

Summary of Conference Call

U.S. Immigration and Customs Enforcement
Advisory Committee on Family Residential Centers
Subcommittee on Medical and Mental Health
July 12, 2016

The U.S. Immigration and Customs Enforcement (ICE) Advisory Committee on Family Residential Centers (ACFRC), Subcommittee on Medical and Mental Health convened for its weekly meeting on Tuesday, July 12, 2016, via teleconference from 1:30 P.M. to 2:15 P.M.

Attendance:

Subcommittee Members Present for the Teleconference:

- Leslye Orloff
- Judith Dolins
- Dr. Andres J. Pumariega

*Dr. William Arroyo did not participate in the teleconference because he is out of the country.

Others Present:

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

Opening Remarks:

Chair Leslye Orloff completed the roll call, confirming the subcommittee members on the line as well as the ICE staff participating in the teleconference.

Dr. Andres Pumariega reminded the group that he needed to leave the call early due to a scheduling conflict, and Special Assistant Andrea Washington stated that ACFRC DFO John Amaya also had to leave the call early due to his schedule.

General Meeting:

Chair Orloff started the meeting by briefing the group on the highlights from the call with subcommittee Chairs. She said that as follow-up to the first batch of documents that was given to the Committee as part of the response to the requests for additional information, ICE is now reviewing the remaining outstanding questions and deciding what items are not available or will not be provided for some reason. DFO Amaya, adding more clarity, said there are some answers that are not necessarily in document form and there are other items that ICE just does not collect in the way that they have been requested from the agency. He added that there are other answers and documents that the Committee will not get because they just do not exist or because of various constraints, such as litigation or concerns about proprietary information.

Continuing with highpoints from the Chairs call, Chair Orloff said it was asked if ICE could at least let the Committee know what documents will not be provided for whatever reason so members would stop waiting on information that will not be forthcoming. ICE staff agreed to do

so. She stated that ICE staff also agreed to clarify where there is parallel information within the batch of documents.

Chair Orloff said the issue of the deadline for the draft recommendations was again discussed. The Chair said given the delay in getting materials to members, everyone recognizes the August 1 deadline still on paper is not really possible. However, it is understood that pushing back the deadline too far could jeopardize implementation of the recommendations under the current administration. It was also noted on the Chairs call that members should keep in mind how these recommendations could potentially become part of ICE's transition documents, Chair Orloff stated.

Wrapping up her readout, the Chair said the Subcommittee on Access to Counsel and Language Services continues to mull the possibility of sending a formal letter to ICE leadership expressing members' concerns about their inability to complete their work because they do not feel they have the information necessary to do so. The legal group is likely to send the letter early next week, depending on what ICE is able to provide by the end of the week. Chair Orloff said she has not seen any draft language of the letter. She asked subcommittee members how they wanted her to approach the letter from their group's perspective and if they thought their group should consider signing on to it. Both Vice Chair Judith Dolins and Dr. Pumariega said they were okay with Chair Orloff using her best judgement to decide for the subcommittee. The Chair said she would review whatever the legal subcommittee puts together and check in with the group if she thought she needed more input.

Vice Chair Dolins then questioned if the group is supposed to ignore a recent decision in the *Flores* litigation. The Vice Chair stated that the decision, made by the Ninth Circuit Court of Appeals, said children can be released from detention, but the parents cannot. She said she does not believe a child should be separated from a parent, and she has been thinking about the traumatizing affect this could have on children if carried out in a manner that leads to family separation. Dr. Pumariega said this would certainly be a traumatizing event, adding that another way to carry out the decision would be to release children with their parents. Vice Chair Dolins said the new decision, unlike the decision in 2015, does not state that parents have to be released with their child. The Vice Chair added that perhaps the subcommittee could take on the charge of making the recommendation that parents should be released with their kids to avoid toxic stress. Chair Orloff asked Vice Chair Dolins if she would take lead on drafting the recommendation, and the Vice Chair agreed.

Moving the conversation to draft recommendations that still need to be discussed, Chair Orloff asked Dr. Pumariega if his preference remained for everyone to provide feedback over email, and Dr. Pumariega confirmed email is still his favored method. Dr. Pumariega added that he continues to believe Committee members' roles are to share their expertise and to craft recommendations based on the evidence. He restated his ongoing concern that the subcommittee could morph into an investigative body, which he does not believe is its role.

With Dr. Pumariega only available for a few more minutes, Chair Orloff said she thought the next meeting would involve trying to figure out how the subcommittee is going to review any additional materials it receives and at least starting to go through her draft recommendations.

Vice Chair Dolins and Dr. Pumariega said that agenda worked for them. Dr. Pumariega then left the call.

Ms. Washington briefly broke into the call to further explain the timeline ICE staff outlined on the Chairs call. She said ICE staff would email members by close of business with any information on a new deadline for draft recommendations. By the end of the week, members would receive an itemized list of what information will or will not be provided.

Vice Chair Dolins said she understood that there are restrictions on what can be provided, but she did not think that meant the group should shy away from making recommendations anyway; lack of information should not stop the subcommittee from moving forward and getting its work done. Chair Orloff concurred.

The Chair added that her pieces on trauma, domestic violence, and sexual assault are a little harder to cover because there is not an abundance of formal standards available, but there are some good recommendations she can pull from. She said she would be looking to the rest of the subcommittee to provide insight to any standards they know of in the child health and mental health fields.

Chair Orloff, discussing other potential ideas for grounding the group's work, said she thought it was interesting that the legal subcommittee was doing some sort of scanning of the issues, but she was not sure what exactly they were scanning. Vice Chair Dolins said the group was likely scanning reports that were legal in nature. The Vice Chair reminded the Chair that their group had talked about using media reports to support some of their recommendations, and it was determined that those reports are not reliable enough. Vice Chair Dolins said there are also formal complaints submitted by advocates on behalf of residents, which is how some of the stories about the holes in health care have come to light. However, she stated that she does not think the subcommittee has to reference these reports in order to make recommendations about what health care should be at the family residential centers. Chair Orloff agreed and noted that she thinks relying on those kinds of reports and/or complaints almost seems like a checklist.

The Chair said these comments raised the question of how to make sure people are getting the health care they need in accordance with the Committee's recommendations, if they are accepted and implemented. She suggested that one way could be the subcommittee being very detailed in what it recommends should be added to the inspections conducted by Danya International and the Department of Homeland Security Office for Civil Rights and Civil Liberties. Chair Orloff said there also needs to be a built in mechanism going forward that can help with addressing problems that may develop in the future.

The Chair and Vice Chair then talked more about what should be covered in the next meeting. Chair Orloff again mentioned the potential letter from the legal subcommittee, and Vice Chair Dolins said a better option might be to have a cover letter at the front of the full Committee report that describes the issues with obtaining information and the impact that had on the members' ability to create meaningful recommendations. Chair Orloff said she thought that made sense.

Commenting on another topic where she needed more help, Chair Orloff stated that she did not do much on the subject of child abuse, noting that she was focused on children who survived child abuse in their home country and how that previous abuse could impact their treatment. She said she thought that part of her recommendations was a little weak, and she would like feedback from the group.

Chair Orloff asked if there was anything else to cover, and Vice Chair Dolins answered that she had nothing further.

Adjournment:

The subcommittee adjourned at 2:15 P.M.