

Congress of the United States
Washington, DC 20510

December 16, 2021

Hon. Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue SE
Washington, DC 20528

Hon. Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, DC 20536

Damon T. Hininger
President and CEO
CoreCivic
10 Burton Hills Blvd.
Nashville, TN 37215

Dear Secretary Mayorkas, Acting Director Johnson, and Mr. Hininger:

We write to request the Department of Homeland Security (DHS) conduct increased oversight on CoreCivic’s management of Torrance County Detention Facility (Torrance) in Estancia, New Mexico and for ICE and CoreCivic to implement immediate remedial measures addressing current barriers to legal counsel and language interpretation services experienced by Haitian asylum seekers detained at this facility.

In May 2021, DHS publicly stated it would not tolerate the mistreatment of individuals in civil immigration detention or substandard conditions of detention.¹ Yet, the Department continues to detain individuals at Torrance, which failed an ICE-contracted inspection less than four months ago.² In the year leading up to the failed inspection, Torrance received 43 grievances from individuals detained at the facility regarding safety concerns, medical care, and food violations.³ The fact that Torrance had advance notice of the inspection, and still failed it, underscores the deeply rooted structural problems at the facility.⁴

Approximately two months after Torrance failed its inspection, ICE transferred into the facility a group of approximately 80 Haitian migrants. Some of these individuals suffered inhumane abuse in Del Rio, Texas at the hands of U.S. Border Patrol (USBP), actions which were strongly

¹ Department of Homeland Security Press Release, “ICE to Close Two Detention Centers,” May 20, 2021 <https://www.dhs.gov/news/2021/05/20/ice-close-two-detention-centers>

² The Nakamoto Group, Inc. Annual Inspection of the Torrance County Detention Facility, July 29, 2021 <https://www.ice.gov/doclib/facility%20inspections/TOORANM21-TorranceCoDetFac-CL-07-29-2021.pdf>

³ “Facility Significant Incident Summary (SIS) for Torrance County Detention Facility”, July 29, 2021 <https://www.ice.gov/doclib/facility%20inspections/TOORANM21-TorranceCoDetFac-SIS-07-29-2021.pdf>

⁴ Id.

condemned by the American public and President Biden. At Torrance, these individuals have faced severe barriers to legal representation, prohibiting them from being able to prepare for their asylum hearings, which are scheduled in an immigration court with an asylum denial rate of 93%.⁵ It took over two months for ICE to grant a group of attorneys and legal representatives permission to speak with many of these individuals⁶, during which at least four were given deportation orders who had not had access to legal representation. Providing detainees with access to legal services, particularly for non-English and non-Spanish speakers, is integral to a fair and just immigration system.

Furthermore, due to CoreCivic's failure to provide language interpretation services, Haitian Creole-speaking detainees are unable to communicate with detention officers present at the facility. Documented onsite visits reveal CoreCivic staff have provided individuals limited information about the asylum process and without interpretation to Haitians in Creole. On the rare occasions that attorneys had success meeting with Haitian detainees, they were also not provided interpretation services to effectively communicate with their clients. Due to the lack of interpretation services and the steep barriers blocking access to counsel, Haitian asylum seekers detained in Torrance face the nearly impossible task of being prepared for their immigration hearings and thus finding refuge in the United States.

Lastly, given that some of the Haitian migrants at Torrance were subject to the USBP's abusive treatment in Del Rio, Texas, DHS must take all necessary actions to ensure that potential witnesses are not removed from the United States pending the Office of Professional Responsibility's investigation on such abuse. For this reason, and the aforementioned barriers to legal representation at Torrance, we request DHS and ICE take the following actions:

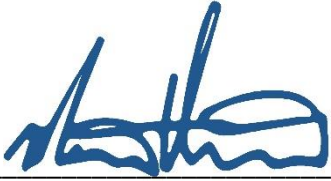
- 1) Conduct immediate, comprehensive oversight on CoreCivic's management of Torrance to ensure:
 - Attorneys can schedule attorney/client calls on a regular basis that are free, confidential, and unlimited in time;
 - Detainees and attorneys are provided unfettered access to ICE's language interpretation call-line; and
 - Haitian detainees have interpretation services to understand ICE-provided information on the asylum process, such as legal orientations and informational videos.
- 2) Work with the Executive Office for Immigration Review to extend the immigration hearing dates for those detained at Torrance until they receive the counsel that has been unduly inaccessible to them.

Thank you for your attention and we look forward to hearing about the actions you will expeditiously take to remediate these issues.

⁵ TRAC: "Asylum Decisions (El Paso-EPD Immigration Court)." <https://trac.syr.edu/phptools/immigration/asylum/>

⁶ "American Immigration Council, American Immigration Lawyers Association and Partners File Oversight Complaint on Violations of Due Process and Inhumane Conditions at Torrance County Detention Facility," November 23, 2021. <https://immigrationjustice.us/advocacy/advocacy-issues/due-process-in-court/council-and-partners-file-oversight-complaint-violations-due-process-torrance/>

Sincerely,



MARTIN HEINRICH
United States Senator



BEN RAY LUJÁN
United States Senator



MELANIE STANSBURY
United States Representative



TERESA LEGER FERNANDEZ
United States Representative