

**U.S. Immigration and Customs Enforcement
Advisory Committee on Family Residential Centers
Read Aheads**

- Agenda
- Charter
- Membership Balance Plan
- Bylaws
- ACFRC Membership Roster
- ACFRC Member Biographies
- U.S. Immigration and Nationality Law Overview
- Family Detention Overview
- ICE Family Residential Centers Fact Sheet
- Family Residential Centers – Physical and Mental Health Services
- ICE Family Residential Centers – Trauma Informed Care

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT ADVISORY COMMITTEE ON
FAMILY RESIDENTIAL CENTERS
Inaugural Meeting Agenda
Julie Myers Conference Center
December 14, 2015
9:00 a.m. – 2:00 p.m.**

- 9:00 A.M. Commence Meeting/Overview of Agenda
John Amaya (Designated Federal Officer)
- 9:15 A.M. FACA 101
Traci Silas (Director, DHS Committee Management Office)
- 10:00 A.M. Welcome and Opening Remarks
ICE Assistant Secretary Sarah R. Saldaña
- 10:20 A.M. Official Swearing-in of Members
Assistant Secretary Saldaña
- 10:30 A.M. Break
- 11:00 A.M. Role of the Advisory Committee
John Amaya
- 11:30 A.M. ICE State of Play
Philip T. Miller (Deputy Executive Associate Director, ICE/ERO)
Michael P. Davis (Director of Enforcement and Litigation, ICE/OPLA)
Tae D. Johnson (Assistant Director, Custody Management Division, ICE/ERO)
Dr. Luzviminda Peredo-Berger (Medical Director and Deputy Assistant Director,
Clinical Services, ICE Health Services Corps, ICE/ERO)
- 12:30 P.M. Lunch
- 1:00 P.M. Committee Tasking
John Amaya
- 1:15 P.M. Public Comment
- 1:45 P.M. Closing Remarks
John Amaya
- 2:00 P.M. Adjourn

**Please note that the meeting may close early if the Committee has completed its business. Public comment period times are subject to change.*

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement Advisory Committee on Family Residential Centers

1. Official Designation:

Advisory Committee on Family Residential Centers (ACFRC)

2. Authority:

This charter establishes the Advisory Committee on Family Residential Centers under the authority of Title 6, United States Code, section 451. This discretionary committee is established in accordance with and operates under the provisions of the *Federal Advisory Committee Act* (FACA) (Title 5, United States Code, Appendix).

3. Objectives and Scope of Activities:

The Committee provides advice and recommendations to the Secretary of the Department of Homeland Security (DHS) through the Assistant Secretary for U.S. Immigration and Customs Enforcement (ICE) on matters concerning ICE's family residential centers as it relates to primary education, immigration law, physical and mental health, trauma-informed services, family and youth services, detention management, and detention reform.

4. Description of Duties:

The duties of the Committee are solely advisory in nature.

5. Officials to Whom the Committee Reports:

The Committee reports to the Secretary of the Department of Homeland Security through the Assistant Secretary for ICE.

6. Support:

ICE Enforcement and Removal Operations is responsible for providing financial and administrative support to the Committee.

7. Estimated Annual Operating Costs and Staff Years:

Assuming a full committee and full meeting schedule, the estimated annual operating costs will not exceed \$500,000 including travel, logistics support, and personnel costs for two [2] staff years of support.

8. Designated Federal Officer:

The Assistant Secretary for ICE will appoint a full-time employee of ICE as the Designated Federal Officer (DFO). The DFO or the Alternate DFO approves or calls meetings to order, approves meeting agendas, attends all Committee and subcommittee meetings, adjourns any meeting when the DFO determines adjournment to be in the public interest, and chairs meetings in the absence of the Chair or Vice Chair as directed by the Assistant Secretary.

9. Estimated Number and Frequency of Meetings:

The Committee anticipates meeting at least twice per fiscal year. Additional meetings may be held with the approval of the DFO. Members may be reimbursed for travel and per diem, and all travel for Committee business must be approved in advance by the DFO. Meetings are open to the public, unless a determination is made by the appropriate DHS official, in accordance with DHS policy and directives, that the meeting should be closed in accordance with Title 5, United States Code, section 552b, subsection (c).

10. Duration:

Ad hoc.

11. Termination:

This charter is in effect for two years from the date it is filed with Congress. Unless the Committee is terminated prior to expiration, the charter may be renewed at the end of this two-year period in accordance with section 14 of FACA.

12. Membership and Designation:

The ACFRC is composed of up to 15 representative members who are appointed by and serve at the pleasure of the Secretary of DHS. To ensure a diverse membership and that a variety of perspectives are represented, the Committee will consist of experts and advocates as follows:

- A. Members are appointed to represent their respective academic institution or organization and are not Special Government Employees (SGEs) as defined in Title 18, United States Code, section 202(a).
- B. Up to 10 members from the following fields, with at least one representative from each: primary education, immigration law, physical and mental health, trauma-informed services, family and youth services, detention management, and detention reform. To the extent possible, each of the interests listed will be represented on the Committee. There will also be other such individuals as the Secretary of DHS deems appropriate. The appropriate membership designation for each member in this category will be determined at the time of appointment in consultation with agency ethics officials.
- C. Members serve terms of office of up to three years, with approximately one-third of the membership terms expiring each year. A member appointed to fill an unexpired term will serve the remainder of that term. In the event the Committee terminates, all appointments to the Committee terminate.
- D. Gender, age, race, ethnicity, national origin, religion, sexual orientation, gender identity, disability, and regional diversity will also be considerations.

Officers:

The Assistant Secretary for ICE will appoint one of the members of the committee as the Chair and one of the members as Vice Chair. The Vice Chair will act as Chair in the absence or incapacity of the Chair or in the event of a vacancy in the office of the Chair. The term of office of the Chair and Vice Chair will be one year, and members may serve more than one term.

13. Subcommittees:

The DFO may establish subcommittees for any purpose consistent with this charter. Such subcommittees may not work independently of the chartered committee and must present their work to the Committee for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the Committee and may not report directly to the Federal Government or any other entity.

14. Recordkeeping:

The records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. Upon request, Committee records will be available for public inspection and copying.

15. Filing Date

July 17, 2015
Department Approval Date

June 17, 2015
CMS Consultation Date

July 24, 2015
Date Filed with Congress

Federal Advisory Committee (FAC) Membership Balance Plan

Please read the [Federal Advisory Committee Membership Balance Plan Guidance](#) prior to completing this form

DEPARTMENT OF HOMELAND SECURITY - U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

(1) FEDERAL ADVISORY COMMITTEE NAME

State the legal name of the FAC

U.S. Immigration and Customs Enforcement Advisory Committee on Family Residential Centers (ACFRC)

(2) AUTHORITY

Identify the authority for establishing the FAC

ACFRC is established as a discretionary committee under the Secretary's authority in Title 6, United States Code (U.S.C.) 451, in accordance with the provisions of the Federal Advisory Committee Act (FACA), at Title 5, U.S.C., Appendix.

(3) MISSION/FUNCTION

Describe the mission/function of the FAC

The ACFRC will provide advice and recommendations to the Secretary of the Department of Homeland Security (DHS) through the Assistant Secretary for U.S. Immigration and Customs Enforcement (ICE) on matters concerning ICE's family residential centers. The Committee will take a holistic approach by focusing on primary education, immigration law, physical and mental health, trauma-informed services, family and youth services, detention management, and detention reform.

(4) POINTS OF VIEW

Based on understanding the purpose of the FAC,

- (a) describe the process that will be used to ensure the committee is balanced, and identify the categories (e.g. individual expertise or represented interests) from which candidates will be considered;*
- (b) consider indentifying an anticipated relative distribution of candidates across the categories; and*
- (c) explain how a determination was made to appoint any individuals as Special Government Employees or Representative members*

The ACFRC will have up to 15 members who are appointed by and serve at the pleasure of the Secretary of DHS. To ensure a diverse membership and a variety of perspectives are represented, membership shall consist of experts and advocates as follow:

A. Up to 10 members from the following fields, with at least one representative from each: primary education, immigration law, physical and mental health, trauma-informed services, family and youth services, detention management, and detention reform. Members are appointed to represent their respective academic institution or organization and are not Special Government Employees (SGEs) as defined in Title 18, United States Code, section 202(a). To the extent possible, each of the interests listed shall be represented on the Committee.

B. Other such individuals as the Secretary determines to be appropriate. The appropriate membership designation for each member in this category will be determined at the time of appointment by Agency ethics officials.

(5) OTHER BALANCE FACTORS

List any other factors your agency identifies as important in achieving a balanced FAC

Gender, age, race, ethnicity, national origin, religion, sexual orientation, gender identity, disability, and regional diversity will also be considerations in the selection of members.

(6) CANDIDATE IDENTIFICATION PROCESS

Summarize the process intended to be used to identify candidates for the FAC, key resources expected to be tapped to identify candidates and the key persons (by position, not name) who will evaluate FAC balance. The summary should:

- (a) describe the process*
- (b) identify the agency key staff involved (by position, not name)*
- (c) briefly describe how FAC vacancies, if any, will be handled by the agency; and*
- (d) state the membership term limit of FAC members, if applicable*

The DFO will select experts and advocates from the fields of primary education, immigration law, physical and mental health, trauma-informed services, family and youth services, detention management, and detention reform. Candidates representing organizations will be at the highest level of leadership, e.g., executive director or director. Candidates representing academic institutions will be established scholars in their field, e.g., nationally-recognized for their knowledge and expertise.

As terms of office expire or as vacancies occur for other reasons, the DFO will seek candidates in the appropriate member category or other expertise as determined by the Director and the Secretary through nominations from ICE leadership, research, applications received, and/or possible candidate solicitation via notice in the Federal Register.

Candidates will be researched and evaluated by the DFO. A short list of qualified candidates will be presented to the Secretary through the Assistant Secretary for ICE. The resulting top candidates will be contacted for interest and availability. Formal letters of appointment to the Committee will be signed by the Secretary.

For the initial appointments to the ACFRC, approximately one-third of the members shall serve 1-year terms of office, one-third shall serve 2-year terms of office, and one-third shall serve 3-year terms of office. Thereafter, members shall serve terms of up to three years, with approximately one-third of members' terms expiring each year.

If a member is unable to complete his/her term of office, the DFO will review the initial candidate list, identify the best qualified candidate to replace the lost point of view, and initiate the review process as described above. ICE and DHS will strive to fill a Committee vacancy no later than 6 months after the position is vacated. A member appointed to fill an unexpired term serves the remainder of that term.

(7) SUBCOMMITTEE BALANCE

Subcommittees subject to FACA should either state that the process for determining FAC member balance on subcommittees is the same as the process for the parent FAC, or describe how it is different*

**This is relevant to those agencies that require their subcommittees to follow all FACA requirements.*

The DFO may establish subcommittees for any purpose consistent with the ACFRC charter. Subcommittees may be composed of ACFRC members to be determined by the DFO. The DFO, with the consultation of the ACFRC Chair, shall designate a Chair for each of the subcommittees from among the ACFRC's members.

Subcommittees may not work independently of the chartered committee and must present their work to the ACFRC for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the ACFRC and may not report directly to the Federal Government or any other entity.

(8) OTHER

Provide any additional information that supports the balance of the FAC

(9) DATE PREPARED/UPDATED

Insert the actual date the Membership Balance Plan was initially prepared, along with the date(s) the Plan is updated

Originally Drafted 05/13/2015

Updated 07/17/2015

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement Advisory Committee on Family Residential Centers Bylaws

ARTICLE I AUTHORITY

The U.S. Immigration and Customs Enforcement (ICE) Advisory Committee on Family Residential Centers (ACFRC) is established under the authority of Title 6, United States Code, section 451. The ACFRC is subject to the Federal Advisory Committee Act (FACA), Title 5, United States Code, Appendix, as outlined in its Charter, filed with Congress on July 24, 2015.

ARTICLE II PURPOSE

The ACFRC provides advice and recommendations to the Secretary of the Department of Homeland Security (DHS) through the Assistant Secretary for ICE on matters concerning ICE's family residential centers as it relates to primary education, immigration law, physical and mental health, trauma-informed services, family and youth services, detention management, and detention reform.

ARTICLE III MEMBERSHIP AND MEMBER RESPONSIBILITIES

- Section 1. **Composition.** The ACFRC shall consist of up to 15 members. The Committee shall consist of up to 10 members from the following fields, with at least one representative from each: primary education, immigration law, physical and mental health, trauma-informed services, family and youth services, detention management, and detention reform. To the extent possible, each of the interests listed will be represented on the Committee. There will also be other such individuals as the Secretary of DHS deems appropriate.
- Section 2. **Appointment.** Members are appointed by and serve at the pleasure of the Secretary of DHS. Members are appointed to represent their respective academic institution or organization and are not Special Government Employees (SGEs) as defined in Title 18, United States Code, section 202(a).
- Section 3. **Terms of Office.** Members will serve terms of office of up to three years, with approximately one-third of the membership terms expiring each year. A member appointed to fill an unexpired term will serve the remainder of

that term. In the event the Committee terminates, all appointments to the Committee terminate.

Section 4. Members Responsibilities. Membership of the ACFRC is constructed to balance as many viewpoints as possible, and member attendance and participation at meetings is vital. Members are expected to personally attend and participate at committee meetings. The Assistant Secretary of ICE shall recommend to the Secretary of DHS that any member who is unable to fulfill the responsibility be replaced on the Committee.

Section 5. Restriction on Member Activities. Members are expected to abide by the basic principles of ethical conduct.

- a. Members may not use their access to the Federal Government as a member of this Committee for the purpose of soliciting business or otherwise seeking economic advantage for themselves or their companies or institutions. Members may not use any non-public information obtained in the course of their duties as a member for personal gain or for that of their company or employer. Members must hold any non-public information in confidence.
- b. The Committee as a whole may advise the agency on legislation or recommend legislative action. In their capacities as members of the ACFRC, individual members may not petition or lobby Congress for or against particular legislation or encourage others to do so.
- c. Members of the ACFRC are advisors to the agency and have no authority to speak for the Committee, ICE, or for DHS outside the Committee structure.
- d. Members may not testify before Congress in their capacity as a member of the ACFRC. If requested to testify before Congress, members
 1. Cannot represent or speak for the Committee, ICE, DHS, any agency, or the Administration in their testimony;
 2. Cannot provide information or comment on Committee recommendations that are not yet publicly available;
 3. May state they are a member of the Committee; and,
 4. May speak to their personal observations as to their service on the Committee.
- e. If speaking outside the Committee structure at other forums or meetings, the restrictions in section d. also apply.

ARTICLE IV OFFICIALS

Section 1. The Assistant Secretary of ICE shall appoint one of the members of the Committee as the Chair and one of the members as Vice Chair. The Chair

and Vice Chair should preside over and officiate the meeting in accordance with these bylaws.

Section 2. Designated Federal Officer. The DFO or Alternate DFO is appointed by the Assistant Secretary of ICE and shall serve as the Department's agent for all matters related to the ACFRC. In accordance with the provisions of the FACA, the DFO must:

- a. Approve or call meetings of the Committee and its subcommittees;
- b. Call meetings to order;
- c. Prepare and approve agendas for Committee and subcommittee meetings;
- d. Attend all meetings;
- e. Adjourn meetings when he or she determines it to be in the public interest; and,
- f. Chair any meeting of the Committee when directed to do so by the Assistant Secretary of ICE.

In addition, the DFO is responsible for assuring administrative support functions are performed, including the following:

- a. Notifying members of the time and place of each meeting;
- b. Tracking all recommendations of the Committee;
- c. Maintaining the record of member attendance;
- d. Preparing the minutes of meetings of the Committee's deliberations, including subcommittee and working group activities;
- e. Attending to official correspondence;
- f. Maintaining official records and filing all papers and submissions prepared for or by the Committee, including those items generated by subcommittees and working groups;
- g. Reviewing and updating information on Committee activities in the FACA Database on a monthly basis;
- h. Acting as the Committee's agent to collect, validate, and pay all vouchers for pre-approved expenditures; and
- i. Preparing and handling all reports, including the annual report as required by FACA.

ARTICLE V MEETING PROCEDURES

Section 1. Meeting Schedule and Call of Meetings. The ACFRC is expected to meet approximately twice per fiscal year. Members may be reimbursed for travel and per diem. All travel for Committee business must be approved in advance by the DFO. The DFO calls or approves the call of Committee, subcommittee, and working group meetings.

- Section 2. Agenda. The DFO sets the agenda with consultation of both the Chair and the Vice Chair. The DFO approves the agenda for all Committee and subcommittee meetings, distributes agenda to members prior to the meeting, and publishes the agenda in the Federal Register at least 15 days prior to the ACFRC meeting.
- Section 3. Quorum. A quorum of the ACFRC is 9 members. A quorum is required to vote on issues being addressed during public ACFRC meetings. The DFO or Alternate DFO will determine if a quorum exists prior to each meeting. If a quorum does not exist, the meeting may continue, but no action may be taken by the members present.
- Section 4. Voting Procedures. Draft reports and recommendations will be available to the members one week before the public meeting in which they will be reviewed and discussed. This information will also be made available to the public at the same time and posted to www.ice.gov/acfrc. The Chair will put forth the issues for a vote on the floor. Votes will be taken by voice vote or, if necessary, by roll call vote. Those in favor of the motion should say "aye," and those opposed should say "no." A majority of affirmative votes is required to approve a motion, and the results of the vote will be recorded in the minutes. Recommendations are formally submitted to ICE and the Department for review and response.
- Section 5. Minutes. The DFO or Alternate DFO will prepare the summary minutes of each meeting and distribute copies to each member for review and edits. The DFO will ensure that the Chair and Vice Chair certify the minutes within 90 calendar days of the meeting to which they relate. Minutes of open meetings will be posted on www.ice.gov/acfrc once certified. If applicable, minutes of closed meetings will also be available upon request subject to the withholding of matters about which public disclosure would be harmful to the interests of the Government, industry, or others, and which are exempt from disclosure under the Freedom of Information Act.

The minutes will include a record of:

- a. The time, date, and place of the meeting;
- b. A list of all attendees, including members, staff, and the public;
- c. An accurate description of each matter discussed and the resolution, if any, made by the Committee;
- d. Copies of reports or other documents received, issued, or approved by the Committee; and,
- e. An accurate description of public participation, including oral and written statements provided.

Section 6. Open Meetings. Unless otherwise determined in advance, all meetings of the ACFRC shall be open and announced to the public in a notice published in the Federal Register at least 15 calendar days before the meeting. Members of the public may attend any meeting or any portion of a meeting that is not closed to the public. Members of the public may, at the determination of the Chair, offer oral comments at such meetings. Meetings will include a period for oral comments unless it is clearly inappropriate to do so. Written statements may be submitted to the ACFRC at any time. All materials provided to the Committee shall be made available to the public when they are provided to the members. Such materials, including any submissions by members of the public, will be part of the meeting record.

Section 7. Closed Meetings. An ACFRC meeting, or part of an ACFRC meeting, may be closed in limited circumstances and in accordance with applicable law. No meeting may be partially or fully closed unless the component head issues a written determination that there is justification for closure under the provisions of subsection (c) of 5 United States Code, 552b, the Government in the Sunshine Act. Where the DFO has determined in advance that discussions during a Committee meeting will involve matters about which public disclosure would be harmful to the interests of the Government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the Government in the Sunshine Act, will be published in the Federal Register. The notice may announce the closing of all or part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the DFO or Chair will order such discussion to cease and will schedule it for a future meeting of the Committee that will be approved for closure. No meeting or portion of a meeting may be closed without prior approval and a notice published in the Federal Register at least 15 calendar days in advance. Closed meetings can only be attended by the DFO, Committee members, and necessary agency staff members. Presenters must leave immediately after giving their presentations and answering any questions.

ARTICLE VI EXPENSES AND REIMBURSEMENTS

ICE Enforcement and Removal Operations (ERO) is responsible for providing financial support to the ACFRC. All expenses for each meeting are approved in advance of the meeting by the DFO. ACFRC members may be reimbursed for travel and per diem.

ARTICLE VII ADMINISTRATION

ICE ERO is responsible for providing administrative support to the ACFRC. The DFO or Alternate DFO is responsible for assuring administrative support functions are performed.

ARTICLE VIII SUBCOMMITTEES

The Chair and Vice Chair may establish subcommittees for any purpose consistent with the charter in consultation with the DFO. The DFO approves the establishment of all subcommittees and will establish a statement of work (SOW) for the subcommittee. Such subcommittee may not work independently of the chartered Committee and must present their work to the ACFRC for full deliberation and discussion. The Chair of the subcommittee must be a member of the parent advisory committee and, to the extent practical, some of the members of the subcommittee should be members of the parent advisory committee. Industry subject matter experts are recommended by both ACFRC members and Government participants of the subcommittee. The DFO makes the final selection and sends the invitation to the selected subject matter experts. A proper balance of industry representation that is relevant to a subcommittee's work is considered. Subcommittee members may not be registered lobbyists and must comply with the requirements in Article III, Section 4 of these bylaws.

ARTICLE IX RECORDKEEPING

ICE and the DFO maintain all records of the ACFRC in accordance with General Records Schedule 6.2. Information provided to the Committee will be made available to the public for inspection and copying in accordance with the Freedom of Information Act (Title 5, United States Code, section 552). The DFO or Alternate DFO is responsible for all public records associated with the ACFRC being placed on the ACFRC website. All ACFRC records are permanent records, as provided for in General Records Schedule 6.2.

ARTICLE X RECOMMENDATIONS AND REPORTING

Section 1. The ACFRC shall review and discuss all reports, information, and work from ICE, DHS, or from ACFRC subcommittees in meetings open to the public unless the meeting is closed in accordance with Article V. Section 7 of these bylaws. Votes on recommendations shall be conducted as provided in Article V. Section 4. Reports or recommendations approved by the ACFRC are forwarded to the Assistant Secretary of ICE and the Secretary of DHS.

The DFO and Alternate DFO will track the recommendations and have the field experts periodically report to the ACFRC on the disposition of their findings and implementation.

- Section 2. The ACFRC shall submit an annual report through ICE, to the Senate Finance Committee and the Committee on Ways and Means of the House of Representatives that shall
- a. Describe the operations of the Advisory Committee during the preceding year, and
 - b. Set forth any recommendations of the Advisory Committee regarding operations of ICE.

ICE will provide eight copies of the annual reports to the Committee Management Office for purposes of filing with the Library of Congress.

ARTICLE XI BYLAWS APPROVAL AND AMENDMENTS

The DFO may amend these bylaws at any time, and the amendments shall become effectively immediately upon approval.



John Amaya
Designated Federal Officer

Date Approved: 12/7/2015

**U.S. Immigration and Customs Enforcement Advisory Committee on Family Residential Centers
(ACFRC) Membership Roster**

Mr. Kurt Schwarz, Partner, Jackson Walker LLP

Ms. BethAnn Berliner, Senior Researcher and Project Director, WestEd

Mr. Howard Berman, Senior Advisor/Attorney, Covington & Burling LLP

Ms. Michelle Brané, Director, Migrant Rights and Justice program, Women's Refugee Commission (WRC)

Dr. Marc Rosenblum, Deputy Director, U.S. Immigration Policy Program, Migration Policy Institute (MPI)

Dr. William Arroyo, Regional Medical Director/Medical Director, Children's System of Care, Los Angeles County Department of Mental Health (LACDMH)

Dr. Andres Pumariega, Chair/Chief of Psychiatry, Department of Psychiatry, Cooper University Hospital and Health System

Ms. Karen Musalo, Director, University of Hastings Center for Gender and Refugee Studies (CGRS)

Ms. Leslye Orloff, Attorney, National Immigrant Women's Advocacy Project (NIWAP)

Ms. Sonia Parras-Konrad, Co-Director, ASISTA

Ms. Judith Dolins, Associate Executive Director, American Academy of Pediatrics (AAP)

Ms. Jennifer Nagda, Policy Director, Young Center for Immigrant Children's Rights, University of Chicago

Ms. Anadora Moss, President, The Moss Group, Inc.

Ms. Dora Schriro, Commissioner, Connecticut Department of Emergency Services and Public Protection

Ms. Margo Schlanger, Henry M. Butzel Professor of Law, University of Michigan Law School

ICE Advisory Committee on Family Residential Centers Member Biographies

Primary Education

BethAnn Berliner is currently a Senior Researcher and Project Director at WestEd, a non-profit research, development, and service agency dedicated to promoting excellence, achieving equity, and improving education and other outcomes for children, youth, and adults. She focuses on school and community-based interventions for student success. Her areas of expertise include dropout prevention, students without homes, students in foster care, students with disabilities, students enrolled in alternative schools, and multiple pathways for postsecondary transitions. Since joining WestEd, Ms. Berliner has used her research and knowledge of interrupted schooling and trauma-infused learning to contribute to the academic and behavioral growth of K-12 students; understanding and skills of the adults who support them in school and community settings; and policies for supporting their academic success. Prior to joining WestEd, she directed a number of programs for assault victims, youth offenders, students with disabilities, and homeless families. Ms. Berliner received an M.A. in social history from the University of Colorado and an MPA in public policy from San Francisco State University.

Immigration Law

Kurt Schwarz is a partner with Jackson Walker L.L.P., a Texas-based law firm. He has handled complex commercial litigation matters for major companies and numerous civil rights cases involving claims of racial discrimination and segregation, wrongful deprivation of property, official excessive force, and voting misconduct. A significant part of his practice involves Federal jurisdictional, procedural, and evidentiary issues. Mr. Schwarz has an active docket of pro bono and court-appointed cases, and he serves on the Criminal Justice Act Voluntary Panel and the Civil Rights Voluntary Panel for the representation of indigent litigants in the Northern District of Texas. Mr. Schwarz also serves as President, and is Vice President for Development, of the American Civil Liberties Union of Texas.

Howard Berman is a former U.S. Representative from California. He represented two of the state's congressional districts—the 26th (1983 through 2003) and the 28th (2003 through 2013). Mr. Berman is currently a Senior Advisor at Covington & Burling LLP, a law firm that helps clients navigate complex business problems, deals, and disputes. During his time in Congress, Mr. Berman supported comprehensive immigration reform, and he introduced the bill that would eventually become the DREAM Act in 2001.

Michelle Brané has more than 25 years of experience working on immigration and human rights issues and is considered one of America's foremost experts on immigration detention and reform. She is currently the Director of the Migrant Rights and Justice program at the Women's Refugee Commission, where she advocates for the critical protection needs of immigrant women, children, and other vulnerable migrant populations in the United States. In her prior capacity as an attorney advisor with the Department of Justice Board of Immigration Appeals, Ms. Brané specialized in asylum cases and assisted in developing relevant regulations and training programs for new staff. She earned a B.A. from the University of Michigan and a J.D. from Georgetown University.

Marc Rosenblum is Deputy Director of the Migration Policy Institute's (MPI) U.S. Immigration Policy Program, where he works on U.S. immigration policy, immigration enforcement, and U.S. regional migration relations. He has researched and published papers for MPI on a host of issues, including enforcement, detention, and unaccompanied children. Dr. Rosenblum previously worked as a specialist in immigration policy at the Congressional Research Service, and he was a Council on Foreign Relations Fellow detailed to the office of U.S. Senator Edward Kennedy during the 2006 Senate immigration debate. He was involved in crafting the Senate's immigration legislation in 2006 and 2007. From 2011 to 2013, he served on the National Research Council's Committee on Estimating Costs to the Department of Justice of Increased Border Security Enforcement by the Department of Homeland Security. Dr. Rosenblum earned his B.A. from Columbia University and his Ph.D. from the University of California, San Diego. He is an Associate Professor of Political Science at the University of New Orleans.

Physical and Mental Health

William Arroyo is a Regional Medical Director and the Medical Director of the Children's System of Care of Los Angeles County Department of Mental Health (LACDMH). He represents LACDMH in program development and policy implementation efforts in the mental health arena at county, state, and national levels. He is also a Clinical Assistant Professor of Psychiatry at Keck USC School of Medicine. Dr. Arroyo has served on several state boards and national advisory bodies, including the State Commission on Juvenile Justice, the statewide advisory group to the Healthy Families program (State-CHIP), the California Academy of Child & Adolescent Psychiatry, the California Psychiatric Association, the First 5 LA Commission, and mental health research and training centers at Portland State University, Georgetown University, and University of South Florida. He is currently Principal Investigator of a Substance Abuse and Mental Health Services Administration (SAMHSA) funded community-based project that serves birth to five-year-olds and their families. He was recently appointed to represent LACDMH in a coalition of local government agencies and community-based organizations that are mobilizing resources to meet the needs of the surge of newly unaccompanied minors. During the 1980's, Dr. Arroyo provided mental health care to families from Central America who suffered from psychological trauma.

Andres J. Pumariega has devoted more than 30 years in academia to the areas of children's systems of care and cultural diversity in mental health. He is currently Professor and Chair, Department of Psychiatry, Cooper University Hospital and Health System and Cooper School of Medicine at Rowan University. He has headed two pediatric psychiatry consultation-liaison services and three Directorships of Child & Adolescent, and he has previously chaired two departments of psychiatry. He also headed the East Tennessee State University Center of Excellence for Children in State Custody. Dr. Pumariega is a Distinguished Fellow of the American Psychiatric Association and the Academy of Child & Adolescent Psychiatry (AACAP), a Fellow of the American College of Psychiatrists and American Orthopsychiatric Association, and a member of the Society of Professors of Child & Adolescent Psychiatry. He is President of the American Association of Social Psychiatry and immediate Past President of the American Orthopsychiatric Association. He has over 170 scientific papers, chapters, and monographs, and over 200 abstracts. Dr. Pumariega received his M.D. from the University of Miami School of Medicine and trained in general and child psychiatry at Duke University Medical Center.

Trauma-Informed Services

Karen Musalo is currently a law professor and Director of the Center for Gender and Refugee Studies at the University of California Hastings College of the Law. She has made major contributions to asylum law, especially gender asylum, through her scholarship and her litigation of landmark cases. She is a nationally-recognized expert on gender-based asylum law, which includes practices such as female genital cutting, "honor" killing, human trafficking for prostitution or sexual slavery, domestic violence, forced marriage, forced abortion or reproductive sterilization, and rape or other sexual violence. Ms. Musalo represented Fauziya Kassindja in *Matter of Kasinga*, the 1996 landmark legal ruling that women who suffer serious violations of their fundamental human rights because of their gender are entitled to refugee status in the U.S. She currently represents Rodi Alvarado, the leading case in the U.S. that will determine asylum eligibility for women fleeing domestic violence in their home countries. Ms. Musalo graduated from the University of California, Berkeley (JD) and Brooklyn College, University of New York (BA).

Leslye Orloff is currently the Director of the National Immigrant Women's Advocacy Project at American University Washington College of Law which advocates for laws, policies and practices that enhance legal options for immigrant women and immigrant victims of domestic violence, sexual assault, and human trafficking. She founded and directed the Immigrant Women Program at Legal Momentum and the National Network to End Violence Against Immigrant Women and from 1999 through 2011 she directed Legal Momentum's Immigrant Women Program. Ms. Orloff was a co-founder and co-chair of the National Network to End Violence Against Immigrant Women and was the Washington, D.C. spokesperson for that organization from 1992 through 2011. In that capacity she was involved in drafting the Protection for Immigrant Victims of Violence Against Women of Violence Against Women Act in 1994 and again in 2000 and 2005 and in the Trafficking Victims Protection Act of 2000 and 2008, legal services access for battered immigrants in 1997 and welfare access for battered immigrants in 1996. Ms. Orloff graduated from the University of California at Los Angeles (JD) and from Brandeis University (BA).

Sonia Parras-Konrad is the co-founder of ASISTA, an organization focused on centralizing assistance for advocates and attorneys facing legal problems in advocating for immigrant survivors of domestic violence and sexual assault. Ms. Parras-Konrad also founded MUNA legal clinic for immigrant survivors where she worked as the director for 12 years, and LUNA, an innovative domestic violence and sexual assault agency providing services to Latinas by Latinas. In 2008, she represented more than 70 immigrants detained during one of the largest raids in the U.S. history, obtaining approvals in many U visa cases. Ms. Parras-Konrad is the co-chair of the NIPNLG and supervised the legal clinic for survivors at Drake University School of Law from 2011-2012. In 2009, she received the AILA Maggio Pro Bono Award for her work on the Postville raid. Ms. Parras-Konrad graduated from the University of Granada in Spain and Drake University Law School.

Family and Youth Services

Judith Dolins is currently the Associate Executive Director of the American Academy of Pediatrics. In this capacity she is responsible for the advocacy strategy and activities of the AAP at the federal, state, and local levels including policy development, political analysis, relationship management, coalition building, and grassroots communication. She is also the Director of the Department of Community, Chapter and State Affairs, providing leadership to advance child health at the state and local levels through advocacy, community-based programs, quality improvement projects, and development of organizationally sound state chapters. In this role she addresses issue including health care coverage, child safety, poverty, and immigrant child health. Ms. Dolins graduated from Stanford University (BA) and the University of North Carolina (MPH in Health Education).

Jennifer Nagda is currently the Policy Director for the Young Center for Immigrant Children's Rights and an adjunct lecturer-in-law in the Interdisciplinary Child Advocacy Clinic at the University of Pennsylvania School of Law's Gittis Center for Clinical Legal Studies. Before joining the Young Center, Ms. Nagda was an attorney at the Midwest Regional Office of MALDEF, and litigated for immigration, education, and employment discrimination cases. Ms. Nagda also clerked for the Honorable James B. Zagel of the U.S. District Court for the Northern District of Illinois. In the past, she was the Associate Director of what is now the City Bridge Foundation in Washington, D.C. Ms. Nagda is an honors graduate of the University of Chicago Law School and graduated magna cum laude from Duke University.

Detention Management

Anadora "Andie" Moss is president of The Moss Group, a Washington, DC-based criminal justice consulting firm. She was formerly the Assistant Deputy Commissioner for the Georgia Department of Corrections and a program manager with the National Institute of Corrections (NIC). Ms. Moss was involved in the development of early strategies to address staff sexual misconduct in the field of corrections. She chaired the NIC Initiatives on Women Offenders, Institutional Culture, Staff Sexual Misconduct, and the Executive Leadership Training for Women. While at NIC, Ms. Moss managed and participated as a faculty member in numerous executive leadership programs.

In December 2003, Ms. Moss's firm was awarded a multi-year cooperative agreement with the National Institute of Corrections (NIC), part of the U.S. Justice Department, to assist the Institute in implementation of activities of the Prison Rape Elimination Act of 2003 (PREA). Her team of consultants has delivered on-site technical assistance in over 170 jurisdictions, assisting the juvenile justice field and adult corrections in addressing sexual abuse.

Ms. Moss has consulted on-site with over 60 correctional facilities. She has been published in a number of professional periodicals and two textbooks. She is active in professional organizations and is the immediate past president of the Association of Women Executives in Corrections. Ms. Moss has received numerous honors for her work, including the NIC Executive Director's Award.

Dora Schriro is currently the Commissioner of Connecticut's Department of Emergency Services and Public Protection; she is the first woman to oversee public safety in Connecticut. In this capacity she manages six divisions including Emergency Management and Homeland Security, and the Connecticut State Police. She is also a member of the American Bar Association's Commission on Immigration and Commissioner, and the Women's Refugee Commission. In the past, Ms. Schriro has been the Director of both the Missouri and Arizona Departments of Corrections, and Commissioner of the St.

Louis and New York City Departments of Corrections, Ms. Schriro also has held the position of commissioner of correction in New York City, Special Advisor on ICE and detention and removal to former DHS Secretary Janet Napolitano, and Director of ICE's Office of Detention Policy and Planning. Ms. Schriro is a graduate of Northeastern University (BA cum laude), University of Massachusetts-Boston (MS), Columbia University (EdD), and St. Louis University (JD).

Detention Reform

Margo Schlanger is a leading authority on civil rights issues and civil and criminal detention. She is currently the Henry M. Butzel Professor of Law at the University of Michigan Law School, where she concentrates on civil rights, prison reform, torts, and empirical legal studies, and heads the Civil Rights Litigation Clearinghouse. In 2010 and 2011, Ms. Schlanger was on leave, serving as the Officer for Civil Rights and Civil Liberties at the Department of Homeland Security. In this role, she served as the lead adviser to Secretary Janet Napolitano on civil rights and civil liberties issues, testified before Congress, chaired the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities, served on the first U.S. Delegation to the UN Universal Periodic Review, and met with community leaders and groups across America to ensure that their perspectives regarding civil rights and homeland security were considered in the Department's policy process. From 1995 to 1998, she was a trial attorney in the Department of Justice Civil Rights Division, where she worked to remedy civil rights abuses by prison and police departments and earned two Division Special Achievement awards. Ms. Schlanger served on the Vera Institute's blue-ribbon Commission on Safety and Abuse in America's Prisons, worked as an adviser on the development of proposed national standards implementing the Prison Rape Elimination Act, and testified before the Prison Rape Elimination Commission. Professor Schlanger earned her J.D. from Yale Law School.

U.S. IMMIGRATION AND NATIONALITY LAW OVERVIEW

Immigration Law

History

1952 - Present – Immigration and Nationality Act of 1952 (INA) established the basic foundation for current immigration law and has been amended numerous times, most notably by the Immigration Reform and Control Act of 1986, Immigration Act of 1990, Antiterrorism and Effective Death Penalty Act of 1996, Illegal Immigration Reform and Immigrant Responsibility Act of 1996, REAL ID Act of 2005, and William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

2001 - Present – Homeland Security Act of 2002 abolished the Immigration and Naturalization Service and transferred most of its functions to the newly created Department of Homeland Security (DHS). DHS immigration components – U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE) administer and enforce the immigration laws. The immigration courts and Board of Immigration Appeals (BIA) remained within the Department of Justice (DOJ).

Sources

- Statute – INA; Title 8 of United State Code
- Regulation – Title 8 of Code of Federal Regulations
- Case Law – BIA and Attorney General Precedent Decisions; Federal Court Decisions

Immigration status

“Admission” is the lawful entry of an alien into the United States after inspection and authorization by an immigration officer. INA § 101(a)(13). An “alien” is a person who is not a citizen or national of the United States. INA § 101(a)(3). An alien is generally presumed to be an “immigrant” unless he or she proves otherwise. INA § 214(b).

Examples of Lawful Status

- Nonimmigrant – An alien temporarily admitted to the United States for a specific purpose other than for permanent residence. INA § 101(a)(15); INA § 101(a)(26).
- Lawful Permanent Resident (LPR) – The status of being lawfully accorded the privilege of permanently residing in the United States as an immigrant. INA § 101(a)(20).
- Parolee – An alien authorized to enter the United States temporarily without admission for humanitarian reasons or significant public benefit. INA § 212(d)(5)(A); 8 C.F.R. § 212.5.
- Refugee – A person outside of his or her country of nationality who, because of past persecution or a well-founded fear of persecution on account of a protected ground, is unable or unwilling to return to that country. INA § 101(a)(42). DHS, in conjunction with the Department of State, resettles a specific number of refugees from abroad annually. INA § 207; 8 C.F.R. § 207.
- Asylee – Applicants who meet the “refugee” definition may be granted asylum, but this is a domestic form of immigration relief available to aliens who are present in (or arriving in) the United States. INA § 208.

Examples of Unlawful Status

- **Illegal Entrants and Immigration Violators** – Individuals who never had status; those who violated status; and those who obtained status by fraud.

Removal Proceedings

Charges of Removal

- **Inadmissible Aliens** – Illegally entered or seeking admission and subject to a ground of inadmissibility set out in the INA. INA § 212(a).
- **Deportable Aliens** – “In and admitted” to the United States but subject to removal. INA § 237(a).

Apprehension and Detention of Aliens (*Arrest: INA § 287; Pre/Post Order Custody: INA § 236/INA § 241; Custody of certain applicants for admission, including arriving aliens: INA § 235*)

Release of Apprehended Aliens Pending a Decision on Removal (*INA § 236; 8 C.F.R. 1003.19*)

Removal Proceedings Before an Immigration Judge (*INA § 240; 8 C.F.R. §§ 1239, 1240*)

Other Removal Processes

Expedited Removal – Currently provides for the expedited removal of “arriving aliens” and other aliens designated by the DHS Secretary without a hearing before an immigration judge, if they are inadmissible for lack of valid immigration documentation or for fraud or willful misrepresentation of material fact. INA § 235(b)(1)(A). Aliens subject to expedited removal are screened for a credible fear of persecution or torture, and if determined by USCIS to possess a credible fear, are referred for removal proceedings under INA § 240. INA § 235(b)(1)(B)(ii); 8 C.F.R. § 208.30.

Administrative Removal – Provides for the removal of aliens not admitted for lawful permanent residence who have been convicted of an aggravated felony, without a hearing before an immigration judge. INA § 238(b). The subject of an administrative removal order is advised that he or she may request withholding of removal, a more limited form of protection than asylum with higher evidentiary standards, and if determined by USCIS to possess a reasonable fear of persecution, is referred for “withholding only” proceedings before an immigration judge. 8 C.F.R. §§ 238, 208.31.

Reinstatement of Removal – Provides that a previously executed order of removal may be reinstated against an alien who departed the United States under a final order of removal and has illegally reentered or attempted to reenter the United States. INA § 241(a)(5). If the subject of a reinstated removal order requests withholding of removal, and is determined by USCIS to possess a reasonable fear of persecution, he or she is referred for “withholding only” proceedings before an immigration judge. 8 C.F.R. §§ 208.31, 241.8(d).

Relief and Protection From Removal

In removal proceedings before an Immigration Judge, an alien has the opportunity to apply for relief or protection from removal and bears the burden of demonstrating eligibility. Common forms of relief and protection include:

- Asylum, Withholding of Removal, Protection Under Article 3 of the Convention Against Torture (INA §§ 208; 241(b), 8 C.F.R. pts. 208 and 1208)
- Cancellation of Removal (INA §§ 240A(a), 240A(b)(1), 240A(b)(2))
- Adjustment of Status (INA § 245)
- Temporary Protected Status (INA § 244)
- Various Waivers of Inadmissibility or Deportability

Special Considerations

Claims to U.S. Citizenship – Birth, Acquisition, Derivation, Naturalization (*INA § 301 et seq.*)

Prosecutorial Discretion

Privacy and Asylum Confidentiality (*5 U.S.C. § 552a; 8 C.F.R. §§ 208.6; 1208.6*)

Employment Authorization (*8 C.F.R. § 208.7; pt. 274a*)

FAMILY DETENTION OVERVIEW

Background

ICE Enforcement and Removal Operations (ERO) manages three Family Residential Centers (FRCs): Berks Family Residential Center (BFRC), in Leesport, Pennsylvania; Karnes County Residential Center (KCRC), in Karnes City, Texas; and the South Texas Family Residential Center (STFRC), in Dilley, Texas. The FRCs are operated through partnerships with private vendors and local government agreements. All FRCs comply with applicable state and federal regulations, and with ICE Family Residential Standards (FRS).

Facilities

The BFRC was the first family center in the ICE detention system, and opened in March 2001 with an initial capacity of 84 beds. Several years ago, the BFRC increased capacity to 96 beds. The BFRC is set up in a dormitory-style setting and with an open campus layout. The Berks center is operated under an ICE Intergovernmental Service Agreement with Berks County, Pennsylvania.

The KCRC opened in February 2012 as an adult Civil Detention Center with a capacity of 580 beds. The KCRC was transitioned to a Family Residential Center in 2014. The KCRC operates under an ICE Intergovernmental Service Agreement (IGSA) with Karnes County Texas. The center's daily operations are managed by a private vendor, The GEO Group, Inc.

The STFRC was constructed specifically to meet ICE's FRS, with specific attention paid to meeting the needs of family groups. The STFRC opened in November 2014 with a capacity of 2,400 beds. The STFRC operates under an IGSA with Eloy, Arizona. The center's daily operations are managed by a private vendor, Corrections Corporation of America (CCA).

Evolution

ICE's capacity to detain and house family units has fluctuated since the original FRC opened in 2001. ICE currently has the capacity to house approximately 3,100 residents at its FRCs.

As previously stated, the BFRC is set up in a dormitory-style setting and with an open campus layout. FRCs established after the BFRC are designed to meet the needs of family groups and lack internal security boundaries or check points. In each facility, residents are allowed to move freely through programing areas of the campus. For example, the STFRC was constructed specifically both to meet ICE's FRS and achieve a campus-like setting.

Current Framework

Daily FRC operations and functions are administered by county employees or private vendors. These county employees and private vendors provide residents with all services required under the FRS and are contracted to maintain a campus-like living environment. Management of these vendors is maintained and adjudicated by local ICE ERO Field Offices, which also provide immigration case management for each family unit member. The BFRC is managed by the ICE ERO Philadelphia Field Office, and the KCRC and STFRC are managed by the ICE ERO San Antonio Field Office.

Detention Management, Oversight and Inspections

ICE's Juvenile and Family Residential Management Unit (JFRMU) provides oversight of each FRC and monitors their compliance with the ICE FRS. JFRMU is comprised of staff with specialized training and backgrounds in youth and family programming. JFRMU monitors facility conditions through a combination of methods, such as by maintaining compliance officers on-site at each center, conducting ongoing irregular and unscheduled inspections, and maintaining an independent compliance review and inspection program operated by a third-party vendor. The unit also works closely with the local field offices and contract staff to facilitate corrective action when necessary.

Currently, JFRMU has on-site headquarters staff assigned at the three FRCs. Having headquarters staff on-site at these Centers provides ERO leadership with a unique tool to quickly identify and resolve issues.

Additionally, JFRMU has contracted with Danya International, to conduct monthly, annual and focused independent compliance inspections of each FRC. Danya International is a non-governmental consulting firm that provides monitoring, evaluation, and capacity-building services to child and family care programs. Danya International also monitors FRC compliance with the FRS. Danya International has subject matter experts in a variety of fields, including child development, education, and medical and mental health, to assist in program execution, policy and planning. In addition to compliance work, JFRMU works closely with Danya International to identify needs and deploy technical assistance resources to assist centers in implementing best practices, improving processes, and better supporting the families housed within each FRC.

Detention Reform

FRCs maintain the least restrictive environment permissible to manage family units in administrative ICE custody, including unlocked doors in programing areas and freedom of movement. FRC residents experience expanded services that range from recreational and educational participation, food services and medical and mental health care.

FRCs employ individuals who have child-centered and social services education and experience. Effective program management is achieved through communication, counseling and cooperation between staff and residents. With its oversight responsibilities, JFRMU strives to help ICE meet its mission, while at the same time recognizing and valuing the dignity of each individual.

In all FRCs, ICE respects the dignity and humanity of families awaiting the outcome of immigration hearings or pending return to home country. Individuals can move freely throughout the center to toddler playrooms, snack areas, law libraries containing legal resource materials, social libraries containing leisure reading materials in a variety of educational levels and languages, exercise rooms, and through the outdoor campuses.

The FRC open concept has features that protect the safety and security of residents and staff, while allowing residents to move about, unescorted, availing themselves of educational and recreational opportunities, including contact visitation from friends, relatives, attorneys, and others.

Standards and Policies

The FRCs must adhere to the ICE FRS, as approved by ICE. FRCs also adhere to applicable sections of the ICE Performance Based National Detention Standards, where those Standards would provide a higher level of care for the residents. In addition, the ICE Health Service Corps maintains its own set of policies and procedures that govern its provision of medical and mental health care.

Family and Youth Services

Facility services encourage and strengthen family interaction and growth. Parents are responsible for their children and are encouraged to take an active role in their development. FRC staff counsels and mentors parents in appropriate non-physical behavior management techniques. Family units are generally assigned bedrooms together. Residents may access age-appropriate toys, games, and books, as well as organized, structured activities for both children and adults. FRCs provide age-appropriate play structures and recreational equipment for all residents. Mental health providers conduct weekly “wellness” checks on all juvenile residents. Additionally, mental health providers are available to provide counseling and family counseling for adult residents.

Education

Initial education evaluations are administered to all children five years and older within three days of arrival. These evaluations identify special needs and determine educational placement. Staff members refer special needs issues to the local education agency for evaluation and services. Educational services consist of at least one hour daily instruction each in language arts, math, science, social studies and physical education during the school day. The educational curricula and academic schedules comply with State regulations, and teachers are state certified and bilingual. Four-year-old residents receive pre-kindergarten educational services and younger residents are provided with age appropriate developmental toys, games and materials. Parents have access to English as a Second Language and other adult education.

ICE FAMILY RESIDENTIAL CENTERS FACT SHEET

Berks Family Residential Center (BFRC)

- Address: 1040 Berks Road, Leesport, PA 19533
- ICE Enforcement and Removal Operations (ERO) Field Office: Philadelphia
 - ERO Philadelphia Field Office Director: Thomas Decker
 - BFRC Assistant Field Office Director: Jennifer Ritchey

The BFRC was the first family center in the ICE detention system, and opened in March 2001 with an initial capacity of 84 beds. Several years ago, the BFRC increased capacity to 96 beds. The BFRC has a dormitory-style setting and an open campus layout. It is operated under an ICE Intergovernmental Service Agreement (IGSA) with Berks County, Pennsylvania, which manages its daily operations.

Karnes County Residential Center (KCRC)

- Address: 409 FM 1144, Karnes City, TX 78118
- ICE ERO Field Office: San Antonio
 - ERO San Antonio Field Office Director: Enrique M. Lucero
 - KCRC Assistant Field Office Director: Juanita P. Hester

The KCRC opened in February 2012 as an adult civil detention center with a capacity of 580 beds, and was transitioned to a Family Residential Center in 2014. The KCRC operates under an ICE Intergovernmental Service Agreement (IGSA) with Karnes County Texas, and a private vendor, The GEO Group, Inc., manages its daily operations.

South Texas Family Residential Center (STFRC)

- Address: 300 El Rancho Way, Dilley, TX 78017
- ICE ERO Field Office: San Antonio
 - ERO San Antonio Field Office Director: Enrique M. Lucero
 - STFRC Assistant Field Office Director: Valentin De La Garza

The STFRC was constructed specifically to meet the ICE Family Residential Standards (FRS) and opened in November 2014 with a capacity of 2,400 beds. It was developed and designed specifically to house and manage family units in a campus-like setting. The STFRC operates under an ICE IGSA with Eloy, Arizona. The center's daily operations are managed by a private vendor, Corrections Corporation of America (CCA).

FRCs are governed by the **ICE Family Residential Standards (FRS)**, which were developed by subject matter experts, to include those from the fields of medicine, mental health, and education. The FRS focus on living conditions that mirror community standards and treat residents with dignity and respect, while also providing access to educational, medical, and social services. These family-focused standards require FRCs to be an appropriate setting for children and adults. Pursuant to the FRS:

- Families have freedom of movement throughout the facility from morning hours to evening hours, including the use of the outdoor campus from morning until dusk.
- Residents can access age-appropriate toys, games, and books, and attend structured activities for both parents and children.
- Facility décor is “family friendly.” Walls are painted in non-institutional colors, child-friendly images and artwork adorn the walls, and age-appropriate seating includes toddler tables and chairs that are located throughout the programing areas.
- In each facility, recreation coordinators engage residents in numerous organized recreational activities, including soccer, basketball, volleyball, arts and crafts and playground games. Adult exercise classes such as Zumba are also offered. Resident movie nights are scheduled three times per week and various facility-wide celebrations of holidays and cultural events are held throughout the year.
- Centers provide age-appropriate play structures, recreational equipment, and toddler play areas, as well as basketball, soccer and volleyball courts outdoors. Parents can supervise their children during play from shaded seating areas.
- Appropriately licensed mental health care providers conduct weekly wellness checks on all juvenile residents during their stay and engage and encourage adult residents to seek counseling as appropriate.
- Residents aged 5 to 18 years old are provided educational services with at least one hour daily instruction each in language arts, math, science, social studies and physical education during the school day. The educational curricula and academic schedules are in compliance with State regulations, and teachers are state certified and bilingual.
- Four-year-old residents receive pre-kindergarten educational services and younger residents are provided age-appropriate developmental toys, games and materials.
- Centers have resident internet banks where residents may use email, access e-reading material and surf the web.
- Residents have access to law libraries containing legal resource materials, social libraries containing leisure reading materials in a variety of educational levels and languages, social and legal visitation, and telephones from morning to evening during “free movement” hours.

FAMILY RESIDENTIAL CENTERS PHYSICAL AND MENTAL HEALTH SERVICES

Background

ICE Enforcement and Removal Operations (ERO) manages three Family Residential Centers (FRCs): Berks Family Residential Center (BFRC), in Leesport, Pennsylvania; Karnes County Residential Center (KCRC), in Karnes City, Texas; and the South Texas Family Residential Center (STFRC), in Dilley, Texas. The FRCs are operated through partnerships with private vendors and local government agreements. All FRCs comply with applicable state and federal regulations, and with ICE Family Residential Standards (FRS).

The ICE Health Service Corps (IHSC) provides medical, dental and mental health care to individuals in the custody of ICE through an integrated health care delivery system, based on nationally-recognized correctional and detention healthcare standards. The IHSC maintains a permanent presence in its clinic at the BFRC and maintains oversight of the health care provided by contract staff at the KCRC and the STFRC.

Overview of Health Services

- Residents have access to a continuum of health care services, including screening, prevention, health education, diagnosis and treatment.
- Residents are initially screened by medical staff immediately upon arrival and thereafter when medically required.
- All residents receive a comprehensive medical, dental, and mental health intake screening within 12 hours of arrival at each facility. Every resident receives a comprehensive health assessment, including a physical examination and mental health screening, by a qualified, licensed health care professional within 24 hours of arrival at the facility for juvenile residents and within 7 days for adult residents.
- Residents may request health services on a daily basis for non-emergent care with medical and health care coverage available for urgent care at the facility 24 hours per day, 7 days per week. Residents receive timely follow-up for any request or scheduled medical appointments.
- Residents are provided a nutritionally balanced diet that is prepared and presented in a sanitary and hygienic food service operation. Residents have access to healthy snacks 24 hours per day, 7 days per week.
- Residents are encouraged to maintain good, healthy, hygienic practices and are provided personal hygiene supplies, clothing, bedding, linens, and towels. Residents have daily access to bathing facilities and hand hygiene is strongly encouraged.

Current Framework

Medical Health Services

- The following screening procedures are conducted at each FRC:
 - *Pre-Screening.* All individuals admitted into an ICE facility are immediately pre-screened (a clinical assessment of physical and mental status is conducted before individuals are admitted into the facility) by licensed health care personnel upon arrival to identify if any potential emergency health conditions or situations may exist requiring immediate medical attention.

- **Intake Screening.** Within 12 hours of arrival to a facility, every individual receives a comprehensive medical, dental, and mental health intake screening to identify past and present medical, mental health, dental, communicable disease, and substance abuse concerns. Intake screening is conducted by licensed medical personnel and includes:
- Current and history of illnesses, health conditions, hospitalizations, surgeries, special health requirements.
 - Current symptoms or history of communicable (infectious) illnesses.
 - Past or current mental illness, hospitalizations.
 - Current or history of suicidal ideations, suicide attempts, etc.
 - Current dental problems.
 - Allergies.
 - Current use or history of legal and illegal drug use (including type, amount, and time of last use).
 - Current or history of withdrawal symptoms.
 - Any history of physical or sexual victimization (date, location of occurrence).

Mental Health Services

- As part of the intake screening process, residents at all FRCs have a mental health screening performed within 12 hours of arrival. This screening includes any current or past mental health conditions, physical and/or sexual abuse, domestic and other types of violence, psychiatric hospitalizations, substance abuse, and past or current suicidal thoughts and/or actions.
- If mental health symptoms are identified during initial screening or at any time during a resident's stay at an FRC, the resident is referred to a mental health provider for an evaluation. A treatment plan will be developed to address the concern to include follow-up visits. This plan may incorporate management instructions for ongoing care upon release from custody.
- As part of the IHSC practice, all instances of individuals reporting physical or sexual abuse that has occurred within the United States are reported to the ERO Assistant Field Office Director and the ICE Joint Intake Center for further inquiry and investigation. All detained individuals have access to care on a 24/7 basis to include crisis intervention and may be provided various therapeutic modalities of treatment, like talk therapy, educational groups, behavior modification, medication treatment, and case management services.
- The FRCs have mental health services specialized for adults, women, children, and adolescents. In addition, all children (aged 17 and under) are seen weekly by a licensed mental health care provider through "Weekly Mental Health Checks." These weekly mental health checks are conducted to assess for any adjustment concerns related to the residential setting and also allow for the mother to address concerns she may have regarding her child's behavior or mental health issues.

Programs and Initiatives in Progress

- All mental health staff and CCA supervisors at the STFRC were trained on the "Trauma Informed Care Approach" in August 2015. A "Train the Trainer" program was developed to expand the Trauma Informed Care Approach to other residential centers. The training program was developed to educate all detention staff regarding Trauma Informed Care Approach and provided guidance on how to recognize the signs and symptoms of trauma, guidelines for when a mental health referral should be initiated, and cultural sensitivity issues.
- Educational Mental Health Groups: As part of one of the mental health treatment modalities provided, educational/therapeutic groups have been implemented to address many of the

psychosocial needs of this population. These groups are provided to both adult women and children:

- Groups for Adults
 - Domestic Violence
 - Stress Management
 - Parent Support
 - Trauma Education
- Groups for Children
 - Bullying Prevention
 - Social Skills Training
- Parenting Skills: The 1-2-3 Magic program is provided in both English and Spanish languages. This program is utilized to help mothers manage the behavior of their children and enhance parenting skills by providing information on appropriate disciplinary techniques.

Standards and Policies

- The FRCs must adhere to the ICE FRS, as approved by ICE. These standards set the requirements for those stakeholders who decide to partner with ICE in housing family units.
- FRCs also adhere to applicable sections of the ICE Performance Based National Detention Standards, where those Standards would provide a higher level of care for the residents.
- IHSC maintains its own set of policies and procedures that govern its provision of medical and mental health care.

ICE FAMILY RESIDENTIAL CENTERS TRAUMA INFORMED CARE

Background

In January 2015, the bipartisan Congressional Women's Working Group on Immigration Reform hosted a presentation for various organizations exploring the impact of family detention on immigrant survivors of domestic violence, sexual assault, human trafficking, and other forms of violence against women. The primary focus was to implement the need for trauma informed care approaches and other alternative recommendations for the treatment of women and children housed in ICE Family Residential Centers (FRCs).

History

The Substance Abuse & Mental Health Services Administration (SAMHSA) developed a guide entitled "SAMHSA's Concept of Trauma and Guidance for a Trauma Informed Approach" in July 2014. In February 2015, a representative from SAMHSA presented to ICE Health Service Corps (IHSC) its framework for a trauma informed care approach throughout health, behavioral health, and related systems.

Evolution

In July 2015, the Trauma Informed Approaches to detention was presented to ICE Director Saldaña. As a result, IHSC developed a training module on the Approach to Trauma Informed Care and a PowerPoint training for all staff at FRCs to address the SAMHSA's concept.

Current Framework

IHSC conducted the Trauma Approach Care Training for all mental health staff and Corrections Corporation of America (CCA) supervisors at the South Texas Family Residential Center in August 2015. A "Train the Trainer" program was developed to expand the "Trauma Informed Care Approach" to other FRCs. The training program was developed to educate all detention staff regarding "Trauma Informed Care Approach" and provided guidance on how to recognize the signs and symptoms of trauma, guidelines for when a mental health referral should be initiated, and cultural sensitivity issues.

A similar program is being planned for implementation at the Berks Family Residential Center (BFRC) and the Karnes County Residential Center (KCRC).

Driving Principles

FRCs represent a unique setting, offering the least restrictive environment permissible to manage family units in administrative ICE custody. In keeping with the call for civil detention reform, ICE FRCs represent a clear departure from historical detention settings—residents experience expanded services that range from free and open movement, recreational and educational participation, food services, and medical and mental health care. As such, the driving principle for the Trauma Informed Care Approach is that everyone who interacts with detainees directly or indirectly plays a role in trauma informed care throughout custody.

Standards and Policies

- The FRCs must adhere to the ICE Family Residential Standards, as approved by ICE. These standards set the requirements for those stakeholders who decide to partner with ICE in housing family units.
- FRCs also adhere to applicable sections of the ICE Performance Based National Detention Standards, where those Standards would provide a higher level of care for the residents.
- IHSC maintains its own set of policies and procedures that govern its provision of medical and mental health care.

Way Forward

- IHSC continues to work to successfully implement the concept of Trauma Informed Care across all the FRCs by providing staff with information on psychological trauma and ensure a safe residential environment for residents that may have experienced psychological trauma.
- Utilize available resources to incorporate Trauma Informed Care into all interactions with the detainee population in accordance with the SAMHSA National Center for Trauma Informed Care principles.
- Conduct “Train the Trainer” program for Training Staff at the KCRC and BFRC, to be scheduled in the next 60-90 days. Training will take place in person or via video tele-conference.
- IHSC will continue ongoing collaboration with the Congressional Women’s Working Group on Immigration Reform.