

**Statement of the National Immigrant Justice Center (NIJC)
U.S. House Committee on Homeland Security Hearing
Subcommittee on Border Security, Facilitation & Operations
Oversight of ICE Detention Facilities: Examining ICE Contractors' Response to COVID-19
July 13, 2020**

The National Immigrant Justice Center (NIJC) submits this statement to the Subcommittee on the response of ICE contractors to the COVID-19 pandemic, with specific focus on the company Immigration Centers of America (ICA), which operates the ICE detention facility in Farmville, Virginia. This facility currently has more than 260 reported active cases of COVID-19, and for months people inside and family members have been demanding the urgent release of their loved ones.ⁱ People detained have reported that, in response to hunger strikes and demands for proper health care, guards in the facility have responded with pepper spray and retaliatory measures.ⁱⁱ Further, as the coronavirus is spreading in the facility, the company is pursuing new ICE contracts in new regions.

While the U.S. immigration private detention industry is dominated by notorious companies such as GEO Group and CoreCivic,ⁱⁱⁱ another company, ICA, has a dark history of neglectful practices, and is aggressively pursuing new ICE contracts in new regions.^{iv} Since ICA began detaining people for ICE in 2010, they have been the target of several lawsuits and an investigation by the DHS Office of Civil Rights and Civil Liberties (CRCL).^v In spite of this, ICA has pursued ICE contracts in efforts to expand across the upper Midwest, in Wisconsin,^{vi} Michigan,^{vii} Illinois,^{viii} and in Maryland.^{ix} ICA even advanced its plan for a new facility in Maryland during the height of the pandemic, when town commissioners voted to approve an ordinance allowing for a new ICE detention facility in Sudlersville, Queen Anne's County.^x

Immigration Centers of America's response to COVID-19

A recent spike in COVID-19 cases in ICA-Farmville has raised new concerns about safety and about the facility's management. In April 2020, community groups and family members raised alarm about dangerous conditions in the detention facility, as at least 100 people inside took up a hunger strike over fears of a COVID-19 outbreak.^{xi} The hunger strike was cut short, however, when, according to local advocates, officials locked two organizers of the demonstration in solitary confinement.^{xii} According to inside accounts, ICA-Farmville has placed people with COVID-19 symptoms in quarantine and moved people to isolation. While officers use personal protective equipment (PPE), no protection has been provided for those detained, despite being unable to socially distance or protect themselves from the spread of the virus.^{xiii}

The number of confirmed cases in the Farmville facility jumped in June 2020 after ICE transferred 74 people there from facilities in Arizona and Florida.^{xiv} As of July 10, 2020, 267

people had reportedly tested positive for COVID at ICA-Farmville.^{xv} That number is likely even higher, however, because of under-testing and under-reporting by ICE. Those experiencing symptoms, including people with high fevers, are reportedly being handed Tylenol.^{xvi} Reports indicate that people are forcibly kept in dorms in close proximity with up to 100 other people. People inside describe symptoms of fever, headache and vomiting, fainting, and some have been taken to medical units.^{xvii}

ICE and ICA's response to the COVID-19 outbreak in Farmville is reflective of the larger problems with the system of privatized mass detention that profits at the expense of basic civil and human rights.

Privately run immigration jails routinely place human and civil rights in jeopardy

ICA's attempt to expand to new regions is part of a massive expansion of the ICE detention system, a sprawling patchwork of jails and prisons that currently holds more than 22,000 people but held more than 50,000 only months ago.^{xviii} The rapid expansion of the immigration detention system in overcrowded quarters lacking sufficient medical care has resulted in the spread of disease, well before the COVID-19 pandemic broke out.^{xix} In June 2019, after ICA-Farmville suspended lawyer visits in response to a mumps outbreak, immigrants detained at the facility organized a "meal strike" in protest of the restricted freedoms following the quarantine. Guards cracked down on the protesters, using pepper spray and placing some into solitary confinement. The protesters are suing ICE Field Office Director Russell Hott and ICA-Farmville Warden Jeffrey Crawford over the incident.^{xx}

ICE's detention system is overwhelmingly outsourced to for-profit prison companies such as ICA and local jails. As of January 2020, 81 percent of people detained in ICE custody nationwide are held in facilities owned or managed by private prison corporations - a record high.^{xxi} ICE and its contractors are notorious for abusive and inhumane conditions and widely criticized for a lack of transparency and accountability. For-profit prisons have little incentive to focus on anything other than ensuring profitability for their shareholders.^{xxii} NIJC has obtained documents through information requests that shed light on the money transfer scheme between ICE, ICA, and the Town of Farmville which illuminate how the company profits from detaining immigrants.^{xxiii} It can reasonably be assumed that ICA will continue to be motivated by profit-driven incentives as it seeks to grow its immigrant detention business.

Immigration Centers of America's history and attempted expansion

ICA, like all private prison companies, has a history of hiring lobbyists and using powerful connections to promote its agenda to expand to new regions. ICA hired consultants with Spotts Fain Consulting in 2011 to lobby ICE to assure its Virginia detention center reached its maximum inmate capacity.^{xxiv} The company also got help from the former Virginia Attorney

General, Ken Cuccinelli, current Acting Deputy Secretary of DHS, who used his influence to lobby ICE to get the Farmville facility off the ground.^{xxv}

Similarly, ICA hired the Annapolis-based consultancy firm Cornerstone Government Affairs to lobby officials in Maryland to take on the proposed facility in the Baltimore area. According to documents obtained by NIJC, Cornerstone lobbyists then went to the small town of Sudlersville in an effort to convince local officials of their proposal.^{xxvi} Lobbyists with Cornerstone then worked closely with Sudlersville officials in an effort to pass an ordinance to allow for the building of the new facility.^{xxvii} That ordinance passed during the COVID-19 pandemic, in a highly protested meeting in May 2020.^{xxviii}

Expansion undermines rather than protects public safety: community-based alternatives to detention are cheaper, effective, and humane.

Proposals to expand private ICE detention serve no public safety function. On the contrary, a *reduction* of the use of jails and prisons for immigrants in favor of release and community-based alternatives to detention would promote family unity, ensure fairness, and save taxpayers millions. More people behind the bars of immigration jails mean more families separated, lifelong trauma inflicted on individuals^{xxix} and more communities torn apart. The new detention beds envisioned by ICA in Maryland and Michigan will largely correspond to ramped-up interior enforcement operations. In its own Congressional Budget Justification for FY 2021, ICE states plainly that it wants more funds for detention expansion because it intends to increase interior enforcement.^{xxx} These operations will in no way reflect the “public safety” mission ICE touts.

A spectrum of alternatives to detention (ATDs), including release on recognizance, parole, and the use of community-based support programs, has long existed as a better option to the mass incarceration of immigrants.^{xxxi} Evidence-based analyses of alternative to detention programming operating in the United States and internationally demonstrates that these programs are most effective when they are non-profit operated and provide holistic case-management oriented support that recognizes the dignity and civil rights of each person participating; when operated in accord with these best practices, alternative to detention programs are more than 80% cheaper than detention and support compliance rates of more than 90%.^{xxxii} At this moment, ICE is detaining nearly 22,000 people every day in its jails and private prisons. Moves to expand this already bloated system are an insult to our national values and to the taxpayer’s wallet.

The National Immigrant Justice Center calls for an end to the use of immigration detention. As a step toward that goal, we are unequivocally opposed to the expansion of private immigration detention centers, including those proposed by ICA. We urge the Committee to demand answers from ICA about their response to COVID-19 and to closely examine the company’s aggressive efforts to expand to new regions.

For more information, please contact Jesse Franzblau, NIJC Senior Policy Analyst,
jfranzblau@heartlandalliance.org.

ⁱ Jenny Gathright, “More Than 70% Of People Detained At The Farmville Detention Center Are COVID-Positive,” DCist, July 10, 2020, <https://dcist.com/story/20/07/10/more-than-70-of-people-detained-at-the-farmville-detention-center-are-covid-positive>.

ⁱⁱ Tanvi Misra, “Sixth ICE Detainee Tests Positive for COVID-19 as Hunger Strikes Begin,” Roll Call, <https://www.rollcall.com/2020/04/02/sixth-ice-detainee-tests-positive-for-covid-19-as-hunger-strikes-begin>.

ⁱⁱⁱ Alan Zibel, “Detained for Profit: Spending Surges Under U.S. Immigration Crackdown,” Public Citizen, September 19, 2019, <https://www.citizen.org/article/detained-for-profit-spending-surges-under-u-s-immigration-crackdown/?eType=EmailBlastContent&eId=99b84c28-441b-483f-8ed9-7a15ed73524d>. *see also* Center for Responsive Politics, OpenSecrets.org, <https://www.opensecrets.org/federal-lobbying/clients/bills?cycle=2018&id=D000022003> [accessed July 1, 2020].

^{iv} Jesse Franzblau, “The Dark Money Trail Behind Private Detention: Immigration Centers of America-Farmville,” National Immigrant Justice Center, October 7, 2019, <https://immigrantjustice.org/research-items/policy-brief-dark-money-trail-behind-private-detention-immigration-centers-america>.

^v Office of Civil Rights and Civil Liberties (CRCL) memo, “Farmville Detention Center, CRCL Complaint Closure and Final Recommendation,” U.S. Department of Homeland Security, September 6, 2016, <https://www.dhs.gov/publication/close-memo-onsite-investigation-farmville-detention-center-farmville-virginia>.

^{vi} Rich Kremer, “500-Bed Immigrant Detention Center Proposed In St. Croix County,” Wisconsin Public Radio, April 11, 2019, <https://www.wpr.org/500-bed-immigrant-detention-center-proposed-st-croix-county>.

^{vii} Carolina Llanes “ICE contractor looking to build new detention center in Ionia County, Michigan Public Radio, May 8, 2020 <https://www.michiganradio.org/post/ice-contractor-looking-build-new-detention-center-ionia-county>.

^{viii} Elvia Malagon, “A tiny Illinois town has become the latest battleground in the effort to build an immigration detention center near Chicago,” March 19, 2020, <https://www.chicagotribune.com/news/ct-met-dwight-illinois-immigration-detention-centers-20190314-story.html>.

^{ix} Lilian Reed, “ICE published an ad looking for interest in building a Baltimore detention facility. Here’s who answered,” The Baltimore Sun, August 1, 2019, <https://www.baltimoresun.com/politics/bs-md-pol-ice-detention-facility-20170724-20190801-wbuvld7sjzgnxuju6z43zfvrea-story.html>.

^x Horus Alas, “Despite furor, Eastern Shore town approves zoning for possible immigrant detention facility,” WTOP News, May 4, 2020, <https://wtop.com/maryland/2020/05/despite-furor-eastern-shore-town-approves-zoning-for-possible-immigrant-detention-facility>.

^{xi} Marissa Lang, “‘It’s a time bomb’: ICE detainees seek release amid growing coronavirus fears,” The Washington Post, April 12, 2020, https://www.washingtonpost.com/local/ice-coronavirus-detention-centers-release/2020/04/08/f4dcaef8-74ee-11ea-87da-77a8136c1a6d_story.html.

^{xii} Tanvi Misra, “Sixth ICE detainee tests positive for COVID-19 as hunger strikes begin,” Roll Call, April 2, 2020, <https://www.rollcall.com/2020/04/02/sixth-ice-detainee-tests-positive-for-covid-19-as-hunger-strikes-begin>.

^{xiii} “Release everyone at Farmville detention center,” LaColectiVA, June 2020, <https://actionnetwork.org/petitions/release-everyone-at-farmville-detention-center>. *See also* Alan Macleod, “Inmates at Privately-Run ICE Camp Go on Hunger Strike Amid COVID-19 Outbreak, Deteriorating Conditions,” Mint Press News, April 3, 2020, <https://www.mintpressnews.com/inmates-ice-camp-go-hunger-strike-amid-covid-19/266369>.

^{xiv} Priscilla Alvarez, “Immigrant detainees describe deteriorating conditions as coronavirus spreads in facilities,” June 27, 2020, CNN, <https://www.cnn.com/2020/06/27/politics/ice-custody-coronavirus/index.html>.

^{xv} Jenny Gathright, “More Than 70% Of People Detained At The Farmville Detention Center Are COVID-Positive,” DCist, July 10, 2020, <https://dcist.com/story/20/07/10/more-than-70-of-people-detained-at-the-farmville-detention-center-are-covid-positive>.

^{xvi} Priscilla Alvarez, “Immigrant detainees describe deteriorating conditions as coronavirus spreads in facilities,” June 27, 2020, CNN, <https://www.cnn.com/2020/06/27/politics/ice-custody-coronavirus/index.html>.

^{xvii} Ibid.

^{xviii} U.S. Immigration and Customs Enforcement (ICE), Detention Management, “ICE Currently Detained Population” as of July 4, 2020, <https://www.ice.gov/coronavirus>. The figure was as high as 50,000, as of March 2019. See Spencer Ackerman, “ICE is detaining 50,000 people, an all time high.” The Daily Beast, March 8, 2019, <https://bit.ly/2tYjoD6>.

^{xix} Mica Rosenberg and Kristina Cooke, “Mumps, other outbreaks force U.S. detention centers to quarantine over 2,000 migrants,” Reuters, March 10, 2019, <https://bit.ly/2EOs7gc>.

^{xx} Downs v. Hott (1:19-cv-00882), PETITION for Writ of Habeas Corpus and Complaint for Injunctive Relief, filed July 3, 2019, <https://www.courtlistener.com/docket/15874861/downs-v-hott>.

^{xxi} “Justice-Free Zones: U.S. Immigration Detention Under The Trump Administration,” National Immigrant Justice Center, American Civil Liberties Union, and Human Rights Watch, April 30, 2020, <https://immigrantjustice.org/research-items/report-justice-free-zones-us-immigration-detention-under-trump-administration>.

^{xxii} Susan Ferriss & Madeline Buiano, “Despite Outrage Over Immigrant Detention, Private Prisons’ Bottom Line is Still Strong,” The Center for Public Integrity, September 2, 2018, <https://publicintegrity.org/immigration/despite-outrage-over-immigrant-detention-private-prisons-bottom-line-is-still-strong>.

^{xxiii} Jesse Franzblau, “The Dark Money Trail Behind Private Detention: Immigration Centers of America-Farmville,” National Immigrant Justice Center, October 7, 2019, <https://immigrantjustice.org/research-items/policy-brief-dark-money-trail-behind-private-detention-immigration-centers-america>.

^{xxiv} Lobbying Disclosure Report, Signed by Meade Spotts, <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=43E27698-2B5D-4E28-9F64-A4DE8B3F4973&filingTypeID=62>.

^{xxv} Staff Report, “Cuccinelli Cut Red Tape When ICE Facility Was on the Rocks,” Farmville Herald, April 16, 2013, <https://www.farmvilleherald.com/2013/04/cuccinelli-cut-red-tape-whenice-facility-was-on-the-rocks>.

^{xxvi} Lillian Reed, “An Eastern Shore town was awash in debt. Then a private immigrant detention contractor for ICE called,” The Baltimore Sun, December 19, 2019, <https://www.baltimoresun.com/politics/bs-md-ci-sudlersville-detention-20191213-20191216-cbczujqxsjeczb2v47uy7lqri-story.html>.

^{xxvii} Town of Sudlersville, records in response to a Freedom of Information Act (FOIA) request, filed January 8, 2020, <https://www.documentcloud.org/documents/6795333-Records-Response-Sudlersville.html>.

^{xxviii} Horus Alas, “Despite furor, Eastern Shore town approves zoning for possible immigrant detention facility,” WTOP News, May 4, 2020, <https://wtop.com/maryland/2020/05/despite-furor-eastern-shore-town-approves-zoning-for-possible-immigrant-detention-facility>.

^{xxix} American Immigration Council, “U.S. citizen children impacted by immigration enforcement,” March 28, 2017, <https://www.americanimmigrationcouncil.org/research/us-citizen-children-impacted-immigration-enforcement>.

^{xxx} U.S. Immigration and Customs Enforcement, “Budget Overview, Fiscal Year 2021, Congressional Justification,” U.S. Department of Homeland Security, at pp. ICE-O & S-22, https://www.dhs.gov/sites/default/files/publications/u.s._immigration_and_customs_enforcement.pdf.

^{xxxi} “The Real Alternatives to Detention,” American Immigration Lawyers Association, Women’s Refugee Commission, Lutheran Immigration and Refugee Service, National Immigrant Justice Center, and Migration and Refugee Services, June 18, 2019, <https://www.aila.org/infonet/the-real-alternatives-to-detention>.

^{xxxii} David Secor, Heidi Altman and Tara Tidwell Cullen, “A Better Way: Community-Based Programming as an Alternative to Immigrant Incarceration,” National Immigrant Justice Center, April 22, 2019, <https://immigrantjustice.org/research-items/report-better-way-community-based-programming-alternative-immigrant-incarceration>.