

## ***One Year Progress Update on Immigration Detention in New Jersey***

**To:** President Obama, Department of Homeland Security (DHS) Secretary Napolitano,  
Immigration and Customs Enforcement (ICE) Director Morton  
**Date:** April 29, 2011  
**From:** New Jersey Advocates for Immigrant Detainees

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**Purpose:** To alert you to the ways in which excessive and unnecessary use of mandatory detention continues to divide New Jersey and New York families and endanger the welfare of immigrant detainees, and to call on you to implement *immediate* changes in New Jersey jails that contract with Immigration and Customs Enforcement.

**Background:** One year ago, we issued a comprehensive report, *Locked Up But Not Forgotten – Opening Access to Family and Community in the Immigration Detention System*<sup>1</sup>. Through an examination of restrictions on family and community access at four New Jersey detention centers, the report demonstrated how DHS-ICE failed to meet its own detention standards regarding visitation of immigrant detainees. Problems documented in our report included:

- That some contract facilities refused contact visits, even for parents of young children.
- That some facilities cut off visits after 15 or 20 minutes.
- That some facilities turned families away due to inadequate number of visiting booths and limited visiting hours with strict entry cut-off times, even for families who travelled long distances to visit.
- That facilities restricted access to law libraries and legal materials essential for detainees to prepare their cases, including law library hours as little as 45 minutes per week.

The impact of these arbitrary policies and restrictions was severe, as in the case of Pauline Ndzie, who asked her son not to come for contact visits in Hudson County jail, because the routine strip searches afterwards were too humiliating. It is well documented that lack of family and community access causes an inordinate amount of distress for detainees who have no way of knowing when they will be released. We profiled the story of a veteran who, although he suffered Post Traumatic Stress Disorder, spent three years in detention and his sister's difficulty in taking time away from her young daughter to visit him.

### **Minimal Progress:**

In the year following its release, minimal progress was made on the recommendations in the report.

#### **Family & Community Visitation**

Visitation policies continue to vary across facilities. Developments in the last year include:

- Bergen County Jail                      **Established a limited community visiting program and allowed “Stamp Out Despair” program providing stamps and letter writing materials to detainees**
- Elizabeth Detention Center            **Reduced hour visits to 30 minutes – all visits are now contact**
- Essex County Jail                        **Reduced number of visiting days – hours remain the same**  
**Suspended visits, including clergy, for 2 weeks in September 2010**
- Hudson County Jail                      **Moved contact visits from Tuesday to Saturday, allowed paperbacks**
- Monmouth County Jail                  **Increased visits to 30 minutes, for men only**

In places where there was some progress, families and communities had to accept trade-offs and setbacks. For example, the Elizabeth Detention Facility removed visiting booths with glass barriers, meaning that all visits at this facility are contact visits. While we welcomed this development, we were disappointed that it led to a reduction of visiting hours and times by half. As stated in our report, *“Restrictions of non-legal visits to brief periods of time (usually 30 minutes) are arbitrary and detrimental in a detention system where 84% of people are unrepresented.”* After over a year of delays, Essex and Monmouth County jails may now be considering community visitors programs.

### Legal Access

At least 75% of the more than 1,500 people in ICE detention in New Jersey were not represented by an attorney in 2009<sup>ii</sup>, magnifying the need for increased law library access. Continued detention in jails means that detainees have to contend with restrictive jail legal access policies:

Law Library                      **No change reported in the facilities. Monmouth still allows only 45 minutes/week.**

### Conditions of Confinement

Our report states, *“Restricting access to family and community through unreasonable and inhumane rules contradicts the notion that the immigration detention system is civil or administrative in nature. In effect, immigration detention is punishment – not just for the immigrants in detention, but for their families and communities as well.”* Reports in the last year to advocacy groups from the New Jersey facilities confirm that immigration detention, far from civil in nature, is punitive and exacts harsh consequences on immigrants and their families.

- Physical Abuse      **More cases reported. Complaints were filed about beatings that took place in Essex County jail and officers not stopping fights when they occurred.<sup>iii</sup>**
- Medical Care        **Delays and shortages continue, as well as lack of medication after transfers, leading to days and weeks of missed medications.<sup>iv</sup>  
Bergen requires detainees to make medical co-payments.<sup>vii</sup>**
- Mental Health      **Continued detention of mentally ill and disabled in inappropriate settings.<sup>v</sup>**
- Verbal Abuse        **Complaints of homophobic language by officers in Essex County jail.<sup>vi</sup>**
- Property             **Detainee property destroyed in Essex County Jail.<sup>iv</sup>**
- Grievances         **Detainees report their grievances receive little attention at Hudson County jail.<sup>vii</sup>**
- Personal Hygiene **Monmouth gave pillows to certain dorms, but only sporadically.<sup>viii</sup>  
Hudson is now providing an adequate supply of toilet paper.<sup>vii</sup>**

### Barriers to Progress:

Assistant Secretary Morton twice in the last year issued directives to local field offices not to expend detention resources on vulnerable populations.<sup>ix</sup> Yet, the New York City and Newark Field Offices continue to detain the elderly, mentally ill and mentally disabled. Detainees in Monmouth<sup>vi</sup> have corroborated a March 2011 OIG report<sup>x</sup> finding that mentally ill and disabled detainees often end up at least some time in isolation, which sometimes worsens their conditions. These facilities are clearly inappropriate for these types of populations. The OIG report also indicates that for most facilities, ICE cannot even state the number of detainees who are mentally ill, thus ICE is “not fully aware of all detainees with mental health conditions, or the level of care being provided,” according to the report.

These are predictable consequences of an immigration detention system that fails to consider whether detention is necessary in each and every case.

## Critical Next Steps:

The DHS 2009 Immigration Detention Overview and Recommendations<sup>xi</sup> states that “accountability is the keystone to detention reform... Accountability encompasses government oversight, transparency, and a commitment to continuous improvement.” Despite 2009 announcements of a commitment to detention reform, there has been minimal progress in the existing New Jersey facilities. We ask you to act *immediately* to:

- **Release vulnerable individuals and those who have family and community ties.**
- Require contact visits in all facilities, particularly for parents
- Implement one hour visits in all facilities
- Bar facilities from turning visitors away who have arrived within the public visiting hours
- End contracts with facilities that do not allow sufficient access to law libraries
- Create community advisory boards to enhance community involvement in facility operations
- Bring the existing facilities in New Jersey into compliance with national detention standards, directives and OIG recommendations.

ICE has announced plans to triple the number of beds in New Jersey. No one who does not pose a flight risk or danger to the community should be detained without an opportunity for a hearing about the need for detention in their case. Therefore, **we ask the administration to pursue immigration policy that includes a repeal of the mandatory detention law** and does not expand immigration detention.

NJ Advocates for Immigrant Detainees: American Friends Service Committee, Immigrant Rights Program, Casa de Esperanza, Casa Freehold, Ironbound Community Corporation, IRAT-E/First Friends, Highland Park Reformed Church, Latin American Legal Defense & Education Fund, Inc, Middlesex County Coalition for Immigrant Rights, Monmouth County Coalition for Immigrant Rights, NJ Association on Correction, NJ Forum for Human Rights, Pax Christi, People’s Organization for Progress Bergen County Branch, Sisters of St. Joseph ESL Program, Unitarian Universalist Congregation of Montclair, and the Unitarian Universalist Ministry of NJ

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<sup>i</sup> The report was issued with New York University School of Law Immigrants Rights Clinic <http://afsc.org/resource/locked-not-forgotten>

<sup>ii</sup> Executive Office for Immigration Review Statistical Analysis of Representation in Immigration Proceedings in Newark, NJ and Amnesty International Report *Jailed without Justice*, March 25, 2009

<sup>iii</sup> Source: Middlesex County Coalition for Immigrant Rights, May 2010 petition, July 2010 letter, calls and visits with detainees and families

<sup>iv</sup> Monmouth County Coalition for Immigrant Rights (delays all year, transfer recently)

<sup>v</sup> Monmouth County Coalition for Immigrant Rights (from June to present)

<sup>vi</sup> Middlesex County Coalition for Immigrant Rights (May, 2010)

<sup>vii</sup> IRATE/First Friends

<sup>viii</sup> Monmouth County Coalition for Immigrant Rights (June to present)

<sup>ix</sup> *Civil Immigration Enforcement: Priorities for the Apprehension, Detention and Removal of Aliens*, 3/2/2011

<sup>x</sup> Office of Inspector General Report: *Management of Mental Health Cases in Immigration Detention*, 3/2011

<sup>xi</sup> DHS *Immigration Detention Overview and Recommendations* 10/6/2009