

Summary of Conference Call

U.S. Immigration and Customs Enforcement
Advisory Committee on Family Residential Centers
Subcommittee on Access to Counsel and Language Services
August 16, 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, August 16, 2016 via teleconference at 12:00 P.M. EST.

Attendance:

Subcommittee Members Present for Teleconference:

- Jennifer Nagda
- Dora Schriro
- Kurt Schwarz
- Margo Schlanger
- Sonia Parras-Konrad
- Karen Musalo

Others Present:

- Elizabeth Cedillo-Pereira, Senior Advisor, ICE; Alternate Designated Federal Officer (ADFO), ACFRC
- Maryam Ali, Special Assistant, ICE

Opening Remarks:

Subcommittee Chair Jennifer Nagda took roll call and provided an update from the subcommittee chairs call.

She noted that there is still no date set from ICE for the full Committee meeting. Special Assistant Maryam Ali said ICE was hoping to pin down a date as soon as possible, preferably before the end of the day. She added that a few getbacks, including some of Margo Schlanger's requests were still pending with ICE Enforcement and Removal Operations.

Chair Nagda noted that the other two subcommittees agreed that it was best to identify language and style points now to make less work during the full Committee meeting. All three subcommittees would be ready to reach out to each other for input on crossover issues by September 6. Chair Nagda also noted that there was no further feedback on the letter sent to the Secretary.

General Meeting:

Before addressing comments on the legal access and law libraries piece, Chair Nagda noted that the chairs also agreed to hold off on drafting the overall introductory piece to bundle all three subcommittee reports. Any text that members thought would be good for this piece should be saved for later.

Chair Nagda explained that the agreed upon template for individual subcommittee reports included a general introductory language for the entire set of recommendations with general introductory language for each subsection preceding brief (1-2 sentence) recommendations.

Margo Schlanger suggested fewer numbers for the recommendations, without narrowing or eliminating content, so that the final product is not aesthetically overwhelming.

Chair Nagda said her priorities for this meeting include identifying any issues that are missing, addressing the granularity of draft recommendations, and discussing how facility rules and policies link to other recommendations outside of the detention management section.

Moving on to the legal access and law libraries piece, full Committee Chair Kurt Schwarz noted that all of his questions and comments were included. He said many of his recommendations were adopted from Karnes city policies and procedures which suggest that at some level there is recognition of the potential importance of the law library. He said he pulled from the best of these practices and then added recommendations. Chair Schwarz said his difficulty was overcoming the language issues that related to the information in the law libraries.

Ms. Schlanger said that she has a long section on law libraries in her language access piece and she could address all of this in her piece.

On a bigger scale, Ms. Schlanger asked about the idea of requiring notification of counsel before various actions and whether this might in fact delay a simple process for many residents. Subcommittee Chair Nagda placed this in the context of receiving an ankle monitor upon release and added that the delay is a risk but the goal is to achieve a balance. The members agreed that the best way to address this would be by changing the language to indicate that the goal is to ensure residents understand they have the opportunity to consult with counsel.

Karen Musalo said this is an example of a granular type of recommendation that could be expanded to say residents should have the opportunity to consult counsel in any instance that impacts them followed by a list of relevant situations.

Ms. Musalo said there are other areas throughout the draft recommendations that could be grouped together. In many instances there is an overarching principle followed by a number of recommendations which are more like examples of when that principle might play out. Following this approach could be formatting option.

Chair Nagda said her goal is to see where language can be elevated and where recommendations can be consolidated. Ms. Schlanger noted that whenever possible concrete recommendations that are direct and easy to operationalize would be best.

Members then walked through the comments and feedback on the draft including discussion of issues such as:

- Requiring a daily census
- The composition of attorney groups

- Location of facilities (accessibility)
- Flexibility of visiting hours
- Exigent circumstances
- Transfers
- Using visual aids as much as possible

Next week the group would walk through comments on the detention management piece and conditions for release piece.

Adjournment:

The subcommittee adjourned at approximately 1:00 P.M. EST.