



BEHIND BARS **— IN THE —** **EMPIRE STATE**

**An Assessment of the
Immigration Detention
of New Yorkers**



IMMIGRANT ADVOCATES RESPONSE COLLABORATIVE

Behind Bars in the Empire State

AN ASSESSMENT OF THE IMMIGRATION DETENTION OF NEW YORKERS

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ABOUT THE IMMIGRANT ADVOCATES RESPONSE COLLABORATIVE (I-ARC)

The Immigrant Advocates Response Collaborative (I-ARC) is a coalition of eighty-one non-profit legal service providers, bar associations, and professional associations serving immigrants throughout New York State. I-ARC was created in February 2017 to help immigration attorneys share information and resources and to more effectively address the access to counsel gap for immigrant New Yorkers. I-ARC is convened by the New York Immigration Coalition and led by a Steering Committee of ten member organizations.

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Goals of this Report

Over 22% of New York State's population is foreign-born.¹ Although the State's immigrant population remains concentrated in and around New York City, there are growing immigrant communities throughout other urban and rural areas of New York State.² Foreign-born New Yorkers now make up nearly a quarter of the population in Utica and over 5% of the population in Western New York, while in Buffalo, Rochester, Syracuse, Albany and Schenectady, over 10 percent of the population is foreign-born.³

In the past two years, federal immigration agencies have ramped up immigration enforcement throughout New York State to never-before-seen levels, which has resulted in the arrest and long-term detention of thousands of immigrant New Yorkers.⁴ This report seeks to explore the conditions of their detention and the irreparable damage that it has caused to immigrant New Yorkers and to their families and loved ones.

CHAPTER 1:

The History of ICE Detention of New Yorkers

The United States operates the world's largest immigration detention system, detaining approximately 350,000 immigrants each year and currently maintaining a record high number of approximately 44,000 available detention beds each day.⁵

Immigration detention of New Yorkers is nothing new. Even before the creation of ICE in 2003, immigrants were detained at the Varick Street Detention Center and at facilities run by private companies contracted with the Immigration and Naturalization Service (INS) to house detainees in locations throughout the New York City metropolitan area. The primary function of these detention facilities was to hold individuals, including many asylum seekers, arriving at local ports-of-entry (John F. Kennedy and Newark Airports), who were found inadmissible to the United States. At that time, New York was second only to Los Angeles as a port-of-entry for asylum seekers arriving at area airports.⁶ Following the passage of IIRIRA in 1996, these detention sites expanded and grew more crowded as INS started enforcing changes in immigration law that mandated detention and deportation for non-citizens with a wide range of even minor criminal convictions.⁷ Detention of both asylum seekers entering the U.S. and immigrants within the country increased further after 9/11, when the US detention budget exploded from just over \$860 billion in 2005 to more than \$3 billion in 2018.⁸

In 1996, the passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) greatly expanded the list of deportable offenses and increased the detention of immigrants. In 2003, in furtherance of IIRIRA and in response to the September 11 attacks, Congress created the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE), a federal agency under DHS' jurisdiction.⁹ ICE's power and influence has grown tremendously since its creation. In 2004, the passage of the Intelligence Reform and Terrorism Prevention Act directed ICE to increase levels of detention across the country by requiring it to increase the number of potential detention beds by at least 8,000 per year from 2006-2010.¹⁰ Since then, detention bed space has continued to increase, with 2018 seeing a record number 40,000 beds being funded and 44,000 being used.¹¹

In the State of New York, the number of immigration detention centers has rapidly expanded in line with ICE's growing influence. In 2007, there were 19 detention facilities that could house immigrant detainees in New York.¹² By 2010, this number rose to 36.¹³ As of 2018, the number of facilities ICE had its disposal in New York is 76, including hospitals and hotels.¹⁴ Many of these facilities hide in plain sight, including the Varick Street Detention Center in lower Manhattan, which is located above a post office¹⁵

CHAPTER 2:

Overview of ICE Detention Practices

The Path to Detention

Immigrant New Yorkers are generally targeted for detention after some contact with immigration authorities or the criminal system.¹⁶ Since February 2017, when ICE redefined its enforcement priorities, immigrant New Yorkers have been targeted for detention at increasingly higher rates.¹⁷ In Fiscal Year 2018, ICE arrested 3,476 immigrants in the lower 14 counties of New York and 1,582 in upstate,¹⁸ compared with 2,576 downstate and 1,494 upstate arrests in 2017¹⁹ and 1,847 downstate and 1,173 upstate arrests in 2016.²⁰ These increases coincided with President Trump's issuing executive orders: (1) increasing the number of ICE and border patrol agents; (2) demanding construction of more detention facilities; and (3) limiting access to asylum by expediting removals of noncitizens.²¹ The President's executive orders have allowed ICE to detain not only immigrants who have criminal records—including those who have already completed even minor sentences, but, in a marked departure from pre-2017 policies, to target immigrant New Yorkers without criminal records for immigration arrest and detention.²² In Fiscal Year 2018, approximately 665 of the 5,058 immigrant New Yorkers detained by ICE had no criminal record and were targeted for arrest and detention by ICE as mere "immigration violators".²³

In one NYS jurisdiction, Rensselaer County, a 287(g) agreement with local law enforcement allows ICE to deputize local law enforcement to perform the functions of ICE officers, including accessing ICE databases, identifying the immigration status of individuals, and issuing immigration detainers to hold noncitizens in local custody until ICE arrives to take them into immigration custody.²⁴ Outside of that jurisdiction, New Yorkers are targeted for detention by ICE after a criminal arrest, the denial of an immigration application, or when they seek to reenter the US after a trip abroad.²⁵ Increasingly, they are also targeted for detention in immigration raids, or when they attend legal proceedings in courthouses.²⁶

Prolonged Detention

Despite legal challenges to ICE's ability to indefinitely detain non-US citizens, once an immigrant New Yorker is targeted for detention and transferred into immigration custody, it is likely that they will spend weeks, if not months or years, in detention.

ICE's ability to detain immigrants is rooted in section 236 of the Immigration and Nationality Act (INA), which allows it to "arrest and detain" non-citizens based "on a warrant issued by the Attorney General, pending a decision on whether the alien is to be removed from the United States."²⁷ ICE can further detain immigrants at the moment they attempt to enter the United States under section 235 of the INA²⁸, and immigrants with final orders of removal under section 241 of the INA²⁹.

In 2001, in *Zadvydas v. Davis* the Supreme Court held that indefinite immigration detention after a removal order raised serious due process concerns because immigration detention is civil and "assumed to be non-punitive."³⁰ In 2003, however, the Court, in *Demore v. Kim*,³¹ upheld the government's authority to detain certain immigrants who concede removability and are awaiting a decision on their removal hearings under "mandatory detention" provisions in the immigration law,³² which authorize detention without even a bond hearing to examine the feasibility of a noncitizen's release from custody. To reach its decision in *Demore*, the Court relied on the Government's assertion that the immigrants subject to mandatory detention were likely to be detained for a "short time", an assertion that the government later admitted was untrue.³³

The decision in *Demore* came even as Circuit Courts increasingly pushed back on the government's claim that it could subject immigrants to prolonged detention. In the years since *Demore*, Courts have continued to address concerns about long-term detention, and reached consensus that long-term detention without access to a bond hearing is problematic under US law, although they differed in their approach to resolving the issue. In *Diop v. ICE*,³⁴ for example, the Third Circuit found that the law authorized only mandatory detention that was reasonable in length. The Court also found that a noncitizen had the right to a hearing that allowed for a fact-based inquiry to determine whether his or her detention had become impermissibly long but failed to state after what period of detention that hearing had to be offered to the noncitizen.

Conversely, both the Second and Ninth Circuits found in *Lora v. Shanahan*³⁵ and *Rodriguez v. Robbins*,³⁶ that detention became impermissibly long at 6 months. Pursuant to these decisions, a detained noncitizen had to be offered a bond hearing before an immigration court within six months of detention in federal immigration custody so that the judge could rule on the possibility of the noncitizen's release from detention.³⁷

In 2018, however, the Supreme Court, in *Jennings v. Rodriguez*,³⁸ reversed and remanded the 9th Circuit decision in *Rodriguez*. In its decision, the Supreme Court did not confront the question of whether mandatory prolonged detention of noncitizens awaiting their removal hearings is unconstitutional. Instead, the Court merely found that the 9th Circuit had improperly applied legal doctrine to decide *Rodriguez* in favor of the plaintiffs and remanded to the Circuit Court to further consider whether prolonged detention is constitutional.

Summary of Detention Authority and Related Possibilities for Release³⁹

Legal Authority For Detention	Reason for Detention	Possibility of Release
INA 236(a)	Discretionary detention of anyone arrested in the interior of the United States and placed in removal proceedings.	Discretionary determination of a bond amount by ICE that may be reviewed and re-determined by an immigration judge.
INA 236(c)	Mandatory detention of immigrants found either inadmissible to or deportable from the United States because of certain criminal convictions or terrorism grounds.	Habeas petition challenging prolonged detention.
INA 235(b)	Detention of "arriving aliens" (immigrants attempting to enter or transit through the United States at a port of entry and including asylum seekers).	A request for parole from ICE, which is a discretionary decision to release an individual on their own recognizance (arriving aliens, including asylum seekers who asked for asylum at a port of entry, are not eligible for bond).
INA 241	Detention of immigrants with final administrative orders of removal.	A request for release at ICE's discretion or a Habeas petition challenging prolonged detention.

At present, depending on their personal circumstances, including where and how they were detained and their available defense against deportation, immigrant New Yorkers in ICE custody may be able to secure release from detention through ICE, by asking that the agency exercise its authority to release noncitizens from detention⁴⁰(with or without conditions, including a bond), by obtaining bond after a bond hearing in the Immigration Court, or by filing a Habeas corpus petition in the Federal Courts.⁴¹ Unfortunately, bond amounts set both by ICE and the Immigration Courts are often prohibitively high, with the median amount set as bond by Immigration Courts in New York ranging from \$5,000 to \$10,000 depending on the court location.⁴² Even after they are released from detention, immigrants may continue to be subject to restrictions on their freedom, including the use of electronic GPS ankle monitors, telephonic supervision, or in person check-ins with ICE.⁴³

Noncitizens seeking release under any of these avenues benefit greatly from the services of an attorney. Whereas nearly 94% of unrepresented noncitizens lose their immigration cases, 54% of those represented successfully obtain the right to remain in the U.S.⁴⁴

Detention of Children

Immigrant children under the age of 18⁴⁵ who are detained are generally transferred from immigration custody to that of the Office of Refugee Resettlement (ORR), part of the U.S. Department of Health and Human Services.⁴⁶ As of December 2018, ORR detained nearly 15,000 children in facilities throughout the US.⁴⁷ These facilities, and the conditions under which the children must be held, are governed by ORR, and informed by a series of legal settlements.⁴⁸ ICE also detained children via subcontracts with 9 secure juvenile detention facilities, but discussion of these facilities falls outside of the scope of this report.⁴⁹

Types of Detention Facilities

Federal immigration authorities detain immigrants in a variety of facilities throughout NYS and neighboring counties. There are currently an estimated 76 facilities capable of holding immigrants in NYS, though the vast majority are not in use by ICE. The most common facilities are county jails, which represent 55 of the 76 total spaces available for detention. All of these are contracted through Intergovernmental Services Agreements (IGSAs), which allow ICE to use bed space in specific facilities, either through a direct contract with ICE or as a rider on another agency's contract (such as the US Marshals).⁵⁰ Other facilities used for detention by ICE in NYS⁵¹ include hotels, hospitals, secure facilities for minors, and ICE-run facilities.⁵² The latter includes the Buffalo Federal Detention Center in Batavia, with a 650-bed capacity, as well as the Varick Street Processing facility in New York City.⁵³ Finally, ICE has multiple contracts with county jails in New Jersey as well as the Elizabeth Contract Detention Facility, run by the private corporation Core Civic, formerly the Corrections Corporation of America, which are also used to house New Yorkers.⁵⁴

Based on conversations with immigration legal service providers throughout New York State, the authors have identified the following facilities in New York as currently being used for purposes of short term detention: Albany County Correctional Facility, Allegany County Correctional Facility, Chautauqua County Correctional Facility, Clinton County Correctional Facility, Rensselaer County Correctional Facility, and Suffolk County Sheriff's Riverhead Facility. All these facilities are county facilities contracted through IGSAs.

New York State's Short-Term Detention Facilities

ALBANY

The Albany County Correctional Facility (ACCF) is a county jail that has been housing immigrant detainees since 2009.⁵⁵ ACCF houses men and women and is operated by the Albany County Sheriff's Office.⁵⁶ The facility's contract is through a United States Marshal Service IGSA, one of the most common types of contracts between ICE and county sheriff's offices in New York.⁵⁷ As of 2017, the average daily population at ACCF was 28 detainees.⁵⁸ The daily cost of detaining an immigrant at ACCF was \$119.30 in 2017 and was found in compliance with applicable standards.⁵⁹

ALLEGANY COUNTY CORRECTIONAL FACILITY

ICE started using the Allegany County Correctional Facility to detain immigrants on November 3, 2017, pursuant to an IGSA with the local government.⁶⁰ According to data obtained by the National Immigrant Justice Center, this facility is funded by ICE and is used to house female detainees on an as needed basis.⁶¹

In 2017, the average daily population in this detention facility was 11, and it decreased to 8 in 2018.⁶² Once detainees are brought to this facility, their average length of stay (until they are transferred to another ICE facility) increased from 38 days in 2017 to 80 days in 2018.⁶³ The daily cost of detaining an immigrant at this facility is \$95.00, and the facility is listed as "authorized" in terms of compliance standards.⁶⁴ According to the latest report from DHS regarding the implementation of DHS Prison Rape Elimination Act Standards, the Allegany County Jail facility has not adopted such standards as of 2017.⁶⁵

CHAUTAUQUA COUNTY JAIL

ICE has an IGSA with the local government for the use of this facility for the temporary housing of federal immigration detainees.⁶⁶ According to the National Immigrant Justice Center, this facility has been in use since 1987, usually housing adult detainees on an as needed basis.⁶⁷ For Fiscal Year 2018, the maximum population count was 6, while the Average Daily Population was 4 (unchanged from 2017).⁶⁸ The average length of stay in this facility has varied over the past few years, ranging from an average of 31 days in 2015, to 42 days in 2016, to 28 days in 2017.⁶⁹ The daily cost of detaining an immigrant at this facility is \$94.00, and it is listed as "authorized" in terms of compliance standards.⁷⁰ This facility has not adopted the DHS Prison Rape Elimination Act Standards.⁷¹

CLINTON COUNTY JAIL

ICE has a United States Marshals Service IGSA with the Clinton County Jail to house detainees before they are transferred to other facilities.⁷² ICE first contracted with this facility in 1989.⁷³ According to data from the National Immigrant Justice Center, this facility houses both male and female detainees. Although the jail has capacity to hold 13 detainees, the average daily population reached 20 in 2017.⁷⁴ The average length of stay in this facility for Fiscal Year 2018 was reported to be 7 days before detainees were transferred to Buffalo (compared to 17 days in 2017 and 24 days in 2016).⁷⁵ The daily cost of detaining an immigrant at this facility is \$102.00.⁷⁶ This facility was last inspected in 2017 and its final inspection rating is reported to be "pending".⁷⁷

RENSSELAER COUNTY CORRECTIONAL FACILITY

ICE signed New York State's only current Memorandum of Agreement (MOA) with the Rensselaer County Sheriff's Office on February 9, 2018.⁷⁸ This Agreement, known as a 287(g) Agreement because

it gets its authority from Section 287(g) of the Immigration and Nationality Act, allows ICE to enter into agreements with state law enforcement agencies so that “qualified personnel can perform certain functions of an immigration officer.”⁷⁹ Rensselaer County Correctional Facility has an United States Marshal Service IGSA with the local government to use this facility for the temporary housing for federal immigration detainees.⁸⁰

Despite the recent establishment of the MOA between ICE and the Rensselaer County Sheriff's Office, average daily population, length of stay, inspection and compliance data is unavailable for this facility.⁸¹ The 2017 daily cost of detaining an immigrant at this facility was \$97.00.⁸²

SUFFOLK COUNTY SHERIFF'S OFFICE RIVERHEAD CORRECTIONAL FACILITY

ICE has an IGSA with the Riverhead Correctional Facility.⁸³ ICE initially contracted with this facility in May 2017.⁸⁴ Information about the average daily population or the average length of stay is not available for this facility. As of 2017, the National Immigrant Justice Center lists this facility as “not inspected.”⁸⁵

Albany County Jail – A Case Study in How ICE Uses Intergovernmental Services Agreements⁸⁶

Immigration and Customs Enforcement has used the Albany County Correctional Facility (ACCF) in Colonie, New York since 2009, when the US Marshals signed a contract for bed space with the county. Over the years, ACCF has primarily been used to hold immigrants arrested in the area before they were transferred to the ICE-run Buffalo Federal Detention Center in Batavia, NY. Before Batavia began housing women in 2017, ACCF was also used to hold female detainees, including 50 women who were transferred from the southern border in 2016. Generally, most detainees remain at ACCF less than a week before being moved. In limited instances, detainees were transferred back to ACCF from Batavia on their way to being removed from the United States.

In the summer and fall of 2018, amid the crisis at the Southern Border caused by zero tolerance and family separation policies, ICE transferred nearly 400 asylum-seekers from California and Texas to ACCF, 300 of whom arrived in the space of 8 days spanning June and July. These detainees remained in Albany through their credible fear determinations before being transferred to Batavia to pursue their asylum claims. Timing of transfers depended on bed space, requiring some detainees to appear before immigration judges via video connection from ACCF. Overall, these individuals spent 4-6 months in Albany before being transferred. It was the largest transfer of border arrivals to New York in recent memory.

ACCF's \$4.6 million contract in 2018 created an “unprecedented increase in its revenues,” according to the Albany County Legislature's budget release.⁸⁷ Over \$900,000 of that revenue was allocated to give property owners in the county a tax decrease for 2019.⁸⁸ The county also allocated \$175,000 to hire an immigration attorney to provide legal services to detainees.⁸⁹

2017

- 318 males detainees – Avg. length of stay was 3.9 days / Avg. number of detainees per day was 3.4
- 92 females detainees – Avg. length of stay was 62.9 days / Avg. number of detainees per day was 15.8

TOTAL ICE SPENDING: \$934,848.49

2018

- 652 males detainees – Avg. length of stay was 51.0 days / Avg. number of detainees per day was 91.1
- 129 females detainees – Avg. length of stay was 42.6 days / Avg. number of detainees per day was 15.0

TOTAL ICE SPENDING: \$4,659,505.75

CHAPTER 3

New York State's Long-Term Detention Facilities

Long-term facilities are used to detain immigrant New Yorkers during the pendency of their cases, up to the time of the immigrant's release from ICE custody or their removal from the US. Based on a survey of immigration lawyers, the only long-term facilities in New York are the ICE-run Buffalo Federal Detention Facility and the Orange County Correctional Facility. In addition, ICE uses the Bergen County Correctional Facility, Essex County Correctional Facility, Hudson County Correctional Facility, and the privately-run Elizabeth Contract Detention Facility, all in New Jersey, to detain immigrant New Yorkers.

BATAVIA – BUFFALO FEDERAL DETENTION FACILITY

The Buffalo Federal Detention Facility, commonly referred to as Batavia and located in Batavia, New York, is an ICE Service Processing center (SPC) that has been strictly housing immigrant detainees since 2012.⁹⁰ Until 2017, Batavia held only male detainees, but has since begun to also detain women.⁹¹ The facility's housing capacity is 650, with the most recent population count at 566. In 2017, the average detainee population was 569.⁹² The facility is owned by ICE and operated by Akima Global Services (AGS), a private for-profit federal government contracting company.⁹³

The taxpayer cost to detain an immigrant per day at The Buffalo Federal Detention Facility is \$119.33 for the first 400 detainees, and an additional \$17.29 per person thereafter.⁹⁴ Buffalo Federal Detention Facility adheres to ICE's 2011 Performance-Based National Detention Standards (PBNDS), suggested guidelines that are not legally binding or enforceable, and that, despite immigration detainees being in civil custody, are based on criminal correction standards.⁹⁵ Under the 2011 PBNDS standards, detainees may voluntarily work to earn money during the duration of their detention. The compensation for such work is "at least" \$1.00 (USD) per day.⁹⁶

According to ICE, detainees at this facility cannot receive incoming calls.⁹⁷ If there is an urgent need to get in contact with a detainee, individuals must call and leave a message with the detainee's full name and alien registration number, the caller's name, and a telephone number where the caller may be reached. The detainee is then given the message by detention center staff and can decide how to proceed.

CASE STUDY:

Kawiye (23 years old)

"I was at work when my mother called me on the phone to tell me that my 21-year old brother, M.J., was picked up by ICE agents in upstate New York. We were all expecting him to come home after being released from incarceration, but instead he was detained upon leaving the police station. My brother has been detained for more than 5 months now and this has been the most difficult period for my family and I. My mother's health has deteriorated significantly and I am not doing well myself. I have lost my scholarship because I cannot focus due to the stress and trauma I have experienced. We have only been able to see him once since he has been detained. The one time we visited him at the Batavia Detention Facility, we only spoke to him for 30 minutes and were not allowed to touch or hug him. Seeing him like that was the worst thing ever and I cannot get that image out of my head. We also don't talk to him very often, because he is charged for every phone call he makes. Sometimes, we go two weeks or more without hearing from him. It hasn't been easy. I have started counseling, and talking about my feelings with others helps a lot."

CASE STUDY:

Yoselim, (18 years old),

"I was in the car when my dad was arrested for driving without a license at a checkpoint near Buffalo, NY. It's really hard to think that they treated him like a criminal for just wanting a better life in the U.S. I went with my dad to get processed and an officer told me not to worry, that he would be released and that we could all go home together that day. Then, another officer taunted me and told me that I should have known this day would come, that I might not see my dad again. We couldn't talk to my dad on the phone for 3 days. My mom was crying all the time. We told my younger siblings that my dad was working out of state for a while, but they knew something wasn't right."

Visitation at The Buffalo Federal Detention Facility is limited to an hour per visit, no contact, available during two-hour windows, two to three times a day, depending on the day.⁹⁸ Attorneys may visit their clients seven days a week between 8am–4pm. Visits outside of the hours listed above must be prearranged by calling the facility.⁹⁹ According to ICE, a quarterly updated list of *pro bono* attorneys is posted in detainee housing and detainees may call their attorneys.¹⁰⁰ Unlike at other facilities highlighted in this report, individuals detained at this facility report having access to the law library, computers, exercise equipment, and a 24-hour medical center with pharmacy. Immigration cases at The Buffalo Federal Detention Facility are adjudicated in house, as the immigration court is part of the detention facility.¹⁰¹

Although there are fewer public complaints about The Buffalo Federal Detention Facility than at some of the other facilities included in this report, detainees report facing threats of solitary confinement when requesting grievance forms.¹⁰² Other complaints include a lack of legal orientation, lack of access to psy-

chiatric medication, a general lack of access to health care, limited access to hygiene products, harassment of LGBTQ individuals, and insufficient food.¹⁰³

ICE reports providing detainees with booklets containing information about the facility, but when community and legal service providers asked detainees about the booklets, detainees were unaware of their existence.¹⁰⁴ There are no rules or specified times for events to happen within the facility, leading to general confusion among detainees.¹⁰⁵ One detainee reported going five days without being allowed outdoors.¹⁰⁶ On multiple occasions LGBTQ detainees experienced verbal harassment and food being thrown at them.¹⁰⁷ Detainees also reported being forced to barter with other detainees to get a hold of more food. One detainee was only given a cup of instant soup to eat and, out of hunger, was forced to clean toilets to get more food from other detainees.¹⁰⁸ There have been no reported deaths at the Buffalo Federal Detention Facility.¹⁰⁹

BERGEN COUNTY JAIL

The Bergen County Jail (BCJ) in Hackensack, NJ is operated by the county sheriff in contract with ICE to house male and female immigrant detainees.¹¹⁰ The facility has a capacity of 128 beds, but currently holds 225 detainees and averages 216 detainees.¹¹¹ BCJ adheres to ICE's 2000 National Detention Standards (NDS) as a non-legally binding guideline, though Standards were updated in 2008, 2011, and 2016.¹¹² Taxpayers pay approximately \$110 to house each detainee at Bergen per day.¹¹³ ICE paid BCJ approximately \$8.8 million in compensation for detaining immigrants in 2017; that compensation increased to \$12 million in 2018.¹¹⁴ The average length of detention for a detainee held in BCJ is 92 days.¹¹⁵

ICE reports that detainees at BCJ are unable to receive incoming phone calls.¹¹⁶ To leave an urgent message for a detainee, individuals must call with the detainee's full name, alien registration number, the individual's name, and a telephone number to be reached.¹¹⁷ The detainee is then given the message, though ICE does not provide a timeline for when the message will be received or a call returned.¹¹⁸ ICE lists visitation hours as twice a week in one or two and a half hour windows, which vary depending on the housing unit in which a detainee is housed.¹¹⁹ Visits are limited to 30

minutes.¹²⁰ Legal counsel is permitted to visit daily from 7am until 9:30pm.¹²¹ Phone access to attorneys, however, is only available as a paid service.¹²²

Complaints and deficiencies at BCJ are numerous and feared to have been exacerbated by overcapacity.¹²³ An internal inspection by the ICE Office of Detention Oversight documented deficiencies including improper strip searches, uncertain access to private and unmonitored phone calls with counsel, and physical abuse of detainees.¹²⁴ Other complaints include inadequate medical care, including untreated infections; lack of opportunity for contact visits with loved ones, particularly children; physical abuse; use of pepper spray and restraint chairs; and excessive use of solitary confinement for nonviolent infractions.¹²⁵

ELIZABETH DETENTION FACILITY

The Elizabeth Detention Facility, located in Elizabeth, New Jersey, is an ICE Contract Detention Facility strictly housing immigrant detainees since 2011.¹²⁶ The Elizabeth facility, with a capacity of 304, houses men and women, and is operated by Core Civic, the largest private for-profit prison contractor in the country.¹²⁷

The tax payer cost per detainee per day is \$130.81 for the first 285 detainees. When the facility houses 286 – 300 detainees, the cost to the taxpayer becomes \$129.87.¹²⁸ The facility adheres to ICE's 2011 Performance-Based National Detention Standards (PBNDS), suggested guidelines that are neither legally binding nor enforceable.¹²⁹

In 2017, the average population at Elizabeth was 292; current reports place the detained population at 302, just below maximum capacity.¹³⁰ According to ICE, detainees cannot receive incoming calls.¹³¹ If there is an urgent need to contact a detainee, individuals must call and leave a message with the detainee's full name, alien registration number, the individual's name, and a telephone number to be reached. The detainee is then given the message.¹³² Visitation hours vary depending on whether the friend or family visitor is male or female. Male visitation hours are limited to approximately four-hour windows in the evening during the week and approximately seven-hour windows on weekends and holidays.¹³³ Visitation hours for female friends and family are kept to a one-hour window.¹³⁴ Attorneys may visit detainees seven days a week between the hours of 6 am until 10pm.

Internal issues, such as detention segregation (solitary confinement), are adjudicated within the facility. When a detainee is placed in segregation, he/she must receive a hearing within 24 hours to review the misconduct and violation of facility rules. However, there have been reports of detainees not receiving hearings for days on end. The men and women detained at the facility report disciplinary segregation as the common response to any request, specifically when individuals file grievances or request medical assistance.¹³⁵

CASE STUDY:

Miguel (48 years old)

Miguel was stopped by Border Patrol at his work site in Western New York in 2018 and detained at the Buffalo Federal Detention Center. He is the sole provider for his close knit, large family; the youngest of whom is 2, and the oldest 20.

We were living and every week normally I get paid and we are short on money normally. This time of year we just survive, pay the bills. In the wintertime I don't have work and I miss a few days one month of winter, a few days another month of winter, so I got behind on my rent. By the time they detained me I was a month and a half behind, so when they detained me, they send me an eviction notice. My family had to move, leaving everything behind, just take what they could get, that's all they took. It was very tough. We have to stay with a family we know from church. We live every week with the money I make. My wife doesn't work. We have two little kids, kids in middle school and college. I was detained and I only had five dollars in my pocket. We lost everything, everything we built in our almost ten years here.

General complaints about the facility include worms and maggots in the shower area, insufficient clothing, spoiled food, contaminated water, harassment from guards and staff, and inadequate access to health care.¹³⁶ Specific complaints consist of maggots in the food, water from the drinking fountains having a white coloration, often described as “pure bleach,” women receiving only two or three pairs of underwear for the week, and ibuprofen offered as a substitute for physical exams and testing.¹³⁷ Insufficient ventilation and years of dust build up have caused detainees to suffer from allergies or asthma. Women at the facility estimate needing approximately \$100 a week for commissary and phone charges to survive. Most of the funds needed are to supplement the lack of food and water provided.¹³⁸ As a result of medical staff not following proper protocols, Victor Ramirez Reyes died from heart disease in 2011 while detained at Elizabeth.¹³⁹ He was given double doses of his medications daily leading up to his death.¹⁴⁰ The ERO and ODO inspections following Mr. Ramirez’s death drew inconsistent conclusions about the quality of care provided by the facility.¹⁴¹

ESSEX COUNTY CORRECTIONAL FACILITY

The Essex County Correctional Facility, located in Newark, New Jersey, is a county jail that contracts out bed space to ICE. The current contract is an IGSA between Essex county and ICE, set to expire

CASE STUDY:

Juan (37 years old)

I have lived in the United States for twenty years. I came here with my mother at seventeen years old for a better life. I started working as a dishwasher and took English classes. I’ve worked as a busboy, waiter, bartender, and real estate agent assistant. My mother, father, and four US Citizen children live in the US. I was picked up by ICE when my landlord called the police. ICE showed up at my house early in the morning. I was the only person arrested even though there were four other people living with me. ICE let me get dressed and I was handcuffed and taken to 26 Federal Plaza and, that afternoon, taken to Hackensack. I was detained in Bergen County Jail from July 27, 2018 – January 15, 2019. As a result of detention, I lost my apartment because I couldn’t pay the rent, I lost my car because I couldn’t pay the debt on the car, I lost my job and could no longer attend school. Before being detained, I supported my father, mother, and children, but I could no longer help them once ICE arrested me. I also couldn’t pay child support while I was detained, and it has been accumulating. I used to hang out with my children multiple times per week, but I couldn’t see them during the time I was detained. My mother is undocumented, and she couldn’t bring them to see me. Detention is horrible, I wouldn’t wish this on anyone. It was horrible to not know when it would be over.

Elisabeth, Juan’s Mother

My son, Juan, was detained in the Bergen detention facility. My son was staying with his father when he was taken into custody. His father called me and was unsure of who had arrested Juan; he didn’t know if it was police or immigration officials. We had no information about his detention at first. I was asking everyone I knew to try to get help. My son had to stay detained because I couldn’t come up with the money to pay his bond. That broke my heart. I felt powerless being able to do nothing because I have no money despite working so hard. His detention made me feel terrible. I felt helpless. I had never faced this situation. I couldn’t even visit him because I am undocumented. I would think of him all the time. I worried if he had eaten. I did not know what would happen. That was the worst feeling. I spoke to him when he could call me. Sometimes once per day. I tried to keep money in his account so that he could call me.

Juan wouldn’t tell me that things were bad while he was detained because he didn’t want to worry me. That was almost worse because I could feel things were bad and I was worried that they were even worse than I could imagine. While he was detained, he missed celebrating his birthday with family. He spent my birthday in detention. He missed his four children’s birthdays. He missed Christmas. It was the first Christmas we couldn’t celebrate as a family.

It was so hard to have Juan detained. I didn’t know what to do, where to go. I felt very desperate. I did not know where to turn to for help. I didn’t know what was going to happen.

8/10/2026.¹⁴² The facility's housing capacity is 800, with the most recent population count reported as 569.¹⁴³ The average detainee population in 2017 was 679.¹⁴⁴ Reports are unclear about breakdown of population detained solely for immigration matters and those detained for criminal conduct.¹⁴⁵ The tax payer cost per detainee per day is \$108.¹⁴⁶ Essex adheres to ICE's 2011 Performance-Based National Detention Standards (PBNDS) and as such, provides detainees the option to voluntarily work for compensation at a rate of \$1 – \$1.50 per day.¹⁴⁷ The average length of detention per immigrant is 99 days, with some individuals reporting detention of 16 – 18 months.¹⁴⁸

As with most detention facilities, individuals cannot receive incoming calls.¹⁴⁹ Visitation hours depend on where the detainee is housed.¹⁵⁰ Individuals are allotted one hour for visitation, with the option to extend time for family traveling long distance if authorized by the Warden. Attorneys may visit their clients seven days a week between 7am–7pm, including holidays. The facility's lack of attorney-client visiting rooms makes it difficult for attorneys to meet with their clients.¹⁵¹ According to the facility, a list of *pro bono* attorneys is posted in all detainee housing units.¹⁵² The facility's "outdoor recreation" area for detainees consists of a dark and enclosed room with barred-over skylight that allows some fresh air into the area.

Common complaints about the facility include inadequate food and water, harassment by guards and staff, limited to no access to health care, and threats of solitary confinement for persons filing complaints against the facility.¹⁵³ Detainee units often run out of water and the water from the bathroom tap is undrinkable.¹⁵⁴ The food served, particularly meat and rice, is often raw, spoiled or expired.¹⁵⁵ Staff routinely refer to the detainees as "animals," "dogs," "criminals," and "hoes."¹⁵⁶ Detainees are afraid to have family members visit because some officers threaten to harm their family.¹⁵⁷ One detainee reported that an officer told him, "I'll go to you mom, and get her pregnant, and then get your daughter pregnant."¹⁵⁸ A mental health counselor at the facility commented on the insufficient resources provided to meet the high demand for mental health assistance.¹⁵⁹

Detainees experience long delays in treatment and access to medication, some experience outright denials of care.¹⁶⁰ Like the other detention facilities, Essex places individuals in disciplinary segregation, confining detainees to their cell for at least 23 hours per day.¹⁶¹ Detainees report being placed in disciplinary segregation through an unjust process.¹⁶² Many feared being placed in segregation in retaliation for speaking out about their complaints and experiences.¹⁶³

In July 2018, an unannounced inspection of the facility by the Office of the Inspector General (OIG) turned up several serious violations of the ICE standards, and highlighted significant health and safety risks at the facility.¹⁶⁴ The three major issues of concern were unreported security incidents, food and safety issues, and facility conditions.¹⁶⁵ Under ICE 2011 standards, the facility must report to ICE any incidents involving detainees.¹⁶⁶ The facility failed to report four incidents in less than a year, including most recently when a detainee discovered and reported a guard's loaded handgun left in a facility staff bathroom.¹⁶⁷

The food and safety violations found by OIG include raw chicken leaking blood in refrigeration units, foul-smelling lunch meat (apparently spoiled), and moldy bread stored next to a sign ordering that no bread be thrown out.¹⁶⁸ Kitchen staff reported placing all unused bread in trash bags and trash cans to be used for making bread pudding every 2- 3 weeks.¹⁶⁹ The hamburgers fed to detainees during the inspectors' visit were notably foul smelling and unrecognizable.¹⁷⁰ Individuals complained of vomiting and diarrhea (symptoms of food poisoning) after consuming the food.¹⁷¹ Lastly, the report noted leaking ceilings in living areas, showers laced with mold and peeling paint, and dilapidated beds with no pillows and sheets tied to the mattress to hold the mattress together.¹⁷²

Essex Country Correctional Facility's failure to provide adequate medical care resulted in the death of Luis Alonso Fino Martinez in 2016.¹⁷³ Nurses denied Mr. Martinez, a known diabetic, insulin over 100 times and failed to assess his lower extremity swelling he developed.¹⁷⁴ He died of heart failure.¹⁷⁵

Facility	Batavia	Bergen	Elizabeth	Essex	Hudson	Orange
Contractors	AGS	Bergen County Sheriff's Office	CoreCivic (formerly Corrections Corp. of America)	County Jail Intergovernmental Service Agreement (IGSA)	Hudson County	Orange County Corrections Dept.
Capacity/ Average Population/ Current Population	650/569/566	128*/225/216 (over capacity)	304/292/302	800/679/569	476/646/571	152/167/159
ICE Standard	2011 PBNDS	2000 NDS	2011 PBNDS	2011 PBNDS	2008 PBNDS	2000 NDS
Visitation Hours	Daily – non-contact, 1-hour max	Thurs-Sat depending on housing, 30 min max	Daily – hours are variable based on day and sex of visitor, 1-hour max	Wednesday, Thursday, Saturday, Sunday depending on building, 1-hour max	Monday-Thursday, Saturdays, 30 min max	Tuesday-Saturday, Saturdays are limited, 1-hour max
Access to Counsel	Yes	Limited – <i>must pay to call, concern of phone calls monitored</i>	Yes	Limited – <i>inadequate meeting rooms</i>	Yes	Yes
Notable Examples of Complaints	Lack of clarity re: detention and legal procedures, inadequate healthcare, harassment	Physical abuse, inadequate healthcare, excessive punishment	Spoiled food, contaminated water, unsanitary conditions, harassment, inadequate healthcare	unsanitary and unsafe food and water, harassment, inadequate healthcare, excessive punishment, retribution for filing complaints	Inadequate medical care, unsanitary food, racism, harassment	Inadequate healthcare, overcrowding, unsanitary food service
Deaths Since 2011	None	Nery Romero – suicide	Victor Ramirez Reyes	Luis Alonso Fino Martinez	Rolando Meza-Espionza + 3 suicides	Santo Carela
Taxpayer Cost Per Person Per Day	1-400 detainees: \$119.33 410-650 detainees: \$17.29	\$110	1-285 detainees: \$130.81 286-300 detainees: \$129.57 301+ detainees: \$32.57	\$108	\$110	\$133.93

HUDSON COUNTY CORRECTIONAL FACILITY

The Hudson County Correctional Facility (HCCF) is a county-owned detention center in Kearny, NJ that contracts with ICE to house male and female immigrant detainees.¹⁷⁶ In October 2018, the Hudson County Freeholders voted to end the facility's contract with ICE by the end of 2020, leaving the future of the facility and its approximately 600 immigrant detainees uncertain.¹⁷⁷ The facility has a capacity of 476 beds, but averages 646 detainees and currently holds 571.¹⁷⁸ Taxpayers pay \$110 per detainee per day.¹⁷⁹ Additionally, detainees are paid between \$1-\$1.50 per day for work and labor.¹⁸⁰ HCCF adheres to ICE's 2008 Performance-Based National Detention Standards (PBNDS) as a non-legally binding guideline, though Standards were updated in 2011 and 2016.¹⁸¹

ICE reports that detainees are unable to receive incoming phone calls.¹⁸² To leave an urgent message for a detainee, individuals must call with the detainee's full name, alien registration number, the individual's name, and a telephone number to be reached. The detainee is then given the message, though ICE does not provide a timeline for when the message will be received or returned.¹⁸³ ICE lists varying visitation hours Mondays through Saturdays, with contact only allowed on Saturday.¹⁸⁴ Visits are limited to 30 minutes maximum.¹⁸⁵ Legal counsel is permitted to visit from 8am to 8pm daily. Detainees also have restricted access to call counsel.¹⁸⁶

There have been multiple complaints of inadequate medical care at HCCF, at times including an outright denial of health screenings, evaluations, or treatment.¹⁸⁷ One woman was observed using a bra as an arm sling for a clavicle fracture after the medical practitioners denied her a proper sling.¹⁸⁸ Detainees also complain of unsanitary cafeteria conditions and spoiled, rotten, or undercooked food.¹⁸⁹ Additionally, detainees report verbal and racist abuse from HCCC staff, including being called animals, "spicks," criminals, and black detainees referred to as monkeys.¹⁹⁰ One individual reported being raped by other detainees, but that HCCF officials did not respond after the assault was reported.¹⁹¹ Other detainees reported to inspectors from DHS that guards were photographing them leaving the showers.¹⁹²

There have been four deaths of immigration detainees at HCCF since 2016. Three of the deaths were by suicide, two of which occurred while the detainees were on suicide watch in the facility.¹⁹³ At the time, suicide watch included restricting detainees to their cells for 23 hours per day with no access to personal items.¹⁹⁴ The procedures have since been updated, though the updates do not address systematic issues in the detention facility that may contribute to suicidal ideation.¹⁹⁵ On June 10, 2017, Rolando Meza Espinoza died as a result of inadequate medical care while a detainee at HCCF.¹⁹⁶ Mr. Espinoza's attorneys had determined that Mr. Espinoza was arrested by ICE in a case of mistaken identity, as Mr. Espinoza did not match the identification photo of the immigrant ICE was seeking to detain.¹⁹⁷ However, before Mr. Espinoza's June 8th hearing for release, his health had deteriorated so drastically from inadequate medical care, that he was unable to attend.¹⁹⁸ Mr. Espinoza's family was not informed of his death until June 12th, when ICE released a press statement of a detainee's death, but referred to him by an incorrect name.¹⁹⁹

ORANGE COUNTY JAIL

The Orange County Jail (OCJ), a correctional facility operated by the county and located in Goshen, NY, contracts with ICE to detain male and female immigrants along with general

CASE STUDY:

Emily (31 years old)

I was detained at Elizabeth for three and a half months. I lost my job as a result of my detention. This was devastating to my family. I supported my family in the Dominican Republic with my wages; I sent them money. My daughter was living with my mom and she needed ongoing treatment for her diabetes. This treatment was expensive, and my mother could not afford it without the money I sent, so my daughter was hospitalized for two weeks because we couldn't afford her ongoing treatment. My children worried about me while I was detained, and I worried about them. Detention is the worst thing that can happen to a human being. The powerlessness stays with you for life.

population inmates.²⁰⁰ Immigrant detainees are categorized as “low risk” or “high risk,” with low-risk detainees housed in dormitory-style facilities and high risk detainees housed with general population inmates.²⁰¹ The facility uses ICE National Detention Standards (NDS) from 2000 as a guideline, though standards have been updated three times since 2000, including in 2008, 2011, and 2016.²⁰² The Orange County Jail currently houses 159 detainees, and the taxpayer cost is approximately \$133.93 per detainee, per day. Additionally, ICE paid Orange County nearly \$7 million in 2015, increasing to over \$8 million in 2016 and 2017, and on pace to reach \$8 million in 2018.²⁰³

ICE reports that detainees at OCJ are unable to receive incoming phone calls.²⁰⁴ To leave an urgent message for a detainee, individuals must call with the detainee’s full name, alien registration number, the individual’s name, and a telephone number to be reached. The detainee is then given the message, though ICE does not provide a timeline for when the message will be received or returned.²⁰⁵ ICE lists visitation hours as 8am-11am and 1pm-4pm Tuesdays through Saturdays, with special limiting instructions on Saturday.²⁰⁶ Up to three visitors are allowed per detainee for a maximum of one hour, with contact permissible.²⁰⁷ Legal counsel is permitted to visit any day for as long as necessary.²⁰⁸ Detainee’s immigration and asylum claims are adjudicated off-site at Varick Street Immigration Court.²⁰⁹

In addition to inadequate medical care, the Office of Detention Oversight noted several complaints and areas of concern in its 2017 Compliance Inspection of Orange County Jail. The report assessed OCJ’s compliance with the dated NDS 2000 standards, and found that facility complied with only 9 out of 20 standards, and of those 9 the report found 14 additional deficiencies.²¹⁰ The facility is consistently overpopulated, with a 152 bed capacity and 167 average daily population.²¹¹ Additionally, the report documented deficiencies in: admission and release from detention, food service, communication between staff and detainees, environmental health and safety, management of discipline, medical care, and suicide prevention and intervention.²¹²

On July 28, 2016 Santo Carela died while detained at OCJ.²¹³ Mr. Carela had previously been detained at the Hudson County Correctional Facility from June 29, 2016 until his transfer to OCJ on July 25, 2016.²¹⁴ From his initial health screening on June 29 to the date of his death, Mr. Carela had repeatedly complained of pain in his right leg to both Hudson and OCJ medical practitioners.²¹⁵ The pain progressed to the point that Mr. Carela was no longer able to stand or walk on his own, requiring a wheelchair.²¹⁶ Mr. Carela’s condition was noted as progressively deteriorating at each health screening and his blood pressure and heart rate were consistently above normal range.²¹⁷ The medical facilities never obtained blood samples for lab tests nor followed-up on the efficacy of prescribed medications.²¹⁸ Additionally, medical practitioners documented Mr. Carela’s English proficiency as low, however many of his screening health visits were conducted without telephonic interpretation services.²¹⁹

CHAPTER 4

Review of Advocacy Efforts Regarding ICE Detention

As the use of ICE detention has expanded and accelerated over the last two decades, so have the efforts to mitigate the impact on communities and put an end to ICE detention altogether. Below is a non-exhaustive list of some examples suggested by this report's contributors of how advocates have addressed the issue both nationally and in New York.

Examples of Advocacy Efforts

- Advocacy to Improve Access to Counsel (New York Immigrant Family Unity Project (NYIFUP) and Friends Representation Initiative of New Jersey (FRINJ)).²²⁰
- Advocacy to Improve Access to Bonds²²¹
- Site Fights.²²²

CASE STUDY:

Hudson County Jail

In the fall of 2018, the Hudson County Correctional Facility in Kearny, New Jersey became the latest site fight to end ICE detention. After initially renewing their contract in September 2018, Hudson County Freeholders made promises to take steps towards ending the contract all together before ultimately voting to renew the contract but with a 2020 end date.²²³ The compromise, along with the dialogue it provoked over several months, highlighted the tensions caused by ICE's presence in local jails—namely the desire to put an end to ICE's detention practices by making it harder for them to detain immigrants vs. the efforts to provide access to counsel and other services to locally detained immigrants while broader campaigns work on ending ICE detention.²²⁴

Litigation

- Class action lawsuit challenging delays in first court appearances in New York City's detained court.²²⁵
- Lawsuit challenging the use of remote video hearing technology for detained immigration court hearings.²²⁶
- Lawsuit challenging denial of bond and parole to asylum seekers detained at the Buffalo Federal Detention Facility.²²⁷

Campaigns

#DEFUNDHATE

Defund Hate lobbies for the decrease in funding for ICE and Customs and Border Protection. A recent effort by the campaign urged directed the public to get involved in urging elected officials to vote against the 2019 Consolidated Appropriations Act which would increase ICE and CBP funding, expand immigrant detention, and help fund the border wall.²²⁸

Communities, Not Cages

Detention Watch Network's campaign, "Communities, Not Cages," mobilizes DWN advocates across the US to fight the expansion of existing immigrant detention centers, and to abolish ICE and immigrant detention in its entirety.²²⁹

Access to Counsel

In order to mitigate the impact of immigration detention, New York has led the way in providing access to lawyers at no cost for detained New Yorkers. The New York Immigrant Family Unity Project (NYIFUP) was originally launched as a pilot project of the New York City Council in 2014 and rapidly grew to provide representation to all indigent and low-income detained immigrants appearing before the court at Varick Street.²³⁰ In 2016, the project was expanded to also offer representation at the Batavia Detention Facility, effectively making NYIFUP a statewide public defender program for detained immigrant New Yorkers.²³¹ In addition to the ongoing work of the NYIFUP, in 2018, an ad hoc, volunteer-led effort was created with support from New York State and New York law firms to provide *pro bono* assistance to nearly 400 asylum seekers transferred to the Albany County Jail (see box, *supra*).

FURTHER READING

Below, please find articles suggested by the report's authors and contributors for further reading on ICE detention:

Ailing Justice: New Jersey

<https://www.humanrightsfirst.org/sites/default/files/Ailing-Justice-NJ.pdf>

Immigration Detention: Recent Trends and Scholarship

<http://cmsny.org/publications/virtualbrief-detention/>

Isolated in Essex

https://www.afsc.org/sites/default/files/documents/Isolated%20in%20Essex%20Full%20Report%202016_1.pdf

23 Hours in the Box

https://www.afsc.org/sites/default/files/documents/23%20Hours%20in%20the%20Box_2.pdf

Immigration Incarceration

http://www.law.nyu.edu/sites/default/files/upload_documents/Immigration%20Incarceration.pdf

Insecure Communities

<http://www.immigrantdefenseproject.org/wp-content/uploads/2012/07/NYC-FOIA-Report-2012-FINAL.pdf>

Locked Up But Not Forgotten

http://www.law.nyu.edu/sites/default/files/upload_documents/Locked%20Up%20but%20Not%20Forgotten.pdf

Evaluation of the New York Immigrant Family Unity Project

https://storage.googleapis.com/vera-web-assets/downloads/Publications/new-york-immigrant-family-unity-project-evaluation/legacy_downloads/new-york-immigrant-family-unity-project-evaluation.pdf

Expose and Close: Hudson County Jail Report

<https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Expose%20and%20Close%20Hudson%20County.pdf>

Endnotes

- 1 Migration Policy Inst., *State Immigration Data Profiles*, <https://www.migrationpolicy.org/data/state-profiles/state/demographics/NY> (last visited Feb. 28, 2019).
- 2 Office of The New York State Comptroller, *A Portrait of Immigrants in New York* (2016), available at: https://www.osc.state.ny.us/reports/immigration/immigration_2016.pdf.
- 3 *Id.*
- 4 U.S. Immigration and Customs Enforcement, *Fiscal Year 2018 ICE Enforcement and Removal Operations Report*, available at: <https://www.ice.gov/doclib/about/offices/ero/pdf/eroFY2018Report.pdf>; See also U.S. Immigration and Customs Enforcement, *Fiscal year 2017 ICE Enforcement and Removal Operations Report*, available at: <https://www.ice.gov/removal-statistics/2017>.
- 5 Geneva Sands, *This Year Saw the Most People in Immigration Detention Since 2001*, CNN (Nov. 12, 2018), <https://www.cnn.com/2018/11/12/politics/ice-detention/index.html>.
- 6 Fried, Joseph P., *5 Escape Center for Immigrants in South Queens*, N.Y. Times (Apr. 21, 1990), <https://www.nytimes.com/1990/04/21/nyregion/5-escape-center-for-immigrants-in-south-queens.html>; Sullivan, John, *Operator of Immigration Jails Has a History of Troubles*, N.Y. Times (June 20, 1995), <https://www.nytimes.com/1995/06/20/nyregion/operator-of-immigration-jails-has-a-history-of-troubles.html>; A *200-Bed Center to Open Near Kennedy Airport*, N.Y. Times (Jan. 21, 1997), <https://www.nytimes.com/1997/01/21/nyregion/a-200-bed-center-to-open-near-kennedy-airport.html>.
- 7 *Id.*
- 8 J. Rachel Reyes, *Immigration Detention: Recent Trends and Scholarship*, Center for Migration Studies (Mar. 26, 2018), <http://cmsny.org/publications/virtualbrief-detention/>.
- 9 Denise Gilman & Luis A. Romero, *Immigration Detention, Inc.*, 6 J. on Migration and Human Sec., 1, 1-2 (2019).
- 10 Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 458, 118 Stat. 3638.
- 11 Sands, *supra* note 5.
- 12 National Immigrant Justice Center, *ICE Detention Facilities as Of Nov. 2017* (2017), <https://immigrantjustice.org/ice-detention-facilities-november-2017>.
- 13 Ford Fessenden, *Immigrant Detention Centers*, N.Y. Times (Feb. 23, 2010), <https://archive.nytimes.com/www.nytimes.com/interactive/2010/02/23/nyregion/20100223-immig-table.html?ref>.
- 14 Leanna Garfield and Shayanne Gal, *Here's How Many ICE Detention Centers are Holding Immigrants in Every State*, Business Insider (Jun. 22, 2018), <https://www.businessinsider.com/ice-immigrant-families-dhs-detention-centers-2018-6>.
- 15 *Id.*
- 16 ICEwatch, *Raids Tactics Map*, Immigrant Defense Project (2018), <https://raidsmap.immdefense.org/> (last visited Feb. 28, 2019).
- 17 The Office of the NYC Comptroller, *The Demographics of Detention: Immigration Enforcement in NYC Under Trump* (Feb. 21, 2019), available at: <https://comptroller.nyc.gov/reports/the-demographics-of-detention-immigration-enforcement-in-nyc-under-trump/>.
- 18 ICE Office of Enforcement and Removal Operations-LESA Statistical Tracking Unit, *Local Statistics FY18 End of Year Rollout*, U.S. Immigration and Customs Enforcement, available at: <https://www.ice.gov/sites/default/files/documents/Report/2018/ero-fy18-localstatistics.pdf>.
- 19 ICE Office of Enforcement and Removal Operations -LESA Statistical Tracking Unit, *Local Statistics FY17 End of Year Rollout*, U.S. Immigration and Customs Enforcement, available at: <https://www.ice.gov/sites/default/files/documents/Document/2017/localStats2017b.pdf>.
- 20 ICE Office of Enforcement and Removal Operations -LESA Statistical Tracking Unit, *Local Statistics FY2013-2016 Rollout*, U.S. Immigration and Customs Enforcement, available at: https://www.ice.gov/sites/default/files/documents/Document/2017/localStatistics2013_2016.pdf.
- 21 Sarah Pierce and Doris Meissner, *Trump Executive Order on Refugees and Travel Ban: A Brief Overview*, Migration Policy Institute (2017) <https://www.migrationpolicy.org/research/trump-executive-order-refugees-and-travel-ban-brief-review>.
- 22 See ICE Office of Enforcement and Removal Operations 2018 Local Statistics, *supra* note 18.
- 23 *Id.*
- 24 See Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act, available at: <https://www.ice.gov/287g> (last updated: Aug. 10, 2018).
- 25 ICEwatch, *supra* note 16; see also The Marshall Project, *New York: How Donald Trump's War on Immigrants is Playing out in His Hometown* (July 23, 2018), <https://www.themarshallproject.org/2018/07/23/new-york-on-ice> (last visited February 28, 2019).
- 26 Immigrant Defense Project, *The Courthouse Trap: How ICE Operations Impacted New York's Courts in 2018* (January 2019), available at: <https://www.immigrantdefenseproject.org/wp-content/uploads/TheCourthouseTrap.pdf>.
- 27 This authority has since been ceded to the Department of Homeland Security pursuant to Homeland Security Act (HSA) of 2002, Pub.L. 107-296, 116 Stat. 2135, enacted November 25, 2002.
- 28 Immigr. and Nat'lity Act (INA) § 235(b), 8 U.S.C. § 1225(b).
- 29 INA § 241, 8 U.S.C. § 1231.
- 30 *Zadvydas v. Davis*, 533 U.S. 678 (2001).
- 31 *Demore v. Kim*, 538 U.S. 510 (2003).
- 32 INA § 236(c), 8 U.S.C. § 1228(c).

- 33 U.S. Department of Justice, Office of the Solicitor General, *Letter to the Hon. Scott S. Harris* (Aug. 26, 2016), available at: <https://lawprofessors.typepad.com/files/demore.pdf>.
- 34 *Diop v. ICE*, 656 F.3d 221 (3d Cir. 2011).
- 35 *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015).
- 36 *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015).
- 37 *Rodriguez* has been argued twice before the Supreme Court (*Jennings v. Rodriguez*, 136 S. Ct. 2489 (2016); *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018)), which ultimately held that immigrants held in mandatory detention have no statutory right to a bond hearing but remanded the case to the 9th Circuit to examine whether they may have a constitutional right to one. At the time of publishing, the case remained pending at the Circuit Court.
- 38 *Jennings* 138 S. Ct. 830.
- 39 For a fuller discussion of the different authorities for ICE detention and the options for release, readers should consult the Catholic Immigration Legal Network's (CLINIC) Practitioners Guide to Obtaining Release from Immigration Detention; a summary of the findings of which are included in this table. Rebecca Scholtz & Michelle Mendez, *Practitioner's Guide: Obtaining Release from Immigration Detention*, Catholic Legal Immigration Network, Inc. (2018), available at: <https://cliniclegal.org/sites/default/files/A-Guide-to-Obtaining-Release-from-Immigration-Detention2.pdf>.
- 40 Which is available even in cases of noncitizens detained under "mandatory detention." *Id.*
- 41 28 U.S.C. §2241(a): "Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions."
- 42 TRACImmigration, *Three-fold Difference in Immigration Bond Amounts by Court Location* <https://trac.syr.edu/immigration/reports/519/> (last visited Mar. 3, 2019).
- 43 U.S. Gov't Accountability Off., GAO-15-26, *Alternatives to Detention: Improved Data Collection and Analyses Needed to Better Assess Program Effectiveness* (Nov. 2014), available at: www.gao.gov/assets/670/666911.pdf.
- 44 Jennifer Stave, et al., *Evaluation of The New York Immigrant Family Unity Project: Assessing the Impact of legal Representation on Family and Community Unity*, Vera Institute of Justice (Nov. 2017), available at: https://storage.googleapis.com/vera-web-assets/downloads/Publications/new-york-immigrant-family-unity-project-evaluation/legacy_downloads/new-york-immigrant-family-unity-project-evaluation.pdf.
- 45 For purposes of detention, children are defined as under the age of 18. Upon turning 18, children are transferred from ORR custody to adult immigration detention. Meredith Hoffman, *ICE is Sending Detained Kids to Adult Jails the Second They Turn 18*, *Vice* (Aug. 28, 2018), https://www.vice.com/en_us/article/j5nzq4/ice-is-sending-detained-kids-to-adult-jails-the-second-they-turn-18.
- 46 On March 1, 2003, the Homeland Security Act of 2002, Section 462, transferred responsibilities for the care and placement of unaccompanied alien children from the Commissioner of the Immigration and Naturalization Service to the Director of ORR. Homeland Security Act (HSA) of 2002, Pub.L. 107–296, 116 Stat. 2135, enacted November 25, 2002.
- 47 John Burnett, *Almost 15,000 Children Now Held at Nearly Full Shelters*, National Public Radio (Dec. 13, 2018), <https://www.npr.org/2018/12/13/676300525/almost-15-000-migrant-children-now-held-at-nearly-full-shelters>.
- 48 For more information about the standards, scope and facilities detaining immigrant children, please visit: Office of Refugee Resettlement, *Unaccompanied Alien Children Information* (Nov. 28, 2018), <https://www.acf.hhs.gov/orr/resource/unaccompanied-alien-children-information>.
- 49 Only three of these facilities have been reported to jail children for longer than 72 hours (the Northern Oregon Juvenile Detention facility in The Dalles, Oregon; the Abraxas Academy Detention Center in Morgantown, Pennsylvania; and the Cowlitz County Juvenile facility in Longview, Washington). See National Immigrant Justice Center, *supra* note 12.
- 50 Angie Junck, et al., *Ending Local Collaboration with ICE: A Toolkit for Immigration Advocates*, Immigrant Legal Resource Center (Aug. 2015), available at: https://www.ilrc.org/sites/default/files/resources/toolkit_final.compressed.pdf.
- 51 While documents obtained through a Freedom of Information Act Request filed by the Immigration Legal Resource Center show that hotels, hospitals, and secure facilities for minors are under contract with ICE in New York State, a survey conducted by the authors of the report failed to corroborate their being commonly used in New York State. Consequently, no verifiable information about their use could be obtained for this report.
- 52 National Immigrant Justice Center, *supra* note 12.
- 53 *Id.*
- 54 *Id.*
- 55 Tanvi Misra, *Where Cities Help Detain Immigrants*, City Lab (Jul. 10, 2018), <https://www.citylab.com/equity/2018/07/where-cities-help-detain-immigrants-mapped/563531/>.
- 56 *Id.*
- 57 National Immigrant Justice Center, *supra* note 12.
- 58 Misra, *supra* note 55.
- 59 *Id.*
- 60 National Immigrant Justice Center, *supra* note 12.
- 61 *Id.*
- 62 Misra, *supra* note 55; see also National Immigrant Justice Center, *supra* note 12.
- 63 National Immigrant Justice Center, *supra* note 12.
- 64 *Id.*

- 65 U.S. Immigration and Customs Enforcement, *Progress in Implementing 2011 PBNDS Standards and DHS PREA Requirements at Detention Facilities* (Mar. 19, 2018), available at: https://www.dhs.gov/sites/default/files/publications/ICE%20-%20Progress%20in%20Implementing%202011%20PBNDS%20Standards%20and%20DHS%20PREA%20Requirements_0.pdf.
- 66 National Immigrant Justice Center, *supra* note 12.; see also TRACImmigration, *Detainees Leaving ICE Detention from the Chautauqua County Jail*, <https://trac.syr.edu/immigration/detention/201509/CHACONY/exit/> (last visited Mar. 1, 2019).
- 67 National Immigrant Justice Center, *supra* note 12.
- 68 *Id.*
- 69 *Id.*
- 70 *Id.*; see also Misra, *supra* note 55.
- 71 U.S. Immigration and Customs Enforcement, *supra* note 65.
- 72 National Immigrant Justice Center, *supra* note 12; TRACImmigration, *Detainees Leaving ICE Detention from the Clinton County Jail*, <https://trac.syr.edu/immigration/detention/201509/CLICONY/exit/> (last visited Mar. 1, 2019).
- 73 TRACImmigration, *Detainees Leaving ICE Detention from the Clinton County Jail*, *supra* note 72.
- 74 National Immigrant Justice Center, *supra* note 12.
- 75 *Id.*
- 76 *Id.*
- 77 *Id.*
- 78 U.S. Immigration and Customs Enforcement, *Memorandum of Agreement – Rensselaer County Sheriff's Office*, available at: <https://www.ice.gov/doclib/287gMOA/287g-RensselaerCounty.pdf>.
- 79 *Id.*
- 80 National Immigrant Justice Center, *supra* note 12; see also TRACImmigration, *Transfers of ICE Detainees from the Allegany County Jail*, <https://trac.syr.edu/immigration/detention/201509/ALLEGNY/tran/> (last visited Mar. 1, 2019).
- 81 Misra, *supra* note 56; see also National Immigrant Justice Center, *supra* note 12.
- 82 National Immigrant Justice Center, *supra* note 12.
- 83 *Id.*; see also Misra, *supra* note 55.
- 84 National Immigrant Justice Center, *supra* note 12.
- 85 *Id.*
- 86 The Immigrant Advocates Response Collaborative (I-ARC) requested this Information from the Albany County Correctional Facility. Original communication on file with authors.
- 87 Lauren Stanforth, *Albany County Receives Millions for Immigrant Detainees*, Times Union (Dec.10, 2018, 11:21 AM), <https://www.timesunion.com/news/article/Albany-County-receives-millions-for-immigrant-13452858.php>.
- 88 *Id.*
- 89 Immigration Prof, *Albany County, NY to Use Funds from ICE Jail to Support Deportation Defense Legal Services*, ImmigrationProf Blog (Nov. 16, 2018), <https://lawprofessors.typepad.com/immigration/2018/11/albany-county-ny-to-use-funds-from-ice-jail-to-support-deportation-defense-legal-services.html> (last visited Mar. 1, 2019).
- 90 According to the Global Detention Project, the facility has been in use since 2012. The current contract is set to expire on 1/31/2025. Global Detention Project, Buffalo Service Processing Center, <https://www.globaldetentionproject.org/countries/americas/united-states/detention-centres/490/buffalo-service-processing-center-buffalo-federal-detention-facility> [hereinafter Global Detention Project, Buffalo].
- 91 Marnie Eisenstadt, *For the First Time, Upstate NY Immigration Detention Center is Holding Women*, The Post Standard (Apr. 17, 2018), https://www.syracuse.com/weather/index.ssf/2018/04/for_the_first_time_upstate_ny_immigration_detention_center_is_holding_women.html.
- 92 Freedom for Immigrants, *US Immigration Detention & Freedom for Immigrants Visitation Map* (2018), <https://www.freedomforimmigrants.org/detention-statistics> (last visited Mar. 1, 2019).
- 93 Global Detention Project, *supra* note 90.
- 94 Freedom for Immigrants, *supra* note 92.
- 95 Human Rights First, *Ailing Justice: New Jersey, Inadequate Healthcare, Indifference, and Indefinite Confinement in Immigration Detention*, 1, 3 (February 2018), available at: <https://www.humanrightsfirst.org/sites/default/files/Ailing-Justice-NJ.pdf>.
- 96 U.S. Immigration and Customs Enforcement, *Performance-Based National Detention Standards 2011*, available at: <https://www.ice.gov/doclib/detention-standards/2011/5-8.pdf>.
- 97 U.S. Immigration and Customs Enforcement, *Buffalo Federal Detention Facility*, <https://www.ice.gov/detention-facility/buffalo-federal-detention-facility> (last updated Sept. 10, 2018).
- 98 Visitation Times: M-F 9am – 11am, 1pm – 3pm, and 6pm-8pm; S-Sn 9am – 11 am and 1pm-3pm. *Id.*
- 99 *Id.*
- 100 *Id.*
- 101 Eisenstadt, *supra* note 91.
- 102 One detainee reported that he was beaten and threatened with solitary confinement in the Special Housing Unit (“SHU”) when he asked for a grievance form. Women’s Refugee Commission, *Conditions of Confinement in Immigration Detention Facilities* (2007), available at: https://www.womensrefugeecommission.org/images/zdocs/dap_conditions_exhibit1.pdf

- 103 Unlike the other facilities, complaints about Batavia were not readily reported on by journalists. The following complaints were shared with the drafters of this report by Justice for Migrant Families WNY, a non-profit working with the undocumented community in Buffalo.
- 104 *Id.*
- 105 *Id.*
- 106 *Id.*
- 107 *Id.*
- 108 *Id.*
- 109 Phil Fairbanks, *Even Immigration Lawyers Praise Prison in Batavia: No Escapes, Suicides, or Deaths*, The Buffalo News (Jan. 9, 2018), <https://buffalonews.com/2018/01/09/even-immigration-lawyers-praise-prison-in-batavia-no-escapes-suicides-or-deaths/>.
- 110 U.S. Immigration and Customs Enforcement, *Bergen County Jail*, <https://www.ice.gov/detention-facility/bergen-county-jail> (last updated Sept. 10, 2018).
- 111 Freedom for Immigrants, *supra* note 92.
- 112 *Id.*
- 113 *Id.*
- 114 Steve Janoski, *Bergen County Will Collect \$12M for Housing Immigrant Detainees*, The Record (July 2, 2018), <https://www.northjersey.com/story/news/bergen/2018/07/02/bergen-county-collect-housing-immigrant-detainees/585842002/>.
- 115 Freedom for Immigrants, *supra* note 92.
- 116 U.S. Immigration and Customs Enforcement, *supra* note 110.
- 117 *Id.*
- 118 *Id.*
- 119 *Id.*
- 120 *Id.*
- 121 *Id.*
- 122 Felipe De La Hoz, *New Jersey Jail is Holding Nearly Triple its Capacity in ICE Detainees, Documented* (Aug. 6, 2018), <https://documentedny.com/2018/08/06/new-jersey-jail-is-holding-nearly-triple-its-capacity-in-ice-detainees/>.
- 123 *Id.*
- 124 *Id.*
- 125 Matt Katz, *No Family Contact Visits Allowed: Life for Immigrants at Bergen County Jail*, WNYC (Sept. 20, 2018), <https://www.wnyc.org/story/no-family-contact-visits-allowed-life-immigrants-bergen-county-jail/>; see also Andrew Lyubarsky & Juan Caballero, *23 Hours in the Box*, New Jersey Advocates for Immigration Detainees (Jun. 2015), available at: https://www.afsc.org/sites/default/files/documents/23%20Hours%20in%20the%20Box_2.pdf.
- 126 According to Global Detention Project, the operating period year of entry is 1997 with the center status in use dating back to 2011. Freedom for Immigrants reports the best-known contract initiation date as 10/1/2011. Global Detention Project, *Elizabeth Contract Detention Facility*, <https://www.globaldetentionproject.org/countries/americas/united-states/detention-centres/562/elizabeth-contract-detention-facility> [hereinafter Global Detention Project, Elizabeth]; see also Freedom for Immigrants, *supra* note 92.
- 127 Human Rights First, *supra* note 95 at 1.
- 128 After 300, each additional detainee is \$32.57 per person per day. Freedom for Immigrants, *supra* note 92.
- 129 Human Rights First, *supra* note 95 at 3.
- 130 Global Detention Project, Elizabeth, *supra* note 126.
- 131 U.S. Immigration and Customs Enforcement, *Elizabeth Contract Detention Facility*, <https://www.ice.gov/detention-facility/elizabeth-contract-detention-facility> (last updated Sept. 10, 2018).
- 132 *Id.*
- 133 Male visitation times: M,W,F 5:00 pm – 8:45 pm, T,TH 6:30 pm – 10:00 pm. Weekends and holidays 9:00 am – 3:45 pm.
- 134 Female visitation times: M,W,F 9:00 pm – 10:00 pm, T,TH 5:00 pm – 6:00 pm. Weekends and holidays 4:00 – 5:00 pm.
- 135 Human Rights First, *supra* note 95.
- 136 *Id.*
- 137 *Id.*
- 138 *Id.*
- 139 Mr. Ramirez-Reyes suffered from heart disease, which he disclosed at his initial interviews with ICE. Medical staff failed to monitor and control his blood pressure. A sick call slip submitted by Mr. Ramirez was not forwarded to medical staff scheduled to see him, resulting in the staff failing to address symptoms, including breathing difficulties. American Civil Liberties Union et al, *Fatal Neglect: How ICE Ignores Deaths in Detention*, 1, 13 (Feb. 2016), available at: https://www.aclu.org/sites/default/files/field_document/fatal_neglect_acludwnnijn.pdf.
- 140 *Id.*
- 141 ERO inspection found the facility in compliance with all 66 medical standards reviewed and that the health service unite was “appropriately” staffed. *Id.* at 18.
- 142 Freedom for Immigrants, *supra* note 92.
- 143 *Id.*
- 144 *Id.*

145 *Id.*
 146 *Id.*
 147 Human Rights First, *supra* note 95 at 4.
 148 *Id.*
 149 U.S. Immigration and Customs Enforcement, *Essex County Correctional Facility*,
<https://www.ice.gov/detention-facility/essex-county-correctional-facility> (last updated Sept. 10, 2018).
 150 The visitation hours for Buildings 2 and 5 are Wednesday and Sunday 10:15 am – 1:30 pm and 2:30 pm – 5:45 pm. For
 Buildings 3 and 4, the hours are Thursday and Saturday 10:15 am – 1:30 pm and 2:30 pm – 5:45 pm. *Id.*
 151 Human Rights First, *supra* note 95 at 3.
 152 *Id.*
 153 *Id.*; see also Sonya Chung & Andrea Savdie, *Isolated in Essex: Punishing Immigrants Through Solitary Confinement*,
 New Jersey Advocates for Immigrant Detainees (Jun. 2016), available at:
https://www.afsc.org/sites/default/files/documents/Isolated%20in%20Essex%20Full%20Report%202016_1.pdf.
 154 Human Rights First, *supra* note 95 at 3.
 155 *Id.*
 156 *Id.*
 157 *Id.*
 158 *Id.*
 159 *Id.*
 160 *Id.*
 161 *Id.*
 162 *Id.*
 163 *Id.*
 164 Department of Homeland Security Office of Inspector General, *Issues Requiring Action at the Essex County*
Correctional Facility in Newark, New Jersey, 2 (Feb. 13, 2019), available at:
<https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-20-Feb19.pdf>.
 165 *Id.*
 166 *Id.*
 167 *Id.*
 168 *Id.*
 169 *Id.*
 170 *Id.*
 171 *Id.*
 172 *Id.*
 173 Human Rights Watch, *Code Red: The Fatal Consequences of Dangerously Substandard Medical*
Care in Immigration Detention (June 20, 2018), [https://www.hrw.org/report/2018/06/20/code-red/](https://www.hrw.org/report/2018/06/20/code-red/fatal-consequences-dangerously-substandard-medical-care-immigration)
[fatal-consequences-dangerously-substandard-medical-care-immigration](https://www.hrw.org/report/2018/06/20/code-red/fatal-consequences-dangerously-substandard-medical-care-immigration).
 174 *Id.*
 175 *Id.*
 176 Felipe De La Hoz, *Hudson County Votes to Limit ICE Contract*, Documented (Oct. 12, 2018),
<https://documentedny.com/2018/10/12/hudson-county-votes-to-end-ice-contract/>.
 177 *Id.*
 178 Freedom for Immigrants, *supra* note 92.
 179 *Id.*
 180 Human Rights First, *supra* note 95 at 7.
 181 *Id.*
 182 U.S. Immigration and Customs Enforcement, *Hudson County Correctional Facility*,
<https://www.ice.gov/detention-facility/hudson-county-correctional-facility> (last updated Sept. 10, 2018).
 183 *Id.*
 184 *Id.*
 185 *Id.*
 186 Human Rights First, *supra* note 95 at 9.
 187 *Id.*
 188 *Id.* at 10.
 189 *Id.* at 7.
 190 Women's Refugee Commission, *supra* note 102 at 10.
 191 De La Hoz, *supra* note 176.
 192 Human Rights Watch, *Detained and At Risk: Sexual Abuse and Harassment in United States Immigration Detention*,
 1, 13 (Aug. 25, 2010), available at: <https://www.hrw.org/sites/default/files/reports/us0810webwcover.pdf>.
 193 *Id.* at 10.
 194 *Id.*
 195 *Id.*

- 196 Keldy Ortiz, *In Case of Mistaken Identity, ICE Detainee Dies While In Custody*, The Record (June 26, 2017), <https://www.northjersey.com/story/news/new-jersey/2017/06/27/case-mistaken-identity-ice-detainee-dies-while-custody/430631001/>.
- 197 *Id.*
- 198 *Id.*
- 199 *Id.*
- 200 Mazin Sidahmed, *Assembly Members Slam Orange County Jail Over Immigrant Detention Conditions*, Undocumented (Nov. 29, 2018), <https://documentedny.com/2018/11/29/assembly-members-slam-orange-county-jail-over-immigrant-detention-conditions/>.
- 201 *Id.*
- 202 Freedom for Immigrants, *supra* note 92.
- 203 Sidahmed, *supra* note 200.
- 204 U.S. Immigration and Customs Enforcement, *Orange County Jail*, <https://www.ice.gov/detention-facility/orange-county-correctional-facility#wcm-survey-target-id> (last updated Sept. 10, 2018).
- 205 *Id.*
- 206 *Id.*
- 207 *Id.*
- 208 *Id.*
- 209 Sidahmed, *supra* note 200.
- 210 Office of Detention Oversight, *Compliance Investigation*, U.S. Immigration and Customs Enforcement, 1, 1 (2017), available at: <https://www.ice.gov/doclib/foia/odo-compliance-inspections/2017-Orange%20County-Jail-Goshen-NY-Mar-21-23-2017.pdf>.
- 211 *Id.*
- 212 *Id.* at 2.
- 213 Human Rights Watch, *Code Red*, *supra* note 173 at 71.
- 214 U.S. Immigration and Customs Enforcement, *Detainee Death Review – Santo Carela*, 1, 1 (2016), available at: <https://www.ice.gov/doclib/foia/reports/ddr-Carela.pdf>.
- 215 *Id.* at 2.
- 216 *Id.* at 18.
- 217 *Id.* at 24.
- 218 *Id.*
- 219 *Id.* at 25.
- 220 National Immigration Law Center, *Blazing a Trail: The Fight for Right to Counsel* (Mar. 2016), available at: <https://www.nilc.org/wp-content/uploads/2016/04/Right-to-Counsel-Blazing-a-Trail-2016-03.pdf>.
- 221 Max Siegelbaum, *It's Cheaper to Get Out of Jail Than Immigration Detention*, Documented (Jun. 11, 2018), <https://documentedny.com/2018/06/11/immigrants-pay-seven-times-more-in-bail/>.
- 222 Detention Watch Network, *Expose & Close* (November 2012) available at: <https://www.detentionwatchnetwork.org/pressroom/reports/2012/expose-and-close>
- 223 Terrence T. McDonald, *New Hudson ICE Contract has Potential End Date of 2020*, The Jersey Journal (Oct. 12, 2018), https://www.nj.com/hudson/2018/10/new_hudson_ice_contract_has_potential_end_date_of.html.
- 224 Matt Katz, *County Officials Shutting ICE Out of Local Jails*, National Public Radio (Oct. 14, 2018), <https://www.npr.org/2018/10/14/657238852/jails-nationwide-end-contracts-with-immigration-and-customs-enforcement>.
- 225 New York Civil Liberties Union, Press Release, *Class Action Lawsuit Challenges Months-Long ICE Detentions Before First Court Appearance* (Nov. 15, 2018), <https://www.nyclu.org/en/press-releases/class-action-lawsuit-challenges-months-long-ice-detentions-first-court-appearance-0>.
- 226 The Bronx Defenders, Press Release, *Joint Statement: Detained Immigrants and NYIFUP Providers Sue ICE* (Feb. 13, 2019), <https://www.bronxdefenders.org/joint-statement-detained-immigrants-and-nyifup-providers-sue-ice/>.
- 227 *Abdi Et Al. v. Duke Et Al.*, (No. 17-cv-721 (EAW), W.D.N.Y. (Filed 8/21/17); see also: <https://www.nyclu.org/en/cases/abdi-et-al-v-duke-et-al>.
- 228 Sadie Hernandez, *#DefundHate Coalition's Call Remains: Cut Funds to ICE and CBP*, United We Dream (Feb. 12, 2019), <https://unitedwedream.org/2019/02/defundhate-coalitions-call-remains-cut-funds-to-ice-and-cbp/>.
- 229 Detention Watch Network, *#CommunitiesNotCages: Immigration Detention Expansion Map*, <https://www.detentionwatchnetwork.org/take-action/communitiesnotcages> (last visited Mar. 1, 2019).
- 230 Jennifer Stave, et al., *Evaluation of the New York Immigrant Family Unity Project: Assessing the Impact of Legal Representation on Family and Community Unity*, Vera Institute of Justice 1, 2 (Nov. 2017), available at: https://storage.googleapis.com/vera-web-assets/downloads/Publications/new-york-immigrant-family-unity-project-evaluation/legacy_downloads/new-york-immigrant-family-unity-project-evaluation.pdf.
- 231 Mallory Moench, *Cuomo Announces More Help for New York Immigrants Facing Deportation*, Times Union (Dec. 20, 2018), <https://www.timesunion.com/news/article/Cuomo-announces-more-help-for-New-York-immigrants-13481610.php>.