

Summary of Conference Call

U.S. Immigration and Customs Enforcement
Advisory Committee on Family Residential Centers
Subcommittee on Education
July 12, 2016

The U.S. Immigration and Customs Enforcement (ICE) Advisory Committee on Family Residential Centers (ACFRC), Subcommittee on Education convened for its weekly meeting on Tuesday, July 12, 2016, via teleconference from 12:00 P.M. to approximately 12:45 P.M.

Attendance:

Subcommittee Members Present for the Teleconference:

- BethAnn Berliner
- Anadora Moss
- Michelle Brané

Others Present:

- John Amaya, Deputy Chief of Staff, ICE; Designated Federal Officer (DFO), ACFRC
- Andrea Washington, Special Assistant, ICE

Opening Remarks:

Chair BethAnn Berliner did a quick roll call of subcommittee members and recognized ICE staff participating in the call.

General Meeting:

Chair Berliner began the meeting with a summary of the subcommittee Chairs call. She stated that the primary agenda item was getting an update on the outstanding documents still owed to the Committee. The Chair noted that the Committee received an initial batch of documents in response to requests for additional information, though she said there was almost nothing in the materials that was relevant to the Subcommittee on Education. She said Chairs were informed that there are a number of other materials being reviewed, vetted, and prepared for release from ICE, and more documents and answers should be coming in the next two weeks. Chair Berliner stated that ICE staff is working to provide members with an itemized list of information that will not be given to members either because data is not collected in the way it was requested or for some other reason the information cannot be shared. The idea behind the list is to give members a better sense of what additional information they will or will not be receiving so the subcommittees can move forward accordingly.

On the issue of changing the deadline for draft recommendations, Chair Berliner said the ICE team was aiming to send an email by close of business with details on a revised timeline. The Chair said everybody is aware that pushing the deadline too far out could compromise the ability to implement the recommendations under the current administration as well as inform and guide the next administration.

Chair Berliner added that there was also some talk on the Chairs call about crafting the recommendations in a way that allows them to meet any sort of transition planning ICE will be doing.

Michelle Brané asked Chair Berliner if there was currently a plan for an in-person meeting, which the subcommittee discussed a few weeks prior. The Chair answered that there is no date set for an in-person subcommittee meeting because of the moving deadline for submission of the draft recommendations. She said once the new deadline is confirmed, the group can revisit the idea and talk about planning.

Completing her summary of the Chairs call, Chair Berliner said members of the Subcommittee on Access to Counsel and Language Services are still considering writing a letter to ICE leadership about how the delay in information has stalled their ability to create recommendations. She said the legal subcommittee may opt to send the letter just from the group or members may opt to invite others—as full subcommittees or as individuals—to sign on in support. Chair Berliner said she has not seen anything in writing, but she believes the legal group has something drafted that they held on sending until members had a chance to review the information provided in the first batch of documents.

The Chair said she felt that the education group, though still missing information that would be helpful, had enough information to pull from based on expertise and best practices in the field to put forward recommendations of some kind. Vice Chair Anadora Moss asked Ms. Brané to give her perspective on the subcommittee's ability to move forward, given her body of work. The Vice Chair said from her perspective, it seemed like the group would not want to waste the opportunity to move forward with something, even if it is incremental. Ms. Brané said she would prefer to produce something, and she feels secure making some recommendations on almost everything. She stated that she thinks the group will have to include some caveats in what it recommends so it is clear that members had to work with limited information and what they put forward is in part based on that incomplete information. Ms. Brané added that she believes the group is solid on the education recommendations, but where the hole in information could have a larger impact on grounding recommendations are topics like compliance with the Prison Rape Elimination Act (PREA) and broader detention management issues.

Vice Chair Moss said on PREA, she thinks some of the information that has been requested gives her enough indication of what is or is not happening with training. But she also thinks if the group can interview ICE's PREA coordinator, she could get quick answers to some of her still outstanding questions. For example, she stated, the staff at Berks Family Residential Center said there was a PREA audit and the facility passed it, but no one could tell her if the audit was conducted internally or if it was completed by a certified PREA auditor. The Vice Chair said if she can get some of the basics answered, she believes she can be pretty clear in her recommendations.

Chair Berliner said members' comments were validation that despite difficulties in the process, the group was still committed to doing something to increase the quality of the experience for families in detention while family residential centers remain opened.

Ms. Brané said in some instances, the inability to get information or the non-existence of certain information is useful in terms of making recommendations in regards to the availability of materials from ICE. She stated there are some materials that have been requested that should be readily available.

She continued that at this point, it is her view that much of what the Committee will recommend is not going to be implementable by the Obama Administration in a meaningful way because of the time that is left. She stated that the group should view the recommendations as an opportunity to speak to the next administration. She said it was worthwhile to think about making broader recommendations, including suggesting the policy of family detention be revised entirely.

Chair Berliner then reminded the group that she would not be on the call for the next meeting and commented that Vice Chair Moss and Ms. Brané had previously stated they would use the meeting to focus specifically on detention management issues. Vice Chair Moss and Ms. Brané confirmed they still plan to use the meeting for that purpose. Chair Berliner asked Vice Chair Moss to circulate an email after the next meeting with a few bullet points on what was discussed and requested that any additions to the group's matrix that come out of that discussion be added to Vice Chair Moss's most recent matrix. The Chair said she would build on that version with Ms. Brane's recent edits as well as hers to create one new master updated matrix.

Shifting the conversation, Ms. Brané brought up the recent *Flores* decision in the Ninth Circuit Court of Appeals, which she said affirmed that the original settlement applied equally to accompanied and unaccompanied children. However, she said, the decision did not agree that the Department of Homeland Security is required to release parents with their children. Ms. Brané said this decision along with some additional pending discovery is relevant to the group's work in that members may see changes in family detention. She stated it is not clear how exactly everything will play out; there could be a decrease in family detention and more separation of families, or there could be more short-term custody stays for families and longer-term detention might become less of an issue.

Chair Berliner expressed concern about the potential affects separation could have on families, and she questioned what the reunification process would look like. Ms. Brané said families are currently separated under different permutations, and there is not a lot of support available to separated families. Vice Chair Moss said there could be an opportunity under the umbrella of education to really look at the pathways for families after detention.

Having no further issues to discuss, Chair Berliner adjourned the meeting.

Adjournment:

The subcommittee adjourned at approximately 12:45 P.M.