Summary of Conference Call

U.S. Immigration and Customs Enforcement
Advisory Committee on Family Residential Centers
Subcommittee on Access to Counsel and Language Services
July 19, 2016

The U.S. Immigration and Customs Enforcement (ICE) Advisory Committee on Family Residential Centers (ACFRC), Subcommittee on Access to Counsel and Language Services convened on Tuesday, July 19, 2016 via teleconference at 12:00 P.M. EST. The purpose of the meeting was to discuss the information received from ICE in response to the Committee's requests.

Attendance:

Subcommittee Members Present for Teleconference:

- Jennifer Nagda
- Dora Schriro
- Kurt Schwarz
- Karen Musalo
- Margo Schlanger

Subcommittee Members not Present for Teleconference:

- Sonia Parras-Konrad

Others Present:

- John Amaya, Chief of Staff, ICE; Designated Federal Officer (DFO)
- Maryam Ali, Special Assistant, ICE

Opening Remarks:

Subcommittee Chair Jennifer Nagda began with roll call and then provided an update from the subcommittee chairs call. The chairs discussed frustration about the "outside the scope" feedback and thoughts on sending a revised letter highlighting the difference in opinion about what the tasking is and what can be done in the absence of information.

Chair Nagda said her sense is that ICE expects members to work with what they have to move forward but none of the subcommittees know precisely where they are headed at this point.

Special Assistant Maryam Ali added that ICE would get back to the group with a timeline to provide the remaining responses.

General Meeting:

Vice Chair Dora Schriro led off the meeting in terms of what steps to take next. She pointed out that the appointment letters made it clear that members were to play a critical role in providing advice in a number of areas and she feels there has been a significant change in mission in the time that has passed.

She said none of the members requested confidential information and to receive feedback that the requests go beyond the scope is a different kind of conversation. She said ICE wants members to use their experience as subject matter experts but what the members want to do as experts is being deemed beyond the scope. She concluded that these concerns about the process and the lack of transparency need to be a part of the formal submission.

In terms of language access, Margo Schlanger said there is information missing but there is enough to produce something credible. She would however prefer to have more specifics. For example, knowing the percent of people who don't speak Spanish and the number of times the language access line is used would allow proper evaluation of whether the lines are being used sufficiently to meet the requirements of effective communication.

On access to counsel, Ms. Schlanger continued that it was particularly frustrating not to have specifics from ICE. She said information from non-governmental organizations might be most reliable in this area. She agreed that the initial appointment letters were specific but members still do not have the tools they need to figure out the system, particularly in the area of detention reform.

Karen Musalo said she is reluctant to say that members can draw on expertise to develop something useful, particularly in the area of decisions to detain and release. She said with plans for additional detention centers in process, it is incumbent upon this group of experts to evaluate the decision making in detaining and releasing but there is no information available other than from NGOs.

Vice Chair Schriro clarified that the letter should be sent in addition to the final submission memorializing these kinds of conversations and the underlying concerns about access to facilities, access to information, and the overall appearance of a lack of transparency.

Ms. Schlanger said it would be better if the letter comes from the Committee as a whole. Chair Nagda said that the other subcommittees would be interested in signing on, but getting this in a timely manner would be difficult. Vice Chair Schriro added that the letter is drafted with examples specific to the Subcommittee on Access to Counsel and Language Services and the other subcommittees should be given the opportunity to add.

Given the time crunch, Ms. Schlanger said it would be worth seeing if everyone is comfortable with having the subcommittee chairs and the full committee chairs sign on behalf of all the members.

Chair Nagda said she would go through the letter to remove anything too specific to this subcommittee then share with the other subcommittee chairs. She asked if ACFRC Chair Kurt Schwarz his opinion on the scope issue and whether he had an idea of ACFRC Vice Chair Howard Berman's perspective.

Chair Schwarz said he took the responses from ICE to the subcommittee's requests to indicate that the scope is much narrower than the members originally believed. For example, an "outside of scope" response to issues on detention and release indicate that the members should be

looking instead at what happens between those decisions to detain and release. Chair Schwarz added that Vice Chair Berman's input about the scope of the overall committee task would be helpful.

Ms. Schlanger said it seems whoever is making the decisions at ICE is narrowing the scope but it is unclear as to whether this was the intention of the Secretary based off of the appointment letters.

Moving on to drafting recommendations, Ms. Schlanger asked if the language access requests could be shared earlier. ICE said it would work on prioritizing this.

Members discussed scheduling, availabilities, and the process moving forward. Ms. Ali said ICE is still working on identifying a date to reconvene the full Committee.

Ms. Musalo said there was lingering concern about the deadline, particularly now given that the scope of the tasking was still in flux. The group was increasingly concerned that their work would not be complete in time for it to be relevant to the current administration.

Ms. Ali briefly described the process following submission of subcommittee reports to full Committee Chair Schwarz. Upon submission, members will work individually to review the submission of all three subcommittees. All suggestions/edits will be discussed and made at the public, full committee meeting. The recommendations would then be voted upon and finalized.

Adjournment:

The subcommittee adjourned at approximately 12:40P.M. EST.