

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Wednesday, October 22, 2014 10:55 AM
To: (b)(6),(b)(7)(C)
Subject: FW: List of operational concerns at Artesia
Attachments: Ongoing List of Artesia Concerns (10.20.14).docx

Attached AILA document was forwarded to me by Counselor to the Secretary (b)(6),(b)(7)(C)

The main issues they are raising related to our processing are the following:

- New families are not getting access to the Know Your Rights training (KYR) and Legal Orientation Presentation (LOP) (provided by DMRS) before the CF interview;
- No one is consistently telling the new families about the availability of the AILA services on site;
- Once families make their way over to AILA, they are not being given enough time to meet with AILA before their first or re-scheduled interview;
- Proceedings before the Asylum Officer should not take place without the presence of the attorney if the individual is represented and the attorney must be allowed to participate fully;
- They have concerns about the training level of at least one or two of the asylum officers on the ground in Artesia, specifically relating to issues concerning domestic violence (One such Asylum Officer, (b)(6),(b)(7)(C), complained constantly during a CFI about how long it was taking and was very antagonistic toward the attorney and client. He presented himself as bored and aggressive while the client was explaining the five rapes she had experienced.);
- The quality of the interpretation provided for CFIs still continues to be an issue. Often interpreters must be changed in the middle of an interview because of technological problems and it is often unclear whether the interpreter can hear or understand what the client is saying.

-----Original Message-----

From: (b)(6),(b)(7)(C)
Sent: Wednesday, October 22, 2014 8:32 AM
To: (b)(6),(b)(7)(C)
Subject: FW: (b)(6),(b)(7)(C) - see List of operational concerns at Artesia

(b)(6) fyi, in case AILA didn't also send this to you. Also fyi, ICE will now allow mothers to ask another family to watch their children in the childcare room at Artesia (ICE officer will also be present). This may make the childcare room a more attractive option.

(b)(6),(b)(7)(C)

-----Original Message-----

From: (b)(6),(b)(7)(C)
Sent: Monday, October 20, 2014 2:37 PM
To: (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)

Subject: (b)(6), (b)(7)(C) see List of operational concerns at Artesia

(b)(6),
(b)(7)(C)

A while back you requested that we update you on operational issues at Artesia. See the attached document which provides mostly operational concerns, but some are also on policy concerns (such as the use of humanitarian parole for medical cases; or release on bond).

We recently learned that ICE is suspending the school operations indefinitely and have not been told exactly why, though it appears to be the need for screening of the teaching staff. We were told that the decision is being driven by ICE HQ.

(b)(6),

(b)(6),(b)(7)(C)

Director of Advocacy
American Immigration Lawyers Association
1331 G Street, NW, (b)(6),(b)(7)(C)
Washington, DC 20005

Tel: 202/507 (b)(6),
Cell: 202/716 (b)(7)(C)

**Ongoing Attorney Access and Due Process Issues
at Artesia Family Detention Center
(as of October 20, 2014)**

Top Priority Issues

- **ICE should make reasonable consideration for humanitarian parole in cases where: a mother is breast feeding, the mother or children have medical/mental health needs that are not being met inside the facility, or other compelling circumstances exist.**

As of 10/20/14, ICE is still using template denials for all humanitarian parole requests made by the AILA Artesia Pro Bono Project (the Project) regardless of circumstance. Although an ICE memorandum suggests that humanitarian release should be considered for mothers who are breastfeeding, none of the dozens of mothers who are currently breastfeeding inside the facility have been released.

- **ICE and EOIR must give due consideration to reasonable requests for release on bond following a positive credible fear determination or a successful asylum merits hearing. ICE must not hold families after they have successfully argued their asylum merits case.**

This continues to be a high priority issue. ICE is still not setting bond for individuals who have demonstrated a credible fear of persecution. Bond has been set by immigration judges in some cases, but the amount of the bond varies wildly and has been as high as \$36,000. ICE is also reserving appeal on all bonds set by an IJ and has appealed a handful of bonds, even some where the family has already been released.

- **All new detainees must have access to an in-person Know Your Rights training (KYR) and Legal Orientation Presentation (LOP) (provided by DMRS) and be given sufficient opportunity and time to speak with the Project before a Credible Fear Interview (CFI) is conducted.**

As of 10/20/14, most newly detained mothers and children who are brought into the facility between Fridays and Tuesdays are still not given an opportunity to attend a KYR or LOP in person due to LOP only happening on Thursdays and Fridays. Around 9/30/14, the Artesia Asylum Office confirmed that they would not postpone interviews until after a KYR/LOP because it could mean more than a week between when people arrive and when they have their interview. DMRS would appreciate more flexibility from ICE on scheduling the days and time for LOPs.

As of 10/14/14, the mothers are still not being consistently told, by ICE or by the Asylum Office at the time of their first interview, that there are free attorneys onsite available to represent them (even though interview records show that many mothers are concerned about not being able to afford representation). The primary method of contact is through other detainees at the facility passing on slips of paper with names and A numbers. Even when attorneys are able to meet with families before their CFI, they are given less than 48 hours to prepare the client for the interview. As an example, the Project would be given notice of a CFI late in the afternoon the day before the interview is scheduled, much too late to meet with the mother and prepare them.

The Asylum office will not give more than one continuance, which at only 48 hours is not enough time to prepare for the interview. The Project will not be able to represent all new detainees if further continuances are not granted by the Asylum Office.

- **ICE must provide interpretation services for all mothers and children, including those who speak indigenous languages or dialects.**

As of 10/20/14 ICE is still not providing interpreters or translation services for families detained in Artesia who do not speak Spanish, specifically for those families who speak approximately one of six indigenous languages represented in the facility. Although these families are receiving Notices to Appear (and thereby skipping the CFI process), they are languishing in detention because the Project is unable to adequately interview or prepare them for court proceedings, including bond hearings. Additionally, these families are completely isolated in detention as they are unable to communicate with ICE officials, other detained families or the Project attorneys.

- **Proceedings before the Asylum Officer or IJ should not take place without the presence of the attorney if the individual is represented and the attorney must be allowed to participate fully. Notices of court hearings should be delivered electronically, including any last minute docket changes.**

As of 10/20/14, notice of court hearings are still not provided far enough in advance. Currently, the Project and/or attorney on record are only receiving notices via postal mail at a PO Box, days after the hearing is first noticed. Although the notices from EOIR have improved in some ways, the number of last minute docket changes makes it difficult to adequately provide representation in court. Additionally, the Project has had a number of cases dropped from the docket without any explanation or notice to the attorney on record.

As of 10/1/14, the IJs are still not allowing attorneys to participate in CFI review hearings. Although, this may be changing with the Denver courts—in a 10/6/14 hearing IJ Trujillo allowed an attorney to participate and vacated the negative finding.

- **Asylum officers must understand the comprehension level of the individuals they are interviewing and apply the correct substantive standard for credible fear without any prejudice of claims. Consistent, understandable and correct interpretation must be provided for all CFIs.**

The Project has concern about the training level of at least one or two of the asylum officers on the ground in Artesia, specifically relating to issues concerning domestic violence; however, as of 10/1/14, domestic violence claims seem to usually receive positive CFIs. One such Asylum Officer, (b)(6), (c) complained constantly during a CFI about how long it was taking and was very antagonistic toward the attorney and client. He presented himself as bored and aggressive while the client was explaining the five rapes she had experienced.

As of 10/16/14, the quality of the interpretation provided for CFIs still continues to be an issue. Often interpreters must be changed in the middle of an interview because of technological

problems and it is often unclear whether the interpreter can hear or understand what the client is saying.

- **Attorneys must have a quick and reliable method for contacting their clients by telephone. Residents must have better access to telephones and the ability to make calls confidentially.**

The Project attorneys are operating freely with personal cell phones in the law library.

However, as of 10/20/14, access to clients by telephone, or vice versa, is still highly problematic. Although land lines have been installed, many detainees don't have the funds to access these telephones and the cost to pick up a voice mail message is \$1.25 (confirmed by local ICE on 10/6/14). Indigent clients are not allowed to use the phones freely, and are often denied access due to "high volume" of people trying to use phones. Additionally, these conversations are not confidential. There are many levels of officers they need to get through to get to the cell phones, and consistency and access is still an issue. During the weekend of 10/18/14, the telephone lines in the facility were down, and attorneys were not able to get in contact with their clients at the facility.

The Project has developed a workaround, which involves using attorneys' personal cell phones in the law library to connect off the ground attorneys and their clients. This is not ideal for a number of reasons: it requires time from on the ground attorneys who are already struggling to meet client demand, neither the client nor attorney have flexibility or certainty on the timing of call, and the phone meetings further add to the chaos in the already chaotic law library.

- **Additional confidential spaces must be established for attorney meetings with detainees.**

As of 10/20/14, the lack of adequate space to meet the demand for legal services continues to be an issue. Although ICE has provided additional tables and chairs, the physical space of the law library has not changed. This means that an ever growing number of attorney-client meetings are happening in a cramped, sometimes chaotic, and decidedly non-confidential environment. Additionally, as the number of attorneys off the ground taking cases grows—and phone issues continue unresolved—even more space is used for client-attorney phone meetings set up by the Project on attorneys' personal cell phones.

- **Mothers must be able to meet with their attorneys, participate in CFIs and appear in court hearings without their children present if needed.**

As of 10/20/14, managed childcare continues to be provided during CFIs, but is not always consistent (child care requests go through the Asylum Office supervisor, who attempts to find child care during interview—often the interview will be interrupted if the child has a need, e.g. has to go to the bathroom).

For court hearings, the mother can request that her child not be in the room, but then has to allow ICE agents to take them to a separate trailer, which makes some mothers uncomfortable.

As of 10/20/14 child care is still not available for attorney-client meeting making it very difficult to adequately interview or prepare clients for hearings. Although the Project had hoped that the start of school would help with this, the short school day, and now the suspension of school all together, has not brought this to fruition.

- **Children detained at Artesia must have access to appropriate educational services as mandated by New Mexico and federal law.**

On 10/18/14, the Project was told by a local ICE official that school was being suspended, with no timeline for re-opening, while teachers were fingerprinted and screened—however, in conversations before school started in August, ICE officials had told the Project that this kind of screening was on ICE’s radar. Additionally, the Project learned that the Principal of the school does not speak Spanish.

In August 2014, ICE told the Project that school would begin in early September; however, not only was that date not met, the schooling that did begin on approximately 10/1/14 was a shortened day (only one to two hours per day).

Additional Issues

- **The process for attorney/LOP admission to Artesia must be streamlined and consistent.**

Although our attorneys report that this issue has been greatly improved due to more systematic transportation options offered by ICE it is by no means perfect. As of 10/14/14, ICE has informed the Project that the additional parking lot will open on 10/15/14 (one month after its scheduled date).

- **The ability to conduct video interviews should be established so that Artesia residents can meet remotely with pro bono lawyers.**

An Artesia-specific EOIR list of free legal services providers must be created and widely distributed.

- **A fair and reasonable process for quickly filing stays of removal and optional fee waivers with ICE must be established.**

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Thursday, July 31, 2014 7:50 AM
To: (b)(6),(b)(7)(C); (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: RE: Artesia

AILA has reached out to the USCIS Asylum Division regarding the credible fear concerns. We are presently scheduled to have a call with them tomorrow (Friday) at 3 PM to further listen to their concerns.

From: (b)(6),(b)(7)(C)
Sent: Thursday, July 31, 2014 2:06:45 AM
To: (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: Artesia

Hi everybody – I’m guessing AILA or others may already have been in contact with some of you, but I’m forwarding a list of Artesia issues that AILA has sent us, and pasting below a similar list from another advocate. Most of these issues are for ICE, but several are for USCIS and EOIR. I’ve heard from several sources that credible fear interviews and immigration court hearings are proceeding without counsel for individuals who are represented, in some cases by attorneys who are stuck outside the facility trying to get in. We will try to fix the attorney getting stuck outside issues, but wanted to make sure you were aware of this and some of the other issues raised in the attached document.

Thanks (b)(6),(b)(7)(C)

- LOP
- LOPs - At least a few planeloads were deported before LOP even arrived at Artesia. The current LOP provider has to drive almost 4 hours to do presentations and does not have the resources to come often enough. They also do not have funding to provide any actual legal services, which is also a problem. EOIR or DHS has to do something about providing support for more LOP at Artesia. All residents (even those not scheduled for CFIs) should get an LOP upon arrival and before any court appearances or CFIs - specifically - no one should be removed or deported until they have had an LOP presentation.
 - LOPs are currently conducted in the cafeteria. Demand is high so the groups are very large and chaotic. This emphasizes the need for more LOP support but also they need a better space and need more time. Because of space issues they are being cut off at around 45 minutes. Given the complexities and number of people interested they need at least 2 hours. They also need more privacy. The other room used besides the cafeteria is a waiting room for court and also the same room in which attorney interviews take place, and where detainees meet with their consulates over v-tel.
 - Consular v-tel seems inappropriately public as well. Consulates meet with their citizens in a large public room, as a group, over v-tel. There is no privacy and no reasonable opportunity to tell a consulate about any personal issues.
 - more and better attorney/client interviewer space. There are currently two cubicles- IF you can even call them that, in a common area that afford no privacy at all. Also, the same issue regarding speaking in the presence of children exists

here. parents must be allowed to leave their children with a friend or someplace while they speak to their attorney privately.

Telephone access and attorney communication:

- Detainees are having a very difficult time contacting attorneys. The attorneys list provided is insufficient. It is the El Paso list. It should include a broader list from the area and should include in big print at the top information that assistance free of charge may be available. People are very confused about this. there are also not enough phones available - or at least detainees are not able to make the calls they need.
- Telephone access is being limited or denied as a disciplinary measure - in direct violation of the standards. Even worse, this punitive measure is being implemented broadly. we heard from numerous detainees, that if one child misbehaves, or if the bathrooms are not cleaned adequately - the whole dorm loses phone access. This is unacceptable and must stop immediately
- Due to the extreme remoteness of this facility, and difficulty in attorney access, attorneys must be provided with a way to contact their clients by phone without have to come in person, or wait for their client to find a way to call them.
- Attorneys must be given notice of all activity, court dates, interviews, etc in their clients cases, and must be given sufficient notice and time to appear with their client. Despite claims by ICE and CIS that hearings and appointment are always rescheduled to accommodate attorney presence, several attorneys told us otherwise and gave accounts of interviews and hearings that proceeded without them. I can personally attest to how difficult it is to get to this facility. many attorneys representing families have done so from far away - like Colorado, California, and even Virginia. Flights are not easy to get, and it is a long drive from all practical airports.

CFIs

- everyone must be asked about credible fear. This is currently done only at arrival at the border by CBP and never again while at Artesia. Given the chaotic conditions at the border, and the pressure all officers are under to deter, detain, and deport, this amounts to a shout test and is not sufficient. CIS told us that anyone can express fear anytime, and will automatically be referred for a CFI. However, on this visit we were all bombarded by women and even children, expressing fear, who had not been referred. Better screening is required. (Iop for everyone might help here)
- asylum interviews are problematic. Children are always in the room during the interview. This has to stop. It is apparently done this way because the facility has no child care license. However, I know there were ways around this after we pointed the problem out at both Hutto and Berks. At both those facilities parents can have another mother, or a friend watch her children for a couple of hours. I am not sure why this is strictly forbidden during the CFI. It was clear from walking around the facility that this was happening in the common areas as children walked around freely in groups without adults. (this is a good thing)
- Parents must be given the opportunity to speak to an asylum officer during a CFli in private, without their children present. Earphones and toys in the corner are not sufficient. Parents must also specifically be asked about whether they fear harm to their children if deported. Children over 14 (and even under that age) should be provided the opportunity to speak privately without a parents present. Finally there is currently no interviewing of children under 12. This is problematic because many of these children could have claims. They should be given the opportunity to be interviewed by asylum officers trained to interview young children.

Thanks for speaking with me earlier today, (b) Below is the email I referenced from AILA re Karnes.

From: (b)(6),(b)(7)(C)
Sent: Tuesday, September 02, 2014 2:27 PM
To: (b)(6),(b)(7)
Subject: Karnes

Serena,

I've checked regarding what we are seeing in Karnes. Because it is not a remote facility like Artesia, we are not seeing the kinds of logistical and communications problems we see and have seen at Artesia. Our own effort is not as structured, because we are able to have local attorneys do the work rather than have them leave their homes and law practices for a period to travel there.

That being said, we are starting to hear a few things from Karnes.

Perhaps the biggest issue is that the credible fear interviews are being held before the detainees are given an LOP, much less before they have a chance to see a lawyer.

Probably as a result, at least anecdotally, the CFI grant rate seems unusually low.

Unfortunately, it appears that the asylum officers are refusing to re-interview in these cases. An asylum officer said the following in response to a request for re-interview:

Standard procedure is that the IJ must review the case, if the alien requests IJ review, after a negative CF determination. We cannot take a re-interview request at this time. Please present any additional evidence you may have collected to the judge, at the time of the review.

This is contrary to what (b)(6),(b)(7) at HQ told us. Though there is no formal process, when we asked about this in the Artesia context, he basically said that they always want to make the right decision and that if there is new information it would be helpful to submit a statement and any supporting docs to the AO supervisor on the ground or to the Houston Asylum Office which has jurisdiction over Artesia and they would consider a re-interview. AOs in Artesia have been reinterviewing detainees in certain cases. The same rules should apply to Karnes.

Finally, some of the CFIs are being conducted telephonically. We realize that this is not that unusual a practice, but it is not an effective method for this population.

We do not know yet what is happening there with bonds—no one has reached that stage yet.

We'll keep you filled in as we get more information.

(b)(6),(b)(7)(C)

Executive Director

Direct: 202.507.(b) | Email: (b)(6),(b)(7)(C)

American Immigration Lawyers Association

Main: 202.507.(b) | Fax: 202.783.7853 (b)(6),(b)(7)(C)

1331 G Street NW, (b)(6), Washington, DC 20005






Homeland Security

August 11, 2014

MEMORANDUM FOR: R. Gil Kerlikowske, Commissioner, CBP
W. Craig Fugate, Administrator, FEMA
Thomas S. Winkowski, Principal Deputy Assistant Secretary, ICE
ADM Paul F. Zukunft, Commandant, USCG
Leon Rodriguez, Director, USCIS
Connie L. Patrick, Director, FLETC
Chip Fulghum, Acting Chief Financial Officer, CFO
Dr. Kathryn Brinsfield, Assistant Secretary and Chief Medical
Officer, OHA
Gen. Francis X. Taylor, Under Secretary, I&A
Alan D. Bersin, Acting Assistant Secretary and Chief Diplomatic
Officer, PLCY

FROM: Jeh Charles Johnson
Secretary 

SUBJECT: Illegal migration into the Rio Grande Valley

Non Responsive

Non Responsive

Family units

We have built and opened new detention space for family units at Berks, Artesia, and Karnes, and we are finalizing a contract with a facility in Dilley, Texas. Despite the lack (so far) of supplemental funding from Congress, it is critical that we build and maintain this capacity for now. Thus, we have reprogrammed funds which allowed ICE to add over 2,000 new family detention beds.

I understand that removal proceedings for those detained at Artesia have been slower than originally expected. We must ensure due process and proceedings in accordance with our laws. However, the detention and repatriation of family units is a critical component of our overall effort.

Non Responsive

Non Responsive

**cc: Deputy Secretary Alejandro Mayorkas
Stevan E. Bunnell, General Counsel
Brian de Vallance, Assistant Secretary, OLA
Tanya Bradsher, Assistant Secretary, OPA
Philip A. McNamara, Assistant Secretary, IGA
Megan H. Mack, Officer for Civil Rights and Civil Liberties
RDML June Ryan, Military Advisor to the Secretary
Maria M. Odom, Citizenship and Immigration Services Ombudsman**

(b)(6)

From: Scialabba, Lori L
Sent: Wednesday, August 27, 2014 12:54 PM
To: Lafferty, John L; Langlois, Joseph E; Kim, Ted H
Subject: FW: Artesia update
Attachments: Artesia Attorney Access and Due Process Issues Updated 8 20 14.docx

FYI

Sent with DHS Workplace Good Messaging Service

From: Ragsdale, Daniel H
Sent: Wednesday, August 27, 2014 4:56:47 PM
To: Scialabba, Lori L
Subject: FW: Artesia update

Hi Lori.

I am headed to Artesia with Serena and Dave S from ogc. They want to speak to your folks. Just want to give you a heads up. Megan Mack is here too.

From: Hoy, Serena
Sent: Wednesday, August 27, 2014 2:47:13 PM
To: Ramlogan, Riah; Ragsdale, Daniel H
Subject: Fw: Artesia update

AILA's update to its list of Artesia concerns.

----- Original Message -----

From: Rivas, Margarita
Sent: Wednesday, August 27, 2014 09:42 AM
To: Hoy, Serena
Subject: RE: Artesia update

----- Original Message -----

From: Robert Deasy [<mailto:RDeasy@aila.org>]
Sent: Wednesday, August 20, 2014 04:02 PM
To: Hoy, Serena; Crystal Williams <CWilliams@aila.org>; Betsy Lawrence <BLawrence@aila.org>
Subject: Artesia update

Serena --

Apologies for the delay. Artesia is fast-moving, and I wanted to make sure we were getting you the latest. We took the issues list that Crystal sent you a couple of weeks ago and have added updated information in italics after each issue. As you can see, some things are moving, and others aren't.

To your question whether regular meetings with ICE and the volunteer team are necessary, as of right now, on many of the procedural and access issues, things are getting worked out. It isn't flawless -- today, one of the volunteers was dismayed to learn that coloring

books and crayons that had been brought in for the kids yesterday or recently have disappeared, and systems to bring detained women to the attorney volunteers for interviews change from time-to-time, which makes scheduling and timing of client interviews difficult.

Volunteer attorneys are relating some very concerning reports regarding the treatment of the women in detention. We think it is important for you to be alerted. I thought one of the best ways was to give you links to a couple of the recent "video postcards" from Artesia:

<https://www.youtube.com/watch?v=l2ruG-vQVvA&list=UUb5KI7gHJdchQVBJO9bqiPA>

<http://vimeo.com/103097257>

<https://www.youtube.com/watch?v=vV-AZmkBSPI&list=UUb5KI7gHJdchQVBJO9bqiPA>

We have new teams of volunteers scheduled for Artesia for several weeks -- I believe at least through September.

I hope this helps. If you'd like to talk, let me know. I can pull together some of the staff here at AILA national who are closely involved in the Artesia work.

Thanks,

Bob

Robert P. Deasy
Deputy Director for Programs
American Immigration Lawyers Association
Direct: 202.507.7612 | Email: rdeasy@aila.org

Artesia CF: 3.37% of cases (20 cases) are represented
Karnes CF: 0% represented

These numbers seem low. Maybe not all the reps are being entered into APSS? Or is this number truly representative? Thanks, MM

From: Lafferty, John L
Sent: Tuesday, September 02, 2014 5:34 PM
To: (b)(6)
Cc: Kim, Ted H; Stone, Mary M; Tanner, Rebecca S
Subject: FW: Thursday

I am scheduled to participate in a briefing for some House and Senate staffers on Thursday morning regarding ER/CF processing at Karnes and Artesia. For those of you who have been involved in the processing at these two locations, please take a look at the long list of questions below and provide any information that you have to HQ ASAP. (b)(5)

(b)(5)

Thanks!

From: Brown, Katherine H
Sent: Tuesday, September 02, 2014 2:58 PM
To: Lafferty, John L; Kim, Ted H; (b)(6)
Cc: (b)(6)
Subject: Fw: Thursday

FYI - I just got this from DHS Leg Affairs about the Thursday meeting.
Katherine Brown
USCIS Office of Legislative Affairs
202.272.1951 (office)

(b)(6)

From: Lovett, Edward
Sent: Tuesday, September 02, 2014 02:44 PM
To: Brown, Katherine H
Subject: Thursday

Hi Kate –

We have information that was passed to our F/O with respect to the briefing Thursday – here's what the lead staff have indicated they hope to discuss/question:

LOP presentations:

- What efforts are taken to provide the LOP presentations in a timely manner and under conditions that allow individuals to understand the information provided?
 - What percentage of individuals actually receive LOP presentations before their credible fear interviews (CFI) are scheduled?
 - How often do LOP presentations occur and how many individuals attend each presentation? How much time and what kind of space is provided for those presentations?
 - Is there an opportunity to conduct follow-up screenings?

- Has an LOP provider been identified for Karnes? What is the timeline for commencing an LOP at Karnes, how frequently will LOPs occur, and will the LOP presentations occur in a timely manner for all detainees, before a credible fear interview?

CFI process:

- Have any instructions been provided to asylum officers on how to conduct CFIs for cases from Artesia and Karnes in particular?
- How much notice are individuals given before their CFI is conducted? What is the average time between arrival at each facility and the CFI?
- How many CFIs are done daily by each asylum officer?
- What efforts are taken to allow individuals interested in doing so to meaningfully consult with a lawyer or seek other assistance prior to the CFI? (i.e., information regarding available legal services, time to use the phone, private space to talk)
- What happens if an individual states that she would like to talk to a lawyer before the CFI commences or needs more time to continue the consultation before the CFI?
- What steps are taken to ensure that counsel can meaningfully participate, if desired by the individual (i.e., notice to counsel, time to prepare with client in confidential space, ability to ask questions, etc)
- What efforts are taken to ensure that the CFIs are conducted under conditions that allow the individual to concentrate and meaningfully participate (i.e., child care, confidential space, sufficient time provided)
- Do negative credible fear findings receive any kind of supervisory or Headquarters review?
- What steps has ICE taken to ensure that everyone detained at the facility knows who to speak with if she fears return to her home country?

Hearing process:

- What instructions have immigration judges received on how to conduct CFI reviews or asylum proceedings for cases from Artesia and Karnes in particular?
- For CF denials, how fast are IJs scheduling reviews?
- For those who pass CF, how fast are IJs scheduling removal/asylum hearings?
- Are there any instructions on handling requests for continuances? Are respondents requesting and receiving continuances in order to obtain counsel or have more time to prepare their case, including respondents who are unrepresented?
- What steps are taken to ensure that counsel can meaningfully participate, if desired by the individual (i.e., notice to counsel (including those present at Artesia), time to prepare with client in confidential space, ability to ask questions, etc)
- What efforts are taken to ensure that the hearings are conducted under conditions that allow the individual to concentrate and meaningfully participate (ie, child care, confidential space, sufficient time provided)
- We understand that DHS is relying on *Matter of D.J.* to argue against release on bond for detainees at Artesia who request bond redetermination hearings. What instructions have IJs received to respond to that argument?

Counsel:

- What efforts are taken to allow volunteer lawyers at Artesia and Karnes the opportunity to notify individuals of their services?

- Are lawyers at Artesia allowed to use cell phones to assist them in case preparation?

Detention/Facilities:

- What training is provided to staff at Artesia and Karnes to ensure they are able to handle the particular needs of children and families?
- We understand that DHS is pursuing a no-bond policy for detained families at Artesia and Karnes. What is the rationale for that policy?
- What are ICE's plans regarding expansion of ATDs for families, and how does ICE determine what level of alternatives to use for women and their children?
- How long does it take ICE to deport a person at Artesia who has received a negative CF determination?
- Other than Artesia, Karnes, and Berks, what additional family detention facilities are planned? How many beds total?

Request for Statistics for DHS and DOJ:

- Number of people placed into expedited removal proceedings since Artesia opened on June 27, and total number of removals from Artesia since Artesia opened on June 27
- Number of individuals at Artesia who were referred for a CFI
- Number who were removed without any referral for a CFI
- Of those referred for a CFI, number who were found by AO to have a credible fear, and number found not to have a credible fear
- Number of those who failed credible fear before AO who requested review by IJ, and number of those denials that were affirmed by IJ and number that were reversed
- Number of individuals who, based on positive credible fear finding, were referred for full asylum hearing before an IJ
- Any information available on the basis of credible fear claims at Artesia (e.g. domestic violence, gang recruitment, etc.) and further breakdown of outcome for each type of claim
- Average number of days scheduled between a master calendar hearing and a merits hearing, broken down by whether the individual had representation
- Number of such cases that have concluded and how many resulted in order of removal, and how many resulted in grant of relief
- Number of such cases that remain pending: before the immigration court? Before the BIA? Before the Court of Appeals
- Number of bond hearings, and outcome of bond hearings (e.g. bond denied, bond granted and at what amounts, other outcome)

Thanks- Ted

