

Summary of Meeting

U.S. Immigration and Customs Enforcement (ICE)
Advisory Committee on Family Residential Centers (ACFRC)
Potomac Center North
Washington, D.C.
December 14, 2015

The U.S. Immigration and Customs Enforcement (ICE) Advisory Committee on Family Residential Centers (ACFRC) convened for its inaugural meeting on Monday, December 14, 2015, at ICE Headquarters in Washington, D.C., from 9:00 A.M. to 2:00 P.M. The purpose of the meeting was to swear-in the ACFRC's incoming membership, hear ICE Director Sarah R. Saldaña's vision for the upcoming year, discuss the role of the Committee, provide a briefing on the current state of play at ICE, and begin discussing the Committee tasking. The meeting was open to members of the public under the provisions of the Federal Advisory Committee Act (FACA).

Attendance:

Committee Members Present:

BethAnn Berliner
Kurt Schwarz
Michelle Brané
Dr. Marc Rosenblum
Dr. William Arroyo
Dr. Andres J. Pumariega
Karen Musalo
Sonia Parras-Konrad
Judith C. Dolins
Jennifer Nagda
Anadora Moss
Dora Schriro
Margo Schlanger

Committee Members Present By Phone:

Howard Berman

*Lesley Orloff was out of the country and was unable to join by phone due to a poor connection.

Others Present:

Sarah R. Saldaña, Director, ICE
Thomas Homan, Executive Assistant Director, ICE Enforcement and Removal Operations (ERO)
Philip T. Miller, Deputy Executive Associate Director, ICE ERO

Michael P. Davis, Director of Enforcement and Litigation, ICE Office of the Principal Legal Advisor (OPLA)

Deanne Daugherty, Deputy Assistant Director, Custody Management Division, ICE ERO
Dr. Luzviminda Peredo-Berger, Medical Director and Deputy Assistant Director, Clinical Services, ICE Health Services Corps (IHSC), ICE ERO

John Amaya, Deputy Chief of Staff, ICE; Designated Federal Officer (DFO), ACFRC

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

Public Attendance:

Approximately 10 members of the public attended the meeting. Additional members of the public joined via teleconference.

Call to Order:

ACFRC DFO John Amaya called the meeting to order and extended his appreciation to those in attendance. He provided a brief overview of the meeting agenda, addressed the ACFRC's purpose and scope, and then introduced Traci Silas, Director of the Department of Homeland Security (DHS) Committee Management Office (CMO), to provide an overview of the FACA.

FACA Member Training

Traci Silas (Director, DHS CMO) provided a 45-minute overview of the FACA followed by a 15-minute question and answer session. In addition to providing general background on the FACA, Ms. Silas reviewed member responsibilities, contributions, and restrictions. Of note, ACFRC members also participated in ethics training conducted by ICE attorneys in a separate administrative session.

Opening Remarks and Introductions:

ICE Director Sarah R. Saldaña joined the meeting just as the FACA training concluded. Before delivering her opening remarks, she took a few minutes to introduce herself to each Committee member. The Director noted that DHS Secretary Jeh Johnson and DHS Deputy Secretary Alejandro Mayorkas were planning to attend, but were called away by the White House.

Director Saldaña began her remarks by addressing the impetus behind the need for an advisory committee with a focused mission. She emphasized the importance of bringing together a well-informed membership and asked members not to hold back in their analysis of ICE's family residential centers (FRCs).

The Director urged Committee members to build and maintain relationships with ICE leadership in order to seek and share the facts of the issues at hand. Finally, she thanked the group for their willingness to contribute their expertise and time and engaged the members as a group, encouraging questions.

Members brought up the following issues:

1. The goal for processing at family residential centers and the end of detention itself.
2. Controversial accounts of how juveniles fare after leaving an ICE facility.
3. Alternatives to detention (ATD) and how this relates to ICE FRCs.

4. Visiting ICE FRCs
5. Opportunities to learn from the U.S. Department of Health and Human Services Office of Refugee Resettlement in regards to providing care for children.

During this conversation, Director Saldaña reminded the Committee to discuss issues beyond processing procedure and aim for overall improvement. She stated that her goal is to be able to say that the individuals in ICE FRCs are better off because of the efforts of the Committee. Until the law changes and as long as ICE has custody of families, for any period of time, the goal is to provide safe and comfortable protection.

In regards to ATD, Director Saldaña stated that FRCs have essentially become an alternative to detention. She said ICE is not interested in holding individuals longer than necessary; ICE is interested in enforcement, in making sure the law is followed with respect to people coming into this country. She briefly introduced ADFO Elizabeth Cedillo-Pereira who is leading the new Family Case Management Program, an initiative intended to facilitate court appearances without detention.

The Director also noted that this fight is being fought on all fronts. She said ICE will continue to work with the Secretary and Attorney General Loretta Lynch to address fixing the immigration courts, and it will also continue conversations with sister agencies responsible for the well-being of juveniles who do not remain in ICE's care.

Mr. Amaya wrapped up the session by encouraging members to make note of any issues that they would like to propose for the group to consider in further detail at the next meeting. After taking the Oath of Office as a group, each member provided a five-minute overview of their relevant experiences. Mr. Amaya then introduced ICE ERO leadership.

ICE Enforcement and Removal Operations Briefing:

Philip T. Miller, Deputy Executive Associate Director of ICE ERO, led a one-hour briefing addressing the driving principles behind ICE's efforts at family residential centers and touching on each of the seven issue areas highlighted in the ACFRC charter. ICE ERO leadership elaborated on each of the following documents which had been provided to members as read-aheads:

1. U.S. Immigration and Nationality Law Overview
2. ICE Family Residential Centers Trauma-Informed Care
3. ICE Family Residential Centers Fact Sheet
4. ICE Family Residential Centers Physical and Mental Health Services
5. Family Detention Overview

ICE ERO leadership said they look forward to building and maintaining relationships with the Committee members.

The briefing was followed by a question and answer session. Key issues highlighted by Committee members were:

1. Criteria for inclusion and end statuses
2. Training provided to staff
3. Implementation of Family Residential Standards
4. Exercise of discretion
5. Criteria for monitoring
6. Medical staffing layout
7. Specific clinical services available to families
8. Consideration of trauma being caused by the detention itself
9. Aspirational versus realistic goals and whether the policies described are being implemented appropriately
10. Fostering the culture shift given the new charge to care for families

Discussion of Committee Tasking

DFO John Amaya returned to the podium to discuss the tasking process moving forward. He reiterated what the Director and others said earlier and asked the members to look closely at the entire process in order to begin working toward developing a set of recommendations that will build upon ICE's existing best practices.

He highlighted three areas for the Committee to focus on:

1. Educational services
2. Implementation of trauma-informed services
3. Access to counsel and language access issues

Members were initially concerned that focusing on these areas would leave out much of the expertise at the table and suggested adding:

1. Conditions of confinement, more generally
2. Decision-making on exit and entry

Mr. Amaya clarified that the Committee was not limited to the original three buckets. He asked members to submit any questions/concerns/statements, including those from previous sessions of the day, by December 18 for consideration by ICE in the development of the final tasking. He said a final tasking would then be circulated to the Committee as soon as possible.

Public Comment Period:

DFO John Amaya opened the floor and the phones for comments from the public. Two individuals commented:

1. Antonio Ginatta, Advocacy Director, US Program, Human Rights Watch

Mr. Ginatta encouraged the Committee to focus on the issue of scope and whether 3,200 beds should be the status quo. He questioned how Karnes, the model of civil detention, suddenly turned into a family detention center. He said he hoped the Committee will be guided by the United Nations Convention on the Rights of the Child, adding that when a government treats a child it is responsible for looking at their best interest and detention is not in their best interest.

He said that everyone is familiar with the situation, this is no longer a crisis, and detention should be a last resort. He concluded by saying that indefinite detention causes developmental damage, and he would like to see the absolute rejection of indefinite detention of children.

2. Royce Murray, Director of Policy, National Immigrant Justice Center (NIJC)/Co-Chair, ICE NGO Working Group

Ms. Murray said she was impressed with the composition of the Committee and their energy and willingness to tackle the issues. She urged members to tour the facilities and engage with ICE, facility officials, legal service providers, and detainees.

She agreed with the focus on access to counsel, but encouraged a holistic approach to include the number of families currently in detention, the conditions being used to place them, the concentration of asylum seekers, and medical concerns.

Ms. Murray was struck by the confusion of families in detention who are non-native English speakers and believes providing them with information is necessary to making sure there is integrity in the system.

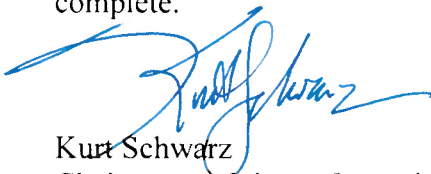
She said NIJC is eager to see the end of detention, or at least a return to when Berks was a small facility that was used as a last resort for those who had no other immediate housing options.

One written statement was submitted by Serco. (Attached)

Adjournment:

The Committee adjourned at 2:00 P.M.

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.



Kurt Schwarz
Chairman, Advisory Committee on Family Residential Centers