Summary of Conference Call

U.S. Immigration and Customs Enforcement
Advisory Committee on Family Residential Centers
Subcommittee on Access to Counsel and Language Services
April 12, 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 for its inaugural meeting on Tuesday, April 12, 2016 via teleconference from 3:00 P.M. to 3:45 P.M. EST. The purpose of the meeting was for members to receive more information from ICE on how subcommittees work and discuss the path forward as they begin researching and drafting recommendations.

Attendance:

Subcommittee Members Present for Teleconference:

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

Subcommittee Members not Present:

- Sonia Parras-Konrad
- Karen Musalo

Others Present:

- John Amaya, Deputy Chief of Staff, ICE; Designated Federal Officer (DFO), ACFRC
- Elizabeth Cedillo-Pereira, Senior Advisor, ICE: Alternate Designated Federal Officer (ADFO), ACFRC
- Andrea Washington, Special Assistant, ICE
- Maryam Ali, Special Assistant, ICE

Opening Remarks:

Subcommittee Chair Jennifer Nagda started the meeting with roll call of subcommittee members and ICE staff participating in the call. ACFRC Chair Kurt Schwarz clarified that ACFRC Vice Chair Howard Berman was not on this subcommittee. Mr. Berman will lend his expertise at the full Committee level, to include helping ACFRC members better understand the larger legislative context in which they are working. Chair Nagda also noted for the group that Michelle Brané switched over to the Subcommittee on Education.

General Meeting:

Subcommittee Chair Nagda began by asking ACFRC Alternate Designated Federal Officer (ADFO) Elizabeth Cedillo-Pereira to describe how subcommittee meetings are expected to be

conducted, outline the rules regarding communication between members, and provide an update on questions previously asked by members.

Recapping from the earlier weekly subcommittee Chairs call, Special Assistant Maryam Ali reminded the subcommittee that the preliminary report is due at the end of June. She noted that ICE Director Sarah Saldaña is interested in meeting with the full Committee in Washington, D.C., before the final report is submitted in September.

Chair Nagda outlined the meeting agenda and specifically hoped to identify a more detailed time frame for doing work and consensus among the group about the scope of issues that are of concern to them.

She proposed the following way forward:

- Mid-April to mid-May: Weekly or biweekly calls to identify issues, narrow them down, and reach some consensus around recommendations that we can in theory make.
- Mid-May to the first week of June: Draft potential recommendations, possibly divide this work between people's areas of interest.
- Mid-June: Have a longer call as a full subcommittee to talk about the draft recommendations and where the group stands.
- Mid-June to June-end: Tweaking and editing.

Chair Nagda highlighted that the subcommittee Chairs prefer to reach a consensus on the scope, tone, and nature of recommendations to ensure consistency of approach in terms of how the recommendations read and are framed. The Chairs will tackle this in their call next week to ensure that one subcommittee is not drafting extensive, detailed recommendations while another is drafting bullet points.

Chair Nagda added that there is an ongoing effort to consolidate all the questions raised at the ACFRC's first two meetings in order to identify any information subcommittees might still need. She recommended that the group narrow their areas of interest and then pinpoint specific information requests to determine whether they have been answered or how they have been answered. If the subcommittee needs more information, she suggested submitting one final request, saying that response may help frame their recommendations.

ADFO Cedillo-Pereira added that ICE has endeavored to be responsive to all previously submitted questions and requests through the site visits, conversations, and the materials. As the subcommittee decides on how to organize, she said ICE would supplement anything the group sees as a gray area or something that requires further elaboration.

Margo Schlanger said she does not believe she has received an adequate response from the list of items she previously requested from ICE. Chair Nagda suggested reiterating these requests after honing in on the issues.

Subcommittee Vice Chair Dora Schriro reiterated that her take away from previous conversations is that ICE expects members to use their expertise to formulate recommendations

and if there are gaps that certain kinds of information will be made more available to the extent possible. In the end ICE is looking to let the members lead the conversation. Ms. Ali agreed that, that was an appropriate characterization.

Vice Chair Schriro said that the next conversation should be identifying the issues within the three big buckets: access to counsel, language services, and detention conditions and management issues.

Chair Nagda said that the issue of audience will probably come up in next week's subcommittee Chairs call as they tackle the idea of tone and structure of the recommendations. She said the primary audience is DHS and ICE, but encouraged members to be articulate about the extent to which the recommendations could be valuable for the family residential centers (FRCs).

Members then identified issues that should be considered priorities in terms of developing recommendations, including:

- Placing mothers and attorneys in greater proximity to each other.
- Providing better and more portable know your rights materials.
- Providing legal service contacts for long term case support.
- Communication between the population and ICE and its delegated officers, with counsel, and with others outside of the FRCs.
- Efficacy of the U.S. mail service and delivery, access to emails, and overall affordability.
- Effectiveness of verbal translation and use of a language line.

Subcommittee Chair Nagda brought up the possibility of certain FRCs being repurposed and whether this would impact the scope of recommendations. ACFRC Chair Schwarz said subcommittees should proceed assuming that FRCs are going to be used for families with the understanding that everything is in flex going forward.

Designated Federal Officer (DFO) John Amaya joined the meeting at this time and recapped the process for all information requests made of ICE thus far. At the end of the first meeting the requests submitted to the ACFRC inbox were consolidated because many members had similar questions. Those requests were then submitted to ICE internally and were reviewed by operators and lawyers. Ultimately, the documents produced and made available through briefing materials are what cleared the process. The objective was to provide any outstanding answers over the course of the Texas meeting, the facility tours, and conversations with FRC staff. He added that the goal now is to provide detailed meeting minutes to capture what was discussed at the Texas meeting. With that whole package, members should be able to identify any outstanding requests and ICE will try to get those deliverables back to them.

ICE does not have a problem producing ICE documents and materials unless ICE attorneys determine otherwise on account of pending litigation. DFO Amaya also noted that much of the information may not be ICE's to share. For example, ICE cannot make a decision regarding materials provided by the U.S. Department of Justice's Executive Office for Immigration Review (EOIR).

Chair Nagda then turned the conversation to scheduling. The group agreed that finding a weekly standing time would be helpful – whether or not it is used weekly or biweekly – in order to ensure the time is blocked off on their calendars.

Adjournment:

The subcommittee adjourned at approximately 4:00 P.M. EST.