374,059 recorded transfers among ICE facilities during the fiscal year. Starting abruptly in January 2017 with the



66

Sitting chained up in the back of a hot van last summer, I mentally prepared to die. I was surrounded by several other women and we were all worried and scared. We were riding in a vehicle with no windows and no air. We'd been put there by ICE agents, after our wrists and ankles were shackled. We had no food or water."



inauguration of President Trump, ICE began refusing to disclose much of the information produced in its previous responses to TRAC's FOIA requests, such as data on transfers. ICE did not claim these records were exempt from disclosure, but rather simply asserted that the past releases were discretionary and that they were no longer willing to make these details available to the public. TRAC filed two lawsuits in 2017 contesting the unlawful withholding of records related to ICE's actions. These lawsuits are still being litigated.

During the course of the Trump administration, reporting and advocacy regarding detention transfers perhaps understandably decreased given the sensationalism of blatantly anti-immigrant policies such as the Muslim ban and family separation at the border. One notable exception was a Federal Torts Claim lawsuit filed by the ACLU Foundation of Northern California on behalf of nine women who spent more than 24 hours being transferred from the West County Detention Facility in Richmond to the Mesa Verde Detention Facility in Bakersfield, less than five hours driving distance away, in 2017. Floricel Liborio Ramos, one of the plaintiffs, publicly shared a devastating recollection of the process:

"Sitting chained up in the back of a hot van last summer, I mentally prepared to die. I was surrounded by several other women and we were all worried and scared. We were riding in a vehicle with no windows and no air. We'd been put there by ICE agents, after our wrists and ankles were shack-



Floricel Liborio Ramos shares the details of her 2017 transfer with an ACLU Northern California reporter.

led. We had no food or water. I felt extremely sick, like death was near... It felt like an oven. I couldn't breathe. It was July and I think it was more than 100 degrees outside.... It was dark inside with no windows and no air or ventilation. The van felt like a cage... I wanted to take off some layers of clothing but I couldn't move. We started praying and crying... Another woman began throwing up and fainted. We tried to help her by blowing on her."

Detained women in Texas also raised the alarm for advocates in 2019, when ICE suddenly transferred over 1,000 women from Karnes County Residential Center to detention centers across the country without warning after many had organized and spoken up about the medical negligence they were suffering.

# Impact and Urgency of the COVID-19 Pandemic



With the beginning of the **COVID-19 pandemic in March** 2020, Freedom for Immigrants (FFI) began closely tracking and reporting on detention transfers in addition to other abuses and conditions through public COVID-19 reports released on a monthly basis. Given the nationwide reach of FFI's detention hotline and National Visitation Network, FFI is well-positioned to identify transfers. These reports included the sections "Detention transfers from facilities with reported cases of COVID-19 to facilities with no reported cases of COVID-19"; "Circular transfers" (a different term for "redundant" transfers); and "Transfers in retaliation." Below are a few examples of these transfer reports, of which there are dozens:

APRIL 29, 2020 REPORT

"Approximately 50 people of Guatemalan origin detained at the Krome Service **Processing Center in** Miami, Florida were transferred from Krome to other ICE prisons in Florida, through the Miami airport, at least 11 times over the course of a week. According to the same report, none of the people subjected to transfers were given personal protective equipment (PPE) during the transfers."

**READ REPORT** 

"One person was
transferred from the
Otay Mesa Detention
Center in San Diego,
California to the Jackson Parish Correctional
Center in Jonesboro,
Louisiana on May 21. At

among people detained at Otay Mesa, with no

154 COVID-19 cases

the time of the trans-

fer, ICE had confirmed

confirmed cases at

Jackson Parish."

READ REPORT

JUNE 18, 2020 REPORT

"On June 11, ICE transferred one person from the River Correctional Center in Ferriday, Louisiana (which had three confirmed cases of COVID-19 at the time of the transfer) to the Stewart Detention Center in Lumpkin, Georgia (which had 33 cases at the time of the transfer). On June 12, ICE transferred this same person from Stewart to the Broward Transitional Center in Pompano Beach, Florida (which had 24 confirmed cases of COVID-19 at the time of the transfer). On June 15, ICE transferred this same person back to Stewart."

**READ REPORT** 

AUGUST 13, 2020 REPORT

"Seven people were transferred from the Clinton County Jail in McElhattan, Pennsylvania to the Etowah County Jail in Gadsden, Alabama. All seven people subjected to transfers were plaintiffs in lawsuits accusing ICE of failing to ensure their safety during the COVID-19 pandemic. At the time of the transfers, ICE reported no active cases of COVID-19 in the Clinton County Jail and 20 active cases of COVID-19 in Etowah."

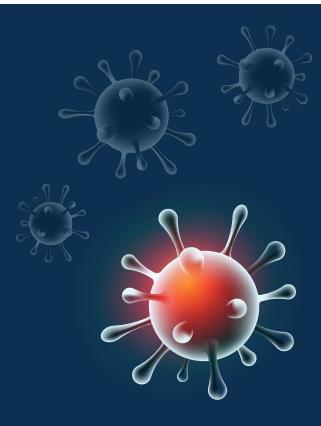
**READ REPORT** 

CTOBER 22, 2020 REPORT

"On October 9, a person transferred into the Prairieland Detention Facility in Alvarado, Texas from another ICE facility reported that he did not receive a COVID-19 test on arrival and that many people in detention were displaying COVID-19 symptoms."

**READ REPORT** 

Due to the COVID-19 pandemic, ICE detention transfers became a source of widespread concern not only among nonprofit advocates and impacted families, but also the greater public. In March 2020, ProPublica published the article "In a 10-Day Span, ICE Flew This Detainee Across the Country — Nine Times." In May 2020, the Miami Herald reported that "ICE admits to transferring detainees with COVID-19, says it can't test everybody."

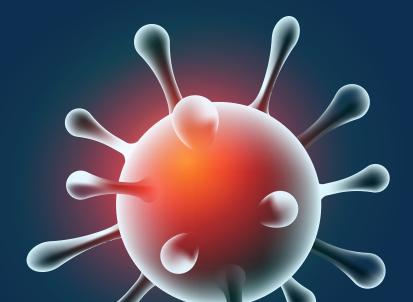


IN JUNE 2020, the Vera Institute of
Justice built an epidemiological model
to estimate how frequent transfers
between detention centers may be
contributing to COVID-19's spread and
published the results in "The Hidden
Curve: Estimating the Spread of
COVID-19 among People in ICE
Detention:"

"Vera's model suggests that transfers pose additional, avoidable risk to detained people during the pandemic. Even before the pandemic, ICE did not publicly disclose the extent to which it transferred people across its network of detention facilities... The model shows that over the course of 500 simulations, ICE would conduct a median cumulative 1,744 transfers of people with active COVID-19 cases to other detention facilities by the end of the 60-day period."

IN JULY 2020, The New York Times and The Marshall Project published a joint article, "'It Was Like a Time Bomb': How ICE Helped Spread the Coronavirus," in which they detailed tracking over 750 domestic ICE flights since the start of the pandemic. In October, BuzzFeed News published excerpts from a draft Department of Homeland Security (DHS) report, "DHS COVID-19 After Action Report," including the fact that officials "frequently transferred [detained individuals] between facilities. which contributed to outbreaks and made tracking and preventing the spread of COVID-19 difficult."

IN DECEMBER 2020, Detention Watch Network released a deeply disconcerting report, "Hotbeds of Infection." making the strong, statistically-based case that ICE was indeed "responsible not only for thousands of COVID cases in detention centers, but contributed to more than 245,000 additional COVID-19 cases in communities throughout the country." The report recommended that ICE halt all transfers within the immigration detention system, as well as all transfers from state and local jails and prisons.





THIS REMAINS A LUCRATIVE AND LARGELY
SECRET BUSINESS, IN WHICH CONTRACTORS
HAVE BILLED U.S. TAXPAYERS FOR OVER A
MILLION DOLLARS PER FLIGHT...

Although the DHS OIG is slower than external advocates to publicly identify concerning practices, the office issued another damning internal report regarding ICE Air transfers in May 2022, titled "ICE Did Not Follow Policies, Guidance, or Recommendations to Ensure Migrants Were Tested for COVID-19 before Transport on Domestic Commercial Flights." The report included four basic recommendations, including the inarquably rather basic request that ERO "maintain complete and accurate migrant COVID-19 testing and transport records." In response to ICE's comments to this recommendation, the OIG found that "ICE's actions are not responsive to the intent of the recommendation... OIG considers this recommendation open and unresolved."

This section would be remiss to not include the groundbreaking research of the University of Washington Center for Human Rights (UWCHR) into ICE Air operations,

which they have pioneered since 2019. While the UWCHR's initial research has primarily focused on deportation flights, their 2022 report "Abuses in the Air" focuses on the roles that capitalism and profit-seeking play in the expansion of this system, including domestic flights. The authors of the report wrote: "This remains a lucrative and largely secret business, in which contractors have billed U.S. taxpayers for over a million dollars per flight, received Covid-19 bailout funds despite operating in an industry which boomed during the pandemic, and may even receive payment whether they fly or not, under a guaranteed minimum payment scheme similar to that in place at many private detention centers."

Witness at the Border, a grassroots advocacy group founded by concerned community members, began regularly publishing information regarding contemporary ICE Air flights in March 2020, appropriately calling them "Death Flights." While the focus

of the regular "Death Flights" reports has been deportation flights, they also include information about "shuffle flights," defined as "flights facilitating movement between domestic detention centers." In their most recent report issued on October 10, 2022, Witness at the Border reported that "shuffle flights, those just moving people in the US to and between detention/deportation centers were 4,327 over the last 12 months, a staggering increase of 2,102 (94%) over the 2,225 in 2020."

Notably, while ICE has increased the already rampant amount of internal transfers since the beginning of the pandemic and demonstrably furthered the spread of COVID-19, the Biden administration hypocritically continues to weaponize the pandemic as it expands inhumane Trump policies such as the Title 42 rule (thus expelling asylum seekers to danger) and refuses to fully reinstate family and community visitation.

### 2017-2019

**ICE "BEDS"** 

**CONTRACT TERMINATION ANNOUNCED** 

SANTA ANA CITY JAIL, CA

189

FEB 2017

**RAMSEY COUNTY JAIL, MN** 

15

**JAN 2018** 

**RIO COSUMNES JAIL, CA** 

180 JUNE 2018

WEST COUNTY DETEN-TION FACILITY, CA

318 JULY 2018

ATLANTA CITY DETEN-TION CENTER, GA

218 SEPT 2018

ANNE ARUNDEL COR-RECTIONAL CENTER, MD

60 JAN 2019

JAMES MUSICK JAIL, CA
294 MARCH 2019

THEO LACY JAIL, CA

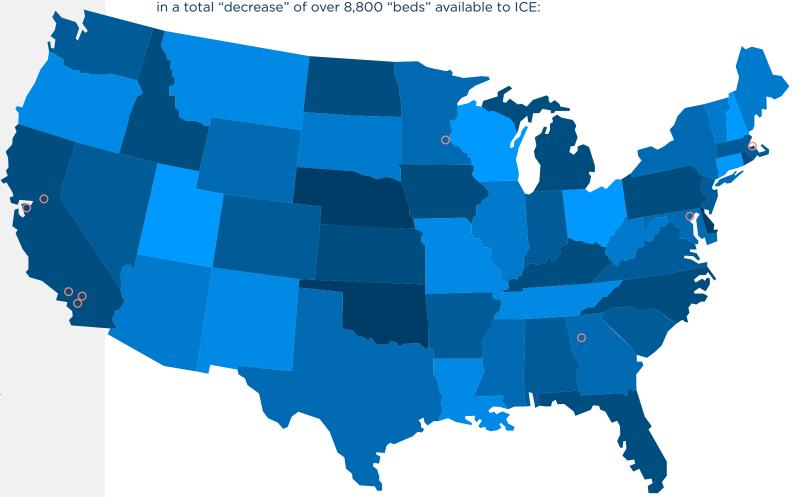
537 MARCH 2019

SUFFOLK COUNTY JAIL, MA

245 OCT 2019

# Movement Power and **Retaliation**

As Elena Hodges outlined in the incredibly insightful and in-depth 2022 paper "Building Power: Charting Recent Victories in the Movement to End Immigration Detention in the United States," a series of immigration detention contract terminations in recent years have taken place. Since 2017, there have been at least 36 ICE detention facility contract terminations that have resulted in a total "decrease" of over 8,800 "beds" available to ICE:



### 2020-2021

ICE "BEDS"

### **CONTRACT TERMINATION ANNOUNCED**

**BOSSIER PARISH JAIL, LA** 

61 FEB 2020

NORTHEAST OHIO COR-RECTIONAL CENTER, OH

272 FEB 2020

**MONROE COUNTY JAIL, FL** 

72 APRIL 2020

NORTHERN OREGON COR-RECTIONAL CENTER, OR

25 AUG 2020

**MORROW COUNTY JAIL, OH** 

53 FEB 2021

HARDIN COUNTY JAIL, IA

78 MARCH 2021

WAKULLA COUNTY JAIL, FL

150 MARCH 2021

FRANKLIN COUNTY JAIL, MA

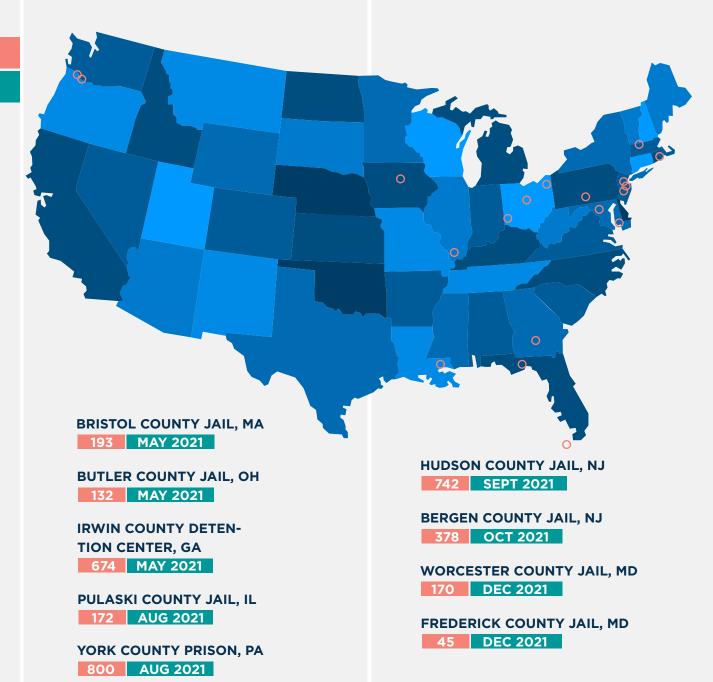
90 APRIL 2021

**COWLITZ COUNTY JAIL, WA** 

3 MARCH 2021

**ESSEX COUNTY JAIL, NJ** 

773 APRIL 2021



2022

**ICE "BEDS"** 

**CONTRACT TERMINATION ANNOUNCED** 

**DOUGLAS COUNTY JAIL, NE** 

102 JAN 2022

McHENRY COUNTY JAIL, IL

250 FEB 2022

KANKAKEE COUNTY JAIL, IL

143 FEB 2022

**ETOWAH COUNTY JAIL, AL** 

350 MARCH 2022

DORCHESTER COUNTY
DETENTION CENTER, MD

55 SEPT 2022

LA PALMA CORRECTION-AL CENTER, AZ

698 OCT 2022

BERKS COUNTY DETEN-TION CENTER, PA

96 NOV 2022

YUBA COUNTY JAIL, CA

190 DEC 2022

TOTAL ICE "BEDS" **CUT SINCE 2017** 8,886 0

As Elena Hodges also noted, however, these detention facility contract terminations unfortunately do not result in everyone detained by ICE in the facility being released. Rather, ICE increasingly seems hell-bent on transferring as many people as they can to other facilities, particularly those that are far from families and attorneys, and are notorious for their inhumane conditions. The 2019

report "Lessons from the ICE Detention Contract Termination in Contra Costa County.

CA" found that of approximately two-thirds of the individuals in ICE detention at the time of the contract termination, approximately 20 percent were bonded out, either before or shortly after transfer; 33 percent were transferred within the state; and 25 percent were transferred out of state.

Subsequently, local and state policymakers, the media, and some legal nonprofit organizations often criticize abolitionist organizers and advocates for not foreseeing these "unintended consequences." As a result, mass transfers also serve to divide and de-radicalize the movement. Countless examples of this narrative and framing have proliferated throughout local and national media, and while it would not be productive or helpful to attempt a full literature review, this July 2022 article from the Baltimore Brew, titled "Maryland lawmakers passed Dignity Not Detention to protect immigrants. So ICE detains them elsewhere," is characteristic:

"Proponents of the bill said its overall impact would be positive, despite warnings by some that ICE would simply ship people to facilities far from families and lawyers... Many immigration lawyers who work directly with [detained individuals] say these kinds of laws have made their jobs only harder..."

The article does include a few testimonies from immigrant-led organizations that name the critical facts that this legislative strategy was led by those most impacted by the system, and, relatedly, that there has been a subsequent decrease in local ICE enforcement and arrests. This correlation is also borne out by the September 2022 report "If You Build It, ICE Will Fill It: The Link Between Detention Capacity and ICE Arrests" published by the Immigrant Legal Resource Center, Detention Watch Network, and Ceres Policy Research, which finds that immigrants in counties with more detention space are significantly more likely to be arrested and detained by ICE.

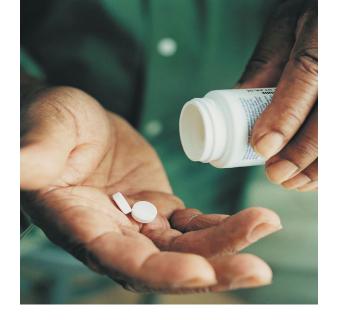
One "win" that the detention abolition movement has achieved under the Biden administration is ICE's issuance of "Standard Operating Procedures" (SOP) for "Detention Facility Termination of Agreement." This was in clear response to an October 2021 memo put forward by several immigrants rights organizations asking for such procedures to be memorialized in the wake of so many recent terminations. The advocates' memo proposed that each facility undergo a "period of evidence review" in which officers would evaluate each case "with a presumption of release rather than presumption of transfer." during which "ICE should not transfer any person out of the facility." Subsequently "in

cases where ICE denies release and a person is transferred, ICE should inform the individual and their attorney in advance of the transfer of the anticipated timing and transfer location."

Unfortunately and unsurprisingly, the procedures that ICE issued blatantly ignored the recommendations laid out in the memo. In contrast, the new ICE SOP do not encourage presumption of releases; one of the bolded procedures is indeed to "Implement Transfer Plan." It is certainly logical that ICE understands the threat that mass detention facility contract terminations pose to the continued operation of its mass detention machine, and thus not unexpected that the agency will continue to do all it can to ensure that terminations do not occur without harsh consequences for impacted community members. To date, it is unclear to what extent any of these SOP have been followed in detention contract terminations thus far in 2022.

On the contrary, FFI has documented multiple instances of ICE conducting mass transfers of individuals before publicly announcing contract terminations that may be imminent. Examples of this tactic can be observed at La Palma Correctional Facility in Arizona and Orange County Correctional Facility in New York.

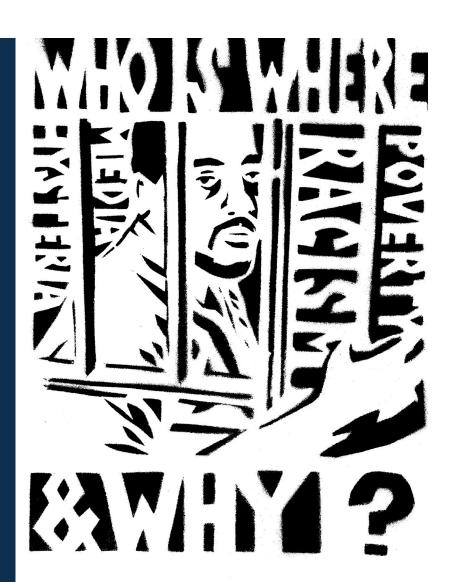
Beginning in January 2022, right after
CoreCivic was awarded a new contact with
the Arizona Department of Corrections,
Rehabilitation & Reentry for up to 2,706
individuals at the 3,060-bed La Palma
Correctional Center in Eloy, Arizona, ICE
subsequently undertook mass transfers
of people in its custody from La Palma to
the nearby Florence Correctional Center.



Both FFI and local legal service provider the Florence Project received several frantic calls from individuals who were transferred during this time period and subsequently not able to receive their prescribed medications for serious medical conditions for days. One 36-year-old individual, Benjamin Gonzalez Soto, died on July 8, 2022, while in the process of being transferred by ICE to Florence Correctional Center. ICE had moved ahead with the transfer despite Benjamin being "in obvious physical discomfort as evidenced by periodic grimacing and... lying on the floor in the fetal position," according to the ICE Death Report. Although ICE never actually publicly announced the termination of its contract at La Palma Correctional Facility, CoreCivic confirmed in its "Third Quarter 2022 Financial Results" in November 2022 that the ICE contract at La Palma had indeed "expired" and that they "expect average daily populations from ICE at our other facilities in Arizona to increase in the fourth quarter of 2022."

Meanwhile, in July 2022, after months of <u>serious reports of abuse, racism, and egregious</u> <u>conditions of confinement</u>, more than 60 individuals were transferred without warning from Orange County Correctional Facility (OCCF) in New York to Adams County Correctional Facility in Mississippi and several other distant detention facilities. The Orange County undersheriff explicitly <u>stated to media that his agency asked ICE to reduce the number of individuals in ICE detention at the jail because of the amount of complaints filed over their mistreatment:</u>

"And we had said to those groups and elected officials who came here from New York City... 'If you got your wish and detainees were removed from Orange County they would go to a place where people would be unable to visit them like they are today.' You hate to be right."



"New York Congressmembers Alexandria Ocasio-Cortez and Jamaal Bowman wrote in an August 2022 letter to DHS and ICE that "it has been unclear whether OCCF has decided against renewing its contract with ICE or if ICE is unilaterally phasing out its contract with OCCF... *Initiating these trans*fers after months of advocacy and investigation into OCCF gives us reason to question whether these transfers are retaliatory and punitive, particularly given ICE's recorded history of abusive transfer practices."

Toward the end of <u>"Building Power,"</u> the author Elena Hodges helpfully identifies and outlines the multiple challenges that the movement currently faces:

- Movements are facing backlash from ICE and private prison corporations.
   This backlash includes... mass ICE transfers of people in detention.
- ICE's ongoing withholding of key information about... transfers contributes to this challenge.
- Claiming the narrative around transfers presents a major challenge for abolitionist movements across the country.
   While jail closures and contract cuts are tremendous victories for impacted communities, organizers, and advocates, ICE continues to use the threat of transfers to deter support for closures...
   Recent media coverage is falling into ICE's trap of framing transfers as inevitable.
- Part of the reason ICE's narrative... has been so effective is that ICE has long been illegally withholding data on its transfers of detained people from one jail to another.
- Movements lack information about when and why ICE has tended to escalate transfers, whether as a response to hunger strikes by people in detention, to COVID-19 outbreaks, or to state or local-level policy decisions to cut contracts or close facilities. Similarly, the lack of data makes it difficult to trace patterns in what happens to people post-closure, including how many

- people are transferred versus released and where people are transferred.
- Up-to-date national data on ICE transfers are currently impossible to publicly access.
- Having more information about these dynamics could help communities in their organizing: to document transfers for media, policy, and litigation purposes; to be more prepared when transfers happen in order to ensure that people who experience transfers are getting the community, material, and legal support that they need post transfer; and, most importantly, to inform and strengthen their efforts to prevent transfers from happening in the first place.

FFI hopes that the data visualizations, individual narratives of organizing and retaliation, and facility-specific resources included in this report serve to bridge these gaps, contributing critical information and perspective lending support to the fight to abolish detention. The data visualizations, which show recent national data on (a sliver of) ICE transfers, demonstrate that cross-country transfers are intentionally frequent and ongoing. The individual narratives of circular transfers provide insights into how ICE weaponizes transfers in order to torture detained organizers and pad its budgets, as they clearly do not serve any legitimate purpose. Finally, the facility-specific resources in the Nationwide Detention Facility Resource Directory will offer critical information to loved ones and organizers on the outside whenever ICE transfers people to far flung jails and prisons.



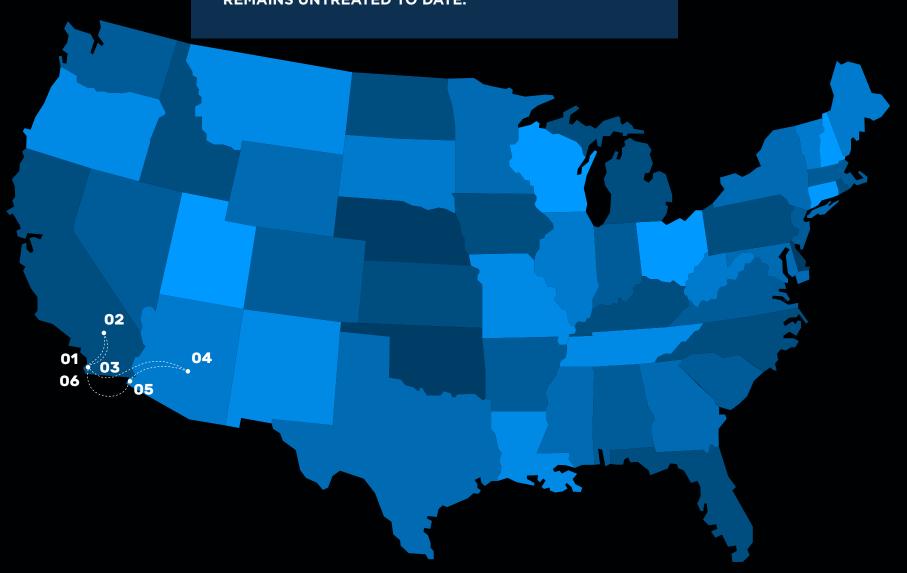
### **HEVER'S TESTIMONY**

Hever Mendoza is a 36-year-old man from El Salvador who was initially detained by ICE at Otay Mesa Detention Facility in San Diego in February 2020. The following month, in March, ICE transferred Hever without warning from Otay Mesa to Adelanto Detention Facility, over 160 miles away:

"It was awful. I had no idea why they were moving me at night, and they did not tell me anything. I thought I was being deported. They chained our wrists and ankles the entire trip, which left ugly bruises. They were not even necessary since these vehicles are built to be inescapable; you cannot open the door from the inside. We were not given any food or water the entire trip. At one point, the van stopped at a Carl's Jr. and they got

WHEN THE CHANGEOVER HAPPENED, THE MEDICAL STAFF NO LONGER HAD RECORDS OF THIS... AND NOW HE'S BEING GIVEN THE SAME DIAGNOSTIC TESTS THAT HE ALREADY HAD, ESSENTIALLY STARTING THE PROCESS OVER AGAIN. 'NOW I HAVE TO WAIT MORE TIME... I TELL THEM I HAVE A TUMOR, AND IT DOESN'T SEEM IMPORTANT TO THEM.'

HEVER WAS DIAGNOSED WITH A TUMOR, BUT HIS
FREQUENT TRANSFERS MEAN THAT MEDICAL STAFF
NO LONGER HAVE HIS RECORDS AND HIS TUMOR
REMAINS UNTREATED TO DATE.



out of the truck and left us inside for a while. I was thirsty, and asked if we could buy ourselves water, but they said no. When we arrived at Adelanto, we were mixed in with people who had COVID-19 symptoms such as fevers."

At the time of this transfer, ICE had reported several cases of people at Otay Mesa who had tested positive for COVID-19, but none at Adelanto.

Three days after bringing Hever to Adelanto, ICE transferred Hever back to **Otay Mesa**; notably, the ICE Online Locator had never identified that Hever had even been at Adelanto. The following month, Hever courageously began speaking out to the media about the deadly conditions inside the detention facility with the beginning of the COVID-19 pandemic:

"Hever Mendoza is one of the 1,000plus migrants housed at the Otay Mesa
Detention Facility. Mendoza tells NBC 7
that guards and employees are not following CDC guidelines. 'There is no social
distancing here,' said Mendoza. 'We are
all exposed...us the detainees as well
as the guards because there is no way
to distance ourselves from each other.'
Mendoza, like his fellow detainees, feels
federal or state officials should step in
before it's too late."

Tragically, ICE did not heed the warnings of those inside, and in May 2020, Otay Mesa was the site of the first known death from COVID-19 of someone in ICE detention, 57-year-old Carlos Ernesto Escobar Mejia. As The Intercept reported: "If there's one thing the men locked inside the Otay Mesa Detention Center want the world to know, it's that Carlos Ernesto Escobar Mejia didn't need to die... The for-profit facility is currently home to the largest coronavirus outbreak in immigration detention in the country by far, with 155 confirmed cases of infected [detained individuals] and 11 cases among detention personnel."

In addition to allowing the already unsanitary conditions at Otay Mesa to continue to worsen, ICE of course continued to transfer individuals to and from the facility. A little over a month after the death of Carlos Ernesto Escobar Mejia, ICE transferred Hever from Otay Mesa, where ICE was still reporting active COVID-19 cases, to **Florence Service Processing Center** in Arizona in June 2020.

After three days at Florence, ICE transferred Hever more than 225 miles to **San Luis Regional Detention Center,** on the other side of the state.

After approximately a month at San Luis, ICE transferred Hever in July 2020 back to **Otay Mesa** in California, where he remains detained to this day. Hever has not let these retaliatory and torturous transfers stop him from speaking out about the abuses he experiences and witnesses in ICE detention. In October 2020, <u>Hever spoke to the media about the medical negligence</u> that he was suffering:

"Hever Mendoza said that he'd been diagnosed with a tumor in his testicle about a month ago. He was then supposed to see another specialist to address the issue. But when the changeover happened, the medical staff no longer had records of this, he said. And now he's being given the same diagnostic tests that he already had, essentially starting the process over again. 'Now I have to wait more time,' Mendoza said in Spanish. 'I tell them I have a tumor, and it doesn't seem important to them.'"

He has continued to report on his worsening medical condition, as he began coughing up blood, and in April 2022 undertook a week-long hunger strike. Despite internal grievances, advocacy complaints, and media attention, Hever's medical issues remain unaddressed to date. He continues to organize and build power from within Otay Mesa in collaboration with Detention Resistance.



None of the data in this report was obtained through Freedom of Information Act (FOIA) requests. As previously mentioned, ICE and DHS have ignored FOIA requests to an unprecedented degree, not only throughout the Trump administration, but thus far in the Biden administration as well. As just one example, in April 2022, FFI submitted a FOIA request to ICE asking to see a basic copy of

an I-216 or "Record of Persons and Property Transfer" form. Within a month, ICE FOIA inexplicably rejected this request. In September 2022, TRAC released a report titled "ICE's Sloppy Public Data Releases Undermine Congress's Transparency Mandate," which found that ICE's latest release of detention data was "once again, riddled with errors" and raised "concerns that the agency is

contributing to, rather than alleviating, misinformation about the immigration system." Indeed, because "the agency continues to fight FOIA requesters in court for these records that could provide clarity to the public about important immigration enforcement policies," advocates have had to collect data through other means outlined below that are not subject to state withholding or censorship.

# **Transfers**Documented by FFI



As detailed extensively in FFI's 2021 report "Detained and Disappeared: Enforced Disappearances Perpetrated in Immigration Detention by the United States," family members and advocates routinely attempt to use the Online ICE Locator to determine in which detention facility an individual is currently being caged. The 2021 report focused primarily on the intentional failures of the Online ICE Locator, as FFI had documented the disappearances of hundreds

of individuals from the ICE Locator—including people who were organizing internally, hospitalized for COVID-19 or other ailments, or transferred—despite confirmation received that they were in ICE custody.

However, to the extent that the Online ICE Locator works, it can at times offer advocates the opportunity to confirm that an individual has been transferred from one

detention facility to another. Beginning in 2020, as it became increasingly evident that ICE had no intention of slowing down its rampant transfers despite the growing COVID-19 pandemic, FFI began documenting domestic ICE transfers of individuals through our nationwide network as confirmed by the ICE Locator.

From May 15, 2020 to July 6, 2022, FFI documented 676 instances of domestic ICE transfers, with many of these transfers encompassing more than one individual. However, the transfers logged by FFI reflect only a tiny fraction of those that are taking place, as evidenced by first-person testimonies of transfers which ICE never documented in its database. While many of these transfers were initially reported in FFI's COVID-19 briefs, this report is the first time that FFI has centralized and visualized this data. The data was mapped by Mario Martínez using Tableau software.

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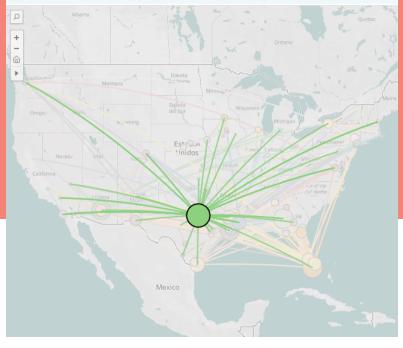
...transfers logged by FFI reflect only a tiny fraction of those that are taking place...

### VIEW INTERACTIVE MAP A ▶

### **SORT BY:**

- year of transfer
- destination detention facility, or
- state of destination detention facility

### Transfers in ICE Detention Reported to FFI (May 15, 2020 - July 6, 2022)



The transfer routes of all transfers during this time period to **Prairieland Detention Center** in Alvarado, Texas.

### **VIEW INTERACTIVE MAP B →**

### **SORT BY:**

- year of transfer
- origin detention facility, or
- state of origin detention facility

Transfers in ICE Detention Reported to FFI - From Origin Facility (May 15, 2020 - July 6, 2022)



The transfer routes of all transfers during this time period from **Bergen County Jail** in Hackensack, New Jersey.

### **CLICK HERE**

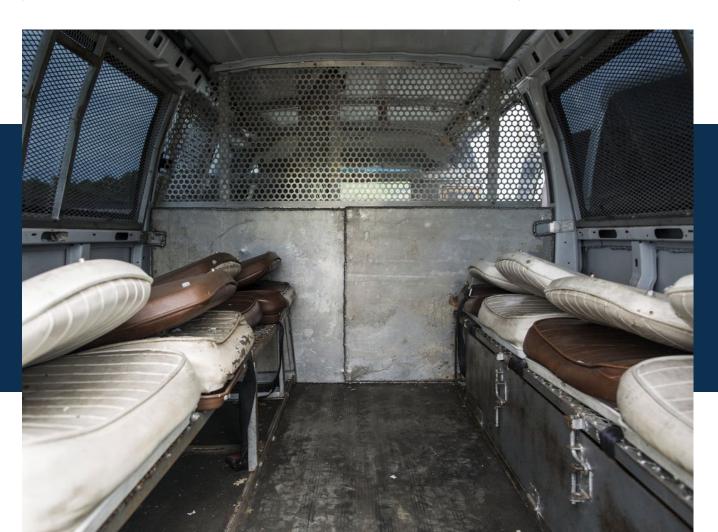
To see a timelapse of these transfers.

Press the "forward" button on the right-hand side under "Date of Transfer" (circled below in red).



# Quantitative + Qualitative Data on Circular Transfers

As FFI began documenting domestic transfers, it soon became evident that ICE transferred many individuals between multiple detention facilities, only for them to end up at a facility they had been caged at previously. These circular transfers appear to debunk ICE's publicly stated reason for engaging in the harmful practice of transfers, which the agency states is due to limited bed space. From May 15, 2020 to July 6, 2022, FFI identified 70 unique individuals who had undergone this process, also known as "circular" or "redundant" transfers, within that time period.



### VIEW INTERACTIVE MAP C →

TO SEE THE INDIVIDUAL ROUTES OF THESE

CIRCULAR TRANSFERS—SOME OF WHICH ARE

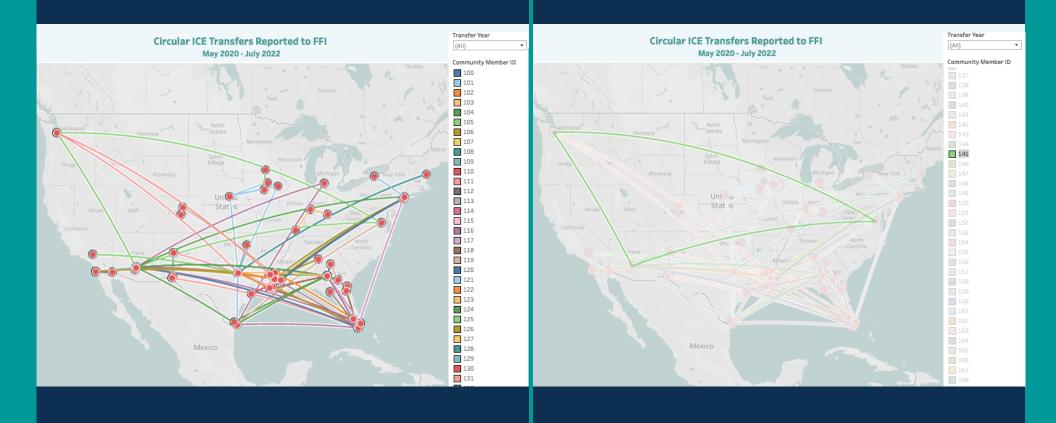
SIMPLY TRANSFERS BACK-AND-FORTH BETWEEN

TWO DETENTION FACILITIES.

### **VIEW INTERACTIVE MAP D →**

TO SEE ONE INDIVIDUAL'S CIRCULAR TRANSFER ROUTE.

Click on a specific color or number on the right-hand side.

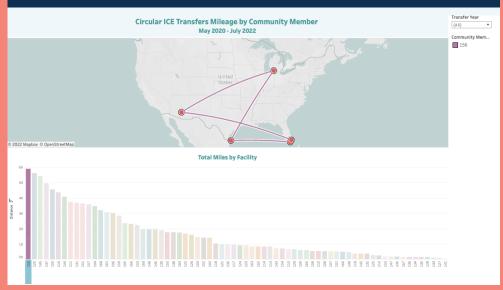


### VIEW INTERACTIVE MAP E ▶

TO SEE THE MILEAGE COVERED BY THESE CIRCULAR TRANSFERS.

As shown in the screenshot below, one circular transfer forced an individual to travel nearly 6,000 miles over the course of one month just to end up

in the detention facility where they started.

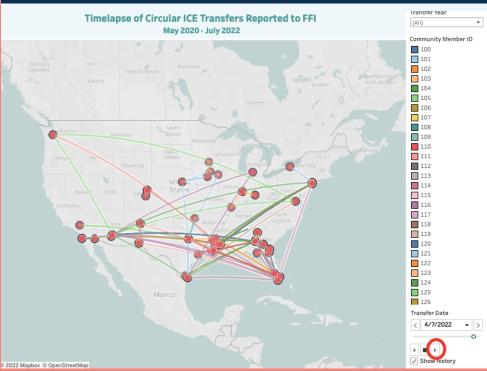


### VIEW INTERACTIVE MAP F →

TO SEE A TIME LAPSE OF ALL 70 CIRCULAR

TRANSFERS DOCUMENTED BY FFI.

Navigate using the "forward" play button (circled in red).



While the DHS OIG raised concerns about this practice in 2015 from a fiscal or "efficiency" standpoint (and given the mileage measurements above, those are evidently valid concerns), FFI believes that these circular transfers are indicative of ICE's weaponization of detention facility transfers to retaliate against and torture immigrants in detention, particularly those who are organizing or speaking out about conditions inside.



# Collective Themes of **Circular Transfers**

In order to learn more about the lived experiences of those who have undergone such inhumane trafficking, FFI reached out to individuals impacted by circular transfers with a brief survey that could be responded to anonymously over the free and unmonitored <a href="National Immigration Detention Hotline">National Immigration Detention Hotline</a> or through the mail. Unfortunately, many individuals who underwent circular transfers never received the survey due to being subsequently transferred (again) or deported.

This section details accounts of 14 individuals who underwent circular transfers; that is, they were transferred by ICE multiple times to end up back at the same facility—between May 15, 2020 and July 6, 2022. FFI crafted and conducted surveys in which individuals were asked about the process of being transferred, their health and safety throughout, and the longer term impacts of being transferred in such a haphazard and cruel fashion on their relationships and mental health.

### THREE PRIMARY THEMES EMERGED AMONG THE 14 SURVEY RESPONSES.

**FIRST,** that ICE officials often weaponized transfers as a form of retaliation against those who spoke up against their conditions, whether through hunger strikes, filing complaints, or other forms of resistance.

**SECOND,** individuals experienced feeling a deep loss of autonomy and a sense of being "trafficked" by ICE.

**THIRD**, individuals experienced physical and emotional abuse throughout the transfer process. These transfers have deeply and negatively impacted individuals' mental health and relationships in the long term.



While 11 of the 14 individuals surveyed had not been told why they were being transferred, some suspected it was a form of punishment or retaliation in response to speaking out against their detention conditions. One individual explicitly stated:

"I was transferred due to retaliation because I filed a complaint."

Another individual noted that he would often be transferred whenever he participated in a hunger strike.

### Transfers as **Retaliation**

Although all versions of ICE's National Detention Standards state that transfers should never be "retaliatory," they are explicitly permitted to be "disciplinary." Per the 2008 standards, a disciplinary transfer is an approved "high moderate offense category sanction" to be deployed against detained individuals for prohibited acts such as "insolence toward a staff member," "participating in an unauthorized meeting or gathering," "unauthorized contact with public," or "conduct that disrupts or interferes with the security or orderly running of the facility." In 2011's Performance-Based National Detention Standards, ICE added vet another offense for which a "disciplinary transfer" could be recommended: "signing, preparing, circulating, or soliciting support for group petitions that threaten the security or orderly operation of the facility."

Only two of the 14 individuals surveyed had been given prior notice that they were going to be transferred to another facility. One individual shared:

"In the middle of the night, I was told that I am leaving the facility. I was completely blindsided. You don't really know until you get there. You don't really communicate with the transport officers who go with you, you just kind of figure it out by looking out the window."

The majority of the respondents were also not informed of how long the transfer process would take, or where they were going. In addition to suddenly being removed from family or community members who might be able to advocate for their safety, most of the individuals did not have the opportunity to notify their legal counsel that they had been transferred.

The majority of individuals feared that they were being deported. Some were even told this by ICE personnel. As one individual shared:

"When I was at the airport in Dallas, TX, the officers told me that I would be deported back to Cameroon, but instead I was held in Texas for two weeks and then transferred back to Louisiana. I was never given a reason why."



Trafficking has been defined as a "form of modern-day slavery involving the illegal transport of individuals by force or deception for the purpose of labour, sexual exploitation, or activities in which others benefit financially." The clear relationship between ICE's frequent transfers and the immigration detention system's reliance on forced labor is not lost upon those detained who find themselves being shuttled around between various detention facilities and immediately "put to work" at each new facility to which they arrive. One individual observed:

### "I am being trafficked from one facility to another... to clean for \$2 a day."

Neither is the way that ICE may be benefiting off of transporting them. People named feeling an utter loss of personal autonomy and a sense of being commodified:

### Transfers as **Trafficking**

"I felt like a cargo box without knowing its destination."

Individuals also expressed confusion and suspicion regarding the funds left behind at each detention facility upon transfer. While one's commissary funds are sometimes transferred with the individual, phone account funds almost never are. One noted:

"I've left lots of money in phone accounts from all the centers they've transferred me to and from."

ICE's largest private prison contractors, the GEO Group and CoreCivic, are in fact currently being sued in numerous courts for violations of the Trafficking Victims Protection Act (TVPA). Legal scholars have surmised that "such lawsuits are likely to succeed, given the facts known about conditions in for-profit immigrant detention facilities and the broad text and favorable legislative history of the TVPA." 1

While these lawsuits are more focused on violations of the forced labor provisions of the TVPA, ICE's rampant overuse of transfers evidently involve economic and financial factors

at play. Indeed, the decrease in detention numbers that took place due to the Remain in Mexico program and the COVID-19 pandemic seem to be correlated with an increase in intra-detention transfers as ICE has struggled to continue to justify its mammoth budget to Congress. If ICE were to comply with the law and finally release full sets of data regarding its internal transfers, this could be more thoroughly investigated; it is evident why it may not be in the agency's own interest to do so.

<sup>1</sup>Ongoing lawsuits include the following:

- Adelanto ICE Processing Center, Adelanto, CA (GEO)
   Novoa v. The GEO Group, Inc., No. 5:17-cv-02514 (E.D. Cal.)
- Aurora ICE Processing Center, Aurora, CO (GEO)
   Menocal v. The GEO Group, Inc., Case No. 14-cv-02887-JLK (D. Colo.)
- Otay Mesa Detention Center, San Diego, CA (CoreCivic)
  - Owino v. CoreCivic, Inc., Case No. 3:17-cv-01112-JLS-NLS (S.D. Cal.)
  - Gonzalez v. CoreCivic, Inc., No. 3:17-cv-02573 (S.D. Cal.)
- T. Don Hutto Residential Center, Taylor, TX (CoreCivic)
   Gonzalez v. CoreCivic, Inc., No. 1:18-cv-169 (W.D. Tex)
- Stewart Detention Facility, Lumpkin, GA (CoreCivic)





According to the United Nations Convention
Against Torture, the term "torture" refers to
"any act by which severe pain or suffering,
whether physical or mental, is intentionally
inflicted on a person for such purposes as
obtaining from him or a third person information or a confession, punishing him for an
act he or a third person has committed or is
suspected of having committed, or intimidating or coercing him or a third person, or for
any reason based on discrimination of any
kind, when such pain or suffering is inflicted
by or at the instigation of or with the consent
or acquiescence of a public official or other
person acting in an official capacity."

The understanding of immigration detention as torture is well-established. The Center for Victims of Torture (CVT), the oldest and largest torture survivor rehabilitation center in the United States, understands that for "an act to amount to torture, there must be (1) severe pain or suffering, whether physical or mental; (2) intentionality; (3) specific purpose; and (4) official capacity." In their 2021 report, "Arbitrary & Cruel: How U.S. Immigration Detention Violates the Convention against Torture and Other International Obligations," CVT found that ICE "systematina"

cally exposes detained migrants to violations of the prohibition on torture and other cruel, inhuman, or degrading treatment or punishment." However, CVT's report and other previous scholarship on the torturous aspects of immigration detention have tended to focus on abuses and conditions—including the indefinite and arbitrary nature of detention—but not the torturous experience of actual transfers.

Most individuals noted that during the transfer process they: experienced or witnessed physical violence; lacked access to essential resources like food, water, and medications; and experienced social isolation.

One person painfully described the assault of another detained individual during a transfer:

"One of the guys that I was with, they broke his legs and beat him up and we thought that he was deported, but he was in medical the whole time. The officers who beat him up, they just did it for no reason. ICE just does whatever and they get away with it."

### GG

I was put in quarantine for two weeks and it felt like I was being tortured and abused again and again. The mental breakdown is like no other feeling. You will wake up in the middle of the night screaming, or stay up nights in depression mode or anxiety, and sometimes you don't want to get out of bed. I broke down and cried for hours."

Individuals were often restrained at the wrists and ankles during the—sometimes days-long—transfer process. As one individual described:

"We were all handcuffed before leaving the facility. I faced a lot of problems breathing, using the bathroom, and also the handcuffs were so tight that my blood couldn't circulate freely."

Another individual noted:

"There was a restroom on the bus but it was messed up, broken and smelled terrible... I couldn't use the restroom the entire trip. "

Most did not have access to their belongings, and almost half did not have access to or knew someone who did not have access to essential, daily medications.

Individuals also cited unsafe environmental conditions during their journeys. Many were not tested for COVID-19 before transfer or upon arrival, and were not provided personal protective equipment during the journey. One person described being transferred with people who were clearly symptomatic with high fevers. Some also cited having unsafe transport between facilities. One individual stated:

"There was a near crash when the bus driver fell asleep at the wheel between facilities in Florida."

Not only were all abruptly transferred away from their facilities, but many also could not notify family during the transfer process or upon arrival at the new facility. As one individual noted:

"I could not call anyone. They told me I couldn't use the phone, even when I said I wanted to call my lawyer and wife."

One individual was quarantined for close to three months due to being quarantined after every transfer. In ICE detention facilities, the same cells for solitary confinement units are often used for quarantine.

Another individual said:

"I was put in quarantine for two weeks and it felt like I was being tortured and abused again and again. The mental breakdown is like no other feeling. You will wake up in the middle of the night screaming, or stay up nights in depression mode or anxiety, and sometimes you don't want to get out of bed. I broke down and cried for hours."



### **Impacts on Mental Health**

We understand that the purpose of immigration detention is to indefinitely cage people in intolerable conditions and isolate them from loved ones with the goal of forcing them to give up hope and stop fighting their immigration cases. In the 2019 FFI report "Immigration Detention is Psychological Torture," the greatest stressor identified by individuals in detention was the fear of being transferred or deported. Many individuals reflected on the longstanding impacts of the transfers on their interpersonal relationships and mental health, including feelings of isolation and difficulty readjusting to different social and physical environments. One individual said:

"When I came back, I was so ashamed and depressed, I could not talk to anybody. I was trying to hide myself from others."

Another individual shared:

"I am still depressed even with the medication I am taking because the transfers make it impossible to build coping skills. I can't just get used to one place and get settled."

Some described the transfer process as retraumatizing:

"It also made me scared because it made me think of the earthquakes in Haiti and the thought of dying. I saw so many traumatic things in Haiti and it just brought that back.

### It messed me up. I am haunted by those images."

Another individual shared that he felt criminalized. He reflected:

"Being transferred is the most horrible experience I've had in my life. I'd never been in a prison and here they have made me feel like a prisoner."

These abuses—violence; denial of access to food, water, medication, and other essential items; and isolation—clearly constitute torture. In the cases in which detained individuals are forcibly,and often without warning, transferred to another detention facility in response to speaking up, this torture perpetuates a pattern of punishment and retaliation against detained individuals' advocacy for their safety.

### **Individual Testimonies**

FFI subsequently asked four of these individuals—Ernest Francois, Hever Mendoza, Tepi Clacson, and Kon Kuac—to further collaborate on this project and share about their experiences more extensively, which can be found throughout this report. Notably, each of these individuals experienced circular transfers in different regions of the U.S., demonstrating that retaliatory circular transfers are not a unique practice for any one particular ICE field office.

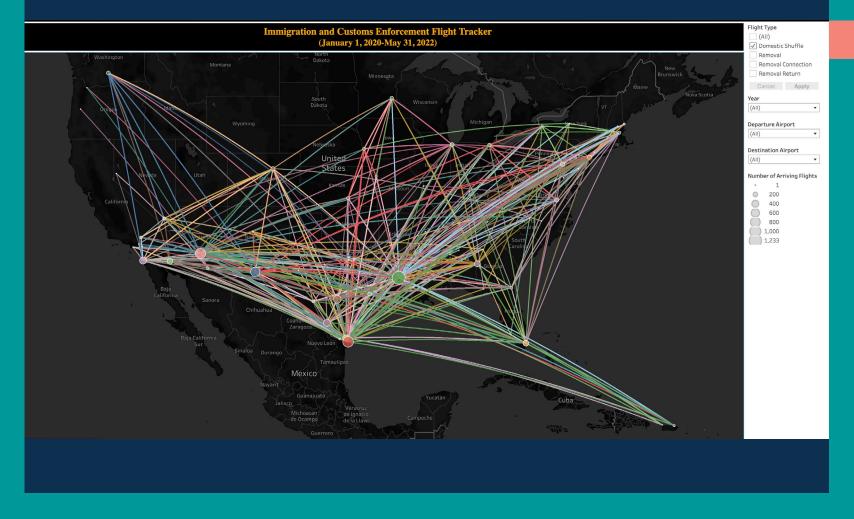
# ICE Air Domestic Flights



At the beginning of the COVID-19 pandemic in 2020, Thomas Cartwright with Witness at the Border began tracking and documenting ICE Air flights through FlightAware, an online flight tracking platform. Having extensively researched ICE Air's typical carriers, fleets, and tail numbers, he has developed a robust system for identifying and recording ICE Air Flights-including both domestic transfers and deportation flights—on an ongoing basis. Notably, since Witness at the Border began publishing their reports on "death flights" and subsequent media coverage, some carriers such as Omni Air have attempted to prevent as much information as possible about their ICE contracted flights from being publicly available through platforms such as FlightAware. The data in this set includes all 14,000+ "domestic shuffle" ICE Air Flights documented by Witness at the Border from January 1, 2020 to May 31, 2022. The data set also includes deportation or "removal" flights, although those are not the focus of this report. This data was also mapped by Mario Martínez using Tableau software.

### VIEW INTERACTIVE MAP G ▶

TO SORT BY DEPARTURE OR DESTINATION AIRPORT.



### **CLICK HERE**

To see a timelapse of these flights.

Press the "forward" button on the righthand side under "Date of Flight" (circled below in red).

Flight Type
(All)
✓ Domestic Shuffle
Removal
Removal Connection
Removal Return
Cancel Apply
Date
June 29, 2021 ▼ >
0
√ Show history
Year
(All) v
Departure Airport
(AII) ▼
Destination Airport
(All) ▼
V 7
Number of Arriving Flights
1
2
4
6

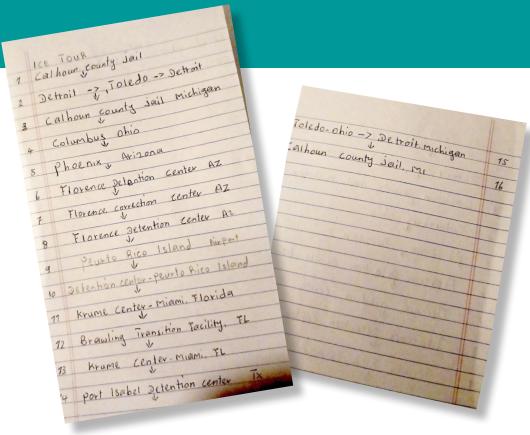


# **TEPI'S TESTIMONY**

Tepi Clacson is a 31-year-old
Black man from Cameroon who was
initially detained by ICE at Butler
County Jail in Hamilton, Ohio, in
July 2020 before being transferred
to Calhoun County Correctional
Center in Battle Creek, Michigan.

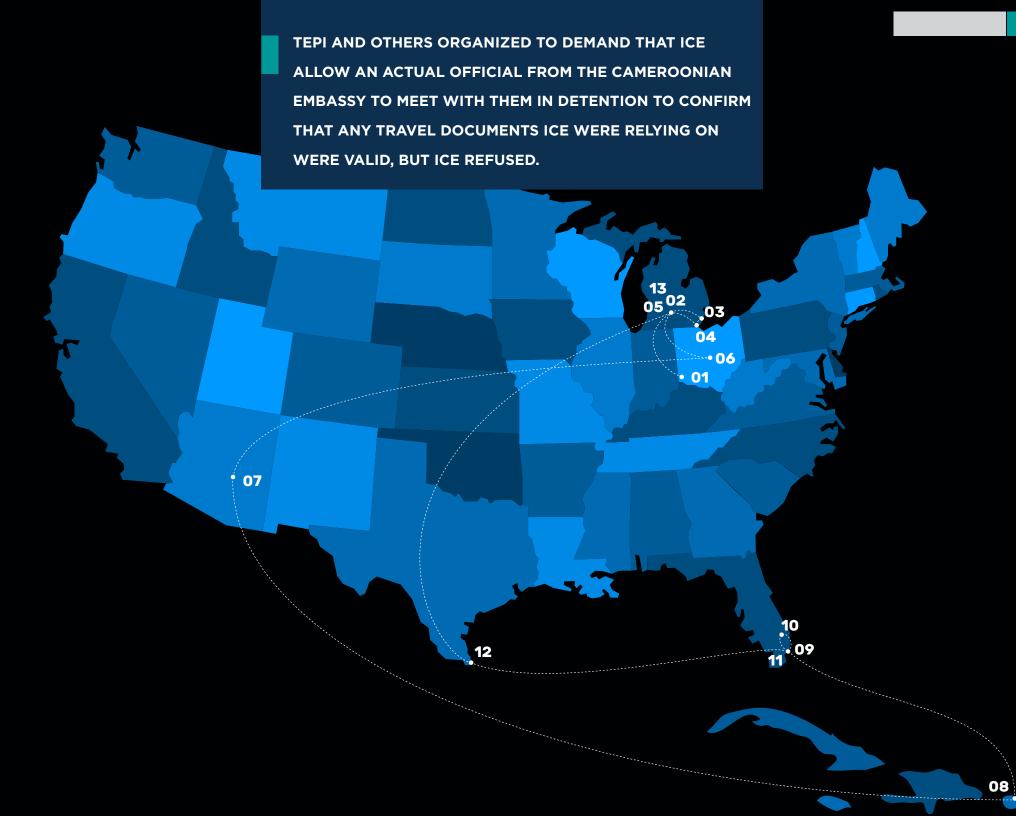
While detained at Calhoun, he was at some point brought by ICE to Detroit, and then Toledo in Ohio, then back to Detroit, then finally back to Calhoun.

In September 2021, ICE began to transfer Tepi at a rapid pace, ultimately transferring him over two months between seven detention facilities across five states and territories, only for him to end up where he started in Michigan. Tepi shared:



Tepi's handwritten log of ICE transfers that he had kept in his Bible, titled "ICE Tour."

"Every single time, they handcuffed me. Every single time, I lost my things. Every single time, I was quarantined. So, for months, I have been quarantined—it's like solitary confinement, you only get to leave your cell for one hour a day. Even if I hadn't been quarantined, it's really hard to form any connections when you're being moved around."



First, ICE transferred Tepi from Michigan to Columbus, Ohio, and then on to Florence Service Processing Center in Florence, Arizona. In Arizona, Tepi began to discuss his concerns with fellow compatriots from Cameroon about looming deportations, especially in light of ICE's ongoing practice of issuing invalid "laissez-passer" travel documents signed by individuals purporting to be Cameroonian officials in lieu of actual passports. They organized to demand that ICE allow an actual official from the Cameroonian embassy to meet with them in detention to confirm that any travel documents ICE were relying on were valid, but ICE refused.

Five days later, ICE transferred Tepi to Florence Correctional Center, another detention facility in the same town, albeit run by the private prison company Core-Civic instead of ICE.

Then, three weeks later, ICE transferred Tepi back to the **Florence Service Processing Center;** the ICE Locator was not updated to reflect this.

From there, ICE attempted to deport Tepi to Cameroon. While the deportation plane was stopped for refueling in Puerto Rico, an ICE agent boarded the plane and called Tepi's name. Tepi was taken off the plane by ICE and held overnight at the **Metropolitan Detention Center** in Guaynabo, Puerto Rico; this stop was also never reflected by the ICE Locator.

From Puerto Rico, ICE transferred Tepi to Krome North Service Processing Center in Miami, Florida, and then onward to Broward Transitional Center in Pompano Beach, Florida.

A week later, an ICE officer told Tepi that he was "not supposed to be there" and transferred him back to **Krome.** 

Four days later, ICE transferred Tepi from Florida to **Port Isabel Detention Center** in Los Fresnos, Texas. Tepi recalls the agony of the endless plane trips:

"Your hands, knees, and legs are chained and it is so painful throughout your body. I was so hungry but could not contemplate eating because the pain throughout my body was so severe. My head felt like it was going to burst... the noise of the plane was also an issue. I do not have the words to explain what was going on inside my head, but it was like someone was hitting drums inside my head. My ears developed serious hearing problems."

Two weeks later, ICE transferred Tepi from Texas back to Toledo, Ohio, then onto Detroit, and then finally to **Calhoun County Detention Facility** in Michigan. While the episode of frequent transfers had finished, the psychological damage and fear remained:

"I was constantly worried they might transfer me again. They could do it at any time. Every time ICE called my name, I thought, 'not again.' Every time they asked me to take a COVID-19 test, I thought that they were going to take me somewhere else... a new place, to be isolated again... That type of trauma can cause serious mental problems. The kinds of feelings I had in that place... I would not wish that experience upon anyone else. It is torture."

Tepi was thankfully finally released from ICE detention in December 2021, and is living in community with his loved ones in Ohio.

# Ending Transfers as a **Strategy Towards Abolition**



FFI is dedicated to the abolition of immigration detention. We know that in order to achieve this goal, we must build the power of people impacted by detention to challenge the system by exposing the rampant abuses and co-creating the world we want to see, one in which immigrants are welcomed and integrated, not caged. FFI understands ICE's cruel and blatant trafficking of individuals in their custody, particularly organizers and advocates, to be intentional methods of torture and retaliation that function to sever ties, communications, and collaborations that are fundamental to our theory of change. FFI proposes that by emphasizing the intentional abuse of transfers as tools of retaliation and silencing, as well as the negative impacts on public health of inter-detention transfers, we have the potential to force the Biden administration to end them altogether, addressing this long-standing issue once and for all. Ending transfers could be a strategic tactic with long-term implications for the overall fight for abolition; it could also simply be a

harm reduction tool that would nonetheless have real consequences, especially for people detained and local site fights.

It is evident that ICE needs more restrictions on transfers than it is willing to issue for and enforce itself. Here, Congress could play a significant role. In 2020 and then again in 2021, congressional representatives in both the House and Senate introduced the End Transfers of Detained Immigrants Act. which would immediately prohibit ICE from transferring individuals between ICE facilities and federal, state, and local facilities during the COVID-19 pandemic. This legislation, if it had been passed, would have not only prohibited inter-detention transfers such as those that this report focuses on, but it would have also severely reduced the jail- and prison-to-ICE pipelines. Nationally, about 75 percent of people arrested by ICE are transferred directly from the criminal legal system. The impact of similar legislation on the scale and ability for the detention system to function as it has been for so many years could be enormous.

FFI UNDERSTANDS THAT ENDING OR REDUCING THE FREQUENCY OF TRANSFERS WOULD ONLY ADDRESS ONE OF THE MANY WEAPONS ICE WIELDS TO SUBJECT IMMIGRANTS IN DETENTION TO ABUSE. THAT SAID, FFI ALSO BELIEVES THAT THE END OR REDUCTION OF TRANSFERS COULD BE PARTICULARLY STRATEGIC IN OUR MORE LONG-TERM ABOLITIONIST EFFORTS, AS THEY ARE CRITICAL TO THE SCALE OF ICE'S SUSTAINED OPERATIONS AND BUDGETS. TO THAT END, HERE ARE SOME SPECIFIC RECOMMENDATIONS:

### **FOR CONGRESS:**

- Pass legislation that prohibits the transfer of any individual in ICE detention except at the request of the individual.
- Through the annual appropriations process, drastically reduce the budget for ICE's "Transportation and Removal Program," which <u>currently costs taxpayers nearly half a billion dollars per fiscal year</u>, and continues to increase each year.

### FOR THE ADMINISTRATION:

- Immediately exercise operational and discretionary authority to cease all transfers between ICE facilities except at the request of the detained individual.
- Remove "Disciplinary Transfer" as an approved sanction from all versions of the ICE national detention standards.
- Mandate monthly public reporting on the numbers of ICE intra-detention transfers, including any internal agency justifications.

### FOR LOCAL GOVERNMENTS AND STATES:

- End transfers from jails and prisons to ICE and stop being complicit in ICE's inter-state trafficking of community members.
- Support and pass legislation to end ICE detention contracts, and devote sufficient funding
  to resources such as legal service provision and deportation defense so that individuals
  can continue to access them regardless of if they are transferred.

However, it bears repeating that the only way to cease the harm and suffering of individuals in detention is to abolish the immigration detention system.



## **KON'S TESTIMONY**

Kon Kuac is a 30-year-old Black man from Sudan who had been detained at Immigration Centers of America (ICA) - Farmville in Virginia for approximately five months when he organized with over 100 other individuals at Farmville to launch a collective hunger strike in April 2020 to protest the lack of **COVID-19 protections.** Unfortunately, ICE and ICA retaliated against the organizers by throwing them into solitary confinement instead of listening to their concerns, and one of the most infamous detention outbreaks of COVID-19 subsequently took place at Farmville. This outbreak, which infected more than 300 individuals detained by ICE at the facility

and killed at least one, was proven in court to be the direct result of ICE agents trafficking 74 individuals with COVID-19 to Farmville as an excuse to take chartered "ICE Air" flights from Arizona to Washington DC to attempt to quell the Floyd-Taylor Uprisings in June 2020. A 72-year-old man from Canada detained at Farmville died.

On January 21, 2021, ICE attempted to deport Kon:

"Around 3am in the morning, I was shackled up again and not informed as to what was happening. With no explanation, I was driven to the nearest airport. There were two ICE agents waiting for me. They told me that I was being deported to Sudan. Then they told me that Sudan did not send

the travel document, and I was sent back to Farmville. I was brought back and put in the hole for two weeks. Any communication with loved ones was denied and all my commissary funds had been stripped from me."

In addition to the deadly conditions at Farmville, Kon suffered sexual abuse at the hands of a Farmville doctor, about which he filed a Prison Rape Elimination Act (PREA) complaint. Shortly thereafter in February 2021, Kon was transferred to **Caroline Detention Facility** in Bowling Green, Virginia:

"I was transferred due to retaliation because I filed a complaint. In the middle of the night, I was told I was leaving the facility. I couldn't call my lawyer or let my loved ones know what was going on with me. I was completely in the dark, in limbo. ICE agents refused to answer any questions

STRIKE TO PROTEST THE LACK OF COVID-19 PROTECTIONS. ICE AND ICA RETALIATED AGAINST THE ORGANIZERS BY THROWING THEM INTO SOLITARY CONFINEMENT INSTEAD OF LISTENING TO THEIR CONCERNS. 05 80 04

KON AND OTHERS ORGANIZED A COLLECTIVE HUNGER

I asked, just responding 'You'll find out when you get there.' I was being moved in complete silence—all I heard were my shackles. They were too tight but they refused to adjust them."

On July 1, 2021, Kon launched a <u>deportation defense campaign in collaboration with</u>

Free Them All Virginia. At the same time, he began organizing with 18 other individuals at Caroline Detention Facility to submit a <u>formal complaint to the Department of Homeland Security Office for Civil Rights and Civil Liberties</u>.

Within a week, on July 6, ICE transferred Kon away from Virginia to the **Alexandria Staging Facility** in Louisiana. Kon spent approximately a week caged at Alexandria Staging Facility, during which he did not appear when advocates searched for him using the Online ICE Locator. Describing Alexandria, Kon shared:

"The detention facility is right there in the middle of the airport. They transport us during off-hours so that regular patrons in the commercial planes do not see us. ICE was deporting at least 50 to 100 people each day."

ICE then transferred Kon from Louisiana to Florence Service Processing Center in Arizona. While there, an ICE agent told him that he was being deported "back to Africa." Still, the Online ICE Locator did not show Kon's location.

After a week in Arizona, Kon was inexplicably put on a plane headed to Ecuador, which

stopped in **Texas**. In Texas, ICE transferred Kon to **Port Isabel Detention Facility** in Los Fresnos, where he spent two weeks in quarantine without a pillow or blanket.

On August 4, 2021, ICE transferred Kon from Texas back to **Caroline** in Virginia. Finally able to connect with his family again, Kon learned the devastating news that his father had died. He requested that ICE allow him to attend his father's funeral in Virginia. After months of refusing Kon's requests to be able to visit his father while he was still living, ICE finally acquiesced and agreed to transport him to the funeral:

"When I went to see my father in his casket, my brain shut down. I saw my father in shackles and handcuffs. I couldn't hug him or kiss him goodbye. Six ICE agents escorted me and they had a machine gun. I asked one of the ICE agents why they had a machine gun and he said, 'For you, in case you escape.' I was in a state of disbelief and felt belittled and humiliated because they had no compassion for my loss. I saw my mother. She was crying in the rain, and I wasn't able to hug her or comfort her. I was locked in a car seat and couldn't move. It was the worst experience I ever had in my entire life."

After over a year of caging him at Caroline, ICE transferred Kon from Virginia to **Prairieland Detention Center** in Texas on November 9, 2022. Concerningly, this transfer by ICE took place exactly one week after Kon finalized his testimony for this report:

"I am tired of being used as a human punching bag by private contractors and the government. They manipulate society and use me to make money and traffick me from state to state in shackles. What is the constitution for? Where are your rights as a human being?"

On November 20, 2022, ICE deported Kon to Sudan.

# Nationwide ICE Detention Facility Resource Directory



As Elena Hodges noted in "Building Power," as the detention abolition movement continues to win victories in the form of facility contract terminations and powerful state legislation, the movement faces the daunting challenge of being "more prepared when transfers happen in order to ensure that people who experience transfers are getting the community, material, and legal support that they need post transfer." While certainly not a panacea, FFI would like to contribute at this time a continuously updated resource directory to help guide families and communities in supporting loved ones and organizers in detention, especially after they are transferred between detention facilities.

Many of these facility-specific policies and resources are already known to volunteer advocates and nonprofit staff who regularly do anti-detention work; many also send requests and referrals through established relationships or listservs. However, due to the lack of a publicly accessible, comprehensive directory, these resources can be particularly opaque to impacted families and local organizers who are trying to secure support for their loved ones and comrades.

As FFI works to abolish the detention system, barriers to basic information such as how to connect with folks inside are hurdles that no one should have to face alone. Collectively, we need to share our built-up knowledge of the cages we seek to dismantle with others across and beyond this movement.

# THE NATIONWIDE ICE DETENTION FACILITY RESOURCE DIRECTORY COVERS EIGHT CATEGORIES FOR EACH ICE DETENTION FACILITY:

### **MAILING ADDRESSES & POLICIES**

- Mailing addresses are often different from the physical address of the facility.
- Most detention facilities have strict policies around mail and packages; for example, some facilities require that individuals first submit a "kite" or request form with the title and author of a book they are expecting in order to receive it.

### **PHONE & VIDEO VISIT COMPANIES**

 All detention facilities contract with one or more private telecommunications companies for phone and video calls.

### **COMMISSARY DEPOSITS**

 Most detention facilities contract with one or more private companies for the individual commissary accounts of folks inside to be able to purchase basic toiletries, medicines, clothing, and food. Usually there are multiple ways to deposit money onto an individual's commissary account, some of which are much more expensive, with higher fees per deposit than others.

### **VISITATION TIMES & POLICIES**

 Many detention facilities do not keep visitation schedules updated online.

### **LEGAL RESOURCES**

While the <u>Immigration Advocates Network</u>
 <u>Legal Services Directory</u> already exists and
 is a critical resource, it can sometimes be
 difficult to figure out "where to start" or
 which organization(s) to try calling first.
 This directory will hopefully offer more
 information about which organizations may
 already be going into a specific detention
 center on a regular basis to offer legal
 orientations or know-your-rights programs,
 including their intake schedules or free
 legal lines.

### **VISITATION / MUTUAL AID GROUPS**

Likewise, while there is a <u>Visitation Network</u>
 <u>Directory</u> on the FFI website, there are many
 groups that may not focus on visitation and/
 or offer material and socioemotional support
 to individuals in detention facilities outside of
 their local region that can be included here.

### **ORGANIZING GROUPS**

 There are dozens of powerful grassroots groups around the country, many of which are members of Detention Watch Network, that support detained individuals and local community members in speaking out about conditions and organizing to put pressure on policymakers.

### POST-RELEASE SUPPORT

ICE infamously releases individuals with little
or no warning in remote locations during off
hours. Here we can collectivize information
about what groups may be able to assist with
helping recently released individuals get to
their next destination.

The Nationwide ICE Detention Facility Resource Directory is available in a table format in English and Spanish. Each facility's policies and resources can also be accessed by clicking on the specific detention center on the Freedom for Immigrants Detention Map. Family, community, and movement members are welcome and encouraged to contribute submissions and updates on an ongoing basis here. FFI staff will review the content of the directory for accuracy on an annual basis, and look forward to removing facilities from it as the movement progresses and more contracts are terminated, until none are left.

