U.S. COMMISSION ON CIVIL RIGHTS

BUSINESS MEETING AND PUBLIC COMMENTS PERIOD

FRIDAY, APRIL 12, 2019

The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C. at 9:00 a.m., Catherine Lhamon, Chair, presiding.

PRESENT:

CATHERINE E. LHAMON, Chair
PATRICIA TIMMONS-GOODSON, Vice Chair*
DEBO P. ADEGBILE, Commissioner
GAIL HERIOT, Commissioner
PETER N. KIRSANOW, Commissioner
DAVID Kladney, Commissioner*
KAREN K. NARASAKI, Commissioner
MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director
MAUREEN RUDOLPH, General Counsel

* Present via telephone
STAFF PRESENT:
NICHOLAS BAIR
LASHONDRA BRENSON
KATHERINE CULLITON-GONZALEZ
BARBARA DE LA VIEZ
PAMELA DUNSTON, Chief, ASCD
LATRICE FOSHEE
ALFREDA GREENE
TINALOUISE MARTIN, OM
WARREN ORR
LENORE OSTROWSKY
CORRINE SANDERS, CRO
SARALE SEWELL
JUANDA SMITH
BRIAN WALCH
MARIK XAVIER-BRIER
MICHELE YORKMAN-RAMEY

COMMISSIONER ASSISTANTS PRESENT:
SHERYL COZART
JASON LAGRIA
CARISSA MULDER
AMY ROYCE
RUKKU SINGLA
ALISON SOMIN
IRENA VIDULOVIC
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CHAIR LHAMON: Good morning, and this meeting on the U.S. Commission of Civil Rights comes to order at 9:01 a.m. on April 12, 2019. The meeting takes place at the Commission's Headquarters located at 1331 Pennsylvania Avenue, Northwest, Washington D.C.

I'm Chair Catherine Lhamon, Commissioners who are present at this meeting in addition to me are Commissioner Heriot, Commissioner Kirsanow, Commissioner Narasaki, and Commissioner Yaki.

I believe that Vice Chair Timmons-Goodson is on the phone. Can you confirm?

VICE CHAIR TIMMONS-GOODSON: I am present.

CHAIR LHAMON: Thank you. And I believe that Commissioner Kladney is on the phone, can you confirm?

COMMISSIONER KLADNEY: Yes, I am, Madam Chair.

CHAIR LHAMON: Thank you. A quorum of the Commissioners is present. I see that the court reporter is present. Can you confirm for the record?

COURT REPORTER: I am.

CHAIR LHAMON: Thank you. Mr. Staff
Director, could you confirm that you're present for the record?

STAFF DIRECTOR MORALES: I am present.

CHAIR LHAMON: Thank you. The meeting now comes to order. So, a motion to approve the agenda for this business meeting?

COMMISSIONER NARASAKI: So moved.

CHAIR LHAMON: Thank you. Is there a second?

COMMISSIONER YAKI: Second.

CHAIR LHAMON: Commissioner Yaki is seconding. Great, multiple seconds, thanks.

I. APPROVAL OF AGENDA AMENDMENTS

I'll begin a call for amendments with one of my own, which is to table the discussion and vote on the Virginia State Advisory Committee appointments until our next business meeting.

Is there a second for that amendment?

COMMISSIONER YAKI: I'll second that.

CHAIR LHAMON: Thank you. And the other amendments?

COMMISSIONER NARASAKI: Yes, Madam Chair.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: I move for the Commission to consider a statement regarding the DREAM
Act of 2019, circulated by my special assistant Jason Lagria this past Wednesday morning.

CHAIR LHAMON: I second. Are there any other amendments to consider?

COMMISSIONER KIRSANOW: Thanks, Madam Chair. I move to amend the agenda to include a discussion and vote on actually two statements with respect to anti-Semitic and/or religious intolerance statements that have been made recently.

CHAIR LHAMON: Is there a second?

COMMISSIONER HERIOT: Second.

CHAIR LHAMON: Thank you. Any other amendments?

COMMISSIONER Kladney: Madam Chair?

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER Kladney: Hello?

CHAIR LHAMON: Go ahead, Commissioner.

COMMISSIONER Kladney: I just want you to know that you're cutting out every few seconds on my phone. I'm able to make out most of the discussion though, so just to let you know.

VICE CHAIR TIMMONS-GOODSON: I'm experiencing the same difficulty.

CHAIR LHAMON: Thank you for letting us know. We're going to look into what's happening and
please let us know if you're not able to follow what's being said. There are no further amendments, let's vote to approve the agenda as amended.

All those in favor say aye?

(Chorus of aye.)

Any opposed? Any abstentions? The motion passes unanimously.

II. DISCUSSION AND VOTE ON THE COMMISSION'S REPORT TITLED BEYOND SUSPENSIONS, EXAMINING SCHOOL DISCIPLINE POLICIES AND CONNECTIONS TO THE SCHOOL TO PRISON PIPELINE FOR STUDENTS OF COLOR WITH DISABILITIES

The first item on our agenda is a discussion and vote on the Commission's report titled Beyond Suspensions, Examining School Discipline Policies and Connections to the School to Prison Pipeline for Students of Color with Disabilities.

There will be two votes. First, we will consider the report and second, we will consider the findings and recommendations.

To open the floor for discussion, is there a motion?

COMMISSIONER NARASAKI: Yes, Madam Chair.

CHAIR LHAMON: Go ahead, Commissioner.

COMMISSIONER NARASAKI: I move for the
Commission to adopt the report circulated by my special assistant, Jason Lagria, on Tuesday April 9, 2019.

CHAIR LHAMON: Is there a second? I'll second. I'll open the floor for discussion beginning with Commissioner Narasaki as the sponsor of the project.

COMMISSIONER NARASAKI: Thank you, Madam Chair. In 2016 the Chair of the Commission's Oklahoma State Advisory Committee presented its report regarding the school to prison pipeline issues there in their state.

The Chair, Vicky Limas, noted that they had received significant testimony regarding the disproportionate impact of school discipline on students with disabilities but weren't able to investigate it further and recommended that we take the issue up.

As a result, I proposed to the Commission that we follow up by examining the intersectionality of school discipline policies for students who experience discrimination due to their race, their disability status, and their status of students of color with a disability.

I believe it's the first time the
Commission has taken this kind of approach. I want to express my heartfelt appreciation to the entire Staff and the Commission team for everyone's efforts in organizing the briefing and preparing this exceptional report.

I'd especially like to commend our Office of Civil Rights Evaluation Team who is sitting here, including the Director, Kathy Culliton-Gonzalez, Marik Xavier-Brier, LaShonda Brenson, and all the interns who contributed as well as I'd like to thank our Staff Director, the General Counsel, and the Chief Administrative Services and their Staffs for their help.

And I know it sounds like the Oscars but there are a lot of people to thank.

In addition, I want to thank my fellow Commissioners, especially the Chair for showing her very unique expertise, and our special assistants, especially my special assistant, Jason Lagria and Rukku Singla, the Chair's special assistant who provided very valuable feedback on the report and the findings and recommendations.

I'd like to express my appreciation to the Regional Program Staff and the State Advisory Committees who have also taken up this issue,
including Indiana and Maryland, as well as Oklahoma, as I mentioned before.

And finally, I'd like to express my personal gratitude to Rebecca Cokley, the Former Executive Director of the National Council on Disability for her guidance and encouragement when we were developing this report.

She always brings an intersectional focus to her work, which I deeply admire.

The National Council on Disability's report in 2015 on students with disabilities served as a very important resource.

This report is particularly timely given the current administration's actions last year to rescind the joint Department of Education and Department of Justice's guidance on school discipline and their decision to delay the implementation of the final rules for the equity in IDEA.

I'm very proud of the work of this Commission in terms of what we have done to highlight civil rights issues in education.

In 2018 we highlighted the inequities of public education financing and how it is exacerbated by the increasing segregation of our public schools by race and by poverty. And with this report, we have
highlighted the intersection of race and disabilities in school discipline.

It is my firm belief that making a high-quality public education available to every child regardless of their race, their gender, their disability, or zip code, will go a long way to addressing many of the inequities and injustices that continue to hold our country back from fully being able to live up to its highest ideals.

I'm very thankful that the Commission has brought additional attention to this important topic and I hope that the Commission will continue to focus on intersectional work in the future.

Thank you, Madam Chair.

CHAIR LHAMON: Thank you, Commissioner Narasaki. I just want to note for the record that Commissioner Adegbile has joined us, welcome.

And also, I thank Commissioner Narasaki for your leadership on this important project and I echo your thanks to our Staff for their work.

So any other discussion for this report and this motion? Hearing none, I'll call the question and we can take a roll call vote. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.
CHAIR LHAMON: Commissioner Heriot?
COMMISSIONER HERIOT: No.

CHAIR LHAMON: Commissioner Kirsanow?
COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?
COMMISSIONER Kladney: Yes.

CHAIR LHAMON: Commissioner Narasaki?
COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?
COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?
VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes, two Commissioners opposed, no Commissioner abstained, and all others were in favor.

Next, we will consider the findings and recommendations for the report. To open the floor for discussion, is there a motion?

COMMISSIONER NARASAKI: Yes, thank you, Madam Chair. I move for the Commission to adopt the findings and recommendations circulated by my special assistant, Jason Lagria on Tuesday, April 9, 2019.

CHAIR LHAMON: Thank you. Is there a second?

COMMISSIONER ADEGBILE: Second.
CHAIR LHAMON: Thank you. Any discussion? Commissioner Heriot?

COMMISSIONER HERIOT: I often vote against Commission recommendations, that's not new. Sometimes I do it because I think the facts are wrong, sometimes I do it because I think the law is stated wrong, and sometimes it's policy recommendations that are neither facts nor law. But this one is really different. This is just wrong. It misunderstands the empirical studies in really fundamental ways. So I will be voting no but I would urge the rest of you to vote no as well.

CHAIR LHAMON: Thank you. I will say I have some deep familiarity with the empirical studies and also the analysis in this area and I very strongly support the findings as drafted in the recommendations and I plan to vote yes.

Is there any further discussion? Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes, I'm very proud, actually, of what I think are very detailed and comprehensive findings and recommendations.

And I think it will provide Congress and the relevant agencies with a clear plan for ensuring that all students have an equal opportunity to
high-quality education free from discrimination. I just want to highlight a few key ones.

First, our review found that while students of color do not commit more disciplinary offenses than their white peers, students of color receive more discipline and are punished harsher and longer for the same offense compared to their white peers.

For students with disabilities, they are approximately twice as likely to be suspended throughout each year and each school level compared to students without disabilities.

And when we examine the intersection of race and disabilities, many students of color with disabilities are even more disproportionately disciplined.

These students then end up out of school without support and are more likely to end up involved in the justice system.

There are many causes for these disparities including the zero tolerance discipline rules, rising use of school resource offices to punish offenses traditionally handled by school administrators, an implicit biases in the behavior of students of color is perceived, or whether to diagnose
disabilities in students depending on their race.

Second, the use of alternatives to exclusionary discipline, such as positive behavior intervention supports and restorative justice principles, have been shown to work.

What struck me very strongly in the Hearing is that for schools to successfully incorporate these alternatives that help rather than undermine students’ education while safeguarding school safety, teachers need to have the resources, training, and support to successfully implement them.

That is why many of our recommendations concentrate on ways that the Federal Government can provide for schools to implement effectively these practices and ensure that the administration of school discipline is conducted in a non-discriminatory manner.

Finally, studies have shown that school counselors improve school safety and increase student achievement, yet, according to the Department of Education data, 1.6 million students attend a school with a sworn law enforcement officer but not a school counselor.

Moreover, Latinx, Asian, and black students were all more likely than white students to
attend a school with a police officer but not a counselor.

Our 2018 report on the inequities of public school funding found that students attending schools in poor neighborhoods were being deprived of these critical support services.

Therefore, our report recommends Congress to provide funding and incentivize states to provide funding to ensure all schools have adequate numbers of counselors and social workers.

I hope you'll join me in voting in support of these findings and recommendations. Thank you.

CHAIR LHAMON: Thank you. Is there any further discussion? Hearing none, I will take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: No.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?

Commissioner Kladney, how do you vote?

COMMISSIONER KLASTNEY: Yes.

CHAIR LHAMON: Thank you. Commissioner
Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: I want to thank Commissioner Narasaki for her leadership on this and vote aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes, two Commissioners opposed, no Commissioner abstained. All others were in favor.

I'll note that with the adoption of the report and the findings and recommendations, the clock now begins ticking with respect to deadlines for statements and rebuttals.

The deadline for statements will be Monday, May 13th. The deadline for rebuttals will be Thursday, June 13th.

If a Commissioner intends to file a surrebuttal, notice will need to be given by Thursday June 20th and the surrebuttal will be due on Thursday, June 27th.

III. DISCUSSION AND VOTE ON REVISED PROJECT

TIMELINES POST-SHUTDOWN

The next item is a discussion and vote on
revised project timelines post-shutdown. To begin discussion, I'll move that the Commission adopt the revised project timelines.

Is there a second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. I'll begin discussion with a few points. We were, I know, all dismayed by the time that we lost as a result of the government shutdown from December 2018 through January 2019.

I am proud of and grateful to all the Commission Staff who came back after the shutdown ready and eager to get back to work, and extraordinarily productively I will add.

After the shutdown, due to strong efforts from Commission Staff, the Commission successfully held a public briefing on the conditions of confinement for women in prison on the originally scheduled date of February 22nd.

Unfortunately, even working as hard as possible we cannot fully recover from the time we lost from the shutdown, during which by law Commission Staff could not work.

Accordingly, Staff prepared new project timelines for our current pending projects so that we
could move forward towards completion on all of these projects while not compromising on the quality of our investigative reports.

These projects include the Commission's statutory enforcement report on federal civil rights enforcement and briefing reports on the collateral consequences of incarceration, school discipline, as we've discussed today, women in prison, and hate crimes. These timelines were initially prepared and shared with the Commissioner's special assistants in February. I am confident that these timelines take into consideration our investigative priorities, our Staff capacity, and the pressing need to share with the public our reports, findings, and recommendations on critical civil rights issues.

I thank our Staff for their continued work in fulfilling the Commission's charge to report to Congress, the president, and the American people about the state of civil rights in our country.

Any other discussion on this motion? Hearing none, I'll call the question and take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?
IV. DISCUSSION AND VOTE ON THE DECEMBER 2019 BUSINESS MEETING DATE

Our next item of business is a discussion and vote on the December 2019 business meeting date. To begin discussion, I move that the Commission move December's business meeting date from Friday, December 6th, to Thursday, December 5th.

Is there a second?

COMMISSIONER NARASAKI: I second.

CHAIR LHAMON: Thank you. I'll begin
discussion by pointing out that several of our Commissioners terms expire near the end of this year. We will miss you when you go.

Vice Chair Timmons-Goodson's last day on the Commission is December 5, 2019 so we hope to include her in the last votes of the year before her term expires.

Any other discussion? Hearing none, I'll call the question and take a roll call vote. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Yes.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes, and thank you.

CHAIR LHAMON: Thank you. And I vote yes.
The motion passes unanimously.

V. CONSIDERATION OF THE AMENDED BUSINESS ITEMS

BEGINNING WITH A PROPOSED STATEMENT FROM

COMMISSIONER KIRSANOW

We'll now consider the amended business items beginning with a proposed statement from Commissioner Kirsanow. I'll first turn it over to Commissioner Kirsanow to read the proposed statement.

COMMISSIONER KIRSANOW: Thank you, Madam Chair.

The U.S. Commission on Civil Rights condemns anti-Semitic comments made by Congresswomen Rashida Tlaib and Ilhan Omar. We also express our disappointment that the House of Representatives did not formally rebuke them.

One of the first notable comments made by Congresswoman Tlaib in her new position was to accuse supporters of the anti-BDS, that's Boycott, Divestment, and Sanctions, of dual loyalty, tweeting, quote, they forgot what country they represent, end quote.

Congresswoman Omar has made a number of comments suggesting that Jewish Americans have divided loyalties between United States and Israel.

And Congresswoman Omar engaged in a
Twitter exchange in which she shared her belief that American support for Israel is due to campaign contributions from the American Israel Public Affairs Committee, or APEC.

Despite unequivocally apologizing less than three weeks later, Congresswoman Omar stated at a progressive town hall in which Congresswoman Tlaib was also in attendance, quote, “nobody ever gets to have the broader debate of what is happening with Palestine so for me I want to talk about the political influence in this country that says it’s okay to push for allegiance to a foreign country.”

Congresswoman Nita Lowey responded to the comments by Tweeting, quote, “lawmakers must be able to debate without prejudice or bigotry, I’m saddened that Representative Omar continues to mischaracterize support for Israel.”

Congresswoman Omar responded, quote, “I should not be expected to have allegiance/pledge support to a foreign country in order to serve my country in Congress or serve on the Committee.”

Congresswoman Omar’s suggestions of Jewish allegiances to a foreign power are particularly troublesome because Jews disproportionately are the target of hate crimes.
In New York City in 2018, 69 separate individuals were arrested for anti-Jewish hate crimes, which was the largest number of people arrested for any type of hate crime in that city, and nationally, 523 people were arrested for anti-Semitic offenses in 2017.

Despite being repeatedly informed that questioning the loyalty of Jewish Americans because of their support for Israel is an old and harmful anti-Semitic slur, Congresswoman Omar continues to make such comments, to suggest that she actually believes what she says, that American support for Israel is driven by Jewish Americans' prioritization of Israel's interests.

The slur, one of the oldest and most pernicious in history, has no place in public life.

CHAIR LHAMON: Thank you, Commissioner Kirsanow. Is there a motion so we can open the floor for discussion?

COMMISSIONER KIRSANOW: Yes, I move that the Commission adopt this statement.

CHAIR LHAMON: Is there a second?

COMMISSIONER HERIOT: I'll second.

CHAIR LHAMON: Thank you. Any discussion on this statement?
I'll start by noting that Commissioner Kirsanow initially raised this statement for Commissioners' consideration last month.

Commissioner Kirsanow, I appreciated that in response to my request you agreed to see if we could work together on a statement that we could both propound. Unfortunately, we were not able to come to an agreement on a proposed statement.

And so for this reason I move to substitute the statement from Commissioner Kirsanow with the version that I shared with all Commissioners earlier this week that reads as follows, excluding footnotes: The U.S. Commission on Civil Rights condemns past and recent comments motivated by or evidencing religious intolerance.

Such remarks, particularly when they are made by American political leaders, have no place in America, a nation founded on ideals of religious freedom.

At a recent presentation to the Commission, a U.S. Holocaust Museum historian stated that white supremacy and anti-Semitism were not extinguished 50 years ago after the Holocaust, nor are they extinguished from our current world.

The presentation highlighted the danger
inherent in fostering hate and allowing religious intolerance to be accepted in public discourse. These dangers do not lie in the distance past but are still with us.

For over 60 years, the Commission has stood vigilant against the threats of faith-based bias.

As the Commission has unanimously stated previously, our nation's leadership must use their platforms to fight against forces that would seek to divide us on the basis of differences. Today we reiterate that message.

Those who use words of intolerance for political gain have not learned the lessons on the true danger of this path. Their actions and choice of words bring discomfort and fear to many, contrary to the values of acceptance we should all champion.

We urge all of America's leaders, whether in Congress, the White House, or other seats of power, not to engage in religiously intolerant activity but rather to speak strongly against bigotry and hate wherever it may manifest.

Do I have a second for my motion?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. We will now
move to discussion of my motion for substitution. Is there any discussion?

(Simultaneous Speaking.)

Madam Vice Chair, do you want to go ahead?

VICE CHAIR TIMMONS-GOODSON: Yes, I was just going to say that what you are proposing very well states -- (Telephonic interference.)

And it lacks the personal almost attack that Commissioner Kirsanow's has and I think it has a much better feel and I would be supporting it.

CHAIR LHAMON: Thank you. Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Thank you, Madam Chair. I prefer my version obviously and I appreciate your effort to come up with something upon which all of us could vote affirmatively.

There are two reasons why -- and I actually plan to vote because I suspect, of course, that the motion to substitute is going to be approved and I plan to vote for your statement, despite the fact that I have at least one quarrel with it, probably two.

The first is I do think, contrary to the Vice Chair, whose statement I respect, that when we have statements like this, when we have an opportunity
to do so and we're vigilant about it, we should specifically call out the individuals who are doing it, especially if it's somebody in a position of power. It's been done in the past and I think it's important to do so, especially in this context.

Second, there is a statement in the substitute that you proposed that at least I wouldn't agree with and that's that the Commission has stood firm -- where is that? -- against religious intolerance, when I think that, at least from my perspective, the Peaceful Coexistence Report doesn't really comport with that statement.

So for that reason I do plan on voting because I suspect that, as I said, the motion will pass for this statement. But I'd also prefer to have an independent vote on the statement that I just read also.

CHAIR LHAMON: Is there any further discussion? Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes, and I actually want to appreciate Commissioner Kirsanow for raising the issue in the first place. I think it's important for the Commission to be clearer on where we stand on anti-Semitism and I think all of us share a concern about what is happening.
I share, though, the Vice Chair's belief that it is difficult to start calling out individuals and particularly when there are, unfortunately, so many individuals who are making these kinds of statements, we would be spending all of our time doing that.

And I note that, for example, there was a recent Tweet by Representative Jim Jordan, who spelled Tom Steyer's name, who's a very noted activist on environmental affairs, with dollar signs instead of an "S" in a statement, a Tweet, about Jewish donors by Majority Leader McCarthy.

So, I think rather than get into the business of trying to police every individual, it's important for us to make a general statement and I support the Chair's statement.

CHAIR LHAMON: Thank you. If there's no further discussion, I'll take a roll call -- I'm sorry, Commissioner Yaki?

COMMISSIONER YAKI: Thank you very much. I want to thank actually both the Chair and Commissioner Kirsanow for raising this important issue. I'm sorry that you two could not reach an accord.

I, for one, actually do not mind naming
individuals and holding them to account for any actions or statements that they take because I think it is important to ensure that people are called out individually.

But I also sympathize with the fact that there is, unfortunately, at this time a lot of people who would qualify for that and we could be here spending a lot of time at all our Commission meetings dealing with this.

So I thank the Chair for her leadership on this and I would just note that it is absolutely true that anti-Semitism is despicable, that it is not the province on the high ground for any political party but for all Americans in that many of the recent, most heinous acts of anti-Semitism that have occurred in this country have been perpetrated by white nationalists who we condemned earlier this month.

And it is important not to attempt to draw any conclusions about any race, religion or what have you in terms of this. It is a scourge that we must continue to combat wherever we can. Thank you.

CHAIR LHAMON: Thank you. Commissioner Heriot?

COMMISSIONER HERIOT: I just want to say that that is one of those rare occasions where I agree
with Commissioner Yaki that there's nothing wrong with naming people who have made statements of the kind that we're talking about.

I'd also like to point out that both statements, both Commissioner Kirsanow's and the Chair's statement, do in fact name names.

The Chair's statement does it in the footnotes and I feel like I'm in some parallel universe when people are suggesting that just because it's in the footnote that it's not there. It's there and I think it should be there.

So, I also agree with Commissioner Kirsanow that because the statement says that the Commission has stood vigilant against threats of faith-based bias for 60 years, that's just a false statement that we did not do so in peaceful coexistence and I think that is very much to the Commission's shame. I would note that the Chair was not the Chair at that time.

And one more point here about the Chair's statement, while it does put the names of the persons in the footnotes, in the text we have the word hate and I think the word hate is much overused today.

These were statements that I believe are bigoted but I would not necessarily say that the
statements reflected hatred on the part of the speakers. And so I would not have used that word.

Commissioner Kirsanow's statement also uses the word hate but it's in connection with a particular statement about hate crimes and does not attribute hatred to the speakers. Yes, that's right.

So, that's all I have to say on that. I intend, by the way, to abstain on all of these because I have not yet examined all of the statements that were made and so I feel like I just need to stay out of this one.

CHAIR LHAMON: Thank you, Commissioner Heriot. I appreciate your recognition that I was not here for the Peaceful Coexistence Report.

I will note that while I have editorial quibbles with that among other reports that precede my time, it is my view that the report does stand vigilant against religious intolerance.

There were particular statements from particular Commissioners that may cross a different line and I know and understand that that was a very contentious report.

COMMISSIONER HERIOT: I just want to add that I agree with you that the body of the report was not the problem.
CHAIR LHAMON: Thank you. Is there any further discussion?

Hearing none, I'll call the question and take a roll call vote on my motion for substitution, which is the motion that is now pending.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I abstain.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER Kladney: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes. One Commissioner opposed, one Commissioner abstained, and all others were in favor.

VI. DISCUSSION AND VOTE ON THE SUBSTITUTED STATEMENT

FROM THE CHAIR

That means that now we can resume
discussion on the main motion if there's any further
discussion, and that is a discussion and vote on the
substituted statement that I read aloud earlier.
Hearing none, we can now vote on the actual statement.

I see a confused look on Commissioner
Adegbile's face. We had voted just now on the motion
to substitute, to consider it. We're now voting on
the actual statement.

COMMISSIONER ADEGBILE: Thank you, Madam
Chair. It's early.

CHAIR LHAMON: Robert's rules of orders.
Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye, and it's
earlier for Commissioner Kladney, I understand.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I abstain.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER HERIOT: Can I comment,
though? There's much that I agree with on this
statement.

CHAIR LHAMON: Thank you. Commissioner
Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADENEY: Yes.
CHAIR LHAMON: Commissioner Narasaki?
COMMISSIONER NARASAKI: Yes.
CHAIR LHAMON: Commissioner Yaki?
COMMISSIONER YAKI: Aye.
CHAIR LHAMON: Vice Chair Timmons-Goodson?
VICE CHAIR TIMMONS-GOODSON: Yes.
CHAIR LHAMON: And I vote yes. The motion passes. No Commissioner opposed, one Commissioner abstained. All others were in favor.

VII. DISCUSSION AND VOTE ON PROPOSED STATEMENT
FROM COMMISSIONER NARASAKI ON DREAM ACT OF 2019,
CIRCULATED BY HER SPECIAL ASSISTANT JASON LAGRIA

We'll now consider another amended business item and that is the proposed statement from Commissioner Narasaki.

I'll first turn it over to Commissioner Narasaki to read the proposed statement.


The U.S. Commission on Civil Rights welcomes the introduction of the Dream Act of 2019. First introduced 19 years ago, passage of this
bipartisan legislation is long overdue. The Dream Act recognizes that a country is stronger when all of its members can make economic and social contributions to their fullest potential.

The Dream Act would provide the opportunity to earn legal permanent residence and eventual citizenship to the dreamers, undocumented immigrants who are brought to the U.S. as children, built their lives and families here, and are considered American in every way except for their immigration status.

Our country has already benefitted from the creation of hundreds of thousands of jobs and increased economic activity of dreamers who have benefitted from the Federal Government's deferred action for childhood arrivals, the DACA program, which allows them to attend college, to serve in the military and start businesses.

However, the DACA program only serves as temporary relief from deportation for the dreamers. The current administration has sought to end the program and the future of the DACA program remains uncertain.

DACA recipients have relied on promises of the program to great personal risk and threats to end
the program raise serious access to justice concerns.

Without the Dream Act, dreamers continue to be at risk of being exploited in the workplace, deported or prevented from fully contributing to and supporting their families, their communities, and their country.

Since the 1960s, the Commission and its State Advisory Committees have chronicled the civil rights implementation of our nation's immigration laws and policies.

Lawmakers must work to establish compassionate policies and common sense solutions to allow unauthorized immigrants to continue their contributions to our country without being marginalized and without fear of immediate deportation.

The Dream Act is an important first step to a much-needed comprehensive immigration reform and the Commission strongly urges Congress to finally pass this legislation.”

CHAIR LHAMON: Thank you, Commissioner Narasaki. Is there a motion so we can open the floor for discussion?

COMMISSIONER NARASAKI: Yes, I move that we adopt this statement.
CHAIR LHAMON: Thank you. Any second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. Any discussion on this statement? Hearing none, I'll call the question --

COMMISSIONER HERIOT: I should say something.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I think I agree entirely that we need comprehensive immigration reform. I think almost everybody agrees with that, it's just they don't always have the same idea of what the reform should look like.

I also agree that the case of young children that come to the country with their parents illegally, that's a special case and needs to be dealt with maybe separately.

But unfortunately, I don't know enough about the Dream Act to be voting on this so I will be abstaining again.

CHAIR LHAMON: Thank you. Any further discussion? Okay, I'll call the question and take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.
CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I abstain.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Abstain.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER Kladney: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes. No Commissioner opposed, two Commissioners abstained, all others were in favor.

VIII. MONTHLY STAFF DIRECTOR'S REPORT

Next we'll hear from the Staff Director, Mauro Morales, for the monthly Staff Director's report.

STAFF DIRECTOR MORALES: Madam Chair, thank you. I have nothing further to add than what's already contained in the Staff Director's report that was provided to Commissioners.

I'm always available, of course, to discuss any particular item or detail that a Commissioner may have and I look forward to discussing
budget items with Commissioners at a point later today.

Thank you.

CHAIR LHAMON: Thank you, Mr. Staff Director. Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes, I know I've been thanking a lot of people at this meeting. It's my last year on the Commission so I hope people will be patient with that.

I really just want to add my sincere appreciation to the entire staff of the Commission for the excellent work that we have been producing together. It has not gone unnoticed by lawmakers and people across the country.

In addition to the voting report we've been talking about, at multiple conferences I've attended recently I've heard positive and heartfelt appreciation for our Broken Promises Report, which describes our nation's failure to live up to its promises to Native Americans, and as you know, has been mentioned by some of our newest Native American Members of Congress in their efforts to move some legislation.

Our report on public education funding inequalities and increasing racial and income
segregation continues to be cited as our nation discusses the merits of college admissions.

And just this past week, appropriators in Congress relied on our report on fines and fees to ask for appropriations report language to push for resources for local governments to ensure constitutional collections of fines and fees.

And our most recent report on excessive police use of force to ask for report language requiring the Department of Justice to return to vigorous enforcement of constitutional policing, including the use of consent decrees.

So, I just want you to know that our work is making a lasting impact and I want to thank the Chair and the Staff Director for their leadership and the Staff and our fellow Commissioners for all of their very hard work.

Thank you.

CHAIR LHAMON: Thank you, Commissioner Narasaki. I work to raise my two children with what we call an attitude of gratitude and yours is certainly a model to follow in that regard. So thank you.

We'll now close the business meeting and reconvene in ten minutes, so we will start ten minutes
early for the public comment period that will follow
the close of the business meeting.

I'll note that I am recused from the
discussion of the topic in the public comment period
and Commissioner Yaki, who chairs the Subcommittee of
the Commission's focus on that issue, will chair this
meeting moving forward.

I also will ask that those of you who are
seated in the front rows, if you could have a seat in
the back so the staff can make sure that individuals
who are coming to speak next in the public comment
period can sit in those rows and we can move quickly
through.

But it looks like there's quite a few
people have come to participate in the public comment
period. So, if there's nothing further I adjourn this
meeting at 9:39 a.m. and the Commission will reconvene
for the public commentary at 9:50 a.m.

(Whereupon, the above-entitled matter
went off the record at 9:39 a.m. and
resumed at 9:50 a.m.)

IX. PUBLIC COMMENT PERIOD

COMMISSIONER YAKI: Good morning, today is
April 12, 2019. My name is Michael Yaki, I'm a Member
of the U.S. Commission on Civil Rights.
I am the Chair of the Subcommittee of U.S. Commission on Civil Rights with regards to immigration detention. We are coming to order at 9:50 a.m. East Coast time at the Commission's Headquarters in the Hearing Room located at 1331 Pennsylvania Avenue, Washington D.C.

Also present with me at this meeting are — I am committing the cardinal sin, I'm running through my interpreter. So I will just pause for a second.

(Pause.)

COMMISSIONER YAKI: I am joined from my left to right by Commissioner Peter Kirsanow, Commissioner Gail Heriot, Commissioner Karen Narasaki, our Staff Director, Mr. Mauro Morales, and Commissioner Debo Adegbile.

And on the phone can we have confirmation that the Vice Chair Timmons-Goodson is here? -- Maybe not yet. Commissioner Kladney?

COMMISSIONER KLADNEY: Yes, I'm here.

COMMISSIONER YAKI: Thank you very much.

A quorum of our Subcommittee is present.

Is our court reporter present?

COURT REPORTER: Yes.

COMMISSIONER YAKI: And our Staff Director
is present?

MR. MORALES: Yes, I am.

COMMISSIONER YAKI: The meeting shall now come to order. Before we begin, I would note that this is a Hearing for public comment.

As such, normal procedures that Commissioners engage in such as opening statements will be waived.

However, with the consent of the Committee I would ask that each Commissioner be allowed to, if they so wish, to present a written opening statement that will be included in the record of this proceeding.

Any objections? So done.

The Commission's 2015 report, “With Liberty and Justice for All, the State of Civil Rights and Immigration Detention Facilities,” addressed the status of undocumented immigrants to this country.

Chapter 4 of that report dealt with the status of detained undocumented children to this country but focused mostly on the treatment of unaccompanied children -- I'm sorry, unaccompanied minor children.

In July 2018, the Commission voted to reopen its investigation on the conditions of
immigration detention in response to the Administration's policy of forced family separation and appointed the Subcommittee, which is here today, to examine the issue further.

It is important to note that the Inspector General of the Department of Health and Human Services [HHS] released a report in January stating that, quote, the total number of children separated from a parent or guardian by immigration authorities is unknown.

And further, that, quote, thousands of children may have been separated during an influx that began in 2017 before the accounting required by this Court. And HHS has faced challenges in identifying separated children, end quote.

The fact that these families are in the United States does not in our opinion deprive them of their basic human rights.

While DHS, [U.S. Department of Homeland Security], which refused to answer our interrogatories on this issue that were issued in August of last year, and the Health and Human Services, which refused to answer our interrogatories sent last December may not recognize that the Commission has jurisdiction over this issue.
We respectfully disagree and note that national origin discrimination is prohibited under the 1964 Civil Rights Act and is part of our statutory mandate.

Today, in fulfilment of that mandate, the purpose of today's meeting is to hear from members of the public, including advocates, legal experts, affected persons, and any other individuals who wish to speak on this issue.

We are specifically seeking public comment on the changes in policy, procedures, treatment, and impact of the detention and separation of immigrant families detained at the Southern border by the current administration.

Before we begin this open public comment session, let me set down a few ground rules for everyone here today.

Number one, please tailor your remarks to today's briefing topic, immigration detention centers and the treatment of immigrants.

Please state your name for the record. I would note that if you are uncomfortable with your name, just how you would like to be identified.

Please also note that the U.S. Commission on Civil Rights has a policy not to what's called
defame, degrade, or incriminate any person.

That doesn't mean you can't express an opinion but please try and restrain yourself a little bit.

Given some of the topics that may come up, I must give this reminder that it has been imposed upon us by the Congress since 1983 that we are prohibited from taking in any information or talking about the issue of abortion.

So, those comments cannot be allowed in the record and if necessary, I will have to enforce that restriction.

As you note, we have a Spanish language interpreter to interpret these opening instructions and an interpreter will be available for any public comments provided in Spanish into English for the Commission.

If you need additional accommodations while speaking, please let one of our staff members know. Also note over to the right we have signage available for those who are hearing impaired.

You will each have five minutes to speak, which will be measured by a timer right here. Please notice the box has three lights on it.

When the light turns from green to yellow,
that means one minute remains. When the light turns red, you should conclude your statement.

If you do not conclude, I will be forced to do the terrible thing of cut off your microphone because there's so many people in this room and we want to make sure you're heard.

However, for individuals using interpretation services, you will get the additional time if necessary, extending to a full five minutes for the interpretation.

That does not mean that you can bring up an interpreter, not use them, and take ten minutes.

Given the limited time we have and as you know, we've actually expanded the time as originally intended, we are here to listen and not engage in questions or discussions.

However, if a witness ends early or wishes to take questions within their time limit, I may exercise discretion and recognize a Member of the Subcommittee to ask a question.

But I will cut it off when the time limit is reached in fairness to everyone else who is here.

Even though we are limited in time, if you cannot finish or you would like submit additional information, we encourage you to do so by mailing or
emailing any additional written material to us at the addresses provided on the information sheets that are available outside by Monday, May 13th.

While awaiting your turn, please sit in the numbered chair that corresponds to your ticket.

In order to reduce time between speakers, we are going to ask people to move forward to the microphones while people may still be speaking. Please don't be distracted by that.

Our wonderful staff will be there to help you do this little dance.

Finally, I want to thank the staff, the Staff Director, and Pam Dunston, for all the great work they've done in setting up this public comment today.

There may be times when some of us may leave the room and come back. Please don't be distracted by that, we're not trying to be rude, there are just other things going on. And so continue with your statement unless I direct you otherwise.

With that, we will begin and we will begin with our first speaker. I believe we're starting from this end of the table and moving that way.

Ms. Losmin Jimenez, if you would state your name? And you have five minutes.
MS. JIMENEZ: My name is Losmin Jimenez, I'm the Project Director and Senior Attorney for Immigrant Justice at Advancement Projects National Office in D.C. Advancement Projects is a multi-racial civil rights organization.

Our immigrant justice project supports grassroots organizations and litigation, advocacy, organizing, and communications to build power in their local communities by working to dismantle racist policies that result in the criminalization of migration.

In our work, we conducted two stakeholder visits at immigration detention centers, the first in August 2018 at Eloy Detention Center in Eloy, Arizona and the second in April of 2019, just last Tuesday, at York County Prison in York, Pennsylvania.

This was in partnership with Puente Human Rights Movement in Arizona, and Juntos and Case San Jose in Pennsylvania. At both prisons we witnessed firsthand the inhumane and deplorable conditions in which this country cages immigrants and those serving criminal offenses.

It's important that people understand today what we saw and heard. I also speak from my experience having represented adults in immigration
detention in Florida, and unaccompanied minors in Baltimore.

Immigration detention by its very name is misleading. It's not detention, it's prison. The immigrant detention centers are like the bits and pieces of mass incarceration that dehumanize individuals at every level.

At Eloy Detention Center, which is run by a private prison corporation, halfway between Tucson and Phoenix, we witnessed a lot of atrocities that day. It was a typical day in Arizona, it was over 100 degrees.

We visited the facility and then met with people who were detained there. We had the opportunity to see a woman who was seven months pregnant and almost in her eighth month.

She told us she was always very hungry and she'd lost weight in detention. ICE [U.S Immigration and Customs Enforcement] told us that she received a high-protein diet. We learned that the high-protein diet was just an extra piece of bread and cheese in addition to the three daily substandard meals she could barely eat.

We saw a man who had Down syndrome in a special needs unit, which is segregation. We saw and
heard from people about the inhumane work conditions, poor food quality, lack of medical care, and brutality of solitary confinement.

We saw people in detention at Eloy working to clean, to paint, to cook, to landscape in the hot desert sun. These voluntary jobs are paid $1 a day while the corporation gets over $73 a day from ICE.

When we passed by the kitchen, we saw that most of the kitchen staff were people who were detained as well. We heard stories of rancid bread, expired food, putrid water, and medicine that seemed like it came from a dollar store.

We saw cages that are used for outdoor recreation and we heard about people having to wear, because that’s what’s provided, yellow, dingy, sometimes bloodstained underwear as part of their daily existence at this prison.

On our tour at York last week, we encountered some very similar things. Now, York is different in that it’s a state-run facility where ICE runs about half the beds.

On the day of our visit, we were aware that 690 immigrants are detained at York. The total capacity is 1500. Unlike Eloy where people are in two-person cells with bunk beds, at York there’s just
a giant room with 60 bunk beds, open, where everyone sleeps.

And there was several pods like these at the facility. We saw one of these rooms, we walked through them. Not only are all of the beds in the open, but so are the toilets and showers.

There are no curtains, there is no privacy, meaning everyone who’s detained has to urinate, defecate and bathe in full view of everyone else.

The people who are detained there for immigration purposes are treated exactly the same way as people who are there serving their criminal sentence. There is no distinction.

We heard some of the same complaints, inhumane work conditions, poor food quality, and lack of basic medical care. This is not an anomaly, this is the norm.

We believe that the detention of immigrants must end today and that the United States should move away from an enforcement approach to a humanitarian approach to migration, and work with organizations like the Red Cross rather than private, punitive, for-profit corporations.

Thank you.
COMMISSIONER YAKI: Thank you. Next speaker?

MS. SCHAETZEL: Hi, I’m Ann Schaetzel, very unexpert, but from concerned groups, including the national group, Grannies Respond, and New York City grassroots group, Don't Separate Families.

We thank the Commission's for a crucial public examination of this shameful ongoing treatment of people seeking sanctuary in the United States. I, myself, went on the Grannies Respond caravan last summer to McAllen, Texas.

We rerouted our caravan to Dilley, Texas because we heard as we entered Texas that a child had died shortly after being released from Dilley.

And I just wanted to say as an observer from the Northeast going to these detention centers -- we went to Dilley, we went to Tornillo, we went to Homestead -- they are isolated, they're far from public view, they are places where if you didn't know that -- we had to search for Dilley, a giant complex.

And it was an unmarked enormous collection of buildings that were heavily guarded, we were chased away from the parking lot of this facility, and we understand that there is a court embedded in this, an immigration court embedded in the facility but
absolutely inaccessible to the public.

My view is totally as an outsider but as someone who just feels that, as a citizen, this treatment of sanctuary-seeking immigrants is something that no citizen can tolerate.

The Dilley facility reminded me of nothing more than the Ethiopian resettlement camps that I saw in 1980. There is the same feeling of oppressive, enforced isolation.

I also drove to Antelope Wells, New Mexico, days after the death of another child, Jakelin Caal Maquin, and I spent the week of Christmas in Tornillo, Texas with a project that is called Witness Tornillo started by a member of our group, which is trying to bring public attention when there isn't official revelation of the facts of these facilities.

And again, Tornillo is out in the middle of nowhere. Finally, I spent time in Homestead, Florida, where, after the closing of Tornillo, it's now the largest child detention center in the United States.

I would like to read a statement by a remarkable man, Joshua Rubin, from Witness Tornillo. He camped out outside Tornillo for three months and in the absence of any other public interest at the
moment.

    And after that detention camp closed, he spent another six weeks outside the Homestead detention center. This is Joshua Rubin's statement.

    COMMISSIONER YAKI: You have less than a minute left.

    MS. SCHAETZEL: I can finish. Okay, I'm going to pass it onto my colleague. I've spent the past several months of my life standing outside detention camps built on federal land to constrain what was known as unaccompanied alien children.

    These are children that have either been separated at the border from family members or friends, or in rarer cases, they came alone. For the most part, they did not want to come.

    We've seen from the art produced by these children that they loved their homes, they were forced to leave by threats of violence and abject poverty.

    That these camps are on federal land allows the private agencies hired to run them to skirt state requirements for child welfare like decent education and background checks for employees.

    COMMISSIONER YAKI: Okay, thank you very much. Next speaker. I appreciate everyone sticking to the time, thank you.
MS. SEILER: My name is Margaret Seiler and I'm an educator from Brooklyn, New York and a volunteer with Don't Separate Families, the same group that Ann is with and also Joshua Rubin. And I will continue reading Joshua's statement.

The Federal Government also argues, and its arguments have so far prevailed, that the requirements of the Flores Settlement do not apply to these large detention centers such as in Homestead, Florida, right now. The Flores Settlement would limit the confinement of these children to 20 days in what the settlement calls the least restrictive environment. Children would stay only long enough for contact to be established with their families and friends and they would be placed appropriately. But here, at such places like in Homestead, Florida, and what was at Tornillo, Texas, the stays of these children are as long as ten months, and the children, aged 13 to 17, have the IDs hanging from their necks scanned as they move from place to place, tent to building, in single file.

They are prisoners. Although they have committed no crime, they live under conditions considerably worse than any other prisoners. There are no regular visits. They cannot send or receive
mail. They have no idea about the length of their sentence. And we have learned from interviews with released children, they are threatened with more time, longer prison terms if they misbehave.

I and others stand to watch them outside the fences of the prison. Many dare to wave and call out. We, the volunteers have called to them (foreign language spoken) you are not alone. Recently a boy called back (foreign language spoken) I am alone. Another asked us to set him free. We hear their voices. We see their faces. Boys and girls who have had their lives put on hold, separations that experts tell us will do them life-long damage.

This prison is in Homestead, Florida. Open your eyes. Listen to their voices. They are calling out to you.

And to just extend on to that, as you probably know, the Homestead, Florida facility is a for-profit detention center, which has recently grown to about 2,200 13- to 17-year-olds and apparently, they want to expand even more.

I am also here to represent the Immigrant Families Together, which is a network of Americans around the country committed to rapid response unification of families separated by the recent zero
tolerance policy. And I want to read a statement from
Julie Schwietert Collazo, who is the co-founder of
Immigrant Families Together. And if I have time, I
will say some more.

Immigrant Families Together has, to date,
posted bond -- these are just regular Americans who
had to come together to help solve this problem. IFT
has, to date, posted bond for more than 70 parents,
grandparents, and older siblings who were separated
from children because of zero tolerance, which as we
all know has not ended. It continues. The majority
of these adults were detained at Adelanto in
California or Eloy in Arizona, although we have also
posted bond for adults detained in Texas, Missouri,
New York, and New Jersey.

Regardless of the location, we have heard
a litany of horror stories about the physical and
psychological conditions in ICE detention facilities.
Common stories include having been issued not just
used but soiled undergarments upon intake; being
served cold, undercooked, or spoiled food; being
denied adequate medical care -- the stock ICE sickbay
prescription seems to be a Tylenol and water; being
denied adequate feminine hygiene products; and if
detained with children, being denied adequate diapers.
These are the routine stories.

Worse: The mother who was detained and couldn't eat, who vomited constantly, who vomited blood, and who was told by ICE -- this is a story corroborated by her cellmate -- that she should just take a Tylenol and drink water.

Upon her release, she was diagnosed with cancer of the esophagus and has been given a very poor prognosis. The admitting doctor reported that had she received the appropriate care or referral in detention, her prognosis would likely have been better.

This is not an outlier case and these are just anecdotes about a few of the cases of physical mistreatment or neglect.

There is also the issue of psychological mistreatment; of guards who speak Spanish but refuse to speak in detainees' language; of the isolation of detained women who speak only indigenous languages; the prohibitions against detained women touching one another, even to hug or braid each other's hair --

COMMISSIONER YAKI: I'm sorry, your time is up.

MS. SEILER: -- and the constant stream of insults.
COMMISSIONER YAKI: Thank you.

MS. SEILER: Thank you.

MS. JAMES: Good morning. My name is Chelsea James and I am a senior Spanish major at Howard University. I came to talk about a recent trip that we were able to take to volunteer in Tijuana, Mexico with migrants who were attempting to cross in the PedWest Crossing at Tijuana.

So first of all, we were there conducting Know Your Rights seminars to help immigrants understand their rights in the asylum-seeking process and to understand the actual process of seeking asylum.

We were tasked with informing them about the possibility of family separation because a lot of the migrants did not know that that was a possibility that they could be separated from their spouse or from their children when attempting to cross, and explaining to them the (foreign language spoken), the ice box and the cold conditions that they would have to face in the detention center when they first crossed the border. We were told about children who actually suffered respiratory issues due to the cold temperatures and the lack of any type of warmth or blankets provided to those migrants.
And we also had to tell them about indefinite detention, that when they got to the United States we couldn't tell them exactly how long that they would be detained or where they would be detained. Even if they had family in the United States, they wouldn't necessarily be able to stay with the family. They would be detained until the Government decided that they shouldn't be.

And then we also talked to some people who were returned to Mexico and told to stay in Mexico and had to deal with their anxiety with how to build a case in Mexico with documents that are all in Spanish, and how to translate those, and where to get legal advice.

But all of these factors and issues were not a deterrent for these migrants. Everybody still was determined to cross the border because they knew that where they were in Mexico, they were not safe. So I just think that's important to stress because these impediments have been put in place by certain lawmakers because they said that it would be a deterrent for people to cross the border but it's not because these families are running for their lives.

So I just wanted to stress that these families are running for their lives, this is not a
deterrent, and thank you.

COMMISSIONER YAKI: Thank you very much.

Just a quick housekeeping comment and you might want to help on this. I know a lot of you have statements that you would like to read that were from other people. That's great. You can also just submit them separately in the entirety so that it is not cut off and it will be included in the record. And just a suggestion: If you know the statement is long, you might want to -- because you can submit the entirety separately, you might just want to edit and make sure that the big finish isn't cut off by me going time is up. So, you might want to do that in order to help make the point a little bit better. Okay, we will continue.

MS. BEDELL: Good morning, Commissioners.

I thank you for this opportunity to speak. My name is Briones Bedell and I am a high school student from California.

It was well-documented by the Commission in 2015 that there has been some degree of noncompliance of the Performance-Based National Detention Standards in detention centers. Based on my observations in [redacted], I can infer that the lack of compliance with PBNDS Standards [Performance-Based
National Detention Standards] continues in detention centers, particularly in the area of medical care.

This [redacted] center is the first stop for many Central American asylum seekers, who are dropped off by government-funded buses, directly after being released from detention. Based on the number of people that arrive at the [redacted] center with significant illness, with some that require treatment within hours of arrival, I suspect that detainees may not be receiving the continuity of medical care that is required by law prior to their release.

On February 18th, 2019, during a 14-hour shift, I witnessed over 700 refugees pass through this [redacted] center. I remained at this center well into the early morning hours attempting to remedy medical situations that ranged from minor to life-threatening. A significant minority, mostly children, came to the center with no shoes. Several people were suffering from infected blisters and ingrown toenails.

One young girl approached me with chigger bites up her legs and on the soles of her feet, which had become infected. Many were showing signs of dehydration and, in place of ChapStick, I was forced to prepare Q-Tips with Aquaphor for the cracked and bleeding lips of almost everyone that I talked to.
A man pleaded with me to give him blood pressure medicine, saying that they took his medication in detention. If this is true, this is a violation of PBNDS Section 4.312, which states that detainees with chronic conditions shall receive care and treatment as needed that includes monitoring of medications.

By the end of the night, I had assisted almost 300 people, armed with nothing other than a translator and a cabinet of cold medicines and painkillers, many of which were expired. When a translator wasn't available, I relied on gestures to try to understand their symptoms. At one point, I ran low on dosing cups and had to wash them in-between uses.

Despite feeling unqualified, I feared that inaction would be just as irresponsible.

The most serious illnesses that I witnessed were involving three children. Their parents were reluctant to leave the [redacted] center to seek urgent care. Furthermore, the language barrier posed a challenge in advocating for the health of their children. Two mothers with young boys aged 2 and 4 asked for help after their children had been suffering from fevers, congestion, and nausea. Due to
their being no established protocol, I Googled the nearest urgent care center that was still open and it was only after I assured the woman that they would be allowed back into the center that two other volunteers accompanied them to the office. Afterward, the doctor confirmed that these cases could have quickly escalated into an emergency.

Another young boy, age 6, was screaming, thrashing, and attempting to bite due to what appeared to be a very high fever. The boy's father stated that his son had never had medicine before but needed it now. After several failed attempts of administering fever reducer, I resorted to applying a cold washcloth to his forehead over the course of two hours, utilizing an office Tupperware bin which was the only container that I could find that could hold water in the facility.

Why are these refugees arriving at this [redacted] center requiring urgent medical care only hours after being released from a detention center? What I would also like to know is how a 16-year-old or anyone for that matter can walk into a respite center and be expected to make split-second decisions concerning medical problems. It is not only unfair to place untrained volunteers in that position, but
unethical to let these refugees feel that they are in a place that can adequately handle their needs.

My intention is not to criticize the other invaluable services that this respite center does provide. I implore the Commission, however, to further investigate the adherence to PBNDS medical standards in detention centers, particularly in the case of children. With the detention centers being overwhelmed, we can assume that liminal spaces, such as the respite center, are equally overwhelmed dealing with gaps in care and are doing so with fewer resources.

Thank you.

COMMISSIONER YAKI: Thank you.

I'm going to exercise my prerogative as chair to say you're a high school student? Wow.

MS. BEDELL: Yes, thanks.

MS. PERRY: My name is Amy Toran Perry and I lived in El Paso when the internment camps went up and --

COMMISSIONER YAKI: Just one second. Can you just pull your mic a little bit closer?

MS. PERRY: First of all, I am very concerned that I am going to be taking up the time of someone who is actually served time in a detention
center, so I am going to go really quickly and just submit what I was going to say.

I am with Military Families for Families. I lived in El Paso when the internment camps when up. We only lived there for one year. My husband was at a school there. And we were shocked to see the internment camps go up and discussed it.

We immediately started helping out through organizations in El Paso, which have been now, I would imagine after seeing photos under the bridge, I don't know if you all have seen those, I would imagine they are thoroughly depleted of resources there by now.

At the beginning you said that you do have jurisdiction over the statutory mandate. So I'm wondering how many of you have actually been to a detention center on this committee. Some of you have not. I really encourage you to go.

I'm going to submit this article. It's an open letter from retired U.S. military generals, flag officers about the use of military bases to detain immigrant families. This is from last year. They are bringing up the idea again. So I am submitting that.

This is an environmental study written by Earth Justice called Toxic Cages. It is written about the superfund sites that they want to put the
detention centers on military posts, which are un-
remediated superfund sites. And that article is right
here. I'm going to submit that as well, as well as
submit all of my comments of thorough disgust and
disappointment with our government and all of the
committees that have provided oversight -- or the lack
of oversight, I should say, and I am sorry, as well as
your own.

If there are people on this committee that
have not been to a detention center, I find that
extremely upsetting. I have talked to Members of
Congress who have not visited detention centers,
particularly the Homestead Center, which is an
unlicensed facility.

And that's all I have to say.

COMMISSIONER YAKI: Thank you very much.

Just quickly in response, some members of
the committee were not in 2015 when we did do the
report. And practically all of them did go down to
that. And there are budget constraints that we have
that are different than other agencies in the ability
to go and take a field trip.

MS. PERRY: I am a military spouse. I
have budget constraints as well.

COMMISSIONER YAKI: I understand.
MS. PERRY: It's very important.

MS. REESE: Good morning, everyone. Can you hear me?

May name is Rhonda Reese. I am with the Alliance for Family Reunification. We are a non-profit alliance of people of conscience representing also people of various faith traditions as well, or no faith tradition, and we formed in response to learning children that had been separated from their parents. We are in Virginia and particularly, we formed quickly when we learned of minor children that were being held at the Youth for Tomorrow facility in Bristow, Virginia.

We formed because we are outraged at the fact that children are actually being separated from their families. And then when we also learned that there are also other facilities in Virginia, like the Staunton Shenandoah Valley Juvenile Center, where there have been allegations of abuse, use of drugs, restraints, mesh bags over the heads, and restraints over children there.

Once this was learned, there was outrage on that and Governor Northam said we will do an investigation of this. And when the report came back, they were found to have been operating under normal
procedures. I have a problem with that, knowing that if I were to do any of that to any of my kids, certainly there would have been a call made to -- what is it -- Child Social Services. No.

We find that there is lack of transparency, even with the -- when we were trying to find out the fate of the children that were held at the Bristow facility, even when we would talk to our Senators and Congresspeople, you know there is no transparency. They wouldn't tell us when we would call. They wouldn't really tell them. And they even only got access only after the outrage -- only after the outrage. And this is -- I can't.

Anyway, so this policy -- and since then I have been active, our group has been active in going to hearings, Congressional hearings and hearing about how these children are getting separated. We are learning that children are being deported without their parents and parents are being deported without their children. We are also learning that children are getting adopted. They have parents but they are getting adopted. How can we do this? How can we do this?

And then I was particularly astonished to hear about how the process at which people are being
detained by people who aren't experts in knowing who should be separated. They are making these split decisions and separating these kids and putting them in these facilities and even with pre-verbal children.

There is no way that they can get together because they weren't giving them IDs so they know that this person goes with that person.

So I can't even -- but anyway. So I am just letting you know that there are a lot of us, a lot of Americans that aren't happy with this. I am just one but there are many of us that know that this is wrong and we really need to do something about this and consider not only the impact, which is already horrible enough, and un-American enough that we are doing to these families, but we haven't thought about the impact to us, and our identity, and our humanity.

This is eating us, too. And these people who are put in these positions to do this, the people at these detention -- enforcing these horrible practices at these detention centers, at the border, and so on. We've got to do something about it.

You know I just -- I probably should stop talking but really, it's for the sake of our own humanity. It is antithetical to what we are as Americans. We are reliving, we are redoing the same
thing what we did to the Japanese in detention center -- the internment camps, the Native Americans to African Americans. We are repeating it. Enough. Enough. Enough. I hope you guys have some power and impact because a lot of us want to see this stopped.

COMMISSIONER YAKI: Thank you. Next speaker.

MS. WADHWA: Good morning. My name is Amisha Washwa and I am a high school senior from California. I would first and foremost like to thank the United States Commission on Civil Rights for granting me this opportunity to share my thoughts, observations, and experiences on the topic of immigration detention centers and the treatment of immigrants.

About a month ago, the week of President Trump declaring the national emergency, I had the opportunity to fly down to the southern border in an academic pursuit known as a field study, with the purpose of exploring and observing the situation occurring for myself.

Although I interviewed locals, Border Patrol agents, and even the public defender of Brownsville, my most impactful conversations were with the refugees, themselves, fleeing their home countries
in the Northern Triangle. I was in Matamoros, Mexico, a few feet away from our southern border, where I saw a group of 35 Latin American refugees. I saw children playing soccer with empty soda cans and parents were in line to pick out dinner and clothing that we had brought with us as donations.

I had dinner with Marcenia (phonetic), a woman who was dressed in rags and who clearly hadn't showered in days. My conversation with her revealed that Marcenia was in fact a professor from Honduras and had to leave her profession, home, and family behind to try to seek asylum in the United States. She had given up half of her dinner to a two-year-old that was sitting nearby. When asked if that was her daughter, the professor replied that, under these circumstances, everyone became family.

That two-year-old was named Margarita, who was part of (foreign language spoken), or the family of 14. I soon came to the understanding that the family of 14 actually used to be a family of 16 but Margarita's parents were brutally shot in front of her on the track from Honduras to the border, yet there was no sense of counseling or emotional support whatsoever provided to anyone in the family.

Margarita spent her days in a windowless
room with the other refugees, held on the Mexican border and unable to reach the USA and claim asylum, as the law mandates. Each day, the agents would call out two or three serial numbers, who would get to cross the border and claim asylum. Families were often broken up and there was a period of as long as a week that no numbers were called at all.

It became clear to me that there didn't seem to be a system of orderly conduct, oversight, or accountability. Throughout this tragedy and chaos, Margarita still found the courage to smile, make friends, and didn't hesitate in treating me as if I was her older sister, racing together and playing tag.

That day, like Marcenia said, we all became family.

Upon making it across the border and claiming asylum, many refugees are shuttled into a respite center, after spending days and even weeks in a detention center. My first day at the respite center felt like I was sucked into a vortex, as any sense of time escaped me. What was supposed to be a short volunteer opportunity soon turned into a 15-hour emotional saga, as I took in what was happening around me.

Every hour, dozens of new refugees arrived at the center, scared, confused, and helpless hours
just from leaving the detention center. I saw mothers using twist ties as shoelaces. I saw fathers struggling to secure basic necessities for their families. I saw babies crying for any sense of security or sanitation. And I saw girls younger than me pregnant with their rapists' babies. Everywhere I looked, the center was overcrowded and riddled with sickness, weariness, and confusion.

As I was making a round of the back of the center, I saw a young boy of about four years coughing and holding onto his mother. Placing my hand on Javier's forehead, I knew that his burning fever wouldn't simply wear off with time. We drove him immediately to the emergency room, where I translated the forms for his mother, while Javier and I watched Wheel of Fortune in the waiting room. We got a doctor's glove and blew it up, forming a makeshift balloon of sorts. After a lengthy examination, the doctor prescribed heavy antibiotics for Javier and urged that we buy medications immediately. This was hours after being released from a detention center.

As we left in pursuit of a pharmacy that could fill the prescription well past midnight, Javier gasped in excitement from the back seat. He had just seen the golden arches of a McDonald's, which would
soon become our dinner.

The asylum and immigration process here is extremely long and arduous. Because of time restraints today, I haven't even gotten to (foreign language spoken) or ice boxes, where detainees are sent to windowless rooms in freezing temperatures to try to get them to waive their claim to asylum. I haven't even gotten to child separations that are occurring at the border, with children still unable to find their parents to this day.

Today, I speak on behalf of Margarita, on behalf of Javier. I shared their stories with you to demonstrate that, at the end of the day, these children are just that, children who want to play tag and search for a toy in their Happy Meal. The families left everything in a split second and followed the legal processes to a tee, yet they are still being treated as non-human, alien political bargaining chips.

I urge this committee to take action.

Thank you.

COMMISSIONER YAKI: Thank you.

After Briones and Amisha, I think I was just a complete slacker in high school.

Next speaker.
MS. CHINCHILLA: Good morning, Mr. Chair and members of the Commission. Thank you very much for this opportunity. My name is Olivia Chinchilla. I work with an academic non-profit.

Amisha, and Briones, and I, and a number of others went down to the border on this field study, however, we are here of our own volition.

So I wanted to begin with two words, two words that one of the members on the bridge, one of the people on the bridge I met shared with me. We were standing together and she said, in English because I don't know Spanish and we were just talking -- we were trying to talk -- and she said it's beautiful. And I was a little confused because we were standing right by a dumpster, a lot of mud, the soccer balls were getting dirty, and it wasn't the most beautiful night outside but she repeated it and then pointed to me. And she meant to say you're beautiful and she was referring to the act of bringing food to them on the bridge. All of these people were there eagerly waiting and just waiting for some news of what they could do and yet, despite all that they had gone through, Patricia, the girl that said it's beautiful, she was 16 years old, had a several-month-old child that was conceived of rape. And she was
there and yet she was choosing to focus outward and really just had this hope, this expectation that she could make it into the United States and would receive some sort of kindness and support in that moment.

And so I don't think I have ever, in my entire life, in that moment realized or like expected how grateful people would be just to receive a roll of toilet paper. As I handed out a roll of toilet paper, people were so excited and thankful. It just shows how much a lot of these immigrants lack in their basic necessities, and yet they are trying to seek asylum and being stopped right there at the border.

So I am very deeply disturbed with a lot of the developments in these detention facilities, particularly that the immigrants are treated as prisoners, that there are reports of sexual assault and abuse, and also that they lack mental health resources.

We did have an opportunity to go and see outside of the Southwest Key's facility in Brownsville, Texas, which was, and perhaps still is, one of the largest child detention facilities. And it was actually in an abandoned Walmart. So it was really weird because the facade of the building had been like re-plastered with Southwest Key's program
but you could still see where Walmart had been
scratched off.

And we weren't allowed into the facility.
As a number of others have mentioned, these
facilities are very closed off either to members of
policymakers, members of the public, and these are
often private facilities, which is very deeply
disturbing.

In California, actually, where I'm from,
does have one of the highest number of detention
facilities, as well as number of detainees, and they
have open investigations into some of these instances
where reported suicides weren't reported -- or
attempted suicides weren't reported or where mental
health resources were not given. And these are the
most vulnerable members of society that are seeking
support from the United States. And they need the
support. They don't need more harm from something
like sexual assaults or abuse.

Another story I would like to share with
you, when we were speaking with one of the advocates
for immigrants in Texas, he mentioned a story where he
was interviewing a child and the child said oh, my
name -- and he was separated from his parents -- he
said oh, my name; my nickname is Grandpa. He said why
is your nickname Grandpa and someone else's nickname was Grandma, someone else's was Mom, someone else's was Dad. And it was because these children without their parents had actually formed their own community, their own family in prison or prison-like detention facility. And something like that is just so incredible, it sent a shiver up my backbone. It is so incredibly disturbing to think that these children do not have access to their parents and then lack the resources within these detention facilities.

Another story, when we were at this respite center, I helped a number of immigrants get to the airport. And as we were leaving the parking lot, as I was driving them out of the parking lot, one of the ladies crossed herself. And I looked at her and I didn't really know Spanish but I just kind of placed my hand on my heart to let her know that it would be all right. But just the enormous trust that they are placing in someone -- someone in the United States to help them get to the place where they can seek asylum from these horrific things that they are fleeing in their country is something that we should just take seriously.

Recently, I was in a Spanish-speaking country and as I was leaving an appointment from the
U.S. Embassy, I noticed that on the wall there were two panels. One was the Declaration of Independence in English and the other was the Declaration of Independence translated into Spanish. And we all know the Declaration. It starts with we hold these truths to be self-evident that all men are created equal. All are created equal and yet, in today's day and age, it is not so self-evident and we can't feign ignorance or lack of knowledge. It is incumbent upon all of us to do something about it, whatever it is. And for me, it is flying here to speak to you but you have it in your hands the power to literally investigate this and make a claim to help protect those and to make it truly beautiful for all in the United States.

Thank you.

COMMISSIONER YAKI: Thank you.

Next speaker.

MS. ORTEGA: My name is Ishalaa Ortega. I am a full-time student --

COMMISSIONER YAKI: Can you not speak straight -- if you could, lean back.

MS. ORTEGA: Okay.

COMMISSIONER YAKI: There is a lot of feedback.

MS. ORTEGA: My name is Ishalaa Ortega. I
am a full-time student and I have a full-time job as a care coordinator in a health center. I am an immigrant woman of Trans experience and an asylum recipient.

Today I am here with Immigration Equality, an organization leading the national LGBTQ immigrants' rights, especially for those seeking asylum from all over the world.

I am originally from Tijuana, Mexico and in order to make my country a better place for people like me, I started working as a political activist trying to influence public policies to ensure that LGBTQ community and people living with HIV were treated with decency, respecting our dignity, and applying every single listed human right to us, the same rights that gender white heterosexual men are granted with at the moment they are born.

I was doing my advocacy work while having a regular job as a supervisor in a call center where, after six years of work, I was fired in December 2011 for defending a person who was discriminated against for testing positive in an HIV test that is an injustice hiring requirement in Mexico.

Later, in 2012, there were elections for governor in the State of Baja California. The
candidate from the political party called PRI, who made homophobic comments against the LGBTQ community in a debate. I organized people, attended conferences, and even met with him in person.

So afterwards, I received death threats for speaking out against this candidate. I have to flee Mexico in order to save my life and not to become another statistic among all the activists who have already disappeared by Mexico's Government.

I presented myself at the Otay Mesa border in July 2012. I asked for asylum. They incarcerated me for around 50 days, where I received despicable treatment and experienced humiliation.

First, I was taken into a little room, where a female officer touched me everywhere. Then she went to bring in male officers, who touched my genitalia area over and over again, trying to find out if I underwent sex reassignment surgery without believing the information I provided them.

Then, I was taken into a waiting area, where they made me sit all the way in front of around 20 people to humiliate me. They had some small mattresses but they did not provide me with one. Instead, I was forced to sit all night without sleeping.
The next day, I was forced to continue sitting without an opportunity to stretch my legs. Around 4:00 p.m., I was required to testify in front of an officer for 30 minutes, who asked me tons of questions, invasive questions. I was forced to continue sitting after that. Then, they finally gave me a little mattress.

Around 3:00 a.m., a male officer came in to make me go to San Ysidro Port of Entry. The officer tightened the handcuffs so hard that my hands turned blue for lack of blood circulation. A female officer passed by and I asked her for some help. She looked at my hands and then she just shook her head in disapproval of how I was being treated. And without a single word, she uncuffed me.

They made me sit next to the intake process officer. I looked very bad at that time, with no shower, no sleep. My face was a whole mess. My facial hair was mixed with my makeup and people looked at me as if I was a circus sensation. Both the inmates and officer were laughing at me.

ICE facilities do not have cells for Trans people. What they did was to take all of the six gender inmates out of a cell in order to let me be in for a little bit of rest. But while I was in there,
the officer found a way to wake me up with random questions in order to not to let me sleep.

Seventy-two hours later, I was finally taken into a CCA, a for-profit prison in San Diego, California, where I had the opportunity to take a shower. I went through another intake process. They asked me about my health and gender identity. I told him I was a transgender woman. Then he asked, are you afraid of being in the male bunk? I said, yes. Then, he told me don't say that or I will have to put you in solitary confinement.

I was taken to the cell with a sack of other inmate's used clothing and my dignity broken. Inside the prison, they call everybody by their last name but transgender people are called by their first name so just to make sure to let everybody know our first name, which usually legally is a male name.

They placed us in cells around the showers, where they pointed the security cameras. We were always sick, due to the humidity showers create.

We have to eat breakfast at 5:00 a.m., lunch around 11:30, and dinner at 5:00 p.m. So we have a gap of 12 hours without food, to force us to buy the overpriced, unhealthy commissary snacks that there sells for up to a thousand percent more than the
prices outside of prison. I gained 40 pounds.

Transgender people are exposed to the verbal and physical abuse of other inmates and officers. And because many do not speak English and very few officers speak good Spanish, the communication is very poor.

I received a doctor's letter of approval to work --

COMMISSIONER YAKI: I'm sorry but your time is up.

MS. ORTEGA: I just want to invite you all too actually visit the place to see how badly we are being treated.

COMMISSIONER YAKI: I appreciate it.

One little trick is that if you have a page of testimony, double-spaced, normal margins, that's a minute. When you do a single-spaced page, that's at least two and a half minutes. So remember that when you -- because we want you to get your points out there and we know a lot of people put the big good stuff toward the end. So you might just think about editing a little bit, if you want to get your point across in the hearing. But your entire statement can be submitted for the record.

MS. RIVERA: Good morning and thank you to
the witnesses and to the members of the Commission. My name is Laura Rivera and I am here on behalf of the Southern Poverty Law Center.

Through the Center's Immigrant Justice Project, we have represented hundreds of people confined solely because of their immigration status. Now, the law does not treat status violations as a crime but rather as a civil infraction yet, every day in this country 51,000 people are living in places no different from prisons, as they await the outcome of their immigration court proceedings, a punishment without a crime.

Scores of our clients have never been free inside the United States. They came because home had become a place where they could no longer survive. They sought the United States because they had been taught that it's a beacon for democracy, a country where, unlike back home, the rule of law is strong enough to withstand the winds of politics, where individual rights reign supreme. They journey to the southern border in search of this haven and they find a frontier pockmarked with barriers meant to exclude them.

Many of our clients went straight to ports of entry to seek asylum, a perfectly lawful move.
There, they were told to take a number and wait, a practice called metering, where precious few are accepted per day.

Last summer, our client Jose spent eight days outside a port of entry in Hidalgo, Texas. He had no shelter, no place to bathe, no food but for gifts from charity. Another client, whom I will call Ramon, he and his wife waited 30 days in Calexico before they could seek asylum due to these unlawful practices.

These three followed the rules and they turned themselves over at official ports of entry. They were immediately taken into Immigration custody and put in cramped cells made of metal fencing. Some people contest that they are cages but they felt that way to our clients, who spent days inside them.

Asylum seekers are entitled to initial screenings about their claims within seven days but many wait much longer. These interviews determine whether their fear of persecution is credible. If they are, they are entitled to try their claims before an immigration judge. But for those who follow the rules and presented at ports of entry, they have no right to ask an immigrant judge for their release from custody. Only ICE has that power, by granting them
parole to live in the community during their court proceedings but, under this administration, parole rates have plummeted.

Whole regions of this country are virtually parole-free zones. This administration knows where they are and they are shuffling hundreds of asylum seekers from the border to these places thousands of miles away, confronting a so-called shortage of detention beds of their own making by scrambling to create more.

One such place is Louisiana, where the Southern Poverty Law Center represents clients inside two large detention centers. I spent a day last week at the Pine Prairie ICE Processing Center and saw bus, after bus lining up outside the center to unload their human cargo. The men filed into a waiting room, sat along the walls, and were handed paper bags with prison garments. Many will spend months inside and for each day, taxpayers will pay a private prison corporation called GEO Group a flat fee like a hotel, nationally, an average of more than $100 per person, per day.

Nowhere near enough of the money goes to providing for the care of the people the Government has put in its custody. Medical facilities are
severely under-resourced. A client with Type 1 diabetes, Yurandi (phonetic) was hospitalized with diabetic shock after jailers failed to provide the insulin he needed each day. A client with the gout, Ewell (phonetic), has lost his ability to walk as he was denied proper treatment and forced to eat a diet harmful to his condition. And Jose awaits in pain for surgery to replace his hip.

Despite these glaring deficiencies, the administration has moved full steam ahead to expand its capacity to confine people in Louisiana.

Last week, we visited the River Correctional Facility in Ferriday, near a circa 1850s cotton plantation and a crocodile bayou. There, I met with my client named Ramon, a human rights defender from Cuba, who passed his credible fear interview and applied for parole, thinking he would soon be reunited with his wife. Instead, he has languished in detention for about four months. Because ICE told him nothing about his parole application or any information about his case, he and others stopped eating as part of a peaceful hunger strike.

After that, jailers put him in segregation. He walked to our legal visit barefoot, shackled at the ankles, waist, and wrists. He spoke
of the torture and prison time he endured for defending human rights in Cuba. He had hoped and expected to find in the U.S. the freedom he never enjoyed. He is still waiting.

COMMISSIONER YAKI: Next speaker.

MS. SCHACHER: My name is Yael Schacher and I am a Senior U.S. Domestic Advocate at Refugees International here in Washington. It's an independent advocacy organization that focuses on asylum, displacement, humanitarian human rights issues that need urgent attention and action by government officials and policymakers and other international organizations. My job at Refugees International puts me in touch with attorneys doing removal defense, including for asylum seekers all over the country.

I'm here to tell you the stories of two asylum seekers from Africa, one a gay man and one a political journalist, who fled their countries for their lives. After long and dangerous journeys, they arrived at U.S. ports of entry and asked for asylum. They passed credible fear interviews by asylum officers. Nevertheless, as we learned just a minute ago, they haven't been given a chance to be released from detention and have been languishing in Immigration prison for a long time, one of them for
over two years.

These are not violent men. One spoke out against violence in his home country and one had to flee violence directed at him. They have done nothing wrong. They have committed no crimes. They didn't even cross the border without permission. Why are they being made to suffer for asking for asylum?

On April 5th, just one week ago, a federal judge in Washington state ruled that asylum seekers who cross the border without authorization not at a port of entry and are determined to have a credible fear of persecution by asylum officers are entitled to individualized bond hearings before an immigration judge within seven days of their request of them. These bond hearings are in order to determine reasonable conditions for their release from federal detention while they await the many months it takes to adjudicate their asylum claims. But ironically, this ruling only applies to those who cross a border without authorization. It is not applied to asylum seekers who ask for asylum at ports of entry. These arriving asylum seekers, like the two I have mentioned, never get a bond hearing before an immigration judge. Immigrations and Customs Enforcement has sole discretion as to whether they
will be released from detention while they await adjudication of their asylum claims.

ICE has not paroled these two asylum seekers and others who have been in asylum at ports of -- who asked for asylum at ports of entry for the past two and a half years. They can be transferred between prisons, subjected to solitary confinement, have access to little recreation, and to no education or occupation for months on end.

One of the two asylum seekers, the one who has been in prison for over two years, experienced the crisis of Ebola in his home country. As a college student, at the time, he didn't leave his home country then but he did meet Americans who went to Africa to help the sick, Americans who are humanitarians, who treated his people well, who helped stop suffering and pain. So when later he faced death threats for publishing articles criticizing female genital mutilation in his country, he set out for America, a beacon for him of respect for human rights, values, and dignity. The place he is now, though, does not seem like that America.

The other asylum seeker escaped persecution in his own country only to embark on a terrifying journey. After a crowd beat him and killed
his partner, and then he was arrested, imprisoned, and tortured, he escaped his country and traveled through many other countries in hard terrain, going without food for days, robbed of his money by an armed and criminal group along the way.

Considering the peril that they are leaving and the ordeal of the transit, what level of cruelty would the U.S. have to attain in its policies to have changed their decision to seek asylum here, to have deterred them from coming? In the name of deterrence, how much punishment are we prepared to mete out to these men in order for them to give up their asylum claims? In doing this, are we meeting our legal and humanitarian obligations not to turn away, to push back to danger those who seek refuge in this country?

Seeking asylum is a right and such treatment as these two asylum seekers have been given is an affront to both principle and process.

What could policymakers do to respond to this? First, they could change the law, which currently does not entitle asylum seekers who present at border crossings, that is arriving aliens, to a bond hearing before an immigration judge. As of now, immigration judges have no authority to rule on DHS
custody decisions regarding arriving aliens.

Or Congress could ask, in appropriating funds to the Immigration and Customs Enforcement agency, that none should be use for the detention of any individual who has been found to establish a credible fear of persecution, except in reliance of specific evidence supporting a finding by ICE that the individual poses a risk to his community or a flight risk.

Right now, ICE is bound by a parole memo that provides for this process but the agency has been engaging in a de facto policy of basically blanket detention of asylum seekers throughout the durations of their hearings in many, many districts.

So these are some practical solutions that we could do to change matters and not have a situation where asylum seekers who are really fleeing for their lives are placed in detention, basically, indefinitely.

Thank you.

COMMISSIONER YAKI: Thank you very much.

MS. BALL: Good morning. My name is Alyson Ball and I live in Charlottesville, Virginia and Green Valley, Arizona. I have done work with refugees, asylum seekers, and detainees and I have
spent the past year speaking to the American public about U.S. immigration, our history, our laws, and our practices.

I have read your 2015 report about immigration detention, including the remarks of the dissenting commissioners. I would like to make four suggestions for improving your upcoming report so that it is more effective.

Recommendation 1, I think you should have a more accurate description of immigrant detainees. One page of your report, you describe the detained immigrant population as follows: once they cross the U.S. border without authorization and proper documentation, the federal government apprehends and detains these individuals. Your report assumes that detainees are border-crossers but the Center for Migration Studies tells us that 42 percent of our unauthorized are visa over-stayers, not border-crossers and that unauthorized immigrants come from all over the world.

Our detainees include not only unauthorized individuals but also people who have come to the U.S. legally but whose status is in jeopardy for a variety of reasons. They, too, could be in detention while waiting for a hearing with an
immigration judge.

Going forward, I hope the Commission will use a more thorough and accurate description of immigrant detainees.

Recommendation 2 is to include measurements of the pervasiveness of unconstitutional and legal practices. I agree with the dissenting Commissioner Heriot's concerns that the 2015 report relies heavily on anecdotal evidence. While the examples you are hearing today are very important to our understanding of the detention center situation, it is not enough for you to rely on these but you must be relying on data whenever possible.

A January 2019 report from the Office of the Inspector General of the Department of Homeland Security cites over 14,000 deficiencies over a three-year period in the 106 facilities that they studied. Someone is measuring something in these detention centers and I think the Commission needs to review this data and clarify how pervasive these constitutional and legal violations are and, if no measurements exist, then your recommendations could recommend that DHS collect, and report, and publish data on the deficiencies, on the corrective actions, and on the results.
I think you need to rank order your findings. In the 2015 report, your 24 findings and your 18 recommendations are buried on page 124 to 130 of your 276-page report. I think it would be more effective if your findings were sorted in order of importance. You could start with constitutional violations that are inherent to the system and then follow those with constitutional guarantees that are operational in nature.

And your recommendations, they are very, very significant what you have written in your 2015 report but they are poorly written and difficult to digest. These recommendations are the essence of your work and need to be written for your audience.

Our last recommendation is that you create an executive summary that is easily digested by Congress, civil society, journalists, and the American public because you need to provide guidance to this country about immigrant detention centers, the Constitution, and the law.

My written submission will provide more details about each of these four recommendations and improvements. And I look forward to reading your report.

Thank you for your time.
COMMISSIONER YAKI: Thank you.

Next speaker.

MS. ABAYA: Good morning. My name is Miriam Abaya and I am representing the Young Center for Immigrant Children's Rights.

The Young Center's mission is to promote the best interests of unaccompanied immigrant children, according to Convention on the rights of the child and United States law and we are working to create a system that ensures the safety and wellbeing of every child.

Since 2003, we have been appointed by the Secretary of Health and Human Services to serve as child advocate or best interest guardian ad litem for thousands of child trafficking victims and other vulnerable, unaccompanied children seeking protection in the United States. In that capacity, we make recommendations regarding the best interests of individual children to federal agencies, including the Departments of Justice, Homeland Security; Health and Human Services, and State, and work with those agencies to create and implement policies that facilitate the consideration of each child's best interests.

In the past 18 months, we have worked on
hundreds of cases where DHS officials unlawfully separated children from their parents. The following comments are based on our undesired expertise in advocating for the reunification and protection of these children.

In 2017, nearly a year before zero tolerance was formally announced, the Young Center began to receive referrals for children deemed unaccompanied, after being taken away from their parents at the border. Though we had received referrals in the past for separated children where the adult's relationship with the child was unclear, what happened in 2017 was different. Some of the children referred to us were toddlers and babies. In all of these cases, there were no doubts about the relationship between these children and their parents but DHS still separated them.

In response, the Young Center's Policy Team reached out to child welfare and health organizations and more than 500 of them joined the letter spelling out the specific harms that family separation would inflict on children and families. We now know that career child welfare officials within the administration also raised concerns about the trauma children would suffer if taken from their
parents but that didn't stop the administration from moving forward with zero tolerance in April 2018.

By the time zero tolerance was announced, the Young Center had been referred hundreds of separation cases at all eight of our program sites. Our attorneys and social workers face many hurdles to reunifying these families. The Government intentionally separated families without any plan to reunify or track them. We received no information about whether children had arrived with parents and had to repeatedly called CBP [Customs and Border Protection] and ICE [Immigration and Customs Enforcement] detention centers to gather information.

Once we located a parent, we then had to convince DHS officials to allow the parents to communicate with their children. In some cases, that communication was denied but even when it was approved, there were no systems in place to ensure regular contact between children and parents.

Worse yet, many parents were deported without knowing where their children were before we were appointed to them. Parents told us they abandoned valid asylum claims because they were told it would either help their children or allow them to be reunified. In some cases, children believed their
parents willingly abandoned them.

Although the Young Center successfully reunified may children with parents here in the U.S. and in home country, the damage to these children and families is extraordinary.

Though a court order halted the Government from separating families as a matter of policy, for the last ten months, the Young Center has received increasing referrals for newly separated children. In most cases, we have been told that the parents have alleged criminal histories that require separation from their children. However, in many of these cases, the Government separates families based on unverified arrests or suspicions.

Even if there is an actual criminal history, it is usually unrelated to the child's safety or the parents' ability to care for the child, such as reentering the United States after deportation or a DUI from before the child was born. We have even seen separations for no reason at all.

DHS officials with no child welfare expertise are making split-second decisions and these decisions have traumatic lifelong consequences that take months to undo. We are deeply concerned that family separation continues to be used solely to deter
families from exercising their legal right to seek protection.

Family separation has impacted the entire infrastructure of care for children in federal custody. It has increased the number of children in the Office of Refugee Resettlement's custody, increased the need for intensive services for those traumatized by separation, and increased the risks of parents or their children will abandon valid asylum claims to be reunified.

Any discussion of renewing family separation or giving families the false choice between being separated or indefinitely detained together should be recognized for what it is, a clear policy to inflict harm on families and deter them from seeking protection in the United States.

The Young Center thanks the Commission for investigating this important issue. We urge you to also closely consider other comments related to the Government's compliance with the Flores Settlement Agreement and the vital protections for immigrant children under the Trafficking Victims Protection Reauthorization Act.

Thank you.

COMMISSIONER YAKI: Thank you. And if you
have a report based on the work that you have done with HHS, if you would forward that to us, we would really appreciate it.

Next speaker.

ROBIN A.: Good morning. My name is Robin. I thank the Commission for the opportunity to share my experiences in immigration detention.

In 2015, I fled my country of El Salvador because my life was in danger. I didn't know how to apply for asylum. I didn't know what would happen to me here but I came to the United States with the hope of being safe.

After crossing the border, Immigration put me in the (foreign language spoken), a small cold room with 40 other people. We had to sit on the floor because they did not have beds or chairs. They only gave us aluminum blankets. The border patrol agents shouted at us. They accused us being smugglers.

The Immigration officers sent me to a detention center in Pearsall, Texas. The guards humiliated us. We had to strip in front of one another and put prison clothes on. The officers laughed and made fun of us.

The officer who took my information could not speak Spanish. I tried to answer his questions in
English but he just laughed at me.

The Immigration officers pressured me to accept deportation but I told them again and again that I could not return to my country.

After a week, the Immigration officers took me, with other detainees, to an airport. They chained us by the hand, feet, and waist. Even on the plane, we were chained. I felt ashamed of being treated like a criminal. They didn't even tell us where they were taking us.

When I arrived at Delaney Hall in New Jersey, the guards laughed and insulted me, thinking that I could not understand English. A guard called me faggot. I tried to explain to the guards that they should be taking care of us and not insulting us but that only made them angry.

The conditions were terrible. They gave us used underwear. The meals were very small portions and sometimes we were hungry. Many people got sick from the food they gave us. I remember well the meat was like cardboard.

In the detention center, a detainee hurt and threatened me. I tried to speak to a supervisor but she shouted speak English and she didn't even try to call an interpreter. I had to wait two days for an
official who spoke Spanish to accept my complaint. They took me to a hospital in handcuffs and put me in solitary confinement in the detention center, as if I had done something wrong. I felt very bad. I could not eat and I was shaking with fear.

They moved me to Essex, another detention center in New Jersey. There, I got very sick one night. My body was swollen. I told the guards that I needed to go to the clinic but they did not take me. They told me that the clinic was closed. When the guards took me to the clinic the next day, I stayed there for a week but the staff only gave me tranquilizers to sleep. They did not diagnose me or treat me.

Shortly after being released, I got sick again and fainted. The doctors at the hospital examined me and found I had an infection.

I spent three months before receiving a fear interview. I had to make a complaint before an asylum officer came to interview me. I spent ten months in total in detention. I could not pay the $7,500 bond. I had to represent myself in court almost the entire time I was detained because I could not afford a private lawyer.

Some lawyers gave us a legal orientation
in the detention center. I learned of my rights in
court, how to apply for asylum and free legal
services. I tried to call the numbers of pro bono
lawyers but no one answered my calls. I don't know if
the numbers worked but very few detainees could get
pro bono lawyers.

But just before my final hearing, a lawyer
from the organization Human Rights First visited me in
Delaney Hall. She helped me prepare for the hearing
and get asylum. I do not know if I would have won my
case without a lawyer.

While I was in detention, I met many
migrants from other countries and learned about their
different cultures but the officers in Immigration
detention did not respect us.

I know how to advocate for my rights but
many Immigration officers and guards insulted me and
did not listen to me when I had problems in detention
because I could not speak English fluently. The lack
of effective communication was a major problem.

In El Salvador, I worked for the town hall
and, therefore, I understand that the Government pays
these detention centers to offer a service to care for
detainees but Immigration officers and guards do not
respect the rights of detainees. They treat detainees
not as if are protected but as if we were criminals.

Asylum seekers like me, we are not a threat. We are asking for protection. I hope the Commission can change the detention system to protect people in detention.

Thank you.

COMMISSIONER YAKI: Thank you very much. Thank you for your testimony and thank you for your courage today.

MS. MABSON: Good morning. My name is Michelle Mabson and I am a staff scientist at Earthjustice, the largest non-profit environmental law organization in the country.

I am here today because the Trump Administration's plans to detain immigrant children threatens to expose thousands of children to toxic chemicals that can severely compromise their health.

Starting in July 2018, Earthjustice became aware of the Trump Administration's plans to create detention centers for thousands of unaccompanied minors on military bases in Texas. Earthjustice has long been aware of the toxic hazards present on military bases, which include unexploded munitions, hazardous chemical spills, contaminated water and soil, and vapor intrusion from underground pollution.
Earthjustice also knows that, despite hundreds of superfund cleanups, significant hazards to human health still exist due to the widespread contamination resulting from munitions development and deployment, the poor waste disposal practices, and firefighting training.

We, therefore, initiated an investigation into the specific toxic hazards at the two bases in Texas identified as sites for the children's detention centers, Goodfellow Air Force Base and Fort Bliss Army Base.

In February 2019, Earthjustice published a report entitled Toxic Cages, which details our preliminary findings on the children's health risks from exposure to toxic contaminants at Goodfellow Air Force Base. Goodfellow Air Force Base has plans to house up to 7,500 infants and children on a known superfund site on the top of a former landfill and will have glaring impacts on children's health. Kids are not simply little adults. They breathe, and eat, and drink more relative to their body weight compared to adults, which both increases their exposure to toxic chemicals but also amplifies the harmful effects of those toxic chemicals.

Harmful contaminants like lead have been
detected in both soil and groundwater and at levels that are shockingly well above the EPA's threshold that would trigger and require immediate remediation. And lead is a powerful neurotoxicant and there is no known safe level for exposure to lead, which is recognized by the American Academy of Pediatrics.

There is a special concern for the infants and young children who may be housed on the site, as they may be harmed by both acute and chronic contact with lead. Lead exposure is known to cause brain damage, learning disabilities, stunted growth, and behavior problems, among other seriously debilitating health effects.

Additionally, polyfluoroalkyl substances, or PFAS, which are a class of highly toxic and currently unregulated chemicals, have been detected on-site. And in addition to being linked to causing cancer, these chemicals can cause both decreased immune system function and reduced neurocognitive abilities in children. And, moreover, a number of other chemicals have been identified on-site, including benzene, arsenic, and methylene chloride, all of which increase a child's likelihood to develop cancer and can cause long-lasting severe neurological, immunological, and developmental impacts.
In August 2018, Earthjustice, on behalf of our clients, submitted Freedom of Information requests to the Army and the Air Force seeking records concerning known or suspected sites at Fort Bliss Army Base and Goodfellow Air Force Base. And after both agencies failed to respond within the current time mandated by FOIA [Freedom of Information Act], we filed two separate lawsuits for violations of the FOIA statute to obtain records as expeditiously as possible. And nearly eight months later, we are still without significant records.

Although the Army has abided by the court-approved scheduling order, the Army's productions of records have failed to include critical documents related to toxic sites and environmental hazards at Fort Bliss. And additionally, the Air Force has yet to produce a single record in response to our FOIA requests.

Earthjustice has spent months now litigating to obtain records related to toxic sites at both military bases that should already be readily available to the public.

Last year, this body submitted information requests to the U.S. Department of Homeland Security and the U.S. Department of Health and Human Services,
respectively, and not once in either letter did the
USCCR [United States Commission on Civil Rights]
request information regarding the environmental
conditions under which infants and children may be
subjected.

In recent news, it was understood that the
Department of Defense confirmed that site surveys at
both Goodfellow Air Force and Fort Bliss have been
completed, though no request to begin housing migrants
has been made. They concluded that until the DoD
receives a notice of intent from either DHS or HHS,
they will not start construction. So the time for the
Commission to act to ensure protection for infants and
children is now. It is well within this authority and
the mission to dive deeper into this rapidly changing
issue, where information is scarce and voices are not
easily heard.

I would like to conclude to emphasize that
the infants and children who may be housed in these
detention centers are not in optimal health when they
arrive and they face immense challenges and trauma
from being separated from parents and guardians to
being malnourished and dehydrated. These compromised
physiological states will be coupled with mental
health stressors and only make the effect of the toxic
sites more vulnerable and more susceptible to the children housed at these centers.

Lastly, I would like to request that you all hold a day-long hearing in El Paso, Texas, to give voices that are impacted an opportunity to testify.

Thank you.

COMMISSIONER YAKI: Thank you very much.

We are going to take a break until 11:45.

I would ask that the next set of panelists be back by 11:40 to sit at the desk so we can start exactly on time.

(Whereupon, the above-entitled matter went off the record at 11:29 a.m. and resumed at 11:44 a.m.)

COMMISSIONER YAKI: Good afternoon. Well, actually not quite, 11:44 a.m. Again, I want to send a big thanks to our Staff Director, Pam Dunston, and all the members of the staff for pulling this great comment period together.

We will now resume our public comment. And we will begin with this gentleman right here.

MR. JIMENEZ: Good morning, my name is Eduardo Jimenez. I am from Mexico. First of all, I want to thank you for giving me the opportunity to speak to you.
Today, I came here to ask you to help to try to make a change of everything that is happening in the prisons.

I came here to this country asking for asylum because of the situation that happened to me. I was kidnapped and tortured without knowing what is the process of asking for asylum, without knowing what's going to happen to me.

My experience in jail was that I was detained in Orange County. My experience, what I saw there, it was horrible, terrible. What I experienced was the worst experience in my life. I was not allowed to eat for weeks. And I was not allowed to bathe. I lost my dignity as a human being there. I was sexually abused and psychologically abused as well.

I tried to ask, to talk the immigration officers asking for help. I needed that someone listen to me, to listen to what was happening to me at that moment.

I talked to the officers. They didn't listen to me. They make fun of me. They did whatever they wanted with my dignity. They threw the food, my food, to the floor. I had to pick it up.

That's why today I come here to ask for
help to stop this. There are many people in the detention center that are suffering. The time that I spent in the immigration system lasted for two months.

When I appeared in front of an immigration judge, I was handcuffed, I had chains on my waist and on my feet. I was treated as a criminal. When I testified, when I said what happened to me, ICE punished me. They put me in solitary confinement with people who don't even have good mental health.

They tortured people in front of me. They broke their arms, and they threatened me, telling me that if I said something they were going to do the same thing to me.

I told the judge everything that had happened to me in my first hearing. The judge told me to calm down. I was crying. I couldn't bear what would happen to me. My life was at risk at every minute that I was at the detention center.

At that moment, I was very confused. I didn't know when I was going to be really safe, back in my country where that was waiting for me or in a detention center.

At that moment, I felt that everything was coming to an end. Because I appear at the immigration court asking to be deported. Knowing everything that
had happened to me, I couldn't bear the situation any longer. I talked to my lawyer asking her for help.

When I told the judge everything had happened, he felt sorry for me. He felt sorry for the situation and granted me asylum.

At this moment, I don't have more words to express everything that happened to me while I was in prison. But I want to thank you for listening to me and ask you for help to make a change. Because there are a lot of people who are having a really hard time doing detention. Thank you.

(Applause.)

COMMISSIONER YAKI: Next speaker.

MS. SANCHEZ: Good morning, members of the Commission. My name is Isabel Sanchez, and I serve as the national policy advocate for the Coalition for Humane Immigrant Rights, also known as CHIRLA.

We are one of the largest immigrant rights organizations out in California. And the organization was founded in 1986 in response to the Immigration Reform and Control Act to assist immigrants in applying for legal status and to protect their civil rights.

Since its establishment, CHIRLA has expanded its work from organizing to then establishing
a policy and advocacy department to focus on pushing forward pro-immigrant policies at all levels of government.

We've also established a legal department to provide legal representation to immigrants at every stage of their process. And most recently, our legal department has established a legal defense unit to provide detained and non-detained individuals in removal proceedings with legal representation.

We convene a Raids Rapid Response Network which is a coalition of advocates to coordinate and support individuals detained by ICE and sent to detention centers. In response to the zero tolerance policy, our staff attorney was then designated to carry out our work at the border.

And so he was responsible for overseeing the asylum seekers process, what conditions they were subject to, and then to educate them and conduct migrant rights presentations to then inform them that they did, in fact, have rights.

What he gathered was that, with the many folks that he met at the border, many of them did not know that there was an asylum process in place. And so they were dumbfounded to know that there was a way by which to seek relief.
Because of his organizing, we have also then partnered with various organizations to then gather toiletries, clothes, food, and deliver them to the border. Our members have also visited the centers to provide some type of community support for those that are detained and without family members around them to provide them with that support.

Our legal department has conducted various legal clinics where they assess the asylum seeker's case. We have also then visited Mexico City to then assess and also provide migrant rights presentations to this community as well.

In various reports, many of the folks who we have come in contact with contend that, similar to what the gentleman before me shared with us, is that they also faced the same conditions.

Many of our clients are in facilities that are housed in rural areas far away from any type of support, legal advocacy organizations, or removal defense immigration attorneys. Much less are they then given any information in their native language, or are provided with inadequate medical care.

And there is a case that I also do want to bring forth to you just because this speaks to the conditions that folks are subject to when they are in
detention. We most recently learned that there was a
gentleman by the name of Jose who was detained by ICE
earlier in January of this year. And he was placed at
the Adelanto Detention Center to await his deportation
proceedings.

He was not allocated the right to an
attorney, nor was he really given any rights or
presented any rights to him. And he and his wife at
this time were enthusiastically awaiting the birth of
their first child. The baby was born on February 4th,
but Jose wasn't able to see the birth of his child as
he was detained.

Three days later, his wife found out that
he had been placed in a medical facility, and she
didn't understand why. No explanation was provided by
the officials at ICE nor the GEO Group at the Adelanto
facility.

It then turns out that he suffered a
hemorrhage and entered a coma. Days after, he
actually had to be pulled out of life support and he
passed away.

Within those days, ICE agents then
delivered a letter and walked away without an
explanation. The letter then stated that he was now
released from the custody. Because he was released
from custody, no report has been found on what really caused his death.

But it's a case that I present to you, because I just want to highlight the negligence that continues in these detention facilities. And this is another death that has occurred because of the horrible conditions that immigrants are subject to. Thank you for your time.

COMMISSIONER YAKI: Thank you. Next speaker.

MR. GOVINDAIA: Good morning. My name is Manoj Govindaia. I'm the director of litigation at the Refugee and Immigrant Center for Education and Legal Services, RAICES, based in San Antonio, Texas. Each year we provide legal services to thousands of detained adults, unaccompanied minors, and families throughout Texas, giving us a unique vantage point from which we can see the everyday impact of immigration detention policies.

I'm here today to urge the Commission to take action on conditions in ICE family detention centers. There's three family detention centers in the United States, one in Berks, Pennsylvania, and two in Texas, in Dilley and Karnes.

As the Commission may know, less than one
week ago Karnes stopped housing families and currently houses adult women without children. We've been told this change will be in effect for 90 days, at which point Karnes will return to housing families.

The populations at family detention centers are especially vulnerable. The vast majority of the detainees are asylum seekers, meaning they've experienced traumatic events in their home countries, coupled with dangerous and arduous journeys.

At least half of the population includes children, some of very young age that require specialized services. The services at the family detention centers do not reflect these specialized needs.

I'd like to direct the Commission's attention to the substandard medical care at the family detention centers. The American Academy of Pediatrics has noted inadequate or inappropriate immunizations, delayed medical treatment, inadequate educational services, and limited mental health services at the family detention centers.

Human Rights First recently completed visits to the family detention centers with pediatricians and raised concerns about the number of children under the age of one at Dilley who are
especially susceptible to communicable disease.

The DHS OIG [Office of the Inspector General] reported that, although contracts between ICE and the private prison operators that run Karnes and Dilley require a pediatrician on staff, no pediatricians were actually employed, an issue that remains to this day.

And the DHS Federal Advisory Committee on Family Residential Centers recommended numerous improvements in medical care, including something as simple as a standard history and physical examination for each child, as one did not exist.

One of our clients, Andrew and his son, Jason, were detained at Karnes in February of this year. Jason was one year old at the time that he arrived. After arriving, Jason was diagnosed with influenza and was given medication which stopped his fever but caused diarrhea.

The staff at Karnes failed to provide any special food accommodations for the child. Jason stopped eating the food, his diarrhea continued for over 14 days. As a one-year old baby, he lost weight, he couldn't sleep, and he wasn't eating. Jason was never taken to an outside medical provider and never saw a pediatrician. The family eventually got
released, and the father reports that Jason is now
doing fine.

Similar problems exist with mental health
treatment at the family detention centers. The DHS
Federal Advisory Committee reported a lack of mental
health screening for children and adults at the family
detention centers. And Human Rights First reported
that any period of incarceration can cause significant
psychological harm and can exacerbate mental health
trauma in children.

Their report pointed to observations of
regressive behavior, including children wetting the
bed, clingingness of a child to a parent, children who
have stopped eating or playing with others, and self-
injurious behavior.

We see the impact of the substandard
medical and mental health care when we visit our
clients on a daily basis. We see sick children every
day. Our staff visits the Karnes Detention Center
five days per week and routinely gets sick after days
at Karnes.

We also see unrecognized and untreated
trauma and mental illness affect our clients. We
watch children who are angry and aggressive with their
parents and witness the breakdown of a parent's
We urge the Commission to act to protect these children and families. I have a couple of very basic, simple recommendations that could make an impact.

We recommend the Commission examine medical and mental health staffing levels at the detention centers and training requirements. It's our understanding that most, if not all, of the medical and mental health staff lacks specialized pediatric training. But for these populations, such training is vital.

We recommend the Commission investigate why pediatricians are not on staff despite contractual requirements. And we ask the Commission to examine medical and mental health policies and record keeping at all three family detention centers to ensure that they comply with ICE's family residential standards and relevant state child welfare standards. Thank you.

COMMISSIONER YAKI: Thank you very much. Next speaker?

MS. KRISHNASWAMI: Hello, my name is Charanya Krishnaswami. I'm the America's Advocacy Director at Amnesty International USA. On behalf of
Amnesty International USA and our two million members and supporters in the United States, thank you so much for the opportunity to speak today.

For the past several years, the rights of asylum seekers and refugees have been a top priority for Amnesty. We've been gravely concerned about the growing use of immigration detention to punish asylum seekers for the simple act of seeking safety.

Today, more people than ever before arriving at our southern border are asylum seekers. Just in the last fiscal year, over 93,000 individuals attempting to cross the southern border expressed a fear of return.

And today, we are also detaining in record numbers. Nearly 50,000 people are detained every single day, a 40 percent increase from the previous administration. Thus, more asylum seekers are subject to arbitrary and indefinite confinement than ever before, often in conditions worse than prison.

But rather than simply discussing numbers, as stark as they are, instead I'd like to share with you the stories of just two of these detained asylum seekers.

First, there is Valkeria (phonetic), a Brazilian mother who fled her country fearing for her
life with her then seven year old child in March 2018. After a night spent together in the Elador ice box (phonetic), Valkeria and her child were ripped apart, and Valkeria was sent to an adult detention facility in El Paso.

Over one year later, she remains there. She has not seen her son, who was released into the United States with his father, in a year. And when speaking to Amnesty researchers, she wept uncontrollably when she spoke of him.

Then there's Alejandra, a transgender woman who fought for the rights of people like her in El Salvador and who suffered brutal beatings for her work.

She fled to the United States in November 2017 only to be locked up at the Cibola County Correctional Facility in New Mexico. At the time, the only specialized facility for trans-women in the country.

She now has the tragic honor of being the person longest ever detained there. In detention, she suffered significant physical illness yet, despite requesting medical attention six times, was unable to see a doctor until her lawyer intervened.

Now, despite asylum officers' conclusions
that Val keria and Alejandra's fear of return was credible, they were still not released from detention, even though they should have been.

At the time of their detentions, ICE was detaining nearly 100 percent of all parole requests for asylum seekers with credible claims across five of its busiest field offices. Just five years ago though, these same offices were granting upwards of 90 percent of these parole requests in accordance with a 2009 policy.

The report concluded in June 2018 that these blanket parole denials violated ICE's own policies. ICE reportedly continues to engage in boiler plate denials in these offices. The only conclusion to be drawn from this is that the government is punishing people for the act of seeking safety.

The growing number of asylum seekers in detention also means that growing numbers of people are detained whose special needs are exacerbated by the environment of detention.

Val keria is a survivor of trauma, not just the trauma suffered in her home country but the trauma that our government visited upon her when it ripped her apart from her child. Yet to this day, as she
remains detained, she is unable to seek psychiatric counseling in a language she understands.

Meanwhile, Alejandra's difficulties accessing medical treatment are emblematic of those faced by the many Trans women detained in Cibola who have reported to Amnesty the utter inadequacy of the medical care they receive there.

Now, though Valkeria and Alejandra are the rare asylum seekers lucky enough to be represented by attorneys, the vast majority of detained asylum seekers proceed without legal assistance.

That we routinely require survivors of trauma to navigate a bureaucratic maze of proceedings, daunting for most licensed attorneys, all while behind bars, proceedings that could culminate in their return to countries where they fear grave harm, even death, is a travesty.

But there are some changes we can make to ensure that asylum seekers do not suffer the fates suffered by Valkeria and Alejandra. As this panel considers recommendations it can make, Amnesty politely requests that the Commission first denounce the use of detention to deter and punish asylum seekers.

Second, examine services available in
these facilities in recognition that more and more people detained have specific vulnerabilities and needs.

And third, recommend measures to ensure that access to counsel in detention for all asylum seekers is realized, taking into account the high stakes and the complexity in their cases. Thank you so much.

COMMISSIONER YAKI: Next speaker.

MS. HUERTA: My name is Olivia Huerta. And I founded the Facebook group called Witnesses of Texas Detention, because I had a unique opportunity to embed myself amongst a church group of complicit women. So we go and we pray, we hold Bible studies and church services with detained women at the T. Don Hutto Detention Center in Taylor, Texas.

Now, they spend most of their time chatting it up with the guards and getting to know them, treating them like family. If you do have the privilege of touring a facility, it is very simple to look around and to be fooled that the conditions are well and that everything is all good.

But it just takes a moment of closer observation to see the lifeless faces of the women walking the halls. You can see the door where the
immigration port is. It's a prison. It was built to be a prison in 1997. And you can see the remnants of children's art on the wall. This facility used to be a family detention center.

And when you speak to the women, they speak so quietly, all of them, as if they are afraid to be heard. I have spoken to several of the women while they are detained as, again, I have the opportunity to go beyond the visitor corridors, and I'm not being on tour. I'm just simply masking myself amongst a group of other church women.

They have told me that there is a very strict policy for no touching, and if they do touch each other, even if it's just a hug, they're put in solitary confinement where, in solitary confinement, some of these women have claimed that they have been raped which is very disturbing.

So I am a military veteran and current college student. And I want to know what kind of message are we sending to the world where we ask that people legally present themselves at the border, retell the worst moments of their life, and then ask them to wait outside for weeks or even months, sleep on cement, because they cannot risk missing their number being called to be interviewed, and then throw
them in a place so cold, the ice box, with not even a
proper blanket to comfort, and then later to a place
that is nothing less than a prison, all for the sake
of doing it legally?

When I was in the military, they did many
things to me to break me down and to mold me into what
they wanted. What are we trying to mold these
immigrants into? And why are we trying to break them
down? I don't understand.

So from all the material presented today,
I hope that some changes will come about. Because
this is life and death. These people are crying and
begging in prayer, shaking, they want to get out. But
they don't want to be deported. And there are guards
threatening them, people who have been shot and still
have visible gun wounds.

I volunteered to parole one of those
women, because she was being threatened with
depортation. Granted, a lawyer confirmed to me that
that's not allowed to do that, it's still happening.
And she cries every day. I have to sit up with her at
night. She has very severe PTSD. I can only imagine
what would have happened to her had I not volunteered
to parole her.

But at the same time, there are many other
women with stories just like this. And it's a matter of life or death. And if they can't be strong enough to hang on, to go past the threats, the insults, the coercions, then it's game over for them. And very likely, when they return, they will be killed. And that is often the case.

So we really need to be considering how we do things. And I hope that this testimony guides you today. If you want more information about my cause, Witnesses of Texas detention, you can see me after. But again, it's a unique opportunity and one I will continue to utilize.

And for anybody wondering, the United States Health Public Service goes to that detention center, and they examine detainees. This is, again, things that I just watch.

So I was wondering if it were possible for there to be --- to have them questioned as to how they are instructed to handle the detainees and other such runnings in the facility. Because, again, we are still hearing of substandard medical care at this facility.

And these are my own people. We don't get to pick where we go, where we're stationed. But sometimes we can choose to make a difference. And I
just hope that, again, you all will use this opportunity to improve the system for the better because, again, this is a matter of life or death. Thank you for listening.

COMMISSIONER YAKI: Thank you very much. Next speaker.

MS. OBSE: Good morning. My name is Katharina Obser, and I work with the Migrant Rights and Justice Program at the Women's Refugee Commission. For 30 years, WRC has worked to improve the lives and protect the rights of displaced women and children around the world. And my program in particular focuses on access to protection here in the United States.

As part of my work, I have visited over 20 Immigration and Customs Enforcement detention centers in the United States, speaking to officials as well as detained women, men, and families. WRC is profoundly concerned at the unprecedented and unchecked expansion of DHS's immigration detention system.

To be clear, the government has the tools and resources to treat asylum seeking women, men, and families in a way that respects their rights and dignity, complies with our domestic and international legal obligations, and could set a model for the rest
of the world.

But as WRC found in our 2017 report, Prison for Survivors, the government's detention practices, policies, and expansion reflect a political and profit-motivated choice, a choice that is not grounded in proven or needed policy.

I want to focus my remarks today on three areas that, while certainly not our only areas of concern, particularly impact women and families.

First, WRC is deeply concerned at current practices of the detention of pregnant women. Whereas the 2016 ICE policy presumed release for most pregnant women, the Agency superseded that policy with a March 2018 directive ending all presumption of their release and eliminating stricter oversight of their care and regular review of their custody.

The policy is opposed by three major medical organizations, and it came after and despite a complaint filed by WRC and others on behalf of ten women who were detained by ICE while pregnant, suffered inadequate medical care, poor nutrition, in some cases miscarriages, and yet remained detained for no reason other than that ICE chose not to release them.

A recent snapshot indicates that the
number of pregnant women in ICE detention on a given day has increased. And ICE data also revealed that the number of women who experience miscarriage in ICE custody or just before has nearly doubled from ten in FY '17 to 18 in FY 2018.

While some pregnant women may continue to be released, any pregnant woman's detention for any length of time is simply unnecessary and inappropriate.

Next, I want to turn to family separation. We now know not only of the staggering numbers of parents who are separated from their children prior to and during the implementation of the zero tolerance policy, but also that family separations at the border continue to this day without the involvement of child welfare specialists at the border or clear justifications and processes that ensure the best interest of the child or due process to the parent or legal guardian.

Many of these findings have been extensively supported by both DHS's and HHS's own Offices of Inspector General. Just recently, I asked officials at one ICE detention facility whether there is a process to affirmatively screen a parent in ICE custody for separation and how ICE would facilitate
communication with their child if so.

I was told that parents are not routinely asked about separation and only identified if they voluntarily inform an official. And it was also suggested that parents' phone calls with their children, if they were identified as separated, would be at their own expense.

While it's possible that these kinds of practices may vary, it is unconscionable that, more than a year after zero tolerance began and nearly two years after a pilot program testing this horrific policy, ICE and DHS still have no standard procedures or policies in place to prevent family separation in the first place, to identify separated parents or close relatives, to facilitate regular and free communication.

Similarly, the Departments still have no meaningful mechanisms to track and document separations or allow a decision with life-long consequences to be appealed.

To be clear, WRC does not believe that detaining families together is the answer to separation, indeed, at one time ICE actually had invested in a more appropriate, and cost efficient, and humane program for asylum seeking families called
the Family Case Management Program.

Modeled on internationally proven best practices, FCMP matched families seeking protection with case managers who ensured they had access to social, medical, and legal services while also helping them to understand their immigration and court requirements.

It met the government's purposes of compliance with rates of over 99 percent, and it cost a fraction of the cost of detaining families together or separately. Yet rather than scaling up and improving this program, and decreasing the use of detention, the government made yet another political choice to end that program in 2017 in favor of separation and detention policies.

We urge the Commission to further investigate the detention of pregnant women and to press ICE to presume release for pregnant women. We also urge you to investigate the government's family separation policies and practices that continue and to once and for all ensure that families at the border are not forcibly and needlessly separated, that all separated relatives are systematically identified, and able to communicate, and reunited as soon as feasible.

Finally, we urge the Commission to call on
the government to ensure fair custody determinations favoring release and, if needed, placement into case management programs administered by experienced non-profit organizations. It is these types of programs that should be expanded, not detention. Thank you so much.

COMMISSIONER YAKI: Thank you very much.

Next speaker?

MS. SMALL: Thank you so much for the opportunity to speak with you today. My name is Mary Small, and I'm the policy director at Detention Watch Network which is a national network of organizations and individuals fighting against the injustices of the immigration detention system and with a particular focus on ICE custody.

Our members are inside detention facilities providing legal services, visiting people every day. They're in touch with folks inside and their families as people struggle to access urgently needed medical care, sufficient food, and basic rights. And they're confronting the seemingly impenetrable system through advocacy, organizing, research, and litigation, and more.

And I share this because I want you to know where I'm coming from with this testimony which
is with the privilege of a clear-eyed systemic view
but that's grounded in a lived experience of
individual people who've been swallowed whole by the
system.

I'm so grateful that so many other
colleagues today have talked about other aspects of
this system. And so I'm going to focus my time on why
your oversight and investigation is so critically
needed.

While being brief, I'll cover two main
points. One, that the existing, quote, quality
control mechanisms in the system are woefully
inadequate and, in many cases, intentionally so. And,
two, that the situation is worsening as detention
rapidly and recklessly expands.

First, on existing quality control
mechanisms, I'll just direct you to the great work
already done by the Department of Homeland Security
Office of Inspector General which found that ICE's
inspections processes are basically a sham.

And I'm happy to answer questions about
this, because their investigation echoed the findings
of an in-depth report that Detention Watch Network did
with the National Immigrant Justice Center just a few
years prior.
Basically, and this is the summary, their inspections are not independent, they're announced ahead of time. They're based on an inadequate checklist, they're often based on conversations with staff but not people who are detained. And they consistently fail to identify even well documented deficiencies.

And so, the OIG began conducting their own investigations, this time unannounced. And in most facilities they went to they found issues, not small ones but issues that threatened the health, safety, and well-being of detained people.

Then, the OIG looked into ICE's contracting and specifically whether or not ICE was using available contracting mechanisms to ensure that basic standards were being met. Again, the answer was clearly no.

Over a three-year period, even ICE's own sub-par inspections found 14,003 deficiencies. ICE imposed financial penalties on its contractor in two instances. But even worse, ICE consistently abuses a waiver process to waive the failed standard rather than address the underlying problem.

According to the OIG, there is almost no protocol for these waivers, 96 percent of which are
granted, many of them indefinitely. While we still don't have nearly enough information about these waivers, we do know that they're routinely issued for such fundamental standards related to overcrowding which, of course, exacerbates all of the other pre-existing conditions that you've heard about today.

At a high level, rather than acting with urgency to address life and rights threatening violations within the system, the Agency consistently contorts the paperwork instead. And I want to carry that thread of fixing the paperwork rather than the problem into the season of rapid expansion that we're in.

As you've already heard today, there are currently almost 50,000 people in immigration detention. Said differently, over the course of this year, our government will detain the equivalent of the entire population of New Orleans. And new detention contracts are being signed on a nearly weekly basis.

In the last two administration budget requests, the Agency has been clear about a desire to lower detention standards even further in order to facilitate entering into contracts with facilities that even they acknowledge can't meet current standards.
And while the details of ICE's contracting and inspections process may not seem directly connected to the jurisdiction of this Commission, I offer this overview to show that the very basics of safeguarding basic civil and human rights are systematically de-prioritized and even disregarded inside of the system, and with that understanding ask that you assign increased urgency to the grave rights abuses raised by other commenters today. Thank you.

COMMISSIONER YAKI: Thank you very much. Just one quick announcement. This is, as of now, the last panel, just based on how quickly we've been going. I thank all of you for being quick. We should be finished by about quarter 'til. And the hearing goes until 1:15.

If there's anyone else in the audience who has not signed up and wishes to do so, this is your last call to testify. If not, this will be it. But if you do want to, let us know. Thank you.

MS. HALLOCK: Good afternoon. My name is Sara Hallock, and I'm from California where I'm a senior student at UCLA. I'm currently in DC interning with the League of United Latin American Citizens.

In 2015, ICE released the Transgender Care Memorandum which provided a guideline for ICE
officials to adhere to when detaining and processing transgender immigrants. A close reading of this memo reveals troubling policies and procedures around protective custody and administrative segregation which is solitary confinement.

The memo states in the beginning that detainees should not be housed in solitary confinement for more than 72 hours but contradicts itself later on to say that transgender detainees may be housed—have four options for housing, in general housing with their biological sex, in general housing consistent with their gender identity, in protective custody, solitary confinement, or medical or administrative segregation, also forms of solitary confinement.

These four options make it clear that a transgender detainee can essentially be assigned housing anywhere in the facility, despite the provisions that the memorandum states in the beginning. ICE officials are instructed in this memo to assess the detainee’s safety, and even the personal request, but are under no obligation to assign them to any one type of housing.

Additionally, this memorandum is not required to be followed by any facility. They may adopt this memorandum and the policies within it, but
they are not required in any way to do so. It can be thought of as merely a suggestion that, at this point, is not being followed.

According to the information obtained by Representative Rice of New York, and published by the Center for American Progress, the Department, ICE, no longer will exempt classes or categories of aliens from potential enforcement.

This change comes under the direction of Executive Order 13,768, Enhancing the Public Safety in the Interior of the United States, which was signed by President Trump in January of 2017.

This order outlines that ICE is no longer supposed to be giving any special protections to vulnerable populations that are being detained in their facilities.

It is fair to assume that even the most limited protections outlined in the Transgender Care Memorandum are no longer being practiced by ICE officials in an effort to discontinue the wasting of resources.

This has many consequences. The Center for American Progress found that transgender individuals are detained by ICE for periods twice the average of the general population. The average time
of detention for transgender detainees is 99 days as opposed to 43.7 for the general population.

ICE also reported to Representative Rice that transgender individuals account for as little as 0.1 percent of ICE's detained population but account for 12 percent of sexual assaults reported to ICE officials in those detention centers.

The Center for American Progress also found that one in eight transgender ICE detainees are placed in solitary confinement. And LGBT individuals who are detained for a period longer than 15 days spend an average of 52 days in solitary confinement.

Alejandra Barrera is a 44-year old transgender woman from El Salvador who recently requested asylum at the US-Mexico border in November 2017. She has been housed and detained by ICE ever since. She is incarcerated now. She is the longest detained Trans woman in the Cibola Detention Facility.

Roxana Hernandez died last year in May 2018 when she attempted to gain asylum in the United States. Roxana was a transgender woman from Honduras who had described extreme violence to officials at the border.

She told reporters at the border that she was gang-raped by MS-13 gang members, saying four of
them raped me, and as a result I got HIV and that
Trans people in my neighborhood are killed and chopped
into pieces and dumped inside potato bags.

I ask you and all of America, who are we?
Are we a people that can stand for this type of
injustice? You've heard the suffering today. You've
heard the testimony of all these stories, of all the
ways that people are being broken, traumatized, by our
immigration detention system and our policies.

I urge this Committee to use your
influence to end the suffering. And if you don't, you
are complicit. Thank you.

COMMISSIONER YAKI: Thank you very much.

Next speaker.

MS. OLIVARES: Good afternoon, thank you
very much for this opportunity and for your service.
My name is Mariela Olivares. I'm a law professor at
Howard University School of Law. I am here in my
individual capacity as a scholar expert.

I have been teaching for 11 years,
focusing primarily on subjects of immigration law,
family law, and domestic violence. Within these
disciplines, I study the Constitutional protections
held by non-citizens in our country, including parents
and children.
I come here today as a scholar expert on the issues of immigrant detention and family detention. I write, teach, and present on immigrant detention and, more recently, family detention, the family separation policy, and the detention of children.

There is indeed a crisis at the border, one that has entrapped thousands of migrants, many of whom have arrived intending to ask for asylum. Instead, they have endured unconstitutional, forced separations from their children and detention of children and family.

In 2017, and formally announced in 2018, the Department of Homeland Security instituted the zero tolerance prosecution policy against asylum seekers and other entry migrants that led to CBP officials tearing children away from their parents at the border.

The purported argument they used to justify these policies was that the parents were committing the misdemeanor crime of illegal entry and thus were being arrested and detained pending their prosecution and/or expedited removal from the country. Because they were arrested and detained, their children who accompanied them were taken from them and
put in children detention.

Recent reports indicate that during this time at least 2,737 children were taken from their presumably fit parents or guardians. As of the latest publicly available information from the OIG report that has been mentioned several times, including by Commissioner Yaki, many have been reunited with parents, some remain in the custody of Office of Refugee Resettlement, others have been discharged to suitable guardians or aged out of ORR custody and presumably placed in adult detention.

The intersection of the family separation policy and the zero tolerance prosecution policy were part of a maneuver to magnify the crisis of the entering migrants, stoke fear among the community in an attempt to deter future migration.

Further, the policies were used to bolster the continuation and expansion of family detention in which immigrant families and unaccompanied minors are held in government custody.

These efforts have promised a swift response, including much of what you've heard today, including advocacy in the courts. In one case, plaintiff parents have obtained a successful order and saved their substantive due process claim that the
separation policy unconstitutionally infringed upon their rights to family integrity, a decision that essentially stands for the proposition that non-citizen parents have constitutional rights to family.

Moreover, the Court had enjoined the government from deporting parents who were separated from children. This was brought in part by the incredible difficulties that advocates have had to find and reunite some parents with the children who were taken from them, especially after the parent was deported.

Lawyers for such situated parents asserted that the parents could not have and did not meaningfully and voluntarily consent to their removal without their children. It is of deep concern, however, that the family separation may emerge yet again.

In any remaining time I have available, I want to emphasize that our government incarcerates parents and children and that these parents and children have rights. We continue to incarcerate them, and hold in government custody children who have the right to be with their parents.

I want to highlight that every credible source and expert that has studied the effects of
detention on children and families has vehemently denied these efforts and proclaimed that locking up children is never in their best interest.

It doesn't matter how our government does it, or what pictures are put on the walls at these centers, these experts include the 2015 report by this Commission which states, quote, Congress should not fund family detention and should reduce its funding for immigration detention generally.

And a Department of Homeland Security Committee, created in 2016, ultimately determined that DHS's immigration enforcement practices should operationalize the presumption that detention is generally neither appropriate nor necessary for families, and the detention or the separation of families for purposes of immigration enforcement is never in the best interest of children.

We know without a doubt that these practices cause physical and emotional harm and that this trauma may be long term. It is appalling that, in a country that purports to protect children, that we would, at the same time, victimize children seeking our care and protection. Thank you for your time.

COMMISSIONER YAKI: Thank you very much. Next speaker.
MS. TYLER: Good morning or afternoon now maybe, yes. Thank you so much for your time and for the opportunity to testify today. My name is Jasmine Tyler, and when I was 20, actually 23 years ago this month, my dad almost died in prison due to inadequate medical care for diabetes and HIV/AIDS. And that will inform my testimony today.

I also am the Advocacy Director for the US program at Human Rights Watch, an international non-profit organization dedicated to defending human rights around the world. And Human Rights Watch has long documented human rights abuses within the US immigration system, in fact, we've covered it for 20 years.

Two of our most recent reports on U.S. immigration, systemic indifference in Code Red, focus specifically on immigration detention and the deadly consequences of dangerously substandard medical care.

Since March 2010, ICE has reported a total of 80 deaths in adult immigration detention. It's important to note these numbers do not include the recent deaths of two children and an adult in border patrol custody.

In 52 of these deaths, ICE completed and released death reviews which summarize ICE's
investigation and analysis into how and why the person died. Looking at 52 of the cases for which we have independent medical analysis since 2010, experts found that inadequate care contributed to 23 of the deaths.

Human Rights Watch, working with the American Civil Liberties Union, Detention Watch Network, and the National Immigrant Justice Center, asked independent medical experts to review 15 cases in which ICE had released death reviews. And these experts found that in eight, or over half of those cases, sub-par medical care contributed to the fatalities.

Sub-par medical care is a persistent problem in the U.S. immigration detention system. And people are dying as a result. The indifference to human suffering throughout the detention center revealed in these deaths, which are likely preventable, is staggering.

On the morning that Jose Azurdia died in 2015, an officer at the Adelanto Detention Facility in California told a nurse Mr. Azurdia was ill and vomiting. The nurse told him that she did not want to see Mr. Azurdia because she did not want to get sick. This began a series of unconscionable delays for what turned out to be a fatal heart attack for him.
Thongchay Saengsiri suffered from the symptoms of congestive heart failure for most of the 15 months he was detained at the LaSalle Detention Facility in Louisiana. Those symptoms included fainting, swelling, anemia, coughing and shortness of breath.

Instead of properly diagnosing and treating these classic symptoms, a nurse recommended that he increase his fluid intake which likely increased his risk for heart failure.

Many of the cases we examined indicate a particularly troubling failure to provide adequate mental health care, as well as the over use of solitary confinement, for people with serious mental health conditions. Jeancarlo Alfonso Jimenez-Joseph, 27, died by suicide at Stewart Detention Center in Georgia in May of 2017.

ICE still has not released a death report for him, but the Georgia Bureau of Investigations found that he had been in solitary confinement for 19 days as punishment for an act he described as an attempt to harm himself. He was identified as a suicide risk early on, but he was never put on suicide watch nor was he provided with the upward adjustment of his anti-psychotic medication that he begged for.
four days before his death.

In response to these documented failures, ICE has not only failed to remedy them but has also dramatically expanded the number of people subject to the detention system's dangers. The Trump Administration has pushed this expansion even further and is detaining more vulnerable people, including pregnant women, children, and families.

At the same time, the Trump Administration has requested less money for Department of Homeland Security oversight of detention to assure the conditions of confinement are safe. ICE has proven unable and unwilling to provide adequately for the health and safety of the people it detains.

Early in 2018, Congress required that ICE publicly release all reporting on each in custody death within 90 days. But ICE has failed to meet this reporting requirement for 2018. Once they finally began to release detainee death reports, these reports were nothing like they had been. They were merely notifications rather than summaries of investigations.

We at Human Rights Watch encourage this Commission to both visit immigration detention centers and seek detailed information from DHS on its detention system and its enforcement policies in
general. But in particularly, in particular, I'm sorry, we request this Commission press ICE to provide full investigations into the deaths in detention and to explain its failures to meet Congressional reporting requirements in a timely manner. Thank you.

COMMISSIONER YAKI: Thank you very much. This is the last call before our last speaker. If anyone who has not spoken but wished to and was maybe shy, this is your last opportunity to come forward and sit in the front row. Otherwise, this will be the last speaker. So, anyone?

Okay, this will be our last speaker. Thank you very much.

MS. TATU: Good afternoon. I'm a little nervous. Good afternoon, and thank you to each of you, thank you to each of you for your time, and your concern, and your consideration today. I have great respect for you.

My name is Francine Tatu Slaton, I go by Fran Tatu. My mother is Japanese American, and she was interned, actually, at Poston during the war. So naturally, I have a personal issue in this.

I've just driven up from Homestead, Florida, where I spent three days on a ladder waving to immigrant children as young as 12, possibly. It's
unbelievable to explain to all of you the feeling of seeing the kids waving and looking for you. They shuffle along, they're depressed, but when they see us standing on the ladders they throw up their arms, they do this. The other day they got very creative and two of them stood together and did this.

We had three Congresswomen come down and were denied access on Monday. But the children were given crafts that day in case they came in, so we saw them with a lot of crafts. And the following day, one of the boys held up a white heart with silver on it that said I love you. The following day, day three, there was a little boy who had a yellow heart for me.

Homestead concerns us because it is the largest unaccompanied youth detention center in the country. While there are 27 that we know of run by Southwest Key, this is privatized, this is run by ex-CIA military men, something called, I believe, DC Capitol. Forbes has an excellent article on this.

It also has no jurisdiction. While it's called Homestead, it's in a no man's land. It's not actually in Homestead. So even the workers are not being held accountable. They're not screened properly. They're ramping up from 2,000 kids to, we hear, 3,200. As I left, they were putting up new
tents, and there was a big job fair going on.

And in the description, they may have changed it, but in the original description, the job description, it actually says you must have the ability to be able to restrain youth and infants. Imagine this.

So we ask that you please, please continue oversight and demand accountability from these people down there. I have one recommendation with the time I have for the Commission. I spent three months in El Paso at Tornillo, and also in the refugee shelters working with newly released ICE detainees, a heartbreaking experience.

As a folklorist, as a trained folklorist, and as a daughter of a U.S. diplomat, career diplomat, growing up overseas, I understand the importance of language to culture. Many of the refugees that I met spoke no Spanish when I tried to speak Spanish with them. They were indigenous. This is an invisible and lost population among our immigrant and refugee population.

I demand that they be given proper representation. I work with the Indigenous Youth Council in Austin, Texas. They and their peers would be delighted to be allowed to enter the detention
centers and consult with the indigenous folks there. And I also demand that they be given immunity, whether they're documented or not. Please, let's make this a reality. The indigenous need to have some representation. Imagine the PTSD of a young child, totally bewildered, more than bewildering, it's dangerous. Oftentimes, people are asked to sign documents. They have no idea what they're signing. Let's not forget our indigenous population. And I wish I could remember the name of the indigenous people of whose land we're on. I think it starts with a P. I was born here, I should know that. I'm nervous, and I'm tired, and I can't remember. Thank you so much. Thank you.

COMMISSIONER YAKI: Thank you. Once again, thank you all for being here. I want to again, please give a round of applause for the great staff who did a wonderful job of doing this together.

(Applause.)

COMMISSIONER YAKI: This brings us to the end of our public comment session. And on behalf of the entire Commission, thank you all for being here today and sharing your stories and your testimony.

The record for this briefing shall remain open until Monday, May 13th, 2019. If you'd like to
submit materials, especially those people who I ruthlessly cut off in the beginning, please mail them or email them to the U.S. Commission on Civil Rights, Office of Civil Rights Evaluation, 1331 Pennsylvania Avenue, NW, Suite 1150, Washington, D.C. 20425. Or email them to immigration@usccr.gov.

Again thank you all very much, we will be doing some more business here, so if you can take conversations outside, that would be great. But again, thank you very much, and thank you very much, my fellow Commissioners, for being here. And this public comment session is adjourned.

PARTICIPANT: Mr. Yaki, would you answer any questions, since there's a little bit of time, from the public? Any questions, please, from any of the other people who may be shy?

(Off the record comments.)

COMMISSIONER YAKI: No, I mean this was noticed, and this was done as a public comment session. If you have questions that you'd like to direct at us, I mean, I'll be glad to talk to you after meeting right now. Okay, thank you.

X. ADJOURN MEETING

We are now adjourned.
VICE-CHAIR TIMMONS-GOODSON: Commissioner Yaki, thank you very much for your leadership of this session.

Whereupon, the above-entitled matter went off the record at 12:45 p.m.)