

Statement in response to a review of conditions for ICE detainees at NORCOR

7/11/18

“People detained by ICE are being held because of suspected or confirmed violations of immigration law – they are not in jail for criminal convictions. This is important context when considering the conditions they experience while in ICE detention.

We’re particularly appalled by the strip searches following attorney visits. Routinely strip searching civil detainees after they have met with their attorneys contravenes ICE’s detention standards, which require a specific and justifiable suspicion that contraband has been transferred. Imposing these prohibitive, unnecessary and invasive searches interferes with the right to counsel. If someone knows they will be strip searched after each attorney visit, they will be less willing to meet with counsel and assist in the preparation of their case. This is especially true for people who have suffered past physical trauma or sexual abuse, which is common among asylum-seekers.

Constitutional protections of attorney-client privilege and the right of access to counsel require that items of legal mail should not be interfered with. The review calls out the opening of “incoming general correspondence outside the presence of the detainee” and “the inspection of all outgoing correspondence or other mail without the detainee being present.” If this includes legal mail, (which is not specified in the review) then it would appear to violate the rights of detainees to communicate with their attorneys without interference. Even if it does not include legal mail, detainees’ other correspondence should not be being opened as a matter of routine and outside their presence per ICE’s own standards.

The review also identifies food service provision as deficient. It appears that there is a failure to comply with food hygiene and safety standards and that detainees who work in food services are not given the proper training for their own safety and that of everyone who will eat the food they prepare. Providing healthy and safe food to people who are being detained should be a priority.

Above all, we believe that Oregon cities and counties should no longer be a part of enforcing immigration law by contracting with ICE for the use of local jail space. Profiting from detention and deportation goes against the spirit of Oregon’s sanctuary state law.”

*Statement to be attributed to Erin McKee, Co-Director and Attorney, Immigrant Rights Project, Oregon Justice Resource Center.*