

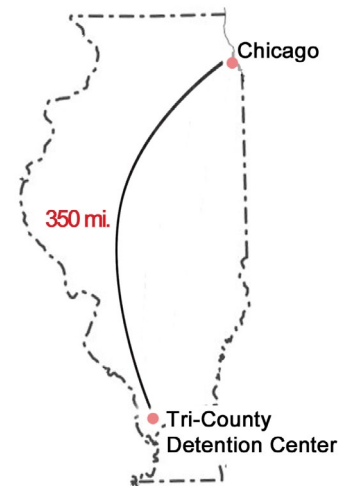


No Place for Immigrants

Why ICE must end its contract with Tri-County Detention Center

Tri-County Detention Center in Ullin, Illinois, is 350 miles and more than six hours from Chicago. Like most immigration detention facilities, its location isolates immigrants from the outside world and restricts access to legal counsel. Moreover, U.S. Immigration and Customs Enforcement (ICE) fails to provide adequate oversight, allowing human rights abuses to occur with impunity.

For more than a decade, Heartland Alliance's National Immigrant Justice Center (NIJC) has represented immigrants detained at Tri-County and conducted legal presentations to provide detained immigrants with an understanding of their rights. Through these visits, NIJC has gained an insider's view of Tri-County's dysfunction. Because of ICE's failure to hold the facility accountable and the ongoing human rights and due process violations at the facility, NIJC calls on ICE to end its contract with Tri-County immediately.



Broken Communication

Tri-County detainees who want to speak with family members and lawyers are reliant on a broken communications infrastructure.

Sen. Richard Durbin (D-IL) visited the jail in early 2012 and shared his alarming observations at an April 2012 Senate Judiciary Committee Department of Homeland Security (DHS) oversight hearing:

“[T]here was one thing that was very basic that caught my attention, and that was lack of access to the telephone. ... It may seem like a small issue, but to these immigration detainees it's not. ... They repeatedly raised with me their concern about their inability to communicate with the outside world, including their family. They said they couldn't afford the phone calls that cost well upwards of \$1.00 or \$2.00 a minute that they're being charged. We tried to use the phones, local phones, to see how they worked, and they didn't.”¹



Tri-County Detention Center

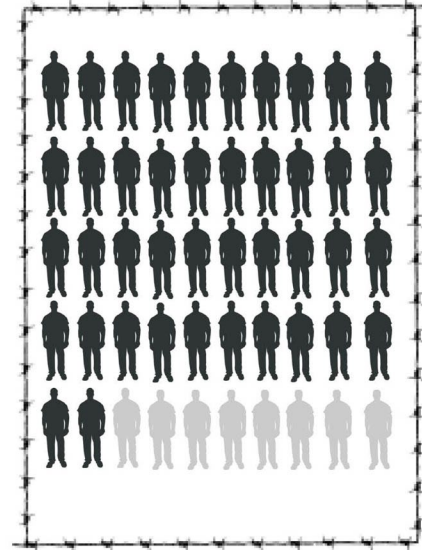
No Lawyer, No Justice

NIJC lawyers often cannot reach their clients detained at Tri-County by phone even when they scheduled the call days in advance. Such isolation from counsel is particularly egregious because immigration detainees are not appointed counsel in removal proceedings. They must find and hire lawyers, a next to impossible task without a reliable way to communicate. Detained immigrants in the Midwest face additional challenges to securing counsel because local nongovernmental organizations like NIJC do not receive government funding to conduct legal orientation programs.² The lack of resources makes frequent visits to remote jails infeasible. Statistics clearly demonstrate the consequences of such isolation: Detained immigrants with lawyers are five times more likely to win their cases, yet 84 percent of immigrant detainees do not have attorneys.³

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5 TIMES more likely to **WIN** their cases



84% of detained immigrants
don't have a lawyer



No Oversight, No Accountability

Despite noting several deficiencies in its inspection documents, ICE gave Tri-County a passing grade each year from 2008 through 2011. Health and medical services at the facility are unacceptable and grossly understaffed. A 2008 ICE report stated that “[c]urrent Health Services staffing levels should be reviewed to ensure adequate staffing is available to carry out the current mission.”⁴ ICE acknowledged that inadequate staffing in this area would be problematic. At that time, Tri-County had seven professional medical staff for an average population of 195 detainees. By 2011, Tri-County’s detention population grew to an average of 211 detainees, but the medical staff dropped down to three, none of whom was a doctor. Nevertheless, after 2008 ICE never again mentioned concerns with the medical staff.⁵

The facility received 475 requests and grievances from detainees within a seven-month period but only 60 received a timely response. Despite this fact, inspection documents and accounts from detainees indicate that inspectors rarely even talk to detained individuals during their visits.⁶

Tri-County is the only privately run detention center in Illinois. ICE contracts with the county, which then contracts with Paladin Eastside Psychological Services, Inc. This arrangement diffuses ICE’s accountability for upholding basic human rights of immigrants in its custody as ICE has no contractual relationship with the entity caring for them.

“He’s not there for the detainees. He’s not there to see if they’re physically ok, if their health is ok, if the living situation is ok. He was just there to cover a check mark to show that there is someone who came.”

- Asylum seeker Rashed BinRashed on the single inspector that visited during the 18 months he was detained at Tri-County

Ongoing Human Rights Abuses

Abuse of vulnerable individuals

Samir* was raped and repeatedly forced to perform sexual acts by other detainees. When he tried to tell ICE officials he felt unsafe, they jeered at him. Eventually, Samir reported the attacks to ICE, which interviewed him and transferred him to another facility. Samir has not received an update on the investigation's status and local law enforcement authorities have no record of a report being filed.

Overcrowding

Rashed BinRashed recalls his 2007 detention at Tri-County when space was so scarce that the jail placed detainees in segregation pods and imposed the regular punitive rules of solitary confinement, including 23-hour-per-day lockdowns. Detainees in 2011 reported that some people were forced to sleep on cots with their heads next to toilets that were still in use.

Inadequate medical care

Alejandro,* a Mexican asylum seeker, told a nurse on his first day that he was HIV-positive. He frequently requested HIV treatment and filed complaints of severe pain, but a nurse only gave him Advil. Alejandro was seen by a doctor once, but the doctor refused to conduct a full physical exam. Alejandro did not get treatment for his HIV for an entire month.

Denial of legal information

"The room where we usually hold Know Your Rights presentations is now being used for extra beds. There are no tables or chairs for us to do legal intake. Two detainees told me that they had made as many as five written requests to use the law library, but had not been given access."

– A pro bono attorney who observed severe overcrowding at Tri-County in 2011.

*Names have been changed to protect individuals' identities

Recommendations

The administration and the Department of Homeland Security must end the human rights abuses at all immigration detention facilities nationwide. Specifically, it must:

1. Close Tri-County Detention Center immediately.
2. Release from detention those who do not pose a threat to the community or place them in Alternatives to Detention programs. According to ICE data, half of the immigrants detained at Tri-County as of January 2012 had no criminal convictions at all.⁷
3. Hold all immigration detention facilities accountable for the minimal standards of care set forth in the 2011 Performance-Based National Detention Standards (PBNDS) and end contracts with facilities that refuse to comply.
4. Implement government-funded legal orientation programs in all immigration detention facilities.
5. Initiate quarterly monitoring of immigration detention facilities and publish its findings and required remedies.
6. Immediately implement the Prison Rape Elimination Act (PREA) to ensure accountability for sexual violence at ICE facilities.

Endnotes

1. Transcript of Senate Judiciary Committee Hearing on Oversight of the Homeland Security Department, 41-42 (25 April 2012), http://www.micevhill.com/attachments/immigration_documents/hosted_documents/112th_congress/TranscriptOfSenateJudiciaryCommitteeHearingOnOversightOfDHS.pdf.
2. American Bar Association, *Reforming the Immigration System: Proposals to Promote Independence, Fairness, Efficiency, and Professionalism in the Adjudication of Removal Proceedings*, 41 (2010).
3. Sam Dolnick, *As Barriers to Lawyers Persist, Immigrant Advocates Ponder Solutions*, *New York Times*, (3 March 2011), <http://www.nytimes.com/2011/05/04/nyregion/barriers-to-lawyers-persist-for-immigrants.html>; Vera Institute of Justice, *Improving Efficiency and Promoting Justice in the Immigration System: Lesson from the Legal Orientation Program* (2008).
4. ICE inspection reports of Tri-County Detention Center for years 2007-2011 obtained pursuant to a Freedom of Information Act (FOIA) request filed by NIJC (April 2011).
5. *Id.*
6. *Id.*
7. ICE data from IIDS v1.10 (17 January 2012).



Heartland Alliance's National Immigrant Justice Center (NIJC) is a Chicago-based nongovernmental organization dedicated to ensuring human rights protections and access to justice for all immigrants, refugees, and asylum seekers through a unique combination of direct services, policy reform, impact litigation, and public education.

This publication is part of a campaign by the Detention Watch Network to end mandatory immigration detention. NIJC is solely responsible for the content of this document.

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