



April 17, 2015

Sarah R. Saldaña
Director
U.S. Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536

AMERICAN CIVIL
LIBERTIES UNION
WASHINGTON
LEGISLATIVE OFFICE
915 15th STREET, NW, 6TH FL
WASHINGTON, DC 20005
T/202.544.1681
F/202.546.0738
WWW.ACLU.ORG

Re: Karnes family detention facility developments

Dear Director Saldaña:

We write to express our concern regarding recent events that reportedly occurred at the Karnes family detention facility and to request further clarification of the facts.

Several media outlets have reported that on or about March 30, 2015, women detained at Karnes initiated what was described as a “hunger strike” or “religious fast” to protest the prolonged detention at Karnes—for some, more than eight months—of mothers and children who have come to the United States seeking refugee protection.¹ In a petition signed by approximately 78 women, the protesters decried the deteriorating health of their children and the refusal to release women with reinstated removal orders, even when their children were granted bond. The protesters also voiced concerns about how the conditions of confinement are affecting their children. We have also received reports that, in response to the protest, DHS Immigration Customs Enforcement (“ICE”) held several women alleged to have instigated the strike—and their children—in isolation in the Karnes medical infirmary and also threatened to separate the mothers from their children.² While the women were ultimately released from the medical isolation rooms, these actions have reportedly inhibited some women from participating in the hunger strike.³ To date, ICE officials deny that a hunger strike occurred.

¹*Moms in immigration detention start hunger strike*, San Antonio Express News (Mar. 31, 2015), available at <http://www.mysanantonio.com/news/local/article/Moms-in-immigration-detention-start-hunger-strike-6170467.php>; Karnes Fast Petition, available at <http://www.scribd.com/doc/260509319/Karnes-fast-petition#scribd%20>; *Mothers start hunger strike at Texas immigrant detention center, want their children released*, Fox News Latino (Apr. 30, 2015), available at <http://latino.foxnews.com/latino/politics/2015/04/03/mothers-launch-hunger-strike-at-texas-immigrant-detention-center/>.

² TWC News, *Mothers Break Hunger Strike at Karnes City Detention Center* (Apr. 4, 2015), available at <http://www.ny1.com/tx/san-antonio/news/2015/04/4/mothers-break-hunger-strike-at-karnes-city-detention-center.html>; Amanda Sakuma, *Hunger-striking immigrant moms and kids allege retaliation*, MSNBC (Apr. 3, 2015), available at <http://www.msnbc.com/msnbc/supporters-allege-retaliation-against-hunger-striking-moms-and-kids>.

³ Roque Planas, *Some Hunger-Striking Mothers Were Put In Isolation At Karnes Immigrant Detention Center, Lawyers Say*, Huffington Post (Apr. 2, 2015), available at http://www.huffingtonpost.com/2015/04/02/karnes-hunger-strike_n_6994436.html.

We have also received information indicating that ICE officials recently banned two legal professionals from entering the Karnes family detention facility, even to see their own clients. As we understand it, ICE officials banned Johana De Leon, a legal assistant for the Refugee and Immigrant Center for Education and Legal Services (“RAICES”), for allegedly instigating the above-mentioned hunger strike. The decision to bar Ms. De Leon came shortly after DHS officials banned Victoria Rossi, a legal assistant and interpreter for the Law Office of Virginia M. Raymond, from visiting clients at Karnes after she wrote an article for the *Texas Observer* which was critical of the Karnes facility.⁴ Both these women are an integral part of the effort to provide much-needed legal services at Karnes. Indeed RAICES is one of the few legal services providers for families detained at Karnes.

The ACLU has serious concerns about the events described above. If our understanding of the facts is correct, the alleged actions by ICE suggest retaliation against both detainees and immigration advocates for activities protected by the First Amendment, raise troubling constitutional questions,⁵ and violate some of ICE’s own standards governing family detention facilities. We therefore request answers to the following questions:

- Did any mothers detained at the Karnes family detention facility refuse the meals provided by GEO Group at any point between March 30, 2015, and the present?
- If so,:
 - How many individuals participated in the refusal to eat?
 - On what dates did the women refuse to eat? Did any children refuse to eat?
 - Were any of the women at Karnes placed in medical isolation rooms at any time between March 30, 2015, and the present?
 - If so,:
 - What was the basis for each such placement decision?
 - Was each such placement decision made by medical personnel (consistent with ICE FRS 4.2), or was it made by custody personnel?
 - Please provide the amount of time that each woman had fasted before she was moved to a medical isolation room.
 - Was ICE Headquarters notified, either at the time or subsequently, of these placements?
 - Please advise us whether any of the women at Karnes were threatened by ICE or GEO Group personnel with separation from their children between March 20, 2015 and the present, and if so, the basis for that threatened sanction.
 - Did the mothers who were detained in medical isolation rooms have access to phones to call their attorneys?
 - Were the children whose mothers were placed in medical isolation permitted to go outside for recreation?

⁴ Victoria Rossi, *Seeking Asylum in Karnes City: an up-close-and-personal view of family detention in a for-profit lock up in South Texas*, The Texas Observer, Feb. 2, 2015, available at <http://www.texasobserver.org/seeking-asylum-karnes-city/>.

⁵ See *Bridges v. Wixon*, 326 U.S. 135, 148 (1945)(freedom of speech and of press is afforded to aliens residing in this country); *Hicks v. Garner*, 69 F.3d 22, 25 (5th Cir.1995)(holding that inmates retain First Amendment rights even in prison); *Stefanoff v. Hays Cnty., Tex.*, 154 F.3d 523, 527 (5th Cir. 1998).

- Are detainees at Karnes ever placed in medical isolation rooms for non-medical reasons? If so, under what circumstances are such placements made, and what policies or procedures govern this practice?
- Was Johana De Leon ever barred from entering the Karnes facility as a legal assistant? If so, what was the basis for her exclusion and how long did it last? If the ban is currently in place, for how much longer will it be in effect? Was Ms. De Leon informed in writing of the basis for the exclusion? Was she given—or will she be given—an opportunity to appeal the decision to exclude her, and if so, when? Did DHS consider the impact of her exclusion—particularly if it is ongoing—on the clients of Ms. De Leon’s attorney-supervisors at RAICES?
- Was Victoria Rossi ever barred from entering the Karnes facility as a legal assistant? If so, what was the basis for her exclusion and how long did it last? If the ban is currently in place, for how much longer will it be in effect? Was Ms. Rossi informed in writing of the basis for the exclusion? Was she given—or will she be given—an opportunity to appeal the decision to exclude her, and if so, when? Did DHS consider the impact of her exclusion—particularly if it is ongoing—on the clients of Ms. Rossi’s attorney-supervisor, Virginia Raymond?
- Please provide a copy of all rules of conduct for legal visitors that apply at the Karnes family detention facility and any sanctions or disciplinary process that ICE or DHS invokes when it concludes that legal visitors have violated these rules.

We look forward to a prompt reply to these questions. Please be in communication with Joanne Lin, legislative counsel, at jlin@aclu.org or 202/675-2317.

Sincerely,



Michael W. Macleod-Ball
Acting Director
Washington Legislative Office



Joanne Lin
Legislative Counsel

cc: Esther Olavarria, Senior Counselor to the Secretary, DHS
Paul M. Rosen, Deputy Chief of Staff, Office of the Secretary, DHS
Serena Hoy, Counselor to the Deputy Secretary, DHS
Megan H. Mack, Officer for Civil Rights and Civil Liberties, DHS
Thomas D. Homan, Executive Associate Director, Office of Enforcement and Removal Operations, ICE
Riah Ramlogan, Acting Principal Legal Advisor, ICE
Kevin J. Landy, Director, Office of Detention Policy and Planning, ICE