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05/13/2015

ICE announces enhanced oversight for family residential centers



WASHINGTON — Today, U.S. Immigration and Customs Enforcement (ICE) announced a series of actions to enhance oversight and accountability, increase access and transparency, and ensure its family residential centers continue to serve as safe and humane facilities for families pending the outcome of their immigration proceedings.

“Following last summer’s unprecedented spike in illegal migration of unaccompanied minors and adults with children at the Rio Grande Valley, we responded with decisive action on a number of fronts. One element of this comprehensive approach was opening additional facilities for adults with children, as they wait for a resolution to their immigration case,” said ICE Director Sarah R. Saldaña. “While we routinely review and evaluate our facilities to ensure that we are providing the level of care required by our Family Residential Standards, we understand the unique and sensitive nature of detaining families and we are committed to maintaining the optimal level of care. The measures ICE is announcing reaffirm that understanding and our commitment to ensuring all individuals in our custody are held and treated in a safe, secure, and humane manner.”

After undertaking a comprehensive assessment of its family residential centers, ICE is taking the following actions:

First, ICE will create a new Advisory Committee, consistent with the Federal Advisory Committee Act, to advise the Director and the Secretary concerning ICE’s family residential centers. The committee will be comprised of experts in the fields of detention management, public health, children and family services, and mental health.

Second, Director Saldaña has designated a senior ICE official with the responsibility to coordinate and review family residential facility policies. This official will work directly with the facilities and ICE headquarters, while also engaging regularly with key stakeholders. The official will report regularly to the Director and coordinate an ongoing review of the policies and procedures that govern our family residential centers.

Third, building on recent efforts, ICE and the Department will undertake a series of engagements over the next several months with stakeholders to listen and discuss their concerns regarding family residential

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centers. When improvements can be made consistent with ICE's public safety mission, every effort will be made to make such adjustments.

Fourth, while ICE's family residential centers currently operate in an open environment that includes play rooms, social workers, educational services, comprehensive medical care, and access to legal counsel, ICE will explore ways to further enhance these conditions. The well-being of detained families, particularly of children, is of paramount importance to ICE. Similarly, ensuring access to counsel continues to be an ICE priority. As such, ICE will take additional measures to promote these values, including addressing language access issues for speakers of indigenous languages, providing dedicated work spaces for pro bono attorneys, and making available additional attorney-client meeting rooms.

Fifth, because of the sensitive and unique nature of detaining adults with children, ICE will also implement a review process for any families detained beyond 90 days, and every 60 days thereafter, to ensure detention or the designated bond amount continues to be appropriate while families await conclusion of their immigration proceedings before the Department of Justice's Executive Office for Immigration Review. Priority in the timing of the reviews will be given to those who have been detained the longest.

Finally, on February 20, 2015, a federal district court in Washington, D.C. enjoined ICE from invoking general deterrence in custody determinations where an individual from Central America in a family residential center is found to have a credible fear of removal. ICE has complied with that injunction, but has moved for reconsideration of the Court's ruling. Notwithstanding that, ICE has presently determined that it will discontinue invoking general deterrence as a factor in custody determinations in all cases involving families. This would affect not only families covered by the injunction, but also families from non-Central American countries and families who have established either a credible fear or reasonable fear of removal.

Homeland Security Secretary Jeh Johnson has made it clear that our borders are not open to illegal migration, and that individuals apprehended crossing the border illegally are a Department priority and that ICE should allocate enforcement resources accordingly, consistent with our laws and values. As such, ICE is endeavoring to use appropriate prosecutorial discretion and dedicating resources, to the greatest degree possible, to the removal of individuals who are considered enforcement priorities, which include recent border entrants.

