

Statement for the Record

Erin Anderson

Pro Bono Coordinator | Al Otro Lado

erin@alotrolado.org

952.465.2200

The first time I set foot in an immigration detention center was in Ocilla, GA. I was working as a Project Coordinator for the Southern Poverty Law Center and had been sent in to the Irwin County Detention Center (ICDC) to conduct intakes with potential clients. I spoke with several detained individuals that day and left feeling shocked and appalled at the fact that people were locked up all across our country in conditions like those I witnessed at ICDC. I spent one year working with folks detained at ICDC, and it was the most difficult year of my life to date. Meeting with parents ripped from their children's arms, talking with adults clearly displaying indicia of mental illness but forced to represent themselves in proceedings, and watching over and over again as our clients were denied bond, parole, and immigration relief by judges who heard their hearings via video teleconference was disheartening to say the least. Needless to say, I was immensely excited to begin a new position with Al Otro Lado in San Diego, CA working with detained individuals at the Otay Mesa Detention Center (OMDC). I had assumed that, due to its urban location, this facility would offer greater attorney access and better conditions than the rural facility in southern Georgia. I was terribly wrong. Wait times to meet with clients detained at OMDC were rarely under two hours. Staff simply "forgot" to call for clients to come up to our meetings on multiple occasions, meaning that my time and my trip out to the facility were wasted. I met with countless individuals who complained of atrocious medical neglect.

It would be impossible to accurately convey all the pain, suffering, and hopelessness that our clients and other detained persons at these facilities experienced, but below are several stories that stand out to me during my two years of working primarily on detained removal defense:

- M.A. was a mother of three children whose husband had horribly abused her. She had filed multiple restraining orders against him, and he was ultimately deported from the United States. As a single mother, she worked multiple jobs to support her children. She was arrested for driving without a license and detained at ICDC. When I met with her, she had been detained for several months, leaving behind her three young children to fend for themselves with the support of a local church group. We represented M.A. for purposes of release on bond. Her bond was set at \$12,000, an absolutely unattainable amount for someone in her circumstances. We watched her lose significant weight and physically deteriorate as she remained detained and separated from her children because she did not have \$12,000. She wept every single time we met with her. She could not focus, and

she was almost unrecognizable as the weeks dragged on. Her kids were going to go into foster care and suffered greatly from the separation and their concern for their mother. Eventually, after pro bono attorneys prepared a robust motion to reconsider the original bond amount and went to argue it twice, M.A.'s bond was lowered by the immigration judge in Atlanta to \$6,000. M.A. was finally released after half a year in detention away from her school-age children.

- S.E.C. was a 20-year-old Guatemalan asylum seeker who had been detained for eight months when I first met with him. He had been arrested in California for being on a beach without a permit and transferred across the country away from his family to Georgia, where he was shuffled between three different facilities. **He had not had a single court hearing due to all this moving around by the time our team learned about him.** Naturally, he was desperate for help and felt isolated and lonely since he was too far away from his family for them to visit. We quickly prepared a motion to request his release on bond. Though S.E.C. had no criminal history and the immigration judge concluded that he had a colorable claim for relief, his bond was set at \$12,000.
- M.V.G. was a single mother of six minor United States Citizen children who had been detained for over one year when I first met with her at ICDC. I was shocked to hear that she had been detained for so long. I was even more shocked to learn that M.V.G. has won immigration relief in immigration court six months prior to our meeting but remained detained. We found out that the government had appealed the immigration judge's decision to grant her relief, and the government continued to detain her while the appeal wound its way through the Board of Immigration Appeals. The father of M.V.G.'s six children had been deported to Mexico and been severely physically handicapped in a tragic car accident, rendering him completely unable to provide support to the family in M.V.G.'s absence. All of her children had to relocate from their schools and move in with M.V.G.'s father into a small apartment. We requested that M.V.G. be released on bond, and she was finally released two months after we met with her. Had we not stepped in, she may still be detained today.
- M.T.T. was a Cameroonian asylum-seeker who had been detained for well over a year when I first met with her. Her husband was the survivor of brutal torture at the hands of the Cameroonian government, and she had fled to the United States when the government came looking for him and tortured and threatened her in an attempt to get to him. M.T.T. had been detained in ICDC while her husband had been sent to a different facility, where he was quickly able to obtain release. Because M.T.T. was in a separate facility from her husband, and because her husband had been released, their cases were not joined. She was ordered removed by an immigration judge in Atlanta although she had a colorable claim for asylum

(the Atlanta immigration court denies nearly 97% of asylum cases). My team submitted a parole request asking for M.'s release from ICDC so that she and her husband could reunite and join their asylum cases. We did not receive any response to that request for months, and only when we followed up multiple times were we told that the request had been denied. By the time my contract ended in Ocilla, M. was still detained. At that time, she had been detained for two years.

- J.G.S. is a Honduran political asylum-seeker who had been detained for nearly six months when I first met him. During the first four months of his detention, he had not had any court hearings because he contracted chicken pox and was quarantined. He was sickly and evidently deteriorating in detention. We immediately requested a bond hearing for J.G.S. We were absolutely shocked when bond was denied. J.G.S. has no criminal history whatsoever and has family ties to the United States, as well as a colorable claim for immigration relief. He was devastated at the decision. His brother, with whom he had come to the United States seeking protection, was separated from him and held at Adelanto Detention Center, a remote facility hours and hours from J.G.S. His brother and him had not spoken for six months when J.G.S. found out he had given up due to hopelessness and self-deported. Our team submitted a motion to reconsider the immigration judge's decision regarding bond and, thankfully, J.G.S. was released several weeks later. If our team had not stepped in, he would likely still be in detention.
- Y.E. is a trans woman from Mexico. She was brutally raped again and again, tortured, beaten and kept hostage by the cartels for months because she dressed as a woman. The rapes caused tears in her anus and rectum. The rapes also resulted in her being HIV positive. After she presented herself at the border, lawfully asking for asylum, she was placed in a detention center and was taken off medication for HIV for a significant amount of time. In addition, she repeatedly asked for help with the tears in anus/rectum. The medical staff at the detention center refused to address it because it did not happen at the facility and because they believed it to be too invasive. Because no treatment was given, Y.E. caught an infection that resulted in anal bleeding. She was held in custody for months before finally being released on parole.

These are but a few stories of the ways in which immigration detention causes needless suffering. Immigration detention does not make the United States safer -- it only endangers the most vulnerable among us. There are effective, reliable alternatives to detention that we must explore if we want to be a country with a conscience. For instance, assigning a case manager to newly arriving immigrants would help to ensure that respondents are familiar with the

immigration court system, know how to access attorneys, and have the information necessary to attend their hearings and check-ins with officials. Most court hearings are missed not because respondents do not want to zealously pursue their cases, but rather because they lack access to the vital information they need. I have worked daily with detained immigrants for two years, and I have never been more confident that detention is inhumane and completely unnecessary. If we want to be on the right and just side of history, we must end the needless practice of detaining individuals for no reason other than the fact that they lack immigration status. No immigrant in detention is there for a crime: if an immigrant has committed a crime, he or she has already served time in our criminal justice. Immigration detention is doubly punitive for such individuals. For asylum seekers, detention is re-traumatizing and prevents them from zealously pursuing their cases because it strips them of access to critical resources required to prepare asylum claims.

I urge our government to reconsider the current use and expansion of immigrant detention. There are humane alternatives. We must pursue them.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin Anderson', written in a cursive style.

Erin Anderson