

Cut Off:

How ICE Detention Facilities Block Communication

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Executive Summary

This report documents how ICE detention facilities and telecommunications corporations inhibit communication between detained migrants and their families, advocates, and allies. Based on solidarity calls with detained migrants in Louisiana and Texas, interviews with immigration lawyers and advocates working in detention centers, news reports, and ongoing lawsuits, we map the kinds of barriers that migrants and their supporters confront when attempting to communicate by phone or video.

We document several ways US detention facilities – in partnership with major telecommunications corporations – make it difficult for detained migrants to speak to their family members, legal representatives, and advocates over video or phone. We note that ICE makes communication difficult in six main ways: 1) Isolation and inaccessibility of detention facilities, 2) Transfers moving immigrants away from their supporters and into remote areas, 3) High rates for calls, 4) Unreliable connections and inhibited scheduling, 5) Undermining privacy, 6) Arbitrary blocking and retaliation. During the shutdown of in-person visitation due to the Covid-19 pandemic, these telecommunication barriers became especially visible and acute. Today, these patterns are familiar to immigration advocates and lawyers but remain unacknowledged in mainstream narratives about US immigration detention. Many such practices are in violation of ICE's own stated policies, as well as of migrants' human rights.

We argue that this seemingly “practical” matter exacerbates detained migrants' isolation and makes it harder for legal advocates to reach them and defend their rights. Migrants' families, advocates, and allies play a central role not only in practical matters but also as an emotional support system and lifeline to the outside world. Telecommunication is an increasingly foundational part of maintaining these support systems, as migrants are placed in detention centers in rural areas, often far from their family and advocates. The effect of blocking telecommunications, we suggest, is *silencing* - and even a form of “disappearance,” - as detained migrants struggle to reach even their immediate family members, let alone attorneys who can help them fight human rights violations and win their immigration cases.

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Introduction

Immigration detention - the US government's practice of locking up immigrants as they go through deportation proceedings, refugee status determination, or other immigration-related processing - grew dramatically during the Trump administration (2016-2020). Scholars, journalists, and advocates have identified significant human rights abuses in US detention facilities, including family separation; verbal and physical abuse; lack of access to food, water, medical care, and sanitation; among many others.¹

Initially, our goal was to volunteer virtually alongside immigration attorneys to help them collect case data and document human rights violations against immigrants in detention, specifically Afro-descendent immigrants housed in isolated facilities in rural Louisiana. The Trump administration had begun transferring many detained migrants out of sanctuary states like California and into facilities in the Deep South. In fact, some of the facilities we planned to look at were operated out of the exact same buildings – and by the same corporations - that had been shut down due to their notoriety as private prisons.² We hoped to provide migrants in these facilities with a safe space for dialogue over the phone. During calls, we would also take notes on the conditions of detention, collecting data that would help Innovation Law Lab and their partners in the Gulf Coast Immigration Collaborative (GCIC) identify information that could aid in immigrants' legal cases. Specifically, Innovation Law Lab staff trained our team to intake cases and direct migrants to appropriate lawyers in GCIC.

Right away, we faced barriers to reaching detained migrants. We had trouble getting around ICE's policy of charging *migrants* for calls, even though we were affiliated with a legal team and had offered to reimburse any phone costs. We also had difficulty setting up appointments. In the rare cases we did get through, calls were poor quality and automatically dropped every 10-15 minutes. In addition, ICE agents actively inhibited our calls, pre-calling us to question our motives before allowing migrants to appear at scheduled meetings, and later retaliating by blocking our partner attorneys from visiting their clients. In other cases, guards stood over migrants during the calls. As a result, we were able to complete only seven calls with detained migrants and those calls were of poor quality at best.

We became increasingly frustrated, and we wanted to understand what was happening. We decided to shift our focus to ICE. We would look at how ICE was undermining migrants' ability to communicate and evaluate whether the same thing was happening to other immigration advocates and lawyers, as well as immigrants' families. In the second stage of the project, we conducted interviews with nine immigration advocates located in California, Texas, and the Deep South. We also collected news

¹ See, for instance, Wong, Tom K., Sebastian Bonilla, and Anna Colemana. *Seeking Asylum: Part 1*. La Jolla, CA: U.S. Immigration Policy Center (USIPC) at UC San Diego, 2019. <https://usipc.ucsd.edu/publications/usipc-seeking-asylum-part-1-final.pdf>.

² Including, for instance, Winn Correctional Facility, whose abuses journalist Shane Bauer detailed in his 2019 book *American Prison: A Reporter's Undercover Journey into the Business of Punishment* (Penguin Press).

reports from around the country about communication issues in immigration detention. This report is the result.

Existing studies on telecommunications in detention centers are scarce. Much of the literature on this subject consists of policy reports on the US prison system, as well as news articles and legal cases against private and public prisons. Many of these reports and articles center around phone carriers' profit-seeking strategies and attempts to monopolize the system through corporate consolidation. In US prisons and jails, there have been growing numbers of lawsuits against large phone carriers for deceiving incarcerated people about the costs of calls. However, the documentation of telecommunication in immigration detention centers is mostly limited to journalism relating the experiences of detained migrants within the facilities, rather than from formal research reports or projects.

While the US detention system and prison system share many of the same telecommunications providers, they house different populations and have different operating procedures. Thus, it is important to study both separately. For instance, much of the success in negotiating lower call rates in the prison system has been driven by families putting political pressure on service providers due to incarcerated people's lengthy sentences.³ In detention facilities, even though migrants can also be locked up for long periods of time, their families tend to have less power to speak out, even compared to people in US prisons. Some do not speak English, others are not US citizens or fear backlash from ICE (including the deportation of additional family members), and still others are located outside of the United States. Thus, migrants are extremely dependent on immigration advocates and attorneys to make their cases for them. Indeed, past research has shown that migrants' detention experiences differ dramatically depending on the proximity of the facilities where they are housed to pro-immigrant advocates.⁴

This report lays out how ICE inhibits communication between detained migrants and their families and allies. We document several ways US detention facilities – in partnership with major telecommunications corporations – make it difficult for detained migrants to speak to their family members, legal representatives, and advocates over video or phone. We note that ICE makes communication difficult in six main ways: 1) Locating detention facilities in isolated and inaccessible areas, 2) Transferring immigrants away from their supporters and into remote areas, 3) Charging high rates for calls, 4) Inhibiting scheduling and failing to offer reliable connections, 5) Undermining privacy, 6) Arbitrarily blocking phone access and retaliating against migrants who report dehumanizing conditions. During the Covid-19 pandemic, due to the shutdown of in-person visitation, these telecommunication barriers became especially visible and acute. Today, these patterns

³ Wagner, Peter and Alexi Jones. "The Biggest Priorities for Prison and Jail Phone Justice in 40 States." *Prison Policy Initiative*, September 11, 2019.

<https://www.prisonpolicy.org/blog/2019/09/11/worststatesphones/>.

⁴ Ryo, Emily. "Understanding Immigration Detention: Causes, Conditions, and Consequences." *Annual Review of Law and Social Science* 15, no. 1 (2019): 97–115.

<https://doi.org/10.1146/annurev-lawsocsci-101518-042743>.

are familiar to immigration advocates and lawyers but remain unacknowledged in mainstream narratives about US immigration detention. Many such practices are in violation of ICE's own stated policies, as well as of migrants' human rights.

We argue that this seemingly "practical" matter exacerbates detained migrants' isolation and makes it harder for advocates to reach migrants and defend their rights. Migrants' families, advocates, and lawyers play a central role not only in practical matters, but also as parts of an emotional support system and lifeline to the outside world. Telecommunication is an increasingly foundational part of maintaining these support networks, as migrants are placed in detention centers in rural areas, far from their family and advocates. The effect of blocking telecommunications, we suggest, is *silencing* - and even a form of "disappearance," - as detained migrants struggle to reach even their immediate family members, let alone advocates who can help them fight human rights violations and win their immigration cases.

Methods

This report was written by students and faculty in the Mexican Migration Field Research Program (MMFRP) at the University of California, San Diego, in collaboration with Innovation Law Lab's Anticarceral Legal Organizing (AcLO) team and its partner attorneys at the Gulf Coast Immigration Collaborative (GCIC). Originally, we attempted to set up phone calls with immigrants detained in Louisiana and Mississippi, to collect information to screen their legal cases and to document their human rights experiences under Covid. After encountering numerous obstacles to telecommunication, we expanded our pool to detention facilities in Texas and New Mexico. However, the geographic shift yielded few additional calls. Ultimately, despite working directly with legal representatives in the facilities, we were only able to speak directly with seven detained migrants (five of those in Louisiana), between January-March 2021.

As a result, student researchers felt frustrated, confused, and stalled. This frustration gave us an opportunity to reevaluate. We had been planning and preparing for more than three months already. Why couldn't we accomplish our goals? What were we doing wrong? The team began to realize that we were also subject to a larger institutional system that made it extremely difficult for migrants to communicate not only with us but also with their family members and legal advocates.

As a result, we decided to pivot to interviewing immigration *advocates*, to understand whether they, too, were facing similar barriers. For these interviews, we worked with Innovation Law Lab to brainstorm a list of advocates who had been working in detention facilities and might be willing to share their stories. We completed nine Zoom interviews with legal representatives, four from California, four from New Mexico and Texas, and one from Georgia. We asked them about the nature of their work and their patterns of communication with migrants in detention facilities. To maintain the interviewees' confidentiality, we use pseudonyms to identify them in this report.

We also drew on secondary data, including ongoing legal cases, newspaper articles, advocacy reports, and video reports. Finally, we share our own experiences and describe the barriers our team faced in the process of trying to offer support to migrants.

Barriers to communication in ICE detention

Isolated facilities

The isolated geography of US detention facilities creates severe barriers to in-person visitation. Today, the United States government holds tens of thousands of people in immigration detention across over 200 facilities run by Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP). ICE operates this network of detention facilities in conjunction with local governments and private companies, such as Geo Group and Core Civic, formerly known as Corrections Corporation of America, which run about 70% of detention facilities, as well as private prisons. Detained migrants can be legal permanent residents, asylum seekers, undocumented immigrants, or individuals whose immigration status is expired, not current, or under review. In this report, we focus primarily on migrants held in detention while their applications for US asylum were being processed. In such cases, migrants are generally sent to detention facilities upon reaching the US border and declaring asylum.⁵

Once migrants are placed in detention facilities, they have three main modes of communication with the outside world: in-person visitation, video calls through services such as Skype, and telephone calls. Migrants are not permitted to have cell phones while in detention. Most migrants and advocates prefer in-person visits because they can speak face-to-face, ensure privacy by speaking quietly, and have more time to be together (up to an hour). For migrants, in-person visits are free. However, family and advocates may incur significant transportation costs as well as major drains on their time. In-person visitation often requires migrants' family members, lawyers, and immigration advocates to schedule appointments or sign in during visitation hours.

In-person visits are also difficult for many families because of the isolated locations of ICE facilities – which are typically housed on the outskirts of major cities or in remote, rural areas. Most facilities are far away from the metropolitan centers where law and immigration advocacy offices tend to be located. This requires family members, lawyers, and immigration advocates to commute long distances to meet with detained migrants.

Even in the detention facilities located nearest to urban centers, visitation is difficult. For instance, San Diego-based advocates wishing to access the “nearby” Core Civic detention center in Otay Mesa had to drive 45 minutes towards the desert, arrive at a scheduled visitation time, wait an hour or more, and go through security to be let into the facility. For instance, an immigration advocate we call “Leo,” based in San Diego, shared

⁵ Despite this focus, we believe the findings apply to all migrants held in US detention facilities, since telecommunications practices and policies are universal.

his experience trying to contact clients in Otay Mesa. Leo relied on in-person visits to effectively exchange information, since he found it difficult and unreliable to schedule phone calls. Sometimes, he explained, ICE would cut off the phone lines when negative information (including human rights violations) got out to the press. When he did visit a migrant at Otay Mesa, despite the seeming proximity, it often took him the whole day, due to the 90-minute round trip drive, a one to two-hour wait time once he arrived, plus the visit itself. To save time, he often relied on family members to pass on messages when they visited.

Meanwhile, many ICE facilities – including those we studied in rural, northern Louisiana – are further away: five to six hour's drive from the nearest urban center (or more). The lawyers most likely to serve immigrants in such facilities tend to be located along the gulf coast or in cities like Memphis, Tennessee. One lawyer from Memphis described the immense geographic barriers she faced to advocating for clients in rural Louisiana: first, she had to drive five to six hours to the facility. Upon arrival, ICE made her wait for at least an hour and up to two hours or more before entering the facility to meet her client (a standard practice across detention centers). The process took at least a full day, and, she added, "If I had more than one client, you could forget about your day, and maybe add another day onto that."

Similarly, the video report "Where ICE Sent Asylum Seekers Exposed" takes viewers with immigration lawyer Humberto as he visits various detention centers in Louisiana.⁶ Like Leo, Humberto relied on in-person visits because of the lack of reliable telephone services in ICE facilities. As the film documents, Humberto had to drive five hours to reach the closest detention center in Louisiana. The location of the facilities made his job much more difficult and costly. Ultimately, the distance resulted in reduced services to migrants. Not only were there fewer immigration lawyers and pro-immigrant activists in the Deep South, but Humberto – and other lawyers like him - did not always have the time and gas money to drive five hours each way to visit a detained migrant. Thus, they served fewer people and visited less often, making it harder to build even the cases they did agree to take.

For migrants' families, geographic barriers can pose even more of a challenge. Often, both asylum seekers and immigrants in deportation proceedings are sent to detention facilities far from the places they were picked up and, by extension, far from their families. While advocates and lawyers typically take cases in facilities near to their places of work, families often live far away from detention centers, most of which are concentrated in the southern part of the country.⁷ The cost of travel is often prohibitive for low-income immigrant families. If family members are undocumented themselves, they may also be afraid to appear at detention facilities, for fear of being detained or deported as well.

If in-person access seemed hard for both advocates and family members pre-Covid, it became impossible during the pandemic. Starting in April 2020, ICE shut down in-person

⁶ NowThis Media. "Where Ice Sent Asylum Seekers Exposed | Nowthis." YouTube. YouTube, November 14, 2019. <https://www.youtube.com/watch?v=opVXddhYJ04>.

⁷ Mountz, Allison. "Mapping Remote Detention: Dislocation Through Isolation." In Jenna Loyd, Matt Mitchelson, Andrew Burridge, eds, *Beyond Walls and Cages Prisons, Borders, and Global Crisis*. Athens: University of Georgia Press, 2012.

visitation altogether, forcing migrants in detention to communicate exclusively through phone and video calls. Advocates who used to be able to visit migrants to develop their cases now had to rely exclusively on telecommunication. Our research took place between January-March 2021, when bans on in-person visitation at most ICE facilities left migrants and their allies reliant on phone and video, placing the barriers to such interactions in stark relief.

The impacts of transfers

Not only are ICE facilities isolated *in general*, but ICE systematically transfers migrants away from urban centers and into remote locations. Increasingly, ICE has also been moving detained migrants away from immigrant-friendly states like California and Oregon and into facilities in rural Texas and the Deep South. Some estimates suggest that more than half of all immigrants are funneled south once detained.⁸ These transfers create chaos for migrants and intensify the barriers to in-person communication between immigrants, their families, and their legal representatives.

Transfers cause confusion, loss of information, and isolation from family, lawyers, and advocates who could help migrants' legal cases. In addition, for those who are detained after living in the United States, transfers from one state to another usually mean losing the possibility of family visitation.

For instance, in *Locked Up Far Away - The Transfer of Immigrants to Remote Detention Centers in the United States*, Allison Parker (2009) shares the experience of one detained migrant that was transferred from New York to New Mexico.⁹ The man described:

I lived in upstate New York for 10 years with my four children and my wife ... ICE said I was deportable because of an old marijuana possession conviction where I never served a day in jail, just paid a fine of \$250 ... They took me to Varick Street [detention center in New York City] for a few days and then sent me straight to [detention in] New Mexico. In New York when I was detained, I was about to get an attorney through one of the churches, but that went away once they sent me here to New Mexico. ... All my evidence and stuff that I need is right there in New York. I've been trying to get all my case information from New York ... writing to ICE to get my records. But they won't give me my records, they haven't given me anything. I'm just representing myself with no evidence to present.

In this example, the transfer from one state to another undermined the detained migrant's legal case. The records were left in New York, along with the potential attorney to whom the man had reached out. As a result, he was left to represent himself *pro se*.

In Parker's report, advocacy groups also reported enormous concerns about the transfer of detained migrants from one detention center to another. They argued that such transfers hindered their ability to support the legal cases of migrants. Advocates

⁸ *Ibid.*

⁹ Parker, Alison. *Locked up Far Away: The Transfer of Immigrants to Remote Detention Centers in the United States* New York: Human Rights Watch, 2009.

explained that transfers only serve to keep migrants in facilities for longer, causing trauma and alienation. As one advocate put it:

The transfers are devastating—absolutely devastating. [The detained migrants] are loaded onto a plane in the middle of the night. They have no idea where they are, no idea what state they are in. I cannot overemphasize the psychological trauma to these people. What it does to their family members cannot be fully captured either. I have taken calls from seriously hysterical family members—incredibly traumatized people—sobbing on the phone, crying out, “I don’t know where my son or husband is!”

As this advocate’s testimony suggests, transfers deeply impact migrants’ mental health and well-being. Detained migrants and their families suffer from the agony of not knowing where detained migrants will end up. Families constantly worry about the wellbeing of their relatives and even question if their relatives are still alive. In short, transfers act like psychological punishment.

Due to the combination of isolation and transfers, even in “normal” times, many migrants and members of their support systems rely on phone calls as a primary means of communication. Ostensibly, phone and video are more convenient than in-person communication. Often, they are the *only* option available.

The cost of calls

Yet, ICE imposes significant barriers to telecommunication as well, including charging high costs for calls. Our experience attempting to communicate by phone offers an example. We had no way to call *in* to migrants in detention. Therefore, we set up an online phone system (Google Voice) that would allow detained migrants to call our team. Then, Innovation Law Lab worked closely with their partner attorneys at the Gulf Coast Immigration Collaborative to schedule legal calls for us with detained migrants. According to policy, calls related to migrants’ legal cases should be free, unmonitored, and un-timed. Yet, we never received the scheduled calls. Instead, ICE agents began to call our Google Voice line to ask for our legal credentials. When they discovered that we were not attorneys ourselves, they did not set up the calls. They also threatened to revoke the legal privileges of our partner attorneys.

In answer, we changed our approach. Rather than setting up legal calls, we mailed informational flyers to the detained migrants on GCIC’s referral list, listing our Google Voice number and explaining the kind of support we could offer. Each person received 10 flyers (5 Spanish, 5 English) so that they could share the information with other detained migrants. This plan presupposed migrants had funds in their accounts to place a call in the first place. We received very few calls.

US detention facilities charge migrants for all calls (and generally also text messages), except formal legal calls. Calling rates range from 20 cents per minute to over a dollar, and detention facilities also typically charge a connection fee (such as \$3.00 per call, or more). For instance, one ten-minute call we received from a facility in Louisiana came to

a total of more than \$10, over a dollar per minute. Similarly, in 2016, the American Civil Liberties Union of Northern California settled a lawsuit with ICE over telephone rates in California facilities that reached up to \$9.50 for ten minutes. Another advocate we interviewed said he once had to pay \$40.00 for a single video call.

These rates are determined by ICE and telecommunications companies, which make commissions on each call. In some cases, detained migrants are not able to see how much money is in their accounts until they hear a notification during the call that their funds are low, meaning they will be imminently cut off. ICE policy states that “Indigent detainees, who are representing themselves *pro se* [without a lawyer], shall be permitted free calls on an as-needed basis to family or other individuals assisting with the detainee’s immigration proceedings.” Nevertheless, we did not hear of any detained migrants able to make such free calls.

To pay for a call, a migrant needs a commissary account in the detention facility, which takes time to set up and typically requires family members or friends to deposit money in advance. Given that migrants can only earn \$1.00 per day while detained – *if* they are “lucky” enough to get work – \$10.00 represents a significant expense.

Phone fees also impose emotional burdens. Advocates told us that it was common for their clients to face dilemmas regarding the allocation of their limited time and financial resources. As one advocate, Andre, put it, many migrants must decide, “Am I going to spend the five minutes that I have calling a lawyer, or am I going to call my family and say hi?” Either a migrant could call their advocate or lawyer and hopefully make progress on their case, or they could call their loved ones and receive much-needed emotional support. Often, migrants sacrifice contact with both. A lack of regular communication with loved ones can be emotionally devastating and place strain on their relationships.

Calling also imposes immense costs on attorneys and immigration advocates. Most of the advocates we interviewed said they had to spend personal money to speak with clients, sometimes to the tune of thousands of dollars. For example, Anthony, a Program Director for an NGO centered in Georgia, described:

On a high month I could spend like \$500 to \$1,000 on phone calls, and I would just run out of money in my bank. I'm in a position where at least I have a job. It's a decently paying job, and I know if I run out of money one month, I can make it to the next paycheck. But a lot of families have to budget their communications with their loved ones. I know that's true with phones in general, but it's pretty unbelievably expensive to be talking with people inside a detention center.

Given that advocates’ work demands regular communication, the price tag can quickly become astronomical. Seven of the nine advocates we interviewed said phone costs were prohibitive for their work with detained migrants. Of those, five told us they had to use personal funds to make such calls.

During our own project, one member of our research team received a call from a migrant that was preceded by a recorded message telling the recipient that they needed to

create an account with the detention center. Our researcher proceeded to create an account and pay a \$10 minimum charge for first-time callers for a collect call that was cut off at 10 minutes. Similarly, we read news reports that Securus Technologies, one of the largest providers of jail and detention phone services in the US, used the “single call” to steer callers away from creating prepaid accounts and instead force them to pay separately for each call, increasing fees. All seven of the migrants who did get through to us said the cost was a barrier. We suspect that others were also interested in calling but lacked sufficient funds to place a call outside their immediate support system, even though we promised to reimburse the cost.

If barriers are high for advocates, they may be even greater for low-income immigrant families, few of whom can afford the kind of bills Anthony – as an attorney – found himself having to pay. For instance, a September 2020 report in the *Miami Herald* told the story of a migrant from Mexico, who shared, “My wife lost her job in Florida during COVID, so there’s no money to pay for phone calls.” The ICE facility where this migrant was held used to offer free texting, which the man relied on to keep in touch with his kids. But ICE had recently begun charging him even for texts. The man went on, “Now I go days, sometimes a week without communicating.” During Covid, the closure of in-person visitation, the loss of work, and increasing prices on texting and calling forced low-income families to take on growing costs if they wanted to keep in touch at all.

Put together, these charges make it difficult for migrants to contact all members of their support system (and vice versa) for long enough to share relevant information and connect emotionally. As Angélica Salceda, staff attorney with the American Civil Liberties Union of Northern California, said to a reporter, migrants in detention can be “essentially held incommunicado” due to the costs of calls.¹⁰ As one Guatemalan migrant held in the Krome detention center in West Miami-Dade put it to a *Miami Herald* reporter, “We are living through a pandemic; this is when we need to communicate the most. People are dying of Covid and they are either trying to make a profit or silence us.”¹¹

Are these costs necessary to keep the phone lines open? The short answer is “no.” A few US prisons and detention centers have made calling free, suggesting it would be straightforward to offer free calls and texts elsewhere. For instance, during the pandemic, Irwin County Detention Center in Georgia began to offer 500 minutes/month of free phone calls to make up for not allowing in-person family visitation. While these calls were monitored, the shift made it clear that such pricing (AKA, no pricing!) was possible. Similarly, as of 2021 San Diego County prohibits jails from charging for phone calls. These

¹⁰ Najmabadi, Shannon. “Detained Migrant Parents Have to Pay to Call Their Family Members; Some Can’t Afford To.” *Houston Public Media*, July 3, 2018.

<https://www.houstonpublicmedia.org/articles/news/2018/07/03/294135/detained-migrant-parents-have-to-pay-to-call-their-family-members-some-cant-afford-to/>.

¹¹ Madan, Monique. “Miami Ice Detainees: U.S. Eradicated Free Text Message Service.” *Miami Herald*, September 10, 2020.

<https://www.miamiherald.com/news/local/immigration/article245470575.html>.

alternatives would be not only possible but relatively straightforward to implement in immigration detention, making a radical difference to migrants.

Unreliable scheduling and connections

In addition to the cost, calls are difficult to schedule, hard to hear, and in our experience, as well as those of most immigration advocates we spoke to, automatically drop every 10-15 minutes. It seemed we had only begun a phone call with a migrant when the call would drop, creating confusion and forcing the migrant to initiate a new call.

ICE makes it tedious and sometimes impossible to set up calls between migrants and their supporters. In most cases, ICE facilities only allow outgoing calls, and people seeking to reach migrants cannot call into the facility or leave messages (with the exception, sometimes, of formal legal representatives). The inability to leave messages forces migrants and their contacts to set a strict schedule of calls beforehand to ensure their mutual availability. Yet with a limited number of phone lines available and little control over their own schedules, migrants cannot always predict when they will be able to access a phone, leaving advocates and family members awaiting calls for long periods of time. Even the lawyers we spoke with described frustration that ICE staff frequently did not inform migrants of their calls. Some found they had to relay messages in person or by "snail mail" to set up a time for a migrant to call them.

Andre, a volunteer legal advocate, touched upon this challenge, stating:

Everything has to be scheduled and for people, especially for volunteers like me, that work was not my job, so I had another job and the fact that we can't call someone back makes that scheduling effort really challenging ... The court will happen, or something will happen, and they'll shut down the entire facility. Nobody can use the phones and so at the time that you had scheduled, if they can't call or all the phones are used, it's just really challenging.

As Andre emphasized, even when advocates and migrants agree upon a time to make a phone call, migrants can face unforeseen barriers to get access to a phone line.

Other times, ICE agents refuse or fail to relay messages to migrants. For instance, Lisa, an advocate who does intakes with immigrants in detention and holds a clinic which helps them prepare for their court hearings, said that ICE staff's apathy about setting up meetings caused confusion, further delaying court cases and intake hearings. She described one incident where she struggled to arrange a legal intake call:

There's a lot of confusion between us, the clients, the [Deportation Officers] and the actual guards. So, they don't follow the rules, not that they don't follow it, maybe they just don't understand it, and therefore they're communicating it differently with the detainees. So, it was just a jumble of: No one's communicating with them. They're not communicating with us. No one knows what's happening until the attorney stepped in, and she was like, "We need a private location for this individual because of the sensitivity

that comes with intake." And it wasn't until then that I got the call, still late, but I got the call.

While Lisa could not do legal intake or support migrants' cases without a call, she found it extremely difficult to even set up a call in the first place. In both Lisa's experience and our own, an attorney had to step in to resolve the issue, putting further demands on highly strapped lawyers and making it difficult for legal staff to play their intended support roles. There was little accountability monitoring whether ICE agents adequately informed detained migrants about calls.

Advocates also told us that ICE sometimes failed to show migrants how to navigate web-based calls. Several detention facilities use web-based technologies for calls, including computers and dialing systems, and migrants may be unfamiliar with the technology required. In such cases, migrants were unable to place scheduled calls.

In our interviews with advocates, all nine spoke about the difficulty of setting up a phone call. Three talked specifically about the hassle of email with ICE, and three mentioned incidents where ICE officers or staff gaslighted them or acted sexist or misogynistic. For instance, two mentioned that when they complained to ICE about not receiving a scheduled call, ICE replied that they could not force clients to meet with them, implying that the client chose not to call their legal representatives. Another four spoke of confusion between ICE agents and advocates. It is unclear whether ICE staff are overloaded, particularly with the pandemic, or purposefully obstructing advocates' access, but the result is the same: slowdowns, confusion, and barriers to connecting.

In addition to unreliable scheduling, all the advocates we spoke to struggled with poor quality and dropped calls. In our own experience, every one of the seven calls we received from detention facilities had poor sound quality. In three of these cases, we also had issues connecting, and in two cases, the migrants had to try multiple times to make any contact.

In most US detention facilities, calls are automatically stopped at the 10-to-15-minute mark of the conversation with a request that the callers pay more money to continue the call. In some cases, the call will instead drop altogether. This means that even when people are paying the high fees, they are constantly interrupted. Not only are these interruptions inconvenient for sustaining a conversation, but a migrant must repay the connection fee to re-start the call. Most of the advocates we interviewed said they regularly had calls drop with little to no notice.

Advocate Andre explained that because of such interruptions, "It takes a long time to talk to somebody in order to get enough information to piece together a kind of story that then an attorney can take a look at and see whether they're able to talk to that person." Thus, quality issues prolong legal processes and complicate the ability to consolidate migrants' legal information efficiently in time for their court dates.

Lack of privacy

In addition to connection issues, migrants in detention have little privacy when using telecommunications, deterring many from sharing full information over phone or video.

According to ICE policy, all calls, aside from scheduled legal calls with a lawyer, can be monitored or recorded by officers at any given time. Prior to each phone call, there is a disclaimer that discloses the possibility of the conversation being monitored and recorded. ICE agents sometimes also eavesdrop or monitor legal calls, even though doing so is illegal. Phone almost never offers the same level of privacy as in-person visitation.

In most detention centers, there is a room or section designated for phone calls. Migrants gain access to this area only at certain times of day, and the areas tend to be crowded, as many people try to make calls at once. Policy requires facilities to have one working phone per 25 detained migrants, though in practice that is not always the case. Guards are always in the room and can easily listen in on calls, without the recipient knowing.

For example, Andre, who provided legal services to asylum seekers in detention but was not an attorney, had to shift all his work to the phone during the pandemic. For him, the biggest impact was the loss of his ability to have an unmonitored conversation (as had been possible in person). He explained:

Essentially, what COVID-19 did, like lack of ability to visit in person, is other than from lawyers who can still do an unrecorded line, for the rest of us advocates, it took away our ability to have non-monitored conversation. And that's really important for people to be able to denounce abuse. Because basically the only form of non-monitored conversation is to go visit.

Unable to visit, Andre's work became much more difficult. Knowing phone lines were recorded, his clients were no longer willing to share their experiences.

Even when lawyers request private phone lines, there is no assurance that ICE is not monitoring their client. Sometimes, advocates and lawyers we interviewed could tell their client was on speakerphone, and they had no way of knowing that ICE agents were out of the room.

Such call monitoring inhibits migrants' ability to disclose abuse without fear of retaliation by ICE. For instance, immigration advocate Andre explained that the message which informs callers that they are being recorded or monitored at the beginning of each call makes people wary of speaking out over the phone. In his experience, "People will not talk to you about certain instances of abuse over the phone by prison guards inside the detention centers because they're afraid of retaliation [and] they know that they're being recorded." In other words, call surveillance blocked migrants from reporting abuse.

Another advocate, Elizabeth, told us that most calls she conducted with detained migrants involved some type of hesitation from the person in detention. She said:

It's always like, "I don't want to say it here. I don't want someone to hear me. Can I just write it?" Or sometimes people really are like, "I don't want to say it right now. Can I please have a private call," or are advocating to try and get a private call, [and] it doesn't get scheduled. And then they eventually just kind of give up and start talking anyway, even though they don't feel 100% comfortable. And that's also not okay, right? Because this

person, obviously, is uncomfortable with sharing this information. And some of these people don't want to share certain information, because they're part of the LGBTQ community, they don't want to out themselves. With reason, you shouldn't have to out yourself at any given point.

The calls Elizabeth mentioned sometimes contained very sensitive information that could be used against detained migrants by other detained migrants or in court, by officers and detention staff. For attorneys and advocates, it is essential to get the full picture of a detained migrant's situation. Yet, phone recording, monitoring, and eavesdropping make it difficult for migrants to share.

Additionally, when detained migrants are taken into solitary confinement or hospitals for medical emergencies, their calls are physically observed by guards, or they are prevented from accessing phones altogether. One advocate, Anthony, remembered a case where a detained migrant was put into medical isolation and denied access to a phone for a week. She was completely isolated and not permitted to contact her legal representative, her consulate, or her family. The only person she was able to speak to was a psychologist, whom she reported to be “verbally abusive,” coercing her to take medication through the use of threats. Medical isolation and other forms of solitary confinement put detained migrants at the mercy of detention officers and officials who monitor them and may deny access to telecommunication.

When migrants are monitored, many also fear retaliation. Detained migrants are aware that authorities within the detention system act with impunity and that they are at the mercy of guards if they speak out to independent observers about what is going on. Indeed, all nine advocates we interviewed stated that the recording and monitoring of phone calls in detention centers interfered with migrants' ability to disclose instances of abuse without fear of retaliation. Three of them have also witnessed migrants being denied phone access during solitary confinement, affecting their ability to make necessary legal calls and contact their personal networks. With this limited ability to relay abuses to the outside world, the experiences of detained migrants become obscured and silenced.

Arbitrary blocking and retaliation

In some cases, ICE also directly blocked communication in retaliation against migrants or their supporters. People's reliance on phone and video contact during the pandemic increased the power of ICE over who had access to communication. It also reduced scrutiny over ICE practices, as attorneys and advocates were no longer physically able to observe ICE agents. Reduced scrutiny and reliance on phone calls also made it easier for ICE to punish those who were brave enough to speak out against the poor conditions in detention.

One example is when women detained at Irwin County ICE Processing Center in Georgia used *Getting Out*—a video calling application—to contact a loved one and record their testimony about the dangerous conditions in detention during the COVID-19

pandemic.¹² They described the lack of COVID-19 precautions being taken for detained migrants and the ways they had been forced to use make-shift masks made of socks. In retaliation, ICE disabled the video and audio capabilities of the tablets for several days. They also removed the women from their dorms in handcuffs and put them in solitary confinement. These women were prevented from accessing telephones for the next few days and ordered by officials to sign what the women referred to as “guilt papers,” admitting that by making the video they had acted inappropriately. Two women refused to sign, and ICE told them they would remain in solitary confinement for two weeks. A third woman who refused to sign was released; however, she refused to speak out publicly because she was told it would make things worse for the women still in solitary confinement.

We also heard stories of ICE shutting down outgoing calls (especially to reporters) when something bad happened at their facilities. For instance, Leo remembered one morning he got a call from a client in Otay Mesa Detention Facility, near San Diego. The woman had run out of funds but borrowed money from a friend to call. He described:

She freaked out, and she said, “We got poisoned. It wasn't on purpose but all of us ... like several of us, have been having allergic reactions to the poison.” And so, what I did was, I told her, “I'm on my way, but since I have you on the line, here are the phone numbers of reporters. Write them down.” And I just started - she just started writing phone numbers of reporters because I knew we had a small amount of time to get the story out. Because soon they're going to shut down all the phones, they're going to make sure that none of the mail that gets out says anything about this incident. I was like, “No one's going to find out that this happened if you don't like getting the word out now.” And luckily, I was able to give her enough phone numbers. Collectively they basically used each other's funds and started calling reporters, and they got their word out, they got the word out of what had happened. I know that their phone lines cut off once word got out that they were all talking to reporters. What they do is just shut down the phone lines. And so, it prevents calls from coming in and out.

In Leo's experience, ICE consistently shut down the phone lines when negative news began to get out.

In this case, the story of the women's poisoning was published by the *San Diego Union Tribune* in November 2017 under the headline, “Women temporarily evacuated after exposure to noxious chemicals in immigration detention.”¹³ The report details how a

¹² Nathan, Debbie. “Women in Ice Detention Face Reprisals for Speaking up about Fears of Covid-19.” *The Intercept*, April 28, 2020. <https://theintercept.com/2020/04/28/ice-detention-coronavirus-videos/>.

¹³ Morrissey, Kate. “Women Temporarily Evacuated after Exposure to Noxious Chemical in Immigration Detention.” *San Diego Union-Tribune*, November 15, 2017. <https://www.sandiegouniontribune.com/news/immigration/sd-me-otay-chemicals-20171115-story.html>.

group of women detained in Otay Mesa suffered from intoxication after a night shift of cleaning, after inhaling chemicals used for cleaning an indoor space. While the women asked to be allowed to breathe fresh air, they did not receive any help from the detention staff, which made it extremely urgent to connect with someone outside the facility for help.

In other cases, advocates had their own phone numbers blocked by ICE. For example, Andre told us:

ICE has blocked my phone number specifically on multiple occasions. At Adelanto detention center [outside Los Angeles] when we were supporting hunger strikers, I think I had two different numbers blocked. My normal number was blocked, and then a Google Voice number I had was also blocked. And then they didn't block the next number I started using after the ACLU wrote a letter saying that they were violating the first amendment rights by blocking people's phone numbers based on first amendment protected activity. But literally my name, my phone number was either somehow in their tech--like people would try to call my phone number, and it would just say, "This phone number is not accessible."

In short, ICE not only censored migrants but also advocates, making it impossible for migrants to call out to advocates' phone numbers. Such retaliation likely made migrants even more hesitant to discuss abuses in detention over the phone.

Conclusion

As this report shows, ICE and telecommunications corporations create a series of financial, logistical, and psychological barriers to phone contact, restricting migrants' ability to communicate sufficiently with their contacts in the outside world. The high costs of phone calls create a financial barrier that prevents regular communication with people outside detention, as migrants and their support systems have limited ability to communicate unless they can pay the exorbitant fees. As a result, detained migrants are often faced with the dilemma of choosing between contacting family members for emotional support or lawyers for legal aid. Callers' inability to leave messages forces migrants and their contacts to set a strict schedule of calls beforehand to ensure their mutual availability. Phone quality and connection stability form a dependability barrier, preventing migrants in detention from having complete conversations where they can discuss their experiences or pertinent legal information. Furthermore, issues of privacy arise when migrants' right to confidential phone calls with their lawyers is infringed upon due to crowded phone rooms and *de facto* monitoring. The oversight and recording of phone calls prevents migrants from speaking out freely about injustices in detention, creating a psychological barrier as they fear retaliation from ICE. At times, ICE retaliates against both migrants and their allies by blocking phone lines. These barriers make it unduly difficult for migrants to connect with their friends, family, allies, and attorneys.

While phone calls eliminate the obstacle of travel time, they enable ICE to suppress migrants' voices, inhibiting migrants' ability to complete full legal cases, connect emotionally with supporters, and report abuses in detention facilities. The shutdown of in-person visitation during Covid-19 exacerbated these issues and intensified ICE's control over migrants' communication. Yet the patterns were not new: Covid simply brought to light a set of issues that were already omnipresent, thanks to the isolation of most detention centers and the frequency of ICE transfers into remote locations.

As a result of the barriers to communication, detention centers continue operating like black boxes. More systematic information about telephone access in detention centers is needed to construct a better-informed picture. Future research on telecommunication in detention should anticipate obstacles in contacting detained migrants—whether due to interference by ICE, steep prices, calls unexpectedly dropping, and scheduled phone calls falling through without prior notice. To circumvent this problem, we recommend incorporating in-person visitation and interviews with advocates and family members from the beginning of the research.

ICE detention centers are using communication barriers, isolated facilities, and transfers to silence detained migrants and stop potentially damaging information from getting out. As a result, migrants can feel erased. In the context of a larger fight to abolish immigration detention, there is an immediate need for better communication. To end the abuses in general, however, the system of immigration detention itself must be dismantled.

Recommendations

For legality, free speech, and the human rights of migrants and their families, we insist that ICE and US authorities:

- Provide free phone calls to migrants in detention.
- End policies that automatically drop calls after short periods of time.
- Provide sufficient calling hardware and quality.
- Standardize the process of setting up calls across ICE detention centers for detained migrants, their attorneys, and loved ones.
- Allow independent monitoring to ensure call privacy.
- End or greatly reduce transfers between detention facilities.
- Reduce wait times for visiting migrants detained in ICE facilities.
- Hold ICE and its agents accountable for retaliating against migrants who speak out about detention facility conditions, communicating grievances, and speaking to journalists, including by blocking phone lines.

These tweaks are not enough. By far, the most impactful way to reduce human rights and due process violations would be to reduce or fully eliminate immigration detention as the default process for migrants. Therefore, we call on the US government to:

- End contracts with telecommunications companies that earn money by charging migrants exorbitant fees to communicate with their families and legal representatives.
- End contracts with private prison companies that earn money off migrant incarceration.
- End immigration detention itself.

A truly humane policy (and far more cost-effective one) would allow migrants to remain with their families and allies while they are in legal proceedings, in lieu of sending them to detention facilities, where they may be cut off from the world.