

Summary of Conference Call

U.S. Immigration and Customs Enforcement
Advisory Committee on Family Residential Centers
Subcommittee on Access to Counsel and Language Services
August 9, 2016

The U.S. Immigration and Customs Enforcement (ICE) Advisory Committee on Family Residential Centers (ACFRC), Subcommittee on Access to Counsel and Language Services convened on Tuesday, August 09, 2016 via teleconference at 12:00 P.M. EST.

Attendance:

Subcommittee Members Present for Teleconference:

- Jennifer Nagda
- Dora Schriro
- Kurt Schwarz
- Margo Schlanger
- Sonia Parras-Konrad
- Karen Musalo

Others Present:

- John Amaya, Deputy Chief of Staff, ICE; Designated Federal Officer (DFO), ACFRC
- Maryam Ali, Special Assistant, ICE

Opening Remarks:

Subcommittee Chair Jennifer Nagda took roll call. She asked if there was any discussion on ICE's end regarding the letter that was addressed to DHS Secretary Jeh Johnson and ICE Director Sarah R. Saldaña and whether the ACFRC members should expect to receive a response.

Designated Federal Officer (DFO) John Amaya said that there has been discussion, however, DHS is lead on the response and ICE must defer to the Department unless otherwise instructed.

Margo Schlanger asked about the status of additional responses from ICE. Special Assistant Maryam Ali said these items are still pending. She also reminded members to email their availabilities so ICE could begin planning the next full Committee meeting.

General Meeting:

Chair Nagda began with a brief discussion of the time frame for work. She suggested spending the next few weeks working substantive feedback in the areas of language services, legal access and Vice Chair Dora Schriro's proposed interdisciplinary work on detention management.

On intake and outtake processing, Karen Musalo said the members could rely on information from non-governmental organizations. In the absence of clarifying information from ICE, she suggested writing recommendations based on what is being reported about the process and the

criticisms that are seen. Margo Schlanger agreed this would be a good route and noted that the materials filed in the Flores litigation might be relevant.

Regarding subcommittee report styles, Chair Nagda noted that there are very different styles across subcommittees not just in terms of tone but also in terms of structure. The subcommittee chairs will circulate a recommended template to provide a consistent approach.

The members then discussed Ms. Schlanger's draft recommendations on language access. Ms. Schlanger asked for feedback particularly on Spanish language interpretation issues within immigration interviews and proceedings.

Chair Nagda said in-person interpretation makes the most sense in all settings, not just family detention. She noted that the group would need to seek clarification on responsibility because the Department of Justice may have the obligation to provide interpretation services in proceedings and it might not be worth a recommendation to ICE. Furthermore, as most asylum officers are U.S. Citizenship and Immigration Services officers, recommendations here would need to be more broadly to DHS.

Ms. Schlanger said it would also be helpful if anyone could direct her to language access issues even outside of a detention setting. Ms. Musalo said she would assist in searching for overview documents of the process and statutory provisions that cover immigration court proceedings.

Members also discussed:

- Recommending that telephonic interpretations are avoided entirely
- Focusing on interpretation to ensure comprehension
- Requiring appointment of counsel to ensure due process for indigenous speakers
- Release of indigenous speakers until improvement of language services during immigration processing
- Using clearer instructions with flow charts
- Revisiting the documents on the ICE Family Case Management Program and providing recommendations to continue connecting families with resources in their final place of destination
- On disability access, broadening recommendations from just access to TTY
- Not using children for interpretation of any kind
- Framing disciplinary recommendations more broadly to apply to grievances and other quasi legal situations
- When to require translation of materials into indigenous languages and what to do if the population might not be literate

Chair Nagda recommended reaching out to ACFRC member Michelle Brané on some of the questions raised in this conversation given that Ms. Brané has aggregate data on some of these issues.

Moving forward, the subcommittee would provide in depth feedback on the remaining areas of legal access and law libraries, intake and outtake, and the overlapping detention management

issues. Chair Nagda said it might be a good idea to break apart legal access and language access considering how long each is.

Touching briefly on formatting again, Chair Nagda said the goal is to include introductory context before each section and subsection. She also suggested that Ms. Schlanger set aside some of her introductory language as it would lend to a good overarching introduction for all three subcommittee reports.

Adjournment:

The subcommittee adjourned at approximately 1:00 P.M. EST.