

Summary of Conference Call

U.S. Immigration and Customs Enforcement
Advisory Committee on Family Residential Centers
Subcommittee on Access to Counsel and Language Services
May 17, 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, May 17, 2016 via teleconference from 12:00 P.M. to 12:45 P.M. EST. The purpose of the meeting was to review individual submissions of information gaps identified in the four bucket areas as assigned on the last conference call.

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:

Chair Jennifer Nagda began with roll call. She circulated the updated document combining the individual work submitted on possible recommendations and information gaps in the following four areas:

1. Access to Counsel, Legal Services
 - Jennifer Nagda
2. Language Access
 - Margo Schlanger
3. Detention Management:
 - Dora Schriro, Margo Schlanger
4. Criteria for Detention and Release
 - Karen Musalo

General Meeting:

ADFO Cedillo-Pereira noted that meeting minutes from the March 16, 2016 full ACFRC meeting and statements of work for each of the subcommittees were circulated and would be available on the ACFRC website in short order.

Chair Nagda provided a brief status update on the other two subcommittees' progress and said the Subcommittee on Access to Counsel and Language Services could be in a position to submit its questions to ICE following the conclusion of this call. She said that it is clear ICE will do everything possible to provide answers expeditiously; whether those responses will be provided in time to make the June 30 deadline for draft reports is unclear.

Chair Nagda then asked each member who volunteered to identify information gaps in the four buckets to share their process, the biggest information gaps, and suggestions on how to proceed.

On language access, Margo Schlanger said she asked for things already known to exist and that ICE has said it is already doing. It is difficult to develop a set of recommendations on language access without those materials that is not generic. For example, suggesting that ICE look into providing services for people who speak indigenous languages, is not helpful for the Agency or satisfying for the subcommittee members.

On detention management/conditions, Ms. Schlanger said she used existing reports about the facilities and complaints that have been filed with The Department of Homeland Security's Office of Civil Rights and Civil Liberties (CRCL) to see what already has been said. Using this and the ICE Family Residential Standards (FRS) Ms. Schlanger identified items that were problematic or items she saw that would be likely to be problematic.

Also on detention management/conditions, Dora Schriro said her approach most broadly is to think about ways to improve the treatment of the mothers and children and not to challenge the underlying premise of whether or not the practices in place are the best. She laid out the four steps of standards with the thought that at least there should be the same minimum level of standards of care.

Ms. Schlanger noted that if the subcommittee wants to be useful to ICE, it must go beyond simply asking ICE to follow its own standards. The standards are helpful in thinking about the areas in which regulation is needed, but she did not feel particularly bound by sticking to the standards.

Ms. Schriro believes that at minimum individuals should have the same baseline expectations if only operating under ICE's own standards. This is not to prevent the subcommittee from also encouraging ICE to set the bar higher.

Ms. Schriro added that the group is asking for a lot of information. All of this should help inform the following basic, big picture, questions:

1. Does ICE do what it says it will do?
2. When it does not, does it work?
3. Is any part of what it does or does not do fundamentally detrimental to the population?
4. How can we make it better?

Ms. Schlanger reminded the group that she will be visiting the South Texas Family Residential Center (Dilley) and the Karnes County Family Residential Center (Karnes) on May 31 since she

was unable to attend the full ACFRC site visit in March. She offered to keep in mind anything the members wanted her to look at more closely.

On criteria for detention and release, Karen Musalo said the first question that needs to be addressed as a subcommittee is whether this issue falls within the scope of the Statement of Work (SOW). Member agreed the issues are intertwined and the whole continuum should be considered in order to provide effective recommendations. Ms. Musalo said her list of questions asked for information that would allow the subcommittee to understand the decision making that goes into deciding to detain.

Ms. Schlanger asked if others included consideration of Berks County Residential Center (Berks). Ms. Musalo said she did not make her requests specific to any one facility but rather specific to parents detained with their children. She suggested adding something about when there is transfer between detention facilities which would cover this issue more broadly.

Sonia Parras-Konrad joined the call at this time.

On legal access, Chair Nagda said she was in the process of trying to sort through what information the subcommittee already has, including anecdotal information observed during the March trip. Given that most issues – such as the law library and where and how individuals can meet with counsel – seem facility specific, she also included questions on how this is different at Berks.

Chair Nagda asked if anyone thought it would be helpful to have ICE arrange for her to visit Berks on behalf of the subcommittee to look for the specific issues identified through this process. Members agreed.

Members agreed they are not comfortable preparing a product that is abstract. Though it is possible to draft generic best practices, more information is needed for informed recommendations that would be helpful to ICE. Chair Nagda asked if there were any areas in which the members could begin identifying more specific recommendations based on their expertise or the expertise of other entities.

ADFO Cedillo-Pereira said ICE's intention is to receive expert opinion and evaluation from the members and it is adhering to the agreed upon process in which the subcommittee was to provide a final list of information gaps. Upon receiving this, ICE will work expeditiously to provide as much information as possible. ICE would be able to provide a timeframe of some sort upon receipt of the final list from subcommittee Chair Nagda.

Chair Nagda requested that information be returned to the subcommittee piece meal instead of as one complete package. She then briefly gauged availability for the next few weeks.

Adjournment:

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